



Department of Energy

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

SECURITY AND CONTINUITY OF OPERATIONS

October 18, 2013

In reply refer to: NN-1

Jon Shellenberger
Confederated Tribes of the Yakama Nation
PO Box 151
Toppenish, WA 98948

FOIA #BPA-2013-01352-F

Dear Mr. Shellenberger:

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

You requested the following:

“Email correspondence between BPA Archaeologist Kevin Cannel and Guy Moura from the Colville Tribes between September 1, 2012 thru July 23, 2013.”

Response:

BPA is providing the enclosed responsive documents with certain information withheld under Exemption 6.

Although BPA has released the majority of the responsive records in their entirety, emails addresses and phone numbers have been redacted. BPA asserts Exemption 6 for information which could reasonably be expected to constitute an unwarranted invasion of personal privacy if disclosed. 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. Therefore, the individual privacy interest outweighs the public interest in the disclosure of this information.

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.

There are no fees associated with this request.

Please contact Kim Winn, FOIA Specialist, at 503-230-5273 with any questions about this letter.

Sincerely,

/s/Christina J. Munro

Christina J. Munro

Freedom of Information/Privacy Act Officer

Enclosures: Responsive documents

From: [Cannell, Kevin G \(BPA\) - KEC-4](#)
To: [Guy Moura](#)
Cc: Ex 6 Ex 6 [Scheidt, Kristin M \(CONTR\) - KEC-4](#)
Subject: RE: Mid-Columbia Salmon Recovery CRM
Date: Tuesday, July 09, 2013 3:54:00 PM

Hi Guy,

Thanks for the email. I'll advise that we wait until we can resolve the issue before moving forward with the project.

Kevin

From: Guy Moura Ex 6
Sent: Tuesday, July 09, 2013 2:06 PM
To: Cannell, Kevin G (BPA) - KEC-4
Cc: Guy Moura; Ex 6 Ex 6
Subject: Mid-Columbia Salmon Recovery CRM

Dear Kevin,

Thank you for your call today. I appreciate that consultation started on more than one cultural resource report for the Mid-Columbia salmon recovery project. We have critical issues with the inadequacies in TCP reporting and a non-traditional reinterpretation of the ethnography, ethnohistory, history and traditional information. We are working on a response, but this is sensitive matter. We need to protect tribal interests and the sovereign rights of the Confederated Tribes of the Colville Reservation without offending the beliefs and teachings of others.

We hope to have something prepared for you soon. We interpret this as on-going consultation, because, as you noted in your call, we already made our feelings and intent clear. If you need to take this to the governmental level we fully understand.

Thank you for your time, consideration and patience.

Guy Moura
Program Manager, History/Archaeology
Tribal Historic Preservation Officer
Confederated Tribes of the Colville Reservation
Ex 6

From: [Guy Moura](#)
To: [Cannell, Kevin G \(BPA\) - KEC-4](#)
Cc: [Gresh, Ted S \(CONTR\) - KEC-4](#); ["Whitlam, Rob \(DAHP\)" \(Rob.Whitlam@DAHP.WA.GOV\)](#); **Ex 6** **Ex 6**
Subject: **Ex 6**
Date: [History](#)
Monday, July 22, 2013 5:11:37 PM
[Guy Moura](#); [Valerie Hauser \(vhauser@achp.gov\)](#)

Kevin,

Pursuant to recent, and yet again, conversation regarding inaccurate cultural reporting, another such report was passed on to me from staff today. Please add Tyee Ranch to the list of unacceptable reports. It was prepared by a third party, with whom we have worked on many occasions, yet the ethnohistorical data is deficient, misleading and, in places, wrong. We cannot concur with the findings in any of these reports (at least Tyee, Twisp RM3, and Beaver Creek, and potentially many others). If your consultants did not know the history of the area or understand the culture of the tribes inhabiting the region, did not know the traditional names of the places and do not know which areas were used from the perspective of all interested tribes, how can we agree there has been adequate identification of cultural resources. We tried on numerous occasions to walk BPA through these projects, or discuss ways to amend the information, try to overlook shortcomings, or allow the CCT to represent their sovereign interests in these reports, among other remedies. Each time we are promised it is fixed and yet it happens time and again.

It is not our responsibility to continuously be spending our time and efforts to repair incomplete consultation and unsupported professional reporting. We forwarded Ted Gresh detailed letters for, at a minimum, the last three years on numerous projects. We prepared a report identifying 104 named places and use areas on the Wenatchee, Entiat and Methow River to verify the cultural affiliation of the Confederated Tribes of the Colville Reservation and their historic link and cultural rights to the rivers in question.

At this point, we exert our consultation right to simply state we await corrected and amended reports or a contractual agreement to have inserted, unedited, the Colville Confederated Tribes cultural statements. Appendices, addenda, and supplemental reports do not guarantee our concerns and history will be recognized; ignoring our concerns and moving forward with the projects does not satisfy BPA's responsibilities under 36 CFR 800, or under BPA's Native American Policy. We recommend BPA seek the guidance of the Department of Archaeology and Historic Preservation and the Advisory Council on Historic Preservation in such matters.

Guy Moura
Tribal Historic Preservation Officer
Confederated Tribes of the Colville Reservation
Ex 6