



Department of Energy

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

FREEDOM OF INFORMATION ACT PROGRAM

January 14, 2021

In reply refer to: FOIA #BPA-2021-00273-F

Jerome Berryhill

(b) (6)

Dear Mr. Berryhill,

The Bonneville Power Administration (BPA) has received your request for agency records made under the Freedom of Information Act, 5 U.S.C. § 552 (FOIA). BPA received your records request on January 8, 2021, and assigned your request the tracking number BPA-2021-00272-F. Please use that tracking number in any correspondence with the agency regarding your FOIA request.

Request

“On Thursday, August 2nd, 2018, BPA Resource Specialist Carlos Mora Flores met with me at my property at (b) (6). He informed me that it was necessary for BPA to trim certain plants on my property in order to comply with certain federal regulations. I asked him which federal regulations those were, and he said that he would send them to me by e-mail. Later that afternoon, he sent an e-mail to me, at JBB@JeromeBerryhill.com. In that e-mail, he said; ‘Here’re the links to Western Electricity Coordinating Council (WECC) and Federal Energy Regulatory Commission (FERC). Files were too large to send via email. <https://www.wecc.biz/Pages/AboutWECC.aspx> <https://www.ferc.gov/>. The image below show the vegetation outlined in red and this will need to be at approximately 7 feet tall, at all times to meet federal standard clearance requirement.’ Neither of these links leads to a document discussing federal regulations regarding plant trimming or clearance requirements, nor to any ‘file’ that is too large for e-mail. My request is for the files Mr. Mora Flores referred to in his e-mail.”

Acknowledgement

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

Response

My office staff contacted Natural Resource Specialist Carlos Mora Flores to obtain any records responsive to your request. Mr. Flores reports that there are no specific files available. Mr. Flores reports that he converted all of the information from the relevant websites into a single Portable Document Format (PDF) file. That PDF file was very large and comprised hundreds of pages. When Mr. Flores attempted to attach that PDF file to the subject email to you, he received an error message stating that the PDF file was too large to send. Mr. Flores thereafter sent you the internet links to the subject information sites, and deleted the PDF copy of the websites. There are, therefore, no responsive records available to provide.

Fees

There are no fees associated with the response to your request.

Certification

Pursuant to 10 C.F.R. § 1004.7(b)(2), I am the individual responsible for the search and response detailed above. Your FOIA request BPA-2021-00273 is now closed with no additional responsive agency information to provide.

Appeal

The adequacy of the search may be appealed within 90 calendar days from your receipt of this letter pursuant to 10 C.F.R. § 1004.8. Appeals should be addressed to:

Director, Office of Hearings and Appeals
HG-1, L'Enfant Plaza
U.S. Department of Energy
1000 Independence Avenue, S.W.
Washington, D.C. 20585-1615

The written appeal, including the envelope, must clearly indicate that a FOIA appeal is being made. You may also submit your appeal by e-mail to OHA.filings@hq.doe.gov, including the phrase "Freedom of Information Appeal" in the subject line. (The Office of Hearings and Appeals prefers to receive appeals by email.) The appeal must contain all the elements required by 10 C.F.R. § 1004.8, including a copy of the determination letter. Thereafter, judicial review will be available to you in the Federal District Court either (1) in the district where you reside, (2) where you have your principal place of business, (3) where DOE's records are situated, or (4) in the District of Columbia.

You may contact BPA's FOIA Public Liaison, Jason Taylor, at 503.230.3537, jetaylor@bpa.gov, or at the address on this letter header, for any further assistance and to discuss any aspect of your request. 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

Sincerely,

A handwritten signature in black ink, appearing to read "Candice D. Palen". The signature is fluid and cursive, with the first name being the most prominent.

Candice D. Palen
Freedom of Information/Privacy Act Officer