



Department of Energy

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

FREEDOM OF INFORMATION ACT/PRIVACY PROGRAM

March 24, 2014

In reply refer to: D-1

Ralph Sletager

Ex 6

FOIA #BPA-2014-00662-F

Dear Mr. Sletager:

This is a 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:

1) Any documents that explain how BPA, the COE and the Bureau of Reclamation considered Mr. Raver's sworn testimony about Albeni Falls and how it applies to the BPA/Kalispel Tribes/USACE/USBR MOA.

Response:

BPA has no responsive documents.

You requested:

2) A copy of the request by the Kalispel Tribes to partner in dam operations.

Response:

BPA has no responsive documents.

The Memorandum of Agreement between the Kalispel Tribe, the Bonneville Power Administration, the U.S. Army Corps of Engineers, and the U.S. Bureau of Reclamation, dated July 11, 2012, stemmed from discussions that began in 2008 when negotiations of the Columbia Basin Fish Accords were initiated. Through the MOA, the Kalispel Tribe concurred with the Hydro Performance of the NOAA Fisheries FCRPS and Upper Snake BiOps (II.A.), USFWS FCRPS ESA Consultation (II.B.), and Albeni Falls Actions and Operations (II.C.). Documents related to the above agreement are posted online at:

<http://www.salmonrecovery.gov/Partners/FishAccords/KalispelTribe.aspx>.

The MOA was negotiated with the Tribe in face to face meetings, and then released for 30-day public comment (2011). Those comments can be viewed online at:

<http://www.bpa.gov/applications/publiccomments/CommentList.aspx?ID=132>

You requested:

3) The protocol and/or Federal Statutes that govern a request by a Foreign Nation to alter operation of a State/Federal facility.

Response:

The Bonneville Power Administration operates under the Pacific Northwest Electric Power Planning and Conservation Act of 1980. A full copy of the act can be found online at:

<http://www.nwcouncil.org/reports/poweract/>. Below is a pertinent paragraph from the Fish and Wildlife Chapter.

“839b(h)(7). The Council shall determine whether each recommendation received is consistent with the purposes of this chapter. In the event such recommendations are inconsistent with each other, the Council, in consultation with appropriate entities, shall resolve such inconsistency in the program giving due weight to the recommendations, expertise, and legal rights and responsibilities of the Federal and the region's State fish and wildlife agencies and appropriate Indian tribes.”

BPA also works closely with the U.S. Army Corps of Engineers through their Technical Management Team whose guidelines are posted online at: <http://www.nwd-wc.usace.army.mil/tmt/>

You requested:

4) The takings analysis by the COE that is required by Executive Order 12630 for this Governmental action.

Response:

BPA has no responsive documents.

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-I, 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.

Thank you for your interest in the Bonneville Power Administration. I appreciate the opportunity to assist you. Please contact Kim Winn, FOIA Public Liaison, at 503-230-5273 with any questions about this letter.

Sincerely,

/s/Christina J. Munro

Christina J. Munro

Freedom of Information/Privacy Act Officer