



Department of Energy

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

PUBLIC AFFAIRS

August 5, 2008

In reply refer to: DK-7

Mr. Jonathan J. Lewis
SCHEER & ZEHNDER, LLP
701 Pike Street, Suite 2200
Seattle, WA 98101

RE: FOIA #08-052

Dear Mr. Lewis:

This letter responds to your request for information that you made from the Bonneville Power Administration (BPA), under the Freedom of Information Act (FOIA), 5 U.S.C. § 552. Enclosed are three CDs in PDF format. The CD labeled "Land Files" contains a complete unredacted copy of all documents contained in BPA's official land case files pertaining to Northwest Pipeline permit requests on BPA easements. The CD labeled "Snohomish Reports" contains a complete unredacted copy of two reports prepared by BPA staff ("Side Boom Incident – 7-27-06" and "Snoh-Mury Contact – 7-26-06"). The CD labeled "Supplemental Land Files" contains all remaining responsive documents to your request.

Although BPA has released the majority of the responsive documents in their entirety, portions of some of the documents contained on the "Supplemental Land Files" CD have been redacted. Portions of pages 8, 117 thru 118, 122, 126, 130, 133 thru 136, 149 thru 150, 384, 413, 466 thru 469, 497 thru 501, 516, 593, 773, 778, 807 thru 810, 826 thru 829, 837, 841 and 844 of this CD have been redacted and withheld pursuant to 5 USC § 552(b)(5) (Exemption 5) as well as portions of pages 52 thru 53, 130, 146 thru 147, 342, 424 thru 425, 594, 597, and 621 which have been withheld pursuant to 5 USC § 552(b)(6) (Exemption 6) of the FOIA, as explained below.

Exemption 5

BPA asserts the deliberative process privilege for information that is pre-decisional and deliberative. This information was prepared by BPA staff, has not been released outside of BPA, and contains recommendations or opinions concerning BPA real estate policies or procedures that do not reflect a final agency decision.

BPA asserts the attorney-client privilege under Exemption 5 for information that contains confidential legal communications between BPA attorneys and BPA staff. This information contains confidential legal advice concerning BPA real estate policies and procedures and has not been released outside of BPA.

A discretionary release of this information is not in the public interest because a disclosure will hamper the ability and willingness of BPA employees and its attorneys to make honest and open recommendations concerning legal and policy matters that are essential to BPA programs.

Exemption 6

BPA asserts the personal privacy privilege for information which could reasonably be expected to constitute an unwarranted invasion of personal privacy if disclosed. The withheld information is the names of individual(s) allegedly injured in an accident that occurred on July 26, 2006, on the subject property.

BPA has determined there is a privacy interest in the names of individual(s) who were allegedly injured as a result of the accident. There is a strong privacy interest in keeping information concerning an individual's medical condition confidential. This kind of information is not available without the specific consent of the individual to whom it pertains. In addition, it is likely that disclosure of these names could subject these individuals to unwanted contacts and inquiries. There is no public interest in the disclosure of these names as their disclosure would not shed any light on how BPA performed its statutory duties.

If you are dissatisfied with this determination, you may appeal within 30 days from the date you receive this letter to the Director, Office of Hearings and Appeals, Department of Energy, 1000 Independence Avenue, SW, Washington, D.C. 20585. The appeal must be in writing and both the envelope and letter must be clearly marked "Freedom of Information Act Appeal."

If you have any questions about this letter, please contact Laura M. Atterbury, FOIA/Privacy Act Specialist, at 503-230-7305.

Sincerely,

/s/ Christina J. Brannon

Christina J. Brannon
Freedom of Information Act/Privacy Act Officer

Enclosure: Three CDs with responsive documents

NOTE: Responsive Docs on CD's too large to post.
Please contact our office if you are interested in a copy.