

**From:** [FOIA-SAJ](#)  
**To:** [Brettny Hardy](#)  
**Subject:** RE: FOIA 18-190  
**Date:** Friday, July 20, 2018 6:12:50 AM

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As an estimate, we anticipate that we should be able to provide a final response to you by August 31, 2018.

-----Original Message-----

From: Brettny Hardy [<mailto:bhardy@earthjustice.org>]  
Sent: Thursday, July 19, 2018 5:45 PM  
To: FOIA-SAJ <[FOIA-SAJ@usace.army.mil](mailto:FOIA-SAJ@usace.army.mil)>  
Subject: [Non-DoD Source] RE: FOIA 18-190

Thank you for your email. While I understand that unusual circumstances have delayed your process, Congress allows agencies only ten additional days to respond to a FOIA request when it faces a high volume of requests and a lack of resources. See *Judicial Watch v. DHS*, 2018 WL 3431725 (D.C. Cir. July 7, 2018) (citing 5 U.S.C. § 552(a)(6)(B)). The agency is also required to provide "an estimated date on which the agency will complete action on the request" See 5 U.S.C. § 552(a)(7)(B). It has now been more than two months since the agency received our FOIA request. Please promptly provide a final determination for our FOIA request, including information about the scope of documents the agency intends to produce and withhold, and the reasons for withholding. Please also promptly provide the estimated date that the agency anticipates completing action on our FOIA request.

Thank you!  
Brettny

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Brettny Hardy  
Staff Attorney  
Earthjustice Oceans Program  
50 California St., Suite 500  
San Francisco, CA 94111  
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F: 415-217-2040  
[bhardy@earthjustice.org](mailto:bhardy@earthjustice.org)

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-----Original Message-----

From: FOIA-SAJ [<mailto:FOIA-SAJ@usace.army.mil>]  
Sent: Wednesday, July 18, 2018 5:10 AM  
To: Brettny Hardy <[bhardy@earthjustice.org](mailto:bhardy@earthjustice.org)>  
Subject: RE: FOIA 18-190

Good morning Ms. Hardy,

Our office received the records you requested, however they require review by our office before they can be released. FOIA reviews are done by our office on a first in, first out basis. We apologize that we have been unable to respond to your request within the FOIA's 20-day statutory time period as there are unusual circumstances which have impacted on our ability to quickly process your request. The unusual circumstance are: (1) our office is still

responding to a number of expedited FOIA requests that arose due to the two hurricanes that impacted Florida and Puerto Rico; and (2) other litigation pending in our office.

If you have any other questions or concerns, please let us know.

Thank you,

FOIA Administrator  
U.S. Army Corps of Engineers, Jacksonville District  
701 San Marco Blvd.  
Jacksonville, FL 32207-8175  
ph: 904-232-2477  
fax: 904-232-3692

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-----Original Message-----

From: Brettmy Hardy [<mailto:bhardy@earthjustice.org>]  
Sent: Tuesday, July 17, 2018 1:49 PM  
To: FOIA-SAJ <[FOIA-SAJ@usace.army.mil](mailto:FOIA-SAJ@usace.army.mil)>  
Subject: [Non-DoD Source] RE: FOIA 18-190

Good morning,

I am writing to follow up on our FOIA request concerning files related to the Port Everglades Navigation Improvement Project. You sent an email on May 18, 2018, stating that you received the request on May 11 - the email is attached below. As you note in your email, you have 20 working days to process the request and provide a final determination. The final determination was due on June 11. However, we have not yet received a final determination for our FOIA request or any responsive documents, and it is now over one month past the due date. Please let me know when you plan to provide the determination and responsive documents.

Thank you,  
Brettmy

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Brettmy Hardy  
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-----Original Message-----

From: FOIA-SAJ [<mailto:FOIA-SAJ@usace.army.mil>]

Sent: Friday, May 18, 2018 4:14 AM  
To: Brettmy Hardy <bhardy@earthjustice.org>  
Subject: FOIA 18-190

Good morning Ms. Hardy,

Our office is in receipt of your Freedom of Information Act (FOIA) request that was received by our office on May 11, 2018 concerning files related to the Port Everglades Navigation Improvement Project. Your request will be processed under the Freedom of Information Act (FOIA), 5 U.S.C. § 552(b), and the Army Regulation at 32 C.F.R. Part 518. Please be advised that our office is not a repository for documents, therefore we have to locate the items you are requesting from the appropriate office(s). Our office has twenty (20) working days, excluding holidays, to process a request.

If you wish to modify your request or if you have any questions, please contact our office at phone number 904-232-2477, e-mail address FOIA-SAJ@usace.army.mil or fax number 904-232-3692.

Thank you,

FOIA Administrator  
U.S. Army Corps of Engineers  
Office of Counsel, Room 6W/68  
701 San Marco Boulevard  
Jacksonville FL 32207  
Voice: 904-232-2477  
Fax: 904-232-3692

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