



IN REPLY REFER TO:  
9.C. (WHIS)

# United States Department of the Interior

NATIONAL PARK SERVICE  
WHISKEYTOWN NATIONAL RECREATION AREA  
P.O. BOX 188  
WHISKEYTOWN, CA 96095-0188



3/30/2021

Dear Reader:

The Carr fire was one of the most destructive fires in California history. It was important to all involved that the investigation was thorough and well-coordinated. While the NPS was the lead agency on this fire, multiple firefighting agencies responded to the incident. It took time to coordinate review and approval of the investigation report among all agencies involved.

This investigation offered insight into the cause of the fire and the resulting destruction. We appreciate all the contributions from our partners and sister agencies who helped ensure the investigation was thorough, well-coordinated and met our goals for transparency. I recognize that reviewing these reports may be difficult for some individuals, but we hope this information will bring closure for all members of our community.

All investigative documents have now been posted on the *National Park Service FOIA Frequently Requested Documents* website for any interested parties to read. The documents are available under the “Recently Added Material” section at:

<https://www.nps.gov/aboutus/foia/foia-frd.htm>

The documents include the Origin and Cause Report, a Multidisciplinary Accident Investigation Report, the Damage Inspection Report, and four files containing supplemental documents.

A total of 2423 pages are being released in part. We have redacted parts of 194 pages under Freedom of Information Act (FOIA) Exemptions 4, 6 and 7. Please note that most pages contain redactions for multiple exemptions. See our explanation of the exemptions below.

We have redacted parts of four pages under Exemption 4. *See* 5 U.S.C. § 552(b)(4). Exemption 4 protects “trade secrets and commercial or financial information obtained from a person that is privileged or confidential.” The withheld information is commercial or financial information. The company that supplied this information (the submitter) is considered a person, because the term “person,” under the FOIA, includes a wide range of entities including corporations. Also, the submitter does not customarily release this information to the public, so the information is confidential for the purposes of Exemption 4.

Exemption 6 allows an agency to withhold “personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.” *See* 5 U.S.C. § 552(b)(6). We are withholding 190 pages in part under Exemption 6.

The phrase “similar files” covers any agency records containing information about a particular individual that can be identified as applying to that individual. To determine whether releasing records containing information about a particular individual would constitute a clearly unwarranted invasion of personal privacy, we are required to balance the privacy interest that would be affected by disclosure against any public interest in the information.

Under the FOIA, the only relevant public interest to consider under the exemption is the extent to which the information sought would shed light on an agency’s performance of its statutory duties or otherwise let citizens know what their government is up to. The burden is on the requester to establish that disclosure would serve the public interest. When the privacy interest at stake and the public interest in disclosure have been determined, the two competing interests must be weighed against one another to determine which would be the greater result of disclosure: the harm to personal privacy or the benefit to the public. The purposes for which the request for information is made do not impact this balancing test, as a release of information requested under the FOIA constitutes a release to the general public.

The information that has been withheld under Exemption 6 consists of personal information such as names, addresses, telephone numbers, personal descriptions, identification numbers, and vehicle identification number and we have determined that the individuals to whom this information pertains have a substantial privacy interest in withholding it. Additionally, you have not provided information that explains a relevant public interest under the FOIA in the disclosure of this personal information and we have determined that the disclosure of this information would shed little or no light on the performance of the agency’s statutory duties. Because the harm to personal privacy is greater than whatever public interest may be served by disclosure, release of the information would constitute a clearly unwarranted invasion of the privacy of these individuals and we are withholding it under Exemption 6.

Additional material has been redacted in part under FOIA Exemption 7. Exemption 7 protects from disclosure “records or information compiled for law enforcement purposes” if the records fall within one or more of six specific bases for withholding set forth in subparts (A) through (F). See [5 U.S.C. § 552\(b\)\(7\)\(A\)-\(F\)](#). We are withholding approximately 182 pages in part under Exemption 7 because they are protected under the following subparts:

Exemption 7(A) protects law enforcement records if their release could reasonably be expected to interfere with enforcement proceedings. For the materials that have been withheld under 7(A), we have determined they are law enforcement records for a pending or prospective investigation and releasing them could reasonably be expected to interfere with enforcement proceedings because their premature release could create a potential for witness intimidation, expose actual or prospective witnesses to undue influence of retaliation, deter their cooperation, and create the potential for interference with them. We are withholding 33 pages in part under Exemption 7(A).

Exemption 7(C) protects law enforcement records if their release could reasonably be expected to constitute an unwarranted invasion of personal privacy. It is regularly applied to withhold references to individuals in law enforcement files. For the materials that have been withheld under 7(C), we have determined that releasing them would constitute an unwarranted invasion of privacy because they identify individuals referenced in law enforcement records and the release

of this information would not shed light on an agency's performance of its statutory duties. We are withholding 182 pages in part under Exemption 7(C).

Exemption 7(E) protects law enforcement records if their release would disclose techniques and procedures for law enforcement investigation or prosecutions or would disclose guidelines for law enforcement investigations or prosecutions if the disclosure could reasonably be expected to risk circumvention of the law. For the materials that have been withheld under 7(E), we have determined that they are techniques for law enforcement investigations or prosecutions whose release could reasonably be expected to risk circumvention of the law. We are withholding 30 pages in part under Exemption 7(E).

Exemption 7(F) protects law enforcement records if their release could reasonably be expected to endanger the life or physical safety of any individual. For the materials that have been withheld under 7(F), we have determined releasing them could reasonably be expected to endanger the life or physical safety of an individual because it compromises the identify of government investigators and witnesses. We are withholding 116 pages in part under Exemption 7(F).

We reasonably foresee that disclosure would harm an interest protected by one or more of the nine exemptions to the FOIA's general rule of disclosure.

Deborah Bardwick, DOI Assistant Field Solicitor, and Josh Hoines, Superintendent, Whiskeytown National Recreation Area participated in the decisions regarding this response

Please contact Whiskeytown at [WHIS\\_Superintendent@nps.gov](mailto:WHIS_Superintendent@nps.gov) if you have additional questions.

Respectfully,

Josh Hoines  
Superintendent  
Whiskeytown National Recreation Area