

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

STATE OF MAINE,

Plaintiff

v.

Civil No. 00-122-B-C

UNITED STATES DEPARTMENT OF THE
INTERIOR, UNITED STATES
GEOLOGICAL SURVEY, UNITED STATES
FISH AND WILDLIFE SERVICE, UNITED
STATES DEPARTMENT OF COMMERCE,
and NATIONAL MARINE FISHERIES
SERVICE,

Defendants

GENE CARTER, District Judge

**ORDER AMENDING ORDERING PARAGRAPH OF
MEMORANDUM OF DECISION AND ORDER OF DECEMBER 26, 2000**

The Court having **NOTED** *sua sponte* that a clerical error has occurred in the drafting of the ordering paragraph of its December 26, 2000, Memorandum of Decision and Order (Docket No. 29) (at 35-36) and having **GRANTED** Defendants an extension of time to comply with the December 26, 2000, Memorandum of Decision and Order, *see* Docket No. 32, the Court hereby **ORDERS** that the said paragraph be, and is hereby **AMENDED**, to read as follows:

CONCLUSION

Accordingly, the Court **ORDERS** that the DOI Defendants may properly withhold the following documents as exempt under the FOIA: 1, 3, 5, 6, 8, 9, 10, 14, 15, 16, 17, 18, 21, 25, 30, 37, 40, 43, 46, 52, 53, 61, 63, 66, 67, 68, 77, 89, 143, 147, 164, 166, 167, 168, 176, 196, 211,

213, 214, 216, 221, 222, 224, 226, 228, 229, 231, 232, 235, 244, 245, 247, 259, 262, 266, 268, 269, 270, 275, 276, 277, 278, 282, 285, 286, 291, 292, 293, 299, 304, and 305 . The Court further **ORDERS** the prompt disclosure to Plaintiff of the following documents listed in the DOI Defendants' Vaughn index: 2, 7, 12, 20, 22, 23, 24, 26, 27, 28, 29, 31, 35, 36, 38, 39, 41, 42, 45, 47, 48, 49, 50, 51, 55, 57, 58, 60, 62, 64, 69, 70, 71, 72, 73, 74, 75, 76, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 118, 119, 120, 121, 122, 123, 124, 125, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 146, 148, 151, 152, 154, 156, 158, 159, 161, 162, 163, 165, 169, 170, 171, 172, 173, 174, 177, 178, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 194, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 210, 212, 215, 217, 218, 219, 223, 225, 227, 230, 233, 234, 236, 237, 238, 239, 240, 241, 242, 243, 246, 248, 249, 250, 251, 252, 253, 255, 256, 258, 260, 261, 263, 265, 267, 272, 273, 274, 279, 280, 281, 283, 284, 287, 288, 290, 296, 297, 300, 301, 302, and 308. The DOI Defendants must release these documents to the Plaintiff by January 8, 2001. The Court further orders that the DOI Defendants must submit the following documents to the Court for *in camera* review: 4, 11, 13, 19, 32, 33, 34, 44, 54, 56, 59, 65, 117, 126, 144, 145, 149, 150, 153, 155, 157, 160, 175, 179, 180, 193, 195, 209, 220, 254, 257, 264, 271, 289, 294, 295, 298, 303, 306, and 307. The DOI Defendants must submit these documents to the Court by January 8, 2001. With regard to the DOC Defendants, the Court **ORDERS** that the following documents may be properly withheld under the FOIA exemptions: 8, 21. The Court further **ORDERS** the submission of the following DOC documents to the Court for *in camera* review so that the Court may rule on the segregability of nonexempt information: 6, 15, 19, and 20. The DOC Defendants must submit these documents to the Court by January 8, 2001.

GENE CARTER
District Judge

Dated at Portland, Maine this 2nd day of January, 2001.

MAINE, STATE OF
 plaintiff

CHRISTOPHER C. TAUB, ASST ATTY
GENERAL
[COR LD NTC]
SIX STATE HOUSE STATION
AUGUSTA, ME 04333-0006
626-8800

v.

INTERIOR, US DEPT
 defendant

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GEOLOGICAL SURVEY, US
 defendant

HALSEY B. FRANK, ESQ.
(See above)
[COR LD NTC]

FISH AND WILDLIFE SERVICE, US
 defendant

HALSEY B. FRANK, ESQ.
(See above)
[COR LD NTC]

COMMERCE, US DEPT
 defendant

HALSEY B. FRANK, ESQ.
(See above)
[COR LD NTC]

NATIONAL MARINE FISHERIES
SERVICE
 defendant

HALSEY B. FRANK, ESQ.
(See above)
[COR LD NTC]