



Department of Energy

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

PUBLIC AFFAIRS

June 1, 2011

In reply refer to: DK-7

Steven Hawley
InvestigateWest
3762 Rocky Ridge Court
Hood River, OR 97031

FOIA #BPA-2011-01001-F

Dear Mr. Hawley:

This is the final response to the request for records that you made to the Bonneville Power Administration (BPA), under the Freedom of Information Act (FOIA), 5 U.S.C. 552.

You requested the following:

All communications, to include but is not limited to: printed or written correspondence, books, papers, photographs, e-mail or other machine readable electronic record, telephone messages, voicemails or other sound records, notes of personal conferences, telephone conversations or personal meetings (also electronic copies or backups if the originals have been destroyed), between March 1 and April 1, 2011, concerning 2011 operations at John Day Dam and proposed levels of spill affecting those operations.

Response:

Enclosed is a CD with all responsive documents. Parts 1 – 8 are released in their entirety. Portions of Part 9 have been redacted under Exemption 5 of the Freedom of Information Act.

Exemption 5 protects from mandatory disclosure “inter-agency or intra-agency memorandums or letters that would not be available by law to a party other than an agency in litigation with the agency....” Exemption 5 incorporates the deliberative process privilege which protects advice, recommendations, and opinions that are part of the process by which agency decisions and policies are formulated.

Exemption 5 also protects attorney client information, which are communications between attorney and client that relate to a legal matter for which the client has sought professional advice. The privilege usually protects a client’s disclosure to any attorney, but also extends to an attorney’s opinion based on those disclosures, and to communications between attorneys that reflect client-supplied information.

Some other portions of Part 9 are redacted because they are non-responsive in nature.

Due to the size of the responsive documents they cannot be posted. To obtain a copy contact the BPA FOIA office at 503-230-7305.

Pursuant to 10 CFR 1004.8, if you are dissatisfied with this determination, or the adequacy of the search, you may appeal in writing within 30 calendar days of receipt of a final response letter. The appeal should be made to the Director, Office of Hearings and Appeals, HG-1, Department of Energy, 1000 Independence Avenue, SW, Washington, DC 20585-1615. The written appeal, including the envelope, must clearly indicate that a FOIA Appeal is being made.

If you should have any questions about the responsive documents or this letter please contact Cheri Benson, FOIA/Privacy Act Specialist, at 503-230-7305.

Sincerely,

/S/Christina J. Munro
Christina J. Munro
FOIA/Privacy Act Officer

Enclosure: CD