

Winn, Kim S - DK-7

From: sjhawley@mac.com
Sent: Tuesday, April 19, 2011 3:26 PM
To: FOIA
Subject: FOIA Request

RECEIVED BY BPA FOIA OFFICE THIS DATE: 4/20/11
DUE DATE: 5/18/11
LOG # BPA - 2011-01001-F

The following is a New FOIA request:

Name: Steven Hawley
Organization: InvestigateWest
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Description of Request: All communications (This includes, but is not limited to, printed or written correspondence, books, papers, photographs, email or other machine readable electronic record, telephone messages, voice-mails or other sound recordings, notes of personal conferences, telephone conversations or personal meetings. It also includes electronic copies or backups if the originals have been destroyed) between March 1st, 2011, and April 1, 2011, concerning 2011 operations at John Day dam, and proposed levels of spill affecting those operations. **BACKGROUND:** In March of 2011, the U.S. Army Corps of Engineers reported to the Regional Implementation Oversight Group regarding the operation of John Day Dam in 2011. The proposed operation at that time was to alternate between 30% and 40% spill levels, and to conduct a test of the 2008 biological opinion performance standards under the two spill levels. Considerable technical concern has been expressed regarding the Corps' studies at John Day Dam from 2008-2010. The 2010 study was changed after it went through an inter-agency approval process. The change was not subjected to review or comment. Post-study reviews reflect significant concerns with the 2010 study in regards to the adequacy of statistical power. For operations in 2011, the study design was changed again after going through an inter-agency review process. To avoid confusion, allow for adequate regional review, and reduce post-study criticism, scientists from the Nez Perce Tribe, the Oregon Department of Fish and Wildlife, Columbia River Inter-tribal Fisheries Agency, Washington Department of Fish and Wildlife, U.S. Fish and Wildlife Service, and the Idaho Department of Fish and Game requested from the Corps a detailed study design for review and comment. The request prompted a review of the nature and scope of agreements made under the auspices of the Fish Accords.

Preferred format: pdf

Type of Requester: News Media - InvestigateWest - e-zine

I request a waiver or reduction of fees because my request concerns "the operations or activities of the government" as explained below:

Spill operations at John Day are made by the Corps of Engineers, a federal government agency, in consultation with the Bonneville Power Administration, the National Oceanic and Atmospheric Administration, and the Bureau of Reclamation, all federal agencies.

I request a waiver or reduction of fees because the disclosure is "likely to contribute" to an understanding of government operations or activities as explained below:

The process by which federal agencies that manage the Federal Columbia River Power System arrive at their management decisions has significant impact on citizens of the region, and to a

lesser extent, the nation. How these agencies determine which actions will best balance the needs of power production and salmon recovery would certainly contribute to an understanding of government operations and activities.

I request a waiver or reduction of fees because an understanding by the general public of the subject is likely to result from disclosure, taking into account my ability and intent to disseminate the information to the public in a form that can further understanding of the subject matter as explained below:

I am making this request in my capacity as a journalist, on contract with the news e-zine, InvestigateWest. I've also published in National Fisherman, The Fisherman's News, High Country News, The Oregonian, The Missoula Independent, and have authored a book published by Beacon Press, Recovering a Lost River.

I request a waiver or reduction of fees because the disclosure is likely to contribute "significantly" to public understanding of government operations or activities as explained below:

The viability of native salmon populations as well as the Federal Columbia River Power System is a matter of great public concern, particularly in the western United States, and is the subject of political and legal controversies that are both protracted and heated. The urgency of the public controversy is illustrated by the fact that it has generated countless articles in a full array of media outlets. An example of the extreme public interest in the subject is the coverage of salmon in the Columbia Basin generated in the past two weeks. According to the results of an internet search, news on salmon generated more than 30 news articles or segments from print and television outlets in the past two weeks. Developments in the ongoing FCRPS biological opinion court case are covered by major national newspapers, including the Los Angeles Times, The Washington Post, The New York Times, and the Associated Press.

I request a waiver or reduction of fees because of a commercial interest that would be furthered by the requested disclosure, and, if so:

None

I request a waiver or reduction of fees because the magnitude of the identified commercial interest of the requester is sufficiently large, in comparison with the public interest in disclosure, that disclosure is "primarily in the commercial interest of the requester." as explained below:

Not applicable

I believe a compelling need exists to warrant expedited processing because there is an **urgency** to inform the public concerning actual or alleged Federal Government activity exists as described below:

REQUEST FOR EXPEDITED REVIEW: Journalism plays a vital role in fulfilling the basic purposes of the public oversight and agency accountability, especially with respect to "keeping the public informed" and maintaining a forum for "public participation in the rulemaking process." The management of the FCRPS dams have broad implications for the health and welfare of citizens of the Pacific Northwest. Ahead of a major court decision, for which the last round of oral arguments will be made May 9th, it is exceedingly urgent that I obtain access to the requested information promptly. InvestigateWest has stipulated a May 1st deadline for this story.