



Department of Energy

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

FREEDOM OF INFORMATION ACT/PRIVACY PROGRAM

May 27, 2014

In reply refer to: D-B1

Daniel Crowner
Patterson, Buchanan, Fobes & Leitch, Inc., P.S.
2112 Third Avenue, Suite 500
Seattle, WA 98121

FOIA #BPA-2014-01135-F

Dear Mr. Crowner:

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 Wednesday, May 21, 2014, and has been assigned control number BPA-2014-01135-F. Please use this number in any correspondence with the agency about your request.

You requested:

“1. Any and all documents that BPA may have about the Methow Valley Irrigation District East Diversion Renovation including, but not limited to, the funding, permits, agreements, habitat mitigation, and JARPA (Joint Aquatic Resources Permit Application) forms for such project;
2. Any and all documents that BPA may have about the Proposal 200725100: UPA Project – Methow Valley Irrigation District East Dam Replacement including, but not limited to, the funding, permits, agreements, habitat mitigation, and JARPA (Joint Aquatic Resources Permit Application) forms for such project;
3. Any and all documents that BPA may have about the M2-WDFW Floodplain Habitat Improvement Project; and
4. Any and all documents that reference or relate to Linda Hermiston's email of 6/6/06, changing the project sponsor of Proposal 200725100: UPA Project - Methow Valley Irrigation District East Diversion Dam Replacement from Methow Valley Irrigation District (MVID) to Methow Salmon Recovery Foundation (MSRF).”

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 \$100.00 in fees.

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 unusual/exceptional circumstances apply.

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 it will require consultation with other agencies about project documents that belong to them. We currently estimate that we can complete your request by September 30, 2014. In a phone conversation with Kim Winn, FOIA Public Liaison, and Peter Lofy, Implementation Manager for BPA’s Environment, Fish & Wildlife, on May 27, 2014, you were able to clarify your request to assist Mr. Lofy in identifying responsive records. If you feel that the time estimate for completion of your request is unreasonable, please contact Ms. Winn to narrow your request.

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, or at kswinn@bpa.gov.

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

September 23, 2014

In reply refer to: BPA-2014-01135-F

Daniel P. Crowner
Patterson Buchanan Fobes & Leitch, Inc., P.S.
2112 Third Avenue
Suite 500
Seattle, WA 98121

Mr. Crowner:

This letter is in reference to your Freedom of Information Act request received in our office on Wednesday, May 21, 2014, with an acknowledgement letter sent to you on May 27, 2014.

You requested:

1. Any and all documents that BPA may have about the Methow Valley Irrigation District East Diversion Renovation including, but not limited to, the funding, permits, agreements, habitat mitigation, and JARPA (Joint Aquatic Resources Permit Application) forms for such project;
2. Any and all documents that BPA may have about the Proposal 200725100: UPA Project – Methow Valley Irrigation District East Dam Replacement including, but not limited to, the funding, permits, agreements, habitat mitigation, and JARPA (Joint Aquatic Resources Permit Application) forms for such project;
3. Any and all documents that BPA may have about the M2-WDFW Floodplain Habitat Improvement Project; and
4. Any and all documents that reference or relate to Linda Hermiston's email of 6/6/06, changing the project sponsor of Proposal 200725100: UPA Project - Methow Valley Irrigation District East Diversion Dam Replacement from Methow Valley Irrigation District (MVID) to Methow Salmon Recovery Foundation (MSRF).”

We had previously notified you that we expected to complete your request by September 30, 2014. We will be unable to complete your request by that deadline. Our new target date for response to you is December 5, 2014. In addition, we have tried on multiple occasions to contact you via email and phone to discuss the scope of your request with no response. If you wish to withdraw your request or modify it as previously discussed back in May 2014, please let us know as soon as possible.

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

Sincerely,

A handwritten signature in black ink, appearing to read 'C. M. Frost', with a long, sweeping horizontal stroke extending to the right.

C. M. Frost
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

September 29, 2014

In reply refer to: BPA-2014-01135-F

Daniel P. Crowner
Patterson Buchanan Fobes & Leitch, Inc., P.S.
2112 Third Avenue
Suite 500
Seattle, WA 98121

Mr. Crowner:

This is a final response to your request for Bonneville Power Administration (BPA) records under the Freedom of Information Act (FOIA), 5 U.S.C. § 552. Your request was received in our office on Wednesday, May 21, 2014, with an acknowledgement letter sent to you on May 27, 2014. A letter extending your response date was sent to you on September 23, 2014.

You requested:

1. Any and all documents that BPA may have about the Methow Valley Irrigation District East Diversion Renovation including, but not limited to, the funding, permits, agreements, habitat mitigation, and JARPA (Joint Aquatic Resources Permit Application) forms for such project;
2. Any and all documents that BPA may have about the Proposal 200725100: UPA Project – Methow Valley Irrigation District East Dam Replacement including, but not limited to, the funding, permits, agreements, habitat mitigation, and JARPA (Joint Aquatic Resources Permit Application) forms for such project;
3. Any and all documents that BPA may have about the M2-WDFW Floodplain Habitat Improvement Project; and
4. Any and all documents that reference or relate to Linda Hermiston's email of 6/6/06, changing the project sponsor of Proposal 200725100: UPA Project - Methow Valley Irrigation District East Diversion Dam Replacement from Methow Valley Irrigation District (MVID) to Methow Salmon Recovery Foundation (MSRF)."

Response:

On Friday, September 26, 2014, Ms. Colleen Cushnie, Case Manager (BPA Contractor, ACS), received an email from Ms. Patrice Ray, on behalf of you, to withdraw your request. (Please reference the above mentioned case number.) This letter confirms that your request is considered withdrawn and has been administratively closed. No further action will be taken by this office.

Because your request was withdrawn and no determination was made on records, you do not have appeal rights under Department of Energy FOIA regulations at 10 C.F.R. § 1004.8. You may refile your request at any time.

I appreciate the opportunity to assist you. If you have any questions, please contact Colleen Cushnie, Case Manager (BPA Contractor, ACS), at (503) 230-5986 or via email at cacushnie@bpa.gov.

Sincerely,

for CM Frost

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