

# EXHIBIT 9



U.S. Department of Justice

Civil Division

**RECEIVED**

JUL 07 2018

**HW & B SEATTLE**

*Washington, DC 20530*

July 5, 2018

Timothy McKeever, Esq.  
999 Third Avenue, Suite 2600  
Seattle, WA 98104

Request No. 145-FOI-14705  
HDK

Dear Mr. McKeever:

While processing your Freedom of Information Act request dated July 21, 2016 for certain documents "produced by Pebble Limited Partnership and/or its parent company, Northern Dynasty Minerals Ltd. to the Environmental Protection Agency (EPA) or the Department of Justice," the EPA referred 4,271 documents to this Office for processing and direct response to you. This Office received the documents on October 14, 2016, and the referral was assigned tracking number 145-FOI-14705.

On February 23, 2017, in response to your request, the Civil Division withheld the responsive records in full because they were protected from disclosure under the FOIA pursuant to:

- 5 U.S.C. § 552(b)(4), which concerns trade secrets and commercial or financial information obtained from a person that is privileged or confidential; and
- 5 U.S.C. § 552(b)(6), which concerns material the release of which would constitute a clearly unwarranted invasion of the personal privacy of third parties.

You subsequently appealed the response and the Office of Information Policy (OIP) remanded your request to this Office on September 25, 2017 for further processing. After reviewing your request and subsequent appeal, the Civil Division released 611 documents to you in full and withheld 3,660 documents in full.

The Civil Division withheld the 3,660 responsive records in full because they are protected from disclosure under the FOIA pursuant to:

- 5 U.S.C. § 552(b)(4), which concerns trade secrets and commercial or financial information obtained from a person that is privileged or confidential; and

- 5 U.S.C. § 552(b)(6), which concerns material the release of which would constitute a clearly unwarranted invasion of the personal privacy of third parties.

You subsequently appealed the response and the Office of Information Policy (OIP) partially remanded your request to this Office on May 29, 2018 for further processing. OIP affirmed the Civil Division's application of Exemption 6 and remanded the records withheld under Exemption (b)(4) for an additional review by the Civil Division. Please note that because OIP affirmed the Exemption 6 withholdings, this remand is limited only to the Exemption 4 withholdings.

The Civil Division conducted an additional review of the 3,660 records the EPA referred to our office and after an additional review of the records, the Civil Division determined that 3,639 records the EPA provided the Civil Division in response to your request for certain documents produced by Pebble or its parent company are not responsive to your request.

The Civil Division conducted an additional review of the remaining twenty-one records deemed responsive to your request. After providing submitter notice in accordance with 28 C.F.R. § 16.7(c), the Civil Division is withholding the twenty-one responsive records in full because they are protected from disclosure under the FOIA pursuant to:

- 5 U.S.C. § 552(b)(4), which concerns trade secrets and commercial or financial information obtained from a person that is privileged or confidential.

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. See 5 U.S.C. 552(c) (2006 & Supp. IV 2010). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

If you are not satisfied with my response to this request, you may administratively appeal by writing to the Director, Office of Information Policy, United States Department of Justice, Suite 11050, 1425 New York Avenue, NW, Washington, DC 20530-0001, or you may submit an appeal through the eFOIA portal at <http://www.justice.gov/oip/efoia-portal.html>. Your appeal must be received within sixty days from the date of this letter. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal."

Sincerely,



Hirsh D. Kravitz  
Senior Supervisory FOIA Counsel  
Office of FOIA, Records, and E-discovery