



Department of Energy

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

FREEDOM OF INFORMATION ACT PROGRAM

February 1, 2016

In reply refer to: FOIA #BPA-2016-00385-F

Nathan G. Orf
Karnopp Petersen LLP
360 SW Bond Street, Suite 400
Bend, OR 97702

Dear Mr. Orf:

The Bonneville Power Administration (BPA) has received your request for records under the Freedom of Information Act (5 U.S.C. § 552). Your request was received in this office on January 11, 2016, and has been assigned tracking number BPA-2016-00385-F. Please use this number in any correspondence with the agency regarding your request.

Request:

“[1.] A copy of BPA Contract No. 60980, between BPA and Oregon Department of Fish and Wildlife, effective on or about 2/1/13 through 1/31/14;

“[2.] A copy of Bonneville Purchasing Instructions ("BPI") Version 13-3;

“[3.] All documents related to the negotiation, drafting, preparation, or execution of BPA Contract No. 62952 between BPA and Confederated Tribes of the Warm Springs Reservation of Oregon.”

January 18, 2016 Clarifications:

“With respect to the request for BPI 13-3, if you can simply confirm with contacts that the attached (found at https://www.bpa.gov/Doing%20Business/purchase/BPI/BPI_13-3_PARTS_1-28.pdf) is a true and accurate copy of BPI 13-3, then no further response will be needed. The need for the clarification is that, while apparently available as a cached page, the oldest version of the BPI available through active links on BPA’s website (<https://www.bpa.gov/doing%20business/purchase/pages/default.aspx>) is BPI 13-4.

As to the request for a copy of Contract No. 60980 between ODFW, my request is strictly limited to the terms of the original contract itself—I am not requesting any deliverables, correspondence between BPA and ODFW, or amendments to the contract. Hopefully that helps

limit your scope. I have already provided what I understand to be the effective dates for that contract, but if you need additional information in order to identify it, please let me know and I'll do my best to provide it.

Lastly, on the request as it pertains to Contract No. 62952 between BPA and Confederated Tribes of the Warm Springs Indian Reservation of Oregon (which is my client and on whose behalf I am making this request), please limit any response to correspondence or similar documentation otherwise falling within the scope of the request to documents generated on or before the date that contract was signed (9/19/13). I've attached a copy of the contract to the extent it may expedite the response and help provide guidance regarding appropriate contact points within BPA."

Acknowledgement:

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

On January 27, 2016, BPA provided you, via email communication, with the confirmation you sought regarding the BPI 13-4. Your original request item 2, above, is therefore closed with responsive information, but no records, provided.

Fee:

The records gathering effort required to respond to the above enumerated requests will involve the assessment of fees. Payment of fees will be required prior to release of any responsive records. BPA will communicate with you within the next two weeks regarding a fee amount and to solicit your agreement.

Complex Requests:

The FOIA requires that BPA 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)). However, BPA has instituted multi-track processing, as permitted by the FOIA (5 U.S.C. § 552(a)(6)(D)(i)). In accord with this process, 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 require significant agency time or resources to process. We have determined that a response to your request may require a review for statutory exemptions and consultations with possible third parties identified in your request. We have therefore designated your request as complex.

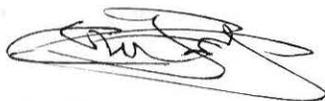
Unusual/Exceptional Circumstances:

Under the FOIA, an agency may extend the response time 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 agency components. We have determined that a response to your request may possibly include a voluminous amount of records. We have therefore determined that your request involves unusual circumstances.

In light of the above conditions and determinations, we currently estimate the completion of your request by March 31, 2016.

If you have any questions about this communication, please contact James King (CorSource Technology Group, Inc.), assigned to the BPA FOIA office, at 503-230-7621.

Sincerely,

A handwritten signature in black ink, appearing to read 'C. M. Frost', enclosed within a hand-drawn oval.

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