



Department of Energy

Bonneville Power Administration
P.O. Box 3621
Portland, Oregon 97208-3621

PUBLIC AFFAIRS

January 25, 2011

In reply refer to: DK-7

Friends of the Columbia Gorge
Attn: Richard Till, Conservation Legal Advocate
522 SW Fifth Ave, Suite 720
Portland, OR 97204

RE: BPA-2010-020068-F

Dear Mr. Till:

This is a partial response to your Freedom of Information Act (FOIA) request to the Bonneville Power Administration (BPA) for the following:

- "All comments from the public, including comments on the scope of the EIS and any comments on the DEIS itself.
- Any Communications between BPA and the following persons and entities:
 - Washington Energy Facility Site Evaluation Council (EFSEC)
 - State agencies or officials (including elected officials)
 - Federal agencies or officials (including elected officials)
 - Any consultants and/or contractors involved in the preparation and/or review of the DEIS and/or application for site certificate
 - Whistling Ridge Energy LLC (WRE), including all related entities such as the SDS Lumber Company, Broughton Lumber Company, and the Stephenson Land Company, as well as WRE's attorneys and other representatives
 - WRE's consultants, including but not limited to URS Corp and West Inc; and
- Any meeting notes, agendas, or other related records generated from meetings between EFSEC, BPA, and consultants"

As related in earlier communication, the public comments you requested are all posted and available to the public online at the following web address:

<http://www.bpa.gov/applications/publiccomments/closedcommentlisting.aspx>

Although BPA has released the majority of the responsive records in their entirety, portions of some of the records have been redacted. The released records are in eight parts. The records which have some information redacted are withheld pursuant to 5 USC § 552(b)(5) (Exemption 5) and 5 USC § 552(b)(6) (Exemption 6). These redactions are explained below.

Exemption 5

BPA has asserted the deliberative process privilege only for information concerning internal BPA cost estimates. This information was prepared by BPA staff, has not been released outside of BPA, and does not reflect a final agency decision. Other than this, BPA has made a discretionary release of all other internal, deliberative communications that would normally be protected by Exemption 5.

BPA has asserted the attorney-client privilege under Exemption 5 for information that contains confidential legal communications between BPA attorneys and BPA staff. This information contains confidential legal advice concerning BPA policies and procedures and has not been released outside of BPA.

A discretionary release of these communications is not in the public interest because a disclosure will hamper the ability and willingness of BPA employees and its attorneys to make honest and open recommendations concerning legal and policy matters that are essential to BPA programs.

Exemption 6

BPA asserts this exemption for information which could reasonably be expected to constitute an unwarranted invasion of personal privacy if disclosed. The withheld information consists of the names and personal contact information (address, email, and/or phone numbers) of individual citizens who have expressed an interest in this Project, as well as the personal cell phone numbers and email addresses of various individuals working on this Project. Release of this information could subject these individuals to unwanted intrusions of privacy. There is no public interest in the disclosure of this information because it does not shed any light on how BPA has performed its statutory duties.

We will continue to work toward the fulfillment of your request. If you have any questions relating to this request please contact Laura Atterbury, FOIA/Privacy Act Specialist, at 503-230-7305.

Sincerely,

/s/Christina J. Munro

Christina J. Munro

Freedom of Information Act/Privacy Act Officer

Enclosure: CD

Due to the size of the responsive documents they can not be posted. To obtain a copy please contact the BPA FOIA Office at 503-230-7305.



Department of Energy

Bonneville Power Administration
P.O. Box 3621
Portland, Oregon 97208-3621

PUBLIC AFFAIRS

March 15, 2011

In reply refer to: DK

Friends of the Columbia Gorge
Attn: Richard Till, Conservation Legal Advocate
522 SW Fifth Ave, Suite 720
Portland, OR 97204

RE: FOIA #BPA-2010-02068-F

Dear Mr. Till:

This is the final response to your Freedom of Information Act (FOIA) request to the Bonneville Power Administration (BPA).

BPA is providing the enclosed responsive documents either in their entirety or some information withheld under Exemption 5 and 6.

Although BPA has released the majority of the responsive records in their entirety, portions of some of the records have been redacted. The records which have some information redacted are withheld pursuant to 5 USC § 552(b)(5) (Exemption 5 and 5 USC §552 (b)(6) (Exemption 6). These redactions are explained below.

Exemption 5

BPA has asserted the deliberative process privilege only for information concerning internal BPA cost estimates. This information was prepared by BPA staff, has not been released outside of BPA, and does not reflect a final agency decision. Other than this, BPA has made a discretionary release of all other internal deliberative communications that would normally be protected by Exemption 5.

BPA has asserted the attorney-client privilege under Exemption 5 for information that contains confidential legal communications between BPA attorneys and BPA staff. This information contains confidential legal advice concerning BPA policies and procedures and has not been released outside of BPA.

A discretionary release of these communications is not in the public interest because a disclosure will hamper the ability and willingness of BPA employees and its attorneys to make honest and open recommendations concerning legal and policy matters that are essential to BPA programs.

Exemption 6

BPA asserts this exemption for information which could reasonably be expected to constitute an unwarranted invasion of personal privacy if disclosed. The withheld information consists of the names and personal contact information (address, email, and/or phone numbers) of individual citizens who have expressed an interest in this project, as well as the personal cell phone numbers and email addresses of various individuals working on this project. Release of this information could subject these individuals to unwanted intrusions of privacy. There is no public interest in the disclosure of this information because it does not shed any light on how BPA has performed its statutory duties.

If you are dissatisfied with this determination, you may appeal within thirty (30) days from the date you received this letter to The Director, Office of Hearings and Appeals, Department of Energy, 1000 Independence Avenue, SW, Washington, DC 20585. The appeal must be in writing and both the envelope and letter must be clearly marked "Freedom of Information Act Appeal."

If you have any questions relating to this request, please contact Cheri Benson, FOIA/Privacy Act Specialist, at 503-230-7305.

Sincerely,

/s/ Christina J. Munro

Christina J. Munro
Freedom of Information Act/Privacy Act Officer

Enclosure(s): CD and additional responsive documents