

EXHIBIT B

Steven Thong

From: FOIA-SPL <FOIA-SPL@usace.army.mil>
Sent: Friday, December 2, 2022 3:42 PM
To: Thomas Eugene Napoli, ESQ
Cc: FOIA-SPL
Subject: RE: [URL Verdict: Unknown][Non-DoD Source] FOIA Request for the USACOE and City of Newport Beach Lower Newport Bay Channel Maintenance and Confined Aquatic Disposal Site projects.

Dear Mr. Napoli,

Please clarify your FOIA request dated 11-29-2022 to include the following information:

1. Fee Declaration (Specify Fee Cap); and

(Under FOIA, a requester must specify a maximum fee amount/limit for the search, review and processing of any responsive documents. The maximum fee amount/limit is determined by the requester. At this time, professional search and review fees are \$48.00 per hour. If your maximum fee amount/limit exceeds any processing estimated fees, we will inform you. If you are unsure of a maximum fee amount/limit, you can specify a small amount.)

2. Requester Category.

- a. A representative of the news media affiliated with the _____ newspaper (magazine, television station, etc.), and this request is made as part of news gathering and not for a commercial use;
- b. Affiliated with an educational or noncommercial scientific institution, and this request is made for a scholarly or scientific purpose and not for a commercial use;
- c. Affiliated with a private business and am seeking information for use in the company's business; or
- d. An individual seeking information for personal use and not for a commercial use.

Also, clarify your FOIA request and provide additionally information to assist us in performing a reasonable search that includes project numbers, contract numbers, dates, etc... Additional information may assist in our search for any responsive documents. A requester must provide a description of the desired record that enables the Government to locate the record with a reasonable amount of effort. In your request, you asked for "...Any and all...." documents, public comments, records, notes, and memorandum.

We understand your request specifically asks for information pertaining to:

1. Lower Newport Bay Confined Aquatic Disposal Project for the City of Newport Beach, CA; and
2. Lower Newport Bay Maintenance Dredging Project for the City of Newport Beach, CA.

You are interested in the following documents:

1. USACOE Authorization, Permit or NEPA studies;
2. Public Comments, letters and/or emails related to the USACOE Authorization, Permit or NEPA studies;
3. Documents related to any draft of a USACOE Authorization, Permit or NEPA studies; and
4. Records/notes from meetings and correspondence that refer or relate to public comments to the USACOE Authorization, Permit or NEPA studies.

Is that correct? If no, please provide clarification.

Your request is not yet considered perfected and we cannot begin processing until we receive a clear response.

If we do not receive a response within ten (10) days, we will close the file and take no further action on the request.

Sincerely,

Linda J. Harris
Paralegal Specialist
Office of Counsel
Los Angeles District
U.S. Army Corps of Engineers
Work Cell: (213) 810-6964
Linda.J.Harris@usace.army.mil

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From: Thomas Eugene Napoli, ESQ <ten@tenapolilaw.com>
Sent: Tuesday, November 29, 2022 9:40 AM
To: FOIA-SPL <FOIA-SPL@usace.army.mil>
Subject: [URL Verdict: Unknown][Non-DoD Source] FOIA Request for the USACOE and City of Newport Beach Lower Newport Bay Channel Maintenance and Confined Aquatic Disposal Site projects.

Please see the attached FOIA request. Thank you.

Sincerely,

Thomas E. Napoli
Attorney at Law

(949) 713-0948 office | (949) 939-9284 mobile

Email | ten@tenapolilaw.com Website | <http://www.tenapolilaw.com>
P.O. Box 303 | Trabuco Canyon, CA 92678-0303

California Bar License #297570

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