



Department of Energy

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

FREEDOM OF INFORMATION ACT/PRIVACY PROGRAM

October 25, 2021

In reply refer to: FOIA #BPA-2021-00488-F

SENT VIA EMAIL AND MAIL

Michael Behrens
Hueston Hennigan LLP
620 Newport Center Drive, Suite 1300
Newport Beach, California 92660
Email: mbehrens@hueston.com

Dear Mr. Behrens,

This communication is a fourth partial response to your records request submitted to the Bonneville Power Administration (BPA), and made via the Freedom of Information Act, 5 U.S.C. § 552 (FOIA). Your request was received on March 24, 2021, and formally acknowledged on April 6, 2021.

Request

1. All photographs or videos from September 6, 2020 to present, depicting any fire activity, including the Beachie Creek Fire or any indicia thereof (i.e., smoke, ash, burning, evacuation), within the Santiam Canyon Area, whether created by any employee in your office, the BPA, any other responding agency, or any witness to the fire or member of the public. Please include any information identifying the location, date, and time (such as filenames) of such photographs or videos; and the full name(s) and contact information for the photographer(s)/videographer(s) of such photographs or videos.) [And,]
2. All photographs and videos from September 6, 2020 to September 13, 2020 depicting PacifiCorp-owned or operated equipment, including conductors, power lines, and poles. Please include any information identifying the location, date, and time of such photographs or videos (such as filenames, logs, or notes); and the full name(s) and contact information for the photographers or videographer(s) of such videos in the Santiam Canyon Area. [And,]
3. All videos or footage from September 6, 2020 to September 13, 2020 from the BPA's cameras, webcams, surveillance cameras, and/or fire cams depicting the Beachie Creek Fire. [And,]
4. All videos or footage from September 6, 2020 to September 13, 2020 from the BPA's cameras, webcams, surveillance cameras, and/or fire cams in or around the Santiam Canyon Area. [And,]

5. Any and all rain gauge, wind, temperature, and other meteorological measurements, including associated GPS or other location data, made during the Beachie Creek Fire, from September 6, 2020 to September 13, 2020, including any measurements received from the National Weather Service. If this data is publicly available, please provide the internet hyperlink. [And,]
6. All meeting minutes, notes, agendas, summaries, reports, correspondence or other records of communication related to the Beachie Creek Fire, including email communications and non-final or draft versions thereof, from September 6, 2020 until present. [And,]
7. All documents related to operational activities related to BPA'S electric transmission system in the Santiam Canyon Area, including Supervisory Control and Data Acquisition (SCADA) data and outage, interruption, relay, and/or fault records, from September 5, 2020 to September 13, 2020. [And,]
8. Any and all inspection records for BPA electrical facilities within the Santiam Canyon Area for the five years preceding the Beachie Creek Fire, including maps of such electrical facilities.”

[For purposes of this request — 1. “Santiam Canyon Area” will mean in and around the Santiam Canyon area in Oregon, including the area generally west of Detroit and east of Salem, near the county line between Marion and Linn Counties and Route 22, and including the communities of Lyons, Mill City, and Gates, Oregon. 2. “Beachie Creek Fire” will mean the wildfire in Oregon beginning on or about August 16, 2020, which burned 193,573 acres and which was officially contained October 31, 2020. 3. “Including” or “includes” will mean including but not limited to.]

Previous Responses

A first partial response concerning Item 5 of your FOIA request was provided on June 4, 2021. A second partial response concerning Items 3 and 4 of your FOIA request was provided on June 24, 2021. A third partial response concerning Items 1 and 2 of your FOIA request was provided on August 9, 2021.

Fourth Partial Response

This partial response again concerns Items 1 and 2, above, of your FOIA request. BPA's Office of General Counsel communicated with supervisory and management personnel in the agency's Transmission offices, and in the Incident Management Team Office of Continuity of Operations, and in the Emergency Management District Operations and Maintenance – Salem office, and with several other knowledgeable agency personnel regarding your requests for photographic records as described in Items 1 and 2, above. The agency collected photographs related to the Beachie Creek Fire (as it is described in your request), and is herein releasing 373 image files and two video files responsive to your request, with no redactions applied.

Collection

The photograph collection effort in response to your FOIA request may have swept up a small number of photographs not specific to the geographic area you are interested in. In the interest of efficiency, and timely providing you with the records you seek, BPA has made no effort to cull the few images not responsive to your request from the 373 pages of photographs being released to you.

Location, Date and Time

Regarding your request for, "...any information identifying the location, date, and time (such as filenames) of such photographs or videos..." some agency personnel "notes" were gathered in the form of a small number of internal emails. These existing "notes" are not comprehensive and are not responsive to your request. Those records are not being released, herein. Further, information on the date, the location, and the time the respective images were each captured is not patent from the images collected. Tracking down or deducing that information is either not possible or would take extensive research accomplish. The FOIA does not require agencies to create new records or to conduct research, analyze data, or answer questions when responding to requests.

Contact Information for the Photographers

Regarding your request for, "... the full name(s) and contact information for the photographer(s)/videographer(s) of such photographs or videos... [and] "...the full name(s) and contact information for the photographers or videographer(s) of such videos in the Santiam Canyon Area..."", some agency information responsive to your request was gathered in the form of internal transmittal emails to which responsive image files were attached. Following a full evaluation of those transmittal emails to which responsive image files were attached, the agency relies on 5 U.S.C. § 552(b)(6) (Exemption 6) to protect the privacy interests of the photographers and withhold the requested contact information. In compliance with Exemption 6, BPA can find no public interest in a release of that Personally Identifiable Information.

Additionally on this topic, not all agency personnel engaged in photographing the 2020 Beachie Creek Fire incident sent in their images uniquely and separately; most images were sent to and exchanged amongst internal colleagues and supervisors prior to being gathered via the FOIA records collection process. As a consequence, identifying the originating photographer is either not possible or would take extensive backtracking to accomplish. Again, the FOIA does not require agencies to create new records or to conduct research, analyze data, or answer questions when responding to requests.

Fees

There are no fees associated with processing your FOIA request.

Certification

Pursuant to 10 C.F.R. § 1004.7(b)(2), I am the individual responsible for the fourth partial FOIA response and records release described above.

Ongoing Processing

BPA continues to gather and process records responsive to your full request—specifically, items 6, 7 and 8. Please know that for an undetermined period, related to the agency's response to the COVID-19 pandemic, BPA personnel are operating within a remote working directive. FOIA request processing is thereby slowed. BPA remains committed to meeting its FOIA obligations

to you and to all its many FOIA requesters. In light of the above conditions and determinations BPA estimates a next partial response to your request by December 1, 2021. BPA invites you to contact the agency to discuss this estimated next partial release date.

Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows:

Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Road-OGIS
College Park, Maryland 20740-6001
E-mail: ogis@nara.gov
Phone: 202-741-5770
Toll-free: 1-877-684-6448
Fax: 202-741-5769

Questions about this communication or the status of your FOIA request may be directed to FOIA Public Liaison Jason Taylor at jetaylor@bpa.gov or at 503-230-3537. Questions may also be directed to James King, CorSource Technology Group LLC, at jjking@bpa.gov or 503-230-7621.

Sincerely,



Candice D. Palen
Freedom of Information/Privacy Act Officer

[A thumb drive containing responsive agency records accompanies this communication.](#)