

Exhibit C



Stephanie Hsiung <stephanie.hsiung@sierraclub.org>

Re: FOIA 14-001474 Narrowing of Scope re: Clean Water Act

Stephanie Hsiung <stephanie.hsiung@sierraclub.org>

Mon, Sep 8, 2014 at 11:09 AM

To: Peaches Hodge-Tonic - NOAA Federal <peaches.hodge-tonic@noaa.gov>

Cc: Pamela Lawrence - NOAA Federal <pamela.lawrence@noaa.gov>, "Crane, Drew" <drew_crane@fws.gov>, "Klee, Mary" <mary_klee@fws.gov>, Cathy Tortorici - NOAA Federal <cathy.tortorici@noaa.gov>, Kristine Petersen - NOAA Federal <kristine.petersen@noaa.gov>, NMFS HQ PR FOIA Requests - NOAA Service Account <nmfs.hq.pr.foia@noaa.gov>

Dear Ms. Tortorici,

I am writing in response to your email regarding narrowing the scope of Sierra Club's FOIA request (FOIA 2014-1474). I am confirming that the proposed narrowing of the scope of our request as described in your email is acceptable. I am also confirming that the five items identified in your email as most important to us are correct, with the following correction to item five (5): Descriptions of adverse impacts to sturgeon **or any other species**. As stated in our FOIA request, we are interested in impacts to the sturgeon as well as any other species.

If you have any questions about our modification to item 5, please do not hesitate to contact me.

Sincerely,
Stephanie Hsiung

On Thu, Sep 4, 2014 at 12:21 PM, Peaches Hodge-Tonic - NOAA Federal <peaches.hodge-tonic@noaa.gov> wrote:

I am resending this email due to an invalid email address.

On Thu, Sep 4, 2014 at 2:03 PM, Peaches Hodge-Tonic - NOAA Federal <peaches.hodge-tonic@noaa.gov> wrote:

Good Afternoon Ms. Hsiung:

Thank you very much for participating in the August 27, 2014, call with staff of the National Marine Fisheries Service (NMFS) of NOAA and the U.S. Fish & Wildlife Service (FWS) to narrow the scope of your separate FOIA requests to NOAA and FWS dated August 11, 2014, regarding the revised final regulations implementing section 316(b) of the Clean Water Act and the May 19, 2014 biological opinion prepared by NMFS and USFWS. For future reference, the **NOAA internal tracking number is FOIA 2014-001474**.

I write to confirm our understanding that you are willing to narrow the scope of both of your requests so that it excludes records containing routine administrative matters. We understand routine administrative matters to mean records scheduling calls or meetings, coordinating deadlines for comments, or distributing or otherwise managing documents. Such records usually refer to a document but contain no substantive discussion of the content of the document. Note that in our review we would always err on the side of inclusion if the record could be interpreted in any way to contain substantive information.

Also, we'd like to ask your consent to exclude from your request any personally identifiable information (PII) such as personal cell phone numbers or emails that would be exempt pursuant to FOIA Exemption 6. With your consent to exclude PII from your request, we can avoid additional processing over redactions of PII.

Please confirm via email that the proposed narrowing of the scope of your request is acceptable.

In addition, during the call you identified the following categories of information you particularly seek although we understand this list to assist us in our review and not to narrow the scope of your request:

1. Iterations of the biological opinion and incidental take statement, and documents relating to

whether and how those changed;

2. Basis for the no jeopardy and no adverse modification findings;
3. Agency rationale and justification for those findings;
4. The information obtained, the process used to obtain it, and how it was considered; and
5. Descriptions of adverse impacts to sturgeon.

Please confirm in your email that these are the items of most importance to you.

As we stated during our call, we intend to communicate as soon as we can when we believe we will be able to complete our response to your FOIA request as narrowed by the above.

Sincerely,
Cathy Tortorici

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