



## Department of Energy

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

FREEDOM OF INFORMATION ACT/PRIVACY PROGRAM

February 24, 2014

In reply refer to: NN-1

Amanda Halter  
Pillsbury Winthrop Shaw Pittman, LLP  
909 Fannin, Suite 2000  
Houston, TX 77010

### FOIA #BPA-2014-00609-F

Dear Ms. Halter:

We have received your request for records under the Freedom of Information Act (5 U.S.C. § 552). Thank you for your interest in the Bonneville Power Administration (BPA). Your request was received in this office on Monday, February 10, 2014, and has been assigned control number BPA-2014-00609-F. Please use this number in any correspondence with the agency about your request.

#### **You requested:**

1. All settlement agreements, or other compensation agreements, between the Confederated Tribes of the Colville Reservation, including constituent Tribes and individual members thereof ("CCT"), and the Bonneville Power Administration concerning CCT's claims arising out of the construction, existence and operation of the Grand Coulee Dam and/or Lake Roosevelt, trespass on Indian lands in the Upper Columbia River region, and/or harm to Indian natural resources or cultural uses thereof in the Upper Columbia River region. This request specifically includes, but is not limited to, both the 1978 and 1994 Settlement Agreements, and any other agreements with CCT related to CCT's claims with the Indian Claims Commission filed July 31, August 1, and August 8, 1951, including specifically Docket Nos. 181, 181-A, 181-B, 181-C, and 181-D ("Settlement Agreements").
2. The Original Petitions filed by the CCT with the Indian Claims Commission on July 31, August 1, and August 8, 1951, and any related Amended Petitions.
3. Receipts reflecting payments made to CCT under the terms of the Settlement Agreements.
4. All communications concerning the receipt, disbursement and allocation of payments made to CCT under the terms of the Settlement Agreements."

We have reviewed your letter and determined that it addresses all of the criteria of a proper request under FOIA and the Department of Energy's FOIA regulations at Title 10, Code of Federal Regulations, Part 1004.

You have agreed to pay \$250 in fees.

The FOIA requires that we act on requests “promptly,” and that we make a determination on your request and respond within 20 working days (5 U.S.C. § 552(a)(6)). The Bonneville Power Administration has instituted multi-track processing, as permitted by FOIA (5 U.S.C. § 552(a)(6)(D)(i)). Simple requests and complex requests are placed in two different queues, and each queue is processed on its own first-in, first-out basis. Requests are placed in the complex queue if they will require significant agency time or resources to process. Your request has been placed in the complex queue because it meets the criteria of unusual/exceptional circumstances.

Under FOIA, an agency may extend the normal 20-day deadline by an additional 10 business days if “unusual circumstances” exist (5 U.S.C. § 552(a)(6)(B)(i)). Unusual circumstances include the need to search records located in field facilities, requests for a voluminous amount of records, and requests that require consultation with other agencies or agency components, including Department of Energy headquarters. If an agency cannot fulfill the request within the 30 working days provided by the extended deadline, agencies must (a) notify the requester, and (b) work with the requester to modify or limit the scope of the request or arrange an alternative time frame for processing (5 U.S.C. § 552(a)(6)(B)(ii)).

Your request involves unusual circumstances because we will be searching archived records and will be required to consult with the Colville Tribes. We currently estimate that we can complete your request by **Monday, June 30, 2014**. Because this date is outside of the permissible 30-day extended deadline, we will contact you shortly to discuss the possibility of modifying or limiting your request to permit faster processing.

I appreciate the opportunity to assist you. If you have any questions about this letter, please contact Kim Winn, FOIA Public Liaison, at 503-230-7305.

Sincerely,

*/s/Christina J. Munro*

Christina J. Munro

Freedom of Information/Privacy Act Officer