

Winn, Kim S (BPA) - DK-7

From: joe@yakamanation-olc.org
Sent: Monday, April 16, 2012 4:47 PM
To: FOIA
Subject: FOIA Request

RECEIVED BY BPA
FOIA OFFICE THIS DATE: 4/23/12
DUE DATE: 5/21/12
LOG # BPA-2012-1121-F

The following is a New FOIA request:

Name: R. Joseph Sexton
Organization: Confederated Tribes and Bands of the Yakama Nation (see Treaty with the Yakama, 12 Stat. 951)
Address: Yakama Nation Tribal Government P.O. Box 151 401 Fort Road Toppenish, WA 98948
Phone: 509-865-5121
FAX: 509-865-4713
Email: joe@yakamanation-olc.org

Jan 2008 - Apr 16, 2012

Description of Request: ~~Any and all documents and other tangible items~~ related to the 2008 Traditional Cultural Property Monitoring in the Lower Reaches of Nch'i-wa'na prepared for the U.S. Army Corps of Engineers and Bonneville Power Administration. COE Contract # W9127N-07-P-0392.

Preferred format: electronic

Type of Requester: Scholarly

I request a **fee Waiver**

I request a waiver or reduction of fees because my request concerns "the operations or activities of the government" as explained below:

The subject of the Yakama Nation's request concerns the operations or activities of the federal government - specifically as it relates to the federal government's interaction with federally recognized Indian tribes; and communications regarding a Traditional Cultural Properties Report prepared by the Yakama Nation.

I request a waiver or reduction of fees because the disclosure is "likely to contribute" to an understanding of government operations or activities as explained below:

The information obtained will contribute to an understanding of government operations or activities. It is also owed to my client, the Confederated Tribes and Bands of the Yakama Nation, pursuant to the federal government's trust responsibility to Indian tribes.

I request a waiver or reduction of fees because an understanding by the general public of the subject is likely to result from disclosure, taking into account my ability and intent to disseminate the information to the public in a form that can further understanding of the subject matter as explained below:

The information obtained may be distributed to the public, or be made part of a publicly available record, depending on the nature of the information disclosed.

I request a waiver or reduction of fees because the disclosure is likely to contribute "significantly" to public understanding of government operations or activities as explained below:

The disclosure is likely to significantly contribute to a public understanding of government operations or activities because it will show the BPA's interaction with Indian tribes vis-a-vis other federal agencies and with the tribes themselves.

I request a waiver or reduction of fees because of a commercial interest that would be furthered by the requested disclosure, and, if so:

There is no commercial interest my client has that would be furthered by this request.

I request a waiver or reduction of fees because the magnitude of the identified commercial interest of the requester is sufficiently large, in comparison with the public interest in disclosure, that disclosure is "primarily in the commercial interest of the requester." as explained below:

The primary interest in disclosure is transparency regarding the Bonneville Power Administration's trust responsibility to Indian tribes and its Big Eddy-Knight Project. In the above section entitled "Type of Requester" there is no option that adequately reflects my client. But the Yakama Nation does employ scientists, including archaeologists and biologists, among other professionals, who might benefit from this information.

I believe a compelling need exists to warrant expedited processing because there is an **urgency** to inform the public concerning actual or alleged Federal Government activity exists as described below:

I represent the Confederated Tribes and Bands of the Yakama Nation. My client seeks to protect its cultural resources. Construction on the Big Eddy-Knight Project is apparently imminent and ongoing, and cultural resources of the Yakama Nation are threatened. Accordingly, expedited processing of this request is justified. Further, there is no adequate choice reflecting tribal governments - or any other government for that matter - on the "Type of Requester" section above. The closest choice is the scientific and educational institution. My client employs professional archaeologists, fish biologists, geologists, and a myriad other scientists. And this request is specifically geared towards the scientific end of preserving cultural resources.