



DEPARTMENT OF THE NAVY

COMMANDER NAVY REGION SOUTHEAST
BOX 102, NAVAL AIR STATION
JACKSONVILLE, FLORIDA 32212-0102

5720
Ser N00J/259
15 May 2014

Ms. Kim Wigington
Monroe County Commissioner
500 Whitehead Street, Suite 102
Key West, Florida 33040

Dear Ms. Wigington:

This letter responds to your original Freedom of Information Act request of June 28, 2011, received on August 8, 2011, in which you requested a copy of the Pre-Release Environmental Assessment for Fleet Support and Infrastructure Improvements related to the introduction of the F/A-18E/F Super Hornet. On January 3, 2012 your request was remanded to this office for a segregability determination and a foreseeable harm analysis to determine whether a discretionary disclosure of the draft environmental assessment is possible.

We have completed the segregability and foreseeable harm analysis and based upon that analysis, we have determined that the Pre-Release Environmental Assessment for Fleet Support and Infrastructure Improvements related to the introduction of the F/A-18E/F Super Hornet is not releasable in its entirety. The document is exempt from disclosure under exemption (b)(5), which protects internal government communications that are part of the deliberative process. The analysis has determined that disclosure of any portion of the Pre-Release Environmental Assessment would reasonably cause foreseeable harm to the deliberative process privilege, an interest protected by exemption (b)(5). [5 U.S.C. §552(b)(5)]. Therefore, your request is denied.

Because your request is denied, you are advised of your right to appeal this determination in writing to the Judge Advocate General of the Navy (Code 14), 1322 Patterson Avenue SE, Suite 3000, Washington Navy Yard, DC 20374-5066.

Your appeal must be postmarked within 60 calendar days from the date of this letter to be considered. A statement as to why your appeal should be granted should be included and the enclosed copy of this letter should be attached. Both the appeal letter and the envelope should bear the notation, "Freedom of Information Act and Privacy Act Appeal."

There are no fees associated with this request. If you have any questions concerning this matter please contact Ms. Joanne Parra at (904) 542-4026.

Sincerely,

A handwritten signature in black ink that reads "N.O. Evans".

N. O. EVANS
Commander
Judge Advocate General's Corps
U.S. Navy
By direction of the Commander