

**From:** Winn, Kim S (BPA) - CGF-B1  
**To:** ["Rick Eichstaedt"](#)  
**Subject:** RE: FOIA request submitted to Bonneville Power Administration (BPA)  
**Date:** Wednesday, December 10, 2014 9:17:00 AM

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Thank you sir. Staff tell me this is much clearer. I will get an official letter out to you with the clarified request, approval of the waiver of fees, and an estimated date for completion.

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**From:** Rick Eichstaedt [mailto:ricke@cforjustice.org]  
**Sent:** Tuesday, December 09, 2014 11:01 AM  
**To:** Winn, Kim S (BPA) - CGF-B1  
**Subject:** Re: FOIA request submitted to Bonneville Power Administration (BPA)

We are interested in the communications (as outlined in the FOIA) related to **(1)** fish reintroduction and passage above Chief Joseph and Grand Coulee Dams and blocked areas in Idaho. **(2)** The toxics provisions of the newly adopted NWPCC Fish and Wildlife Program located at pages 54-56 and pages 116 of that Program.

Regarding the "and any provisions that could or could be construed" for now it is our understanding from the public hearings etc. that the above two provisions were the most contentious and we agree to remove this from our FOIA request.

Sent from my iPhone

## Freedom of Information Act (FOIA) Request Form

To make an Electronic FOIA (E-FOIA) request, please provide the information below. Failure to enter accurate and complete information may render your FOIA request impossible to fulfill.

**Requests submitted under the Privacy Act must be signed and, therefore, cannot be submitted on this form.**

**Name** Rick Eichstaedt  
**Email** reichstaedt@lawschool.gonzaga.edu  
**Organization** Gonzaga University School of Law  
**Mailing Address** 721 N. Cincinnati St.  
**City** Spokane  
**State** WA **Zip** 99220  
**Phone** 509-313-5791  
Ex. xxx-xxx-xxxx  
**FAX** 509-313-5805  
Ex. xxx-xxx-xxxx

Date Rec'd:  
12/4/2014  
Due Date:  
1/5/2015  
Tracking Number:  
BPA-2015-00301-F

### Reasonably Describe Records

Describe the specific record(s) you seek with sufficient detail that a knowledgeable official of the activity may locate the record with a reasonable amount of effort. Such detail should include: dates, titles, file designations, and offices to be searched.

Since most DOE records are not retained permanently, the more information you provide, the better the opportunity there is to determine if the records involved still exist and where. The FOIA clearly states that records must exist at the time the request is submitted.

Enter description:

Beginning on June 1, 2013 through today, all communications (including but not limited to emails, phone logs, presentations, meeting notes, and any written material) between the Bonneville Power Administration leaders and staff and BIOP Accord Parties, Federal Agencies, Congressional Members, individual Northwest Power and Conservation Council members, and Non-Governmental Organizations (including but not limited to utility organizations and ratepayer groups) where the subject matter was the Northwest Power and Conservation Council's Fish and Wildlife Program's fish passage and reintroduction provisions, toxics provisions, and any provisions that could or could be construed to expand the current Northwest Power and Conservation Council's Fish and Wildlife Program and/or the Bonneville Power Administration's fish and wildlife funding requirements.

Specify preferred form or format: Electronic

### Type of Requester

Select a description of yourself and the purpose of the request to help determine your category for assessing fees:

- An individual seeking information for personal use and not for commercial use.
- Affiliated with an educational or noncommercial scientific institution, and this request is made for scholarly or scientific purposes and not for commercial use.
- Affiliated with a private corporation and seeking information for the use in the company's business.
- A representative of the news media affiliated with

and the request is made as part of news gathering and not for commercial use.

Select Type of media:

- Newspaper
- Magazine
- Television Station
- Other:

### Fees and Fee Waivers

Your request must include a statement that (1) you agree to pay any fees that may be incurred to process the request, (2) stipulates an amount you are willing to pay, or (3) requests specific waiver or reduction of fees.

Please select the statement that applies:

- I agree to pay all applicable fees.
- I agree to pay up to a specified amount for fees.

Enter amount

- I request a waiver or reduction of fees.

If you request a waiver or reduction of fees, we will consider the following six factors to make a determination. Please provide information that addresses these factors:

The subject of the request: Whether the subject of the requested records concerns, "the operations or activities of the government."

These documents concern the activities of BPA in regard to proposals to expand the current Northwest Power and Conservation Council's Fish and Wildlife Program and/or the BPA's fish and wildlife funding requirements.

The informative value of the information to be disclosed: Whether the disclosure is, "likely to contribute," to an understanding of government operations or activities.

These documents will contribute to the understanding of BPA's government operations in relation to efforts to expand the current Northwest Power and Conservation Council's Fish and Wildlife Program and/or the BPA's fish and wildlife funding requirements.

The contribution to an understanding by the general public of the subject likely to result from disclosure, taking into account your ability and intent to disseminate the information to the public in a form that can further understanding of the subject matter.

Also, the information sought has informative value, or potential for contribution to public understanding. Please note the decision in *Elizabeth Eudey v. Central Intelligence Agency*, 478 F. Supp. 1175 1176 (D.C.D. 1979) (even a single document has the potential for contributing to public understanding). As an academic institution, Gonzaga plans to disseminate this information to the public at large in the following manner: (1) potential publication of relevant information; (2) presentation to students; and (3) public presentation to the general public at sponsored events.

The significance of the contribution to public understanding: Whether the disclosure is likely to contribute "significantly" to public understanding of government operations or activities.

The documents will significant contribute to the public's understanding of efforts to expand the current Northwest Power and Conservation Council's Fish and Wildlife Program and/or the BPA's fish and wildlife funding requirements by providing details to the inner discussions of such efforts.

The existence and magnitude of a commercial interest: Whether the requester has a commercial interest that would be furthered by the requested disclosure, and, if so.

No commercial interest.

The primary interest in disclosure: Whether the magnitude of the identified commercial interest of the requester is significantly large, in comparison with the public interest in disclosure, that disclosure is, "primarily in the commercial interest of the requester."

No commercial interest.

If my request for a waiver or reduction in fees is denied, I agree to pay up to (enter amount) \$500.00 to process my request.

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### Expedited Processing

I request expedited processing of the request and provide a justification below. I believe a compelling need exists to warrant expedited processing because there is:

- an imminent threat to the life or physical safety of an individual.

for requesters primarily engaged

Please provide your specific justification for expedited processing:

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**557**

*Enter the sum of the digits on the left into the box below.*

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