



# United States Department of the Interior

BUREAU OF RECLAMATION  
2800 Cottage Way  
Sacramento, CA 95825-1898



IN REPLY REFER TO:

CGB-3700  
1.1.02

Judy Silber  
MuckRock News  
DEPT MR 125897  
411A Highland Ave  
Somerville, MA 02144-2516

Subject: Freedom of Information Act (FOIA) Request – DOI-BOR-2022-002720

Dear Ms. Silber:

This letter is in final response to your FOIA request submitted on March 8, 2022. The request was forwarded to CGB on March 21, 2022. The request was assigned the Bureau of Reclamation FOIA tracking number DOI-BOR-2022-002720. This letter supplements our previous response to you dated March 22, 2022.

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the Freedom of Information Act (FOIA). See 5 U.S.C. 552(c) (2006 & Supp. IV 2010). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

You requested ‘any incident reports or documentation of a protest that occurred at the Shasta Dam Visitor Center on 9/25/2019 attended by the Winnemem Wintu and supporters.’ Your requester category is evaluated as ‘other.’ The request was evaluated as belonging in the ‘normal’ processing track. The cost to process the request did not exceed \$50 and all processing fees have been waived.

The enclosed compact disc contains a copy of two records that are considered responsive to your request. The records were converted from paper to portable document format. The records have been partially redacted pursuant to Exemptions b(6) and b(7)(C) of the FOIA. Exemption b(6) has been applied pursuant to Department of the Interior FOIA Bulletin Number 20-01. Exemption b(7)(C) has been applied after consultation with the Department of the Interior’s Office of the Solicitor. You have a right to appeal this decision.

We have withheld the names, E-mail addresses, telephone numbers, and work titles of persons identified in the records pursuant to Exemption b(6). The exemption protects information about individuals in "personnel and medical files and similar files" when the disclosure of such information "would constitute a clearly unwarranted invasion of personal privacy. These records

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\* PARTIAL

reside in files that appear to satisfy the first part of the balancing test. Believing the first test as met, we next evaluate whether the employee has a significant privacy interest in the information. The information in these files have an added basis for consideration as the names appear in records that were created as a law enforcement file. The persons have an interest in protecting their personnel information, that if released publicly could subject them to unwanted attention from the public or anyone who might want to question their motives. The privacy interest of persons named in these records greatly outweigh the public's right to uncover their identities.

The same redacted information has been evaluated pursuant to Exemption b(7)(C). Under the balancing test that traditionally has been applied to both Exemption 6 and Exemption 7(C), the agency must first identify and evaluate the privacy interest(s), if any, implicated in the requested records. But in the case of records related to investigations by criminal law enforcement agencies, the case law has long recognized, either expressly or implicitly, that "the mention of an individual's name in a law enforcement file will engender comment and speculation and carries a stigmatizing connotation. Exemption 6 protects information about individuals in "personnel and medical files and similar files" when the disclosure of such information "would constitute a clearly unwarranted invasion of personal privacy. These records reside in files that appear to satisfy the first part of the balancing test. We believe that there are significant privacy interests of the contract security personnel, the local law enforcement personnel, and the Reclamation employees. Their privacy interests would be threatened by disclosure. Releasing the names of the employees would not seem to shed light on the operations or activities of Reclamation, and the removal of the information protects those employees interests in not having personal information released publicly. You have a right to appeal this decision.

The partial denial of this information was made after consultation with Mr. Brian L. Hughes, Attorney – Advisor, Pacific Southwest Region, Office of the Solicitor, Department of the Interior. The Reclamation officials responsible for this decision are Ms. Cynthia P. Gaines, Manager, Administrative Services Division, and the undersigned. If you consider this partial denial to be a denial of your request pursuant to 43 CFR § 2.57(a)(1), you may submit an appeal by facsimile at 202-208-6677, by electronic mail (FOIA.Appeals@sol.doi.gov), or by mail to:

Department of the Interior  
Office of the Solicitor  
Attn: FOIA/Privacy Act Appeals Office  
1849 C Street, N.W.  
MS 6556 MIB  
Washington, DC 20240

If you choose to appeal, the FOIA/Privacy Act Appeals Officer must receive your appeal no later than 90 workdays from the date of this letter. Appeals arriving or delivered after 5 p.m. EDT, Monday through Friday, will be deemed received on the next workday. Your appeal must be in writing. All communications concerning your appeal should be clearly marked with the words "FREEDOM OF INFORMATION APPEAL."

You must include an explanation of why you believe Reclamation's response is in error. You must also include with your appeal copies of all correspondence between you and Reclamation concerning your FOIA request, including your original FOIA request and Reclamation's response. Failure to include with your appeal all correspondence between you and Reclamation will result in the Department of the Interior's rejection of your appeal, unless the FOIA/Privacy Act Officer determines (in the FOIA/Privacy Act Appeals Officer's sole discretion) that good cause exists to accept the defective appeal. Please include your name and daytime telephone number (or the name and telephone number of an appropriate contact), email address and fax number (if available) in case the FOIA/Privacy Act Officer needs additional information or clarification of your appeal.

The 2007 FOIA amendments created the Office of Government Information Services (OGIS) to offer mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. You may contact OGIS in any of the following ways: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, MD 20740-6001, E-mail at [ogis@nara.gov](mailto:ogis@nara.gov), commercial telephone at 202-741-5770, Fax: 202-741-5769, or by toll-free telephone at 877-684-6448. Please note that using OGIS services does not affect the timing of filing an appeal with the Department's FOIA & Privacy Act Appeals Officer.

Pursuant to 43 CFR § 2.19, we are making available our FOIA Public Liaison to assist in resolving any disputes between you and Reclamation. The acting FOIA Public Liaison is Ms. Natasha Jones. The public liaison can be reached by telephone at (888) 603-7119. For correspondence, the mailing address is Department of the Interior FOIA Office, MS-5558, MIB, 1849 C Street, NW, Washington, DC 20240.

If you have any questions about this response, please contact us by telephone at 916-978-5150, or e-mail [sha-MPR-FOIA@usbr.gov](mailto:sha-MPR-FOIA@usbr.gov).

Sincerely,

Christopher S. Miller  
Regional FOIA Officer

Enclosure