



Department of Energy

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

SECURITY AND CONTINUITY OF OPERATIONS

December 11, 2013

In reply refer to: NN-1

Dirk Middents
K&L Gates
925 4th Avenue, Suite 2900
Seattle, WA 98104

FOIA #BPA-2014-00279-F

Dear Mr. Middents:

Thank you for your request for records that you made to the Bonneville Power Administration (BPA), under the Freedom of Information Act (FOIA), 5 U.S.C. 552. Your request was received in this office on Tuesday, December 3, 2013, and has been assigned control number BPA-2014-00279-F. Please use this number in any correspondence about your request.

You requested the following:

“A copy of the Memorandum of Agreement (MOA) between Falling Springs, LLC, the Cowlitz Indian Tribe and BPA for acquisition of survival benefit units in the Lower Columbia River Estuary.”

We have reviewed your request and have determined that it addresses all of the criteria of a proper request under the FOIA, DOE, and BPA regulation that implements the FOIA at Title 10, Code of Federal Regulations, Part 1004.

You agreed to pay up to \$100 in fees.

The statute requires that requests be acted on “promptly,” and “every effort” be made to respond within 20 working days. However, BPA has determined that your request for information is a “complex” request. A complex request is defined in the FOIA as “unusual circumstances” exist. Unusual circumstances are defined as searching inactive records; where a “voluminous” amount of data is involved; where information about other individuals has to be redacted; or where BPA has to consult with another entity which has a substantial interest in the response.

As such, we will be unable to meet the 20 work-day time frame set in the statute. We are processing complex requests in a “first in, first out” basis and will keep you apprised of our progress. Our goal date for completing your request is Friday, January 31, 2014.

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



Department of Energy

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

FREEDOM OF INFORMATION ACT/PRIVACY PROGRAM

February 3, 2014

In reply refer to: NN-1

Dirk Middents
K&L Gates
925 4th Avenue, Suite 2900
Seattle, WA 98104

FOIA #BPA-2014-00279-F

Dear Mr. Middents:

This is a follow up response to your 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 have requested:

A copy of the Memorandum of Agreement (MOA) between Falling Springs, LLC, the Cowlitz Indian Tribe and BPA for acquisition of survival benefit units in the Lower Columbia River Estuary.”

It has been determined that unusual circumstances exist in your request. Due to the requirement to coordinate external review with other agencies, we will be unable to meet the 20 work-day time frame set in the statute. Be assured that every effort is being made to complete your request as timely as possible. We are processing complex requests in a “first in, first out” basis and will keep you apprised of our progress. Our current goal date for completing your request is June 30, 2014.

I appreciate the opportunity to assist you. Please contact Kim Winn, Government Information Specialist (FOIA/Privacy Act) at 503-230-5273 with any questions about this letter.

Sincerely,

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