

Exhibit J



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

NOV 02 2015

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

RE: FOIA # DOC-NOAA-2014-001474

Dear Ms. Hsiung & Mr. Huber:

We have located **853 documents** responsive to your request for this 4th Interim Response.

268 of these documents (122 emails plus attachments) are on the enclosed CD. These documents are emails and their attachments when at least one part of the document family is fully or partially released. In order to keep document families together, we have included all fully redacted attachments and/or emails. Note that any document that is partially redacted will have text visible at the beginning of the document. Of these 268 documents:

- 90 documents are being released to you in their entirety.
- 75 documents responsive to your request that are partially redacted under exemptions:
 - 5 U.S.C. § 552 (b)(2) which is related solely to the internal personnel rules and practices of an agency;
 - 5 U.S.C. § 552 (b)(4) which exempts trade secrets and commercial or financial information that is privileged or confidential from disclosure;
 - 5 U.S.C. § 552(b)(5) which prohibits from disclosure of records Attorney Client Communications, Attorney Work Product and Deliberative Process Privilege;
 - 5 U.S.C. § 552 (b)(6) which protects personnel and medical files and similar files about individuals when the disclosure of such information would constitute a clearly unwarranted invasion of personal privacy;
 - and some text was redacted as Non-Responsive.
- 103 documents responsive to your request that are fully redacted under exemption:
 - 5 U.S.C. § 552(b)(5) which prohibits from disclosure of records Attorney Client Communications, Attorney Work Product and Deliberative Privilege Process.

585 documents (402 emails plus attachments) are not included on the CD. These documents are responsive to your request, but all emails and attachments are fully redacted under exemption:

- 5 U.S.C. § 552(b)(5) which prohibits from disclosure of records Attorney Client Communications, Attorney Work Product and Deliberative Privilege Process.

Note: The 1st interim response sent on March 3, 2015 consisted of 5 documents;



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*The 2nd interim response sent on August 3, consisted of 353 documents;
The 3rd interim response sent on September 10, consisted of 73 documents
Including this current response, we have provided our response on a total of 1,284 responsive documents.*

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. As we advised, those remaining documents with the word "jeopardy" or involving Drew Crane of the U.S. Fish and Wildlife must undergo review by other agencies because they have other agency equities. Thus, we cannot provide a response to those documents at this time. We anticipate providing our response on these documents by November 30.

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 notified you recently by email on October 9th, we now anticipate providing a final response by January 31, 2016. 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". The signature is fluid and cursive, with a large initial "S" and "R".

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