



## Department of Energy

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

PUBLIC AFFAIRS

July 23, 2012

In reply refer to: DK-7

Christine Kim  
Ex 6

FOIA #BPA-2012-01355-F

Dear Ms. Kim:

This is a partial response to your request for information that you made to the Bonneville Power Administration (BPA) under the Freedom of Information Act (FOIA), 5 USC § 552.

**You requested the following records:**

“Documents related to use of or access to BPA's power line corridor located in the Oak Hills neighborhood in Washington County, Oregon, within an area bounded by NW West Union Rd. to the north, NW Hunters Dr. to the south, NW 143rd Avenue to the east, and NW Bethany Blvd. to the west, from the 1960's to present, as follows:

Any document that conveys or purports to convey an exclusive right to use the power line corridor, or the right to exclude others from using the corridor, or the right to enforce rules within the corridor.

Any document, including both land-use documents and correspondence, regarding use of the power line corridor, which involves any governmental entity or municipal corporation, including but not limited to Tualatin Hills Parks and Recreation District, Metro, and Washington County.

Any document, including both land-use documents and correspondence, regarding use of the power line corridor, which involves Commonwealth Properties, Inc. or Oak Hills Homeowners Association, Inc.

Any document related to Ex 6

, which borders the power line corridor and currently owned by the requestor. This request shall be construed include all documents which relate to the larger parcels which were subdivided by the Oak Hill plats.”

In email correspondence with this office dated June 20, 2012, you narrowed your request to eliminate any responsive records involving gas or oil pipelines.

**Response:**

BPA performed a search for responsive land management records within the geographical boundaries in your FOIA request.

BPA identified 812 landowners within those boundaries. To the extent that BPA granted any of these landowners an easement, license, permit, or land-use agreement, and such records would be kept in the Realty Department's "property management case files" for that specific property.

Out of the identified 812 landowners, BPA found twelve property management case files. Three of those twelve case files are non-responsive because they are oil or gas easements.

Of the remaining nine case files, four of them have responsive records that were recorded at the county. Those records are on the enclosed CD.

The remaining five case files that have responsive records, but which were not recorded, are for commercial or business landowners. Therefore, under Exemption 4 of the FOIA, BPA must ask each entity whether they have any objection to the release of the responsive records, and if so, the reasons for any objection. BPA must then determine if those objections are enough to redact the records under Exemption 4.

BPA will proceed as expeditiously as possible and will keep you informed of the status of your request for these remaining five case files.

I appreciate the opportunity to assist you. Please contact Kim Winn, Communications Specialist, at 503-230-5273 with any questions about this letter.

Sincerely,

*/s/Christina J. Munro*

Christina J. Munro

Freedom of Information Act/Privacy Act Officer

Enclosure: CD



## Department of Energy

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

PUBLIC AFFAIRS

July 26, 2012

In reply refer to: DK-7

Christine Kim  
Ex 6

FOIA #BPA-2012-01355-F

Dear Ms. Kim:

This is a partial response to your request for information that you made to the Bonneville Power Administration (BPA) under the Freedom of Information Act (FOIA), 5 USC § 552.

**You requested the following records:**

“Documents related to use of or access to BPA's power line corridor located in the Oak Hills neighborhood in Washington County, Oregon, within an area bounded by NW West Union Rd. to the north, NW Hunters Dr. to the south, NW 143rd Avenue to the east, and NW Bethany Blvd. to the west, from the 1960's to present, as follows:

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Any document, including both land-use documents and correspondence, regarding use of the power line corridor, which involves any governmental entity or municipal corporation, including but not limited to Tualatin Hills Parks and Recreation District, Metro, and Washington County.

Any document, including both land-use documents and correspondence, regarding use of the power line corridor, which involves Commonwealth Properties, Inc. or Oak Hills Homeowners Association, Inc.

Any document related to Ex 6

which borders the power line corridor and currently owned by the requestor. This request shall be construed include all documents which relate to the larger parcels which were subdivided by the Oak Hill plats.”

In email correspondence with this office dated June 20, 2012, you narrowed your request to eliminate any responsive records involving gas or oil pipelines.

**Response:**

In our letter dated July 13, 2012, we explained that some of the responsive agreements, which were not recorded, were with commercial or business landowners and had to undergo an Exemption 4 review.

In preparing for the Exemption 4 review process it was discovered that one of the entities, Terra Corporation, is no longer in business and therefore no longer has a commercial interest in withholding under Exemption 4 of the FOIA. This agreement is being released in its entirety.

BPA will proceed as expeditiously as possible with the remaining Exemption 4 reviews, and will keep you informed of the status of your request for these remaining four case files.

I appreciate the opportunity to assist you. Please contact Kim Winn, Communications Specialist, at 503-230-5273 with any questions about this letter.

Sincerely,

*/s/Christina J. Munro*

Christina J. Munro

Freedom of Information Act/Privacy Act Officer

Enclosure: Responsive documents



## Department of Energy

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

PUBLIC AFFAIRS

August 2, 2012

In reply refer to: DK-7

Christine Kim  
Ex 6

FOIA #BPA-2012-01355-F

Dear Ms. Kim:

This is a partial response to your request for information that you made to the Bonneville Power Administration (BPA) under the Freedom of Information Act (FOIA), 5 USC § 552.

**You requested the following records:**

“Documents related to use of or access to BPA's power line corridor located in the Oak Hills neighborhood in Washington County, Oregon, within an area bounded by NW West Union Rd. to the north, NW Hunters Dr. to the south, NW 143rd Avenue to the east, and NW Bethany Blvd. to the west, from the 1960's to present, as follows:

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Any document, including both land-use documents and correspondence, regarding use of the power line corridor, which involves Commonwealth Properties, Inc. or Oak Hills Homeowners Association, Inc.

Any document related to Ex 6

which borders the power line corridor and currently owned by the requestor. This request shall be construed include all documents which relate to the larger parcels which were subdivided by the Oak Hill plats.”

In email correspondence with this office dated June 20, 2012, you narrowed your request to eliminate any responsive records involving gas or oil pipelines.

**Response:**

In our letter dated July 13, 2012, we explained that some of the responsive agreements, which were not recorded, were with commercial or business landowners and had to undergo an Exemption 4 review.

Oak Hills Homeowners Association has agreed to release their documents in their entirety.

BPA will proceed as expeditiously as possible with the remaining Exemption 4 reviews, and will keep you informed of the status of your request for these remaining four case files.

I appreciate the opportunity to assist you. Please contact Kim Winn, Communications Specialist, at 503-230-5273 with any questions about this letter.

Sincerely,

*/s/Christina J. Munro*

Christina J. Munro

Freedom of Information Act/Privacy Act Officer

Enclosure: Responsive documents



## Department of Energy

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

PUBLIC AFFAIRS

August 22, 2012

In reply refer to: DK-7

Christine Kim  
Ex 6

### FOIA #BPA-2012-01355-F

Dear Ms. Kim:

This is the final response to your request for information that you made to the Bonneville Power Administration (BPA) under the Freedom of Information Act (FOIA), 5 USC § 552.

#### **You requested the following records:**

“Documents related to use of or access to BPA's power line corridor located in the Oak Hills neighborhood in Washington County, Oregon, within an area bounded by NW West Union Rd. to the north, NW Hunters Dr. to the south, NW 143rd Avenue to the east, and NW Bethany Blvd. to the west, from the 1960's to present, as follows:

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Any document, including both land-use documents and correspondence, regarding use of the power line corridor, which involves Commonwealth Properties, Inc. or Oak Hills Homeowners Association, Inc.

Any document related to

Ex 6

, which borders the power line corridor and currently owned by the requestor. This request shall be construed include all documents which relate to the larger parcels which were subdivided by the Oak Hill plats.”

**Due to the size of the responsive documents they cannot be posted. To obtain a copy please contact the BPA FOIA Office at 503-230-7305.**

In email correspondence with this office dated June 20, 2012, you narrowed your request to eliminate any responsive records involving gas or oil pipelines.

**Response:**

BPA has no responsive documents for the boundaries requested involving Tualatin Hills Parks and Recreation District, Metro, and Washington County or Commonwealth Properties, Inc.

All other agreements within the boundaries requested are provided on the enclosed CD. BPA has applied both Exemption 4 and 6 on some of the documents provided.

BPA asserts Exemption 6 for information which could reasonably be expected to constitute an unwarranted invasion of personal privacy if disclosed. The withheld information consists of the names and addresses of individual citizens. Release of this information could subject these individuals to unwanted intrusions of privacy. There is no public interest in the disclosure of this information because it does not shed any light on how BPA has performed its statutory duties.

Under Exemption 4 of FOIA, information may be exempt from disclosure if it is “commercial” in nature, is “obtained [by BPA] from a person (Wolf Creek Highway Water District (now Tualatin Valley Water District (TVWD)),” and is “privileged or confidential.” Here, there is no question that the redacted information in the contract is commercial and “privileged or confidential” in nature and that BPA obtained it from Wolf Creek Highway Water District.

Pursuant to 10 CFR 1004.8, if you are dissatisfied with this determination, or the adequacy of the search, you may appeal in writing within 30 calendar days of receipt of a final response letter. The appeal should be made to the Director, Office of Hearings and Appeals, HG-1, Department of Energy, 1000 Independence Avenue, SW, Washington, DC 20585-1615. The written appeal, including the envelope, must clearly indicate that a FOIA Appeal is being made.

I appreciate the opportunity to assist you. Please contact Kim Winn, Communications Specialist, at 503-230-5273 with any questions about this letter.

Sincerely,

*/s/Christina J. Munro*

Christina J. Munro

Freedom of Information Act/Privacy Act Officer

Enclosure: CD