

Exhibit H



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Silver Spring, MD 20910

Ms. Stephanie Hsiung
Mr. Eric Huber
SIERRA CLUB
1650 38th Street
Boulder, CO 80301

SEP 10 2015

RE: FOIA # DOC-NOAA-2014-001474

Dear Ms. Hsiung & Mr. Huber:

We have located **73 documents** responsive to your request for this 3rd Interim Release.

- **71 documents** are being released to you in their entirety.
- We are also releasing **2 documents** responsive to your request that are partially redacted under exemption 5 U.S.C. § 552(B)(5), which prohibits from disclosure of records attorney work product and deliberative privilege process.

You have the right to appeal the partial denial of the FOIA request.

Your appeal must be received within 30 calendar days of the date of the denial letter. Please address your appeal to:

**Assistant General Counsel for Administration
Freedom of Information Act Appeal
U.S. Department of Commerce
14th Street and Constitution Avenue, N.W.
Room 5898-C
Washington, DC 20230**

Your appeal may be sent by the following methods:

- by email to FOIAAppeals@doc.gov
- by facsimile (fax) to (202) 482-2552
- by FOIAonline, if you have an account at <https://foiaonline.regulations.gov>

We have completed our search for responsive records and are continuing our review. Four other agencies (*Department of the Interior, Environmental Protection Agency, and the White House's Council on Environmental Quality and the Office of Management and Budget*) also received a FOIA request for records related to the issuance of the 316(b) regulations. Accordingly, and because many of the records each agency has located contain multiple agency equities, NOAA and the other agencies began on November 21, 2014 to hold weekly calls to coordinate review. Given the large volume of responsive records and the need to coordinate the review of responsive records among the five Federal agencies, processing the records is taking more time than we anticipated.



We receive correspondence only on business days from 8:30 a.m. to 5:00 p.m., Eastern Time. FOIA appeals received outside of our normal business hours will be deemed received on the next business day.

We anticipate providing a final response by October 30, 2015 as was discussed during a phone conversation on August 22, 2015. We will continue to provide interim responses as expeditiously as possible. Thank you for your patience.

If you have questions regarding this correspondence, please contact Tawand Tonic at nmfs.hq.pr.foia@noaa.gov or by phone at 301-427-8482.

Sincerely,

A handwritten signature in black ink, appearing to read 'Samuel D. Rauch III', written in a cursive style.

Samuel D. Rauch III,
Deputy Assistant Administrator
for Regulatory Programs