



## Department of Energy

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

FREEDOM OF INFORMATION ACT/PRIVACY PROGRAM

May 19, 2014

In reply refer to: D-B1

Steve D. Mashuda  
Todd D. True  
Earthjustice  
705 Second Avenue, Suite 203  
Seattle, WA 98104

### FOIA #BPA-2014-01120-F

Dear Mr. Mashuda and Mr. True:

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 letter was received in this office on Wednesday, May 14, 2104, and has been assigned control number BPA-2014-01120-F. Please use this number in any correspondence with the agency about your request.

#### **You have requested:**

“(1) By, to, or between any official, employee, or contractor of the Bonneville Power Administration (“BPA”), the National Marine Fisheries Service, the U.S. Army Corps of Engineers, or the U.S. Bureau of Reclamation, regarding or relating in any way to:

- (a) the Independent Scientific Advisory Board’s (“ISAB”) review of the State of Oregon’s recommendation to the Northwest Power and Conservation Council for an experimental spill program, or
- (b) a study design by the Comparative Survival Study (“CSS”) or other response from the CSS regarding the ISAB’s review of the Oregon recommendation;

(2) By, to, or between any official, employee, or contractor of BPA, the U.S. Army Corps of Engineers, U.S. Bureau of Reclamation, or the National Marine Fisheries Service, and any official, employee, appointed political official, representative, or contractors of any sovereign government (including, but not limited to any employee, official, or contractor of any agency or division of any such entity, and any sovereign’s representatives on the Northwest Power and Conservation Council) that has executed a Memorandum of Agreement with BPA, the U.S. Army Corps of Engineers, and the U.S. Bureau of Reclamation concerning the Federal Columbia River Power System, regarding or relating in any way to:

- (a) the ISAB review of the State of Oregon’s recommendation to the Northwest Power and Conservation Council for an experimental spill program, or
- (b) a study design by the CSS or other response from the CSS regarding the ISAB’s review of the Oregon recommendation.”

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.

Your request for a waiver of fees is granted.

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 required to consult with other agencies or agency components in regard to any document created by them. We currently estimate that we can complete your request by **August 29, 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



## Department of Energy

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

FREEDOM OF INFORMATION ACT/PRIVACY PROGRAM

August 6, 2014

In reply refer to: FOIA #BPA-2014-01120-F

Steve D. Mashuda  
Todd D. True  
Earthjustice  
705 Second Avenue, Suite 203  
Seattle, WAT 98104

Dear Mr. Mashuda and Mr. True:

This letter is in reference to your Freedom of Information Act request received in our office on May 14, 2014, which we acknowledged on May 19, 2014.

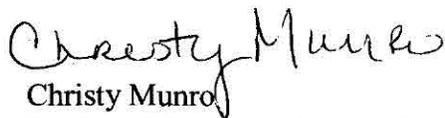
**You requested:**

- “(1) By, to, or between any official, employee, or contractor of the Bonneville Power Administration (“BPA”), the National Marine Fisheries Service, the U.S. Army Corps of Engineers, or the U.S. Bureau of Reclamation, regarding or relating in any way to:
- (a) the Independent Scientific Advisory Board’s (“ISAB”) review of the State of Oregon’s recommendation to the Northwest Power and Conservation Council for an experimental spill program, or
  - (b) a study design by the Comparative Survival Study (“CSS”) or other response from the CSS regarding the ISAB’s review of the Oregon recommendation;
- (2) By, to, or between any official, employee, or contractor of BPA, the U.S. Army Corps of Engineers, U.S. Bureau of Reclamation, or the National Marine Fisheries Service, and any official, employee, appointed political official, representative, or contractors of any sovereign government (including, but not limited to any employee, official, or contractor of any agency or division of any such entity, and any sovereign’s representatives on the Northwest Power and Conservation Council) that has executed a Memorandum of Agreement with BPA, the U.S. Army Corps of Engineers, and the U.S. Bureau of Reclamation concerning the Federal Columbia River Power System, regarding or relating in any way to:
- (a) the ISAB review of the State of Oregon’s recommendation to the Northwest Power and Conservation Council for an experimental spill program, or
  - (b) a study design by the CSS or other response from the CSS regarding the ISAB’s review of the Oregon recommendation.”

We had previously notified you that we expected to complete your request by August 29, 2014. We are unable to complete your request by that deadline. Our new target date for response to you is November 4, 2014. We will keep you updated on our progress.

I appreciate the opportunity to assist you. If you have any questions about this letter, please contact Colleen Cushnie, FOIA Case Officer (BPA Contractor, ACS), at (503) 230-5986.

Sincerely,

Handwritten signature of Christy Munro in cursive script.

Christy Munro  
Freedom of Information Act/Privacy Act Officer



## Department of Energy

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

FREEDOM OF INFORMATION ACT/PRIVACY PROGRAM

October 29, 2014

In reply refer to: FOIA #BPA-2014-01120-F

Todd D. True  
Stephen D. Mashuda  
Earthjustice  
705 Second Avenue, Suite 203  
Seattle, WA 98104

Messrs. True and Mashuda:

This letter is in reference to your Freedom of Information Act request received in our office on May 14, 2014, which we acknowledged on May 19, 2014.

**You requested:**

“(1) By, to, or between any official, employee, or contractor of the Bonneville Power Administration (“BPA”), the National Marine Fisheries Service, the U.S. Army Corps of Engineers, or the U.S. Bureau of Reclamation, regarding or relating in any way to:

- (a) the Independent Scientific Advisory Board’s (“ISAB”) review of the State of Oregon’s recommendation to the Northwest Power and Conservation Council for an experimental spill program, or
- (b) a study design by the Comparative Survival Study (“CSS”) or other response from the CSS regarding the ISAB’s review of the Oregon recommendation;

(2) By, to, or between any official, employee, or contractor of BPA, the U.S. Army Corps of Engineers, U.S. Bureau of Reclamation, or the National Marine Fisheries Service, and any official, employee, appointed political official, representative, or contractors of any sovereign government (including, but not limited to any employee, official, or contractor of any agency or division of any such entity, and any sovereign’s representatives on the Northwest Power and Conservation Council) that has executed a Memorandum of Agreement with BPA, the U.S. Army Corps of Engineers, and the U.S. Bureau of Reclamation concerning the Federal Columbia River Power System, regarding or relating in any way to:

- (a) the ISAB review of the State of Oregon’s recommendation to the Northwest Power and Conservation Council for an experimental spill program, or

(b) a study design by the CSS or other response from the CSS regarding the ISAB's review of the Oregon recommendation[.]”

We had previously notified you that we expected to complete your request by November 4, 2014. We are unable to complete your request by that deadline as your request requires additional review from outside agencies and further legal review. Our new target date for a response to you is December 19, 2014. We will keep you updated on our progress.

I appreciate the opportunity to assist you. If you have any questions about this letter, please contact Colleen Cushnie, FOIA Case Officer (BPA Contractor, ACS Group, Inc.), at (503) 230-5986 or email at [cacushnie@bpa.gov](mailto:cacushnie@bpa.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "C. M. Frost", with a horizontal line drawn through it.

C. M. Frost  
Freedom of Information/Privacy Act Officer