DEPARTMENT OF THE NAVY
BASE REALIGNMENT AND CLOSURE
PROGRAM MANAGEMENT OFFICE WEST
33000 NIXIE WAY, BLDG 50 Suite 207
SAN DIEGO, CA 92147

5720
Ser BPMOW.hmw/375
October 21, 2019

Mr. Jason Fagone
San Francisco Chronicle
901 Mission Street
San Francisco, CA 94103

Dear Mr. Fagone:

This letter responds to your Freedom of Information Act (FOIA) request of November 19, 2018 in which you seek the following:

> *Copies of all Navy records related to a proposed San Francisco49ers football stadium that would have been located at the former Hunters Point Naval Shipyard. At the request of the City and County of San Francisco, the Navy once explored a possible football stadium to be built on "Parcel G" or "Parcel 49" of the shipyard. This request includes, but is not limited to, electronic or written communications, emails, memos, letters, PowerPoints, and other reports and documents between the date January 1, 2005 and March 1, 2012.*

Your request was received by this office on November 19, 2018 and assigned file number DON-Navy-2019-001425. On December 19, 2018, our office indicated that we would provide a response date by March 15, 2019. On March 15, 2019, we stated that documents would be provided in phases with the initial response no later than May 15, 2019. The first responsive set of records was released on May 15, 2019. The second set was released on September 16, 2019. Today's partial response provides the third phase of documents. Additional records will be released to you in phases as documents are determined to be responsive to your request.

Today's partial response includes 19 records that have been identified as responsive and are provided to you via FOIAonline. Review of the identified documents reveals that some are partially exempt from disclosure under FOIA Exemption 5 [5 U.S.C. § 552 (b)(5)] which exempts from disclosure records that reflect the Navy's internal deliberations the release of which could be harmful by discouraging the free and frank exchange of opinions or potentially result in public confusion by disclosing information that is not consistent with the outcome of the deliberative process; and FOIA Exemption 6 [5 U.S.C. § 552(b)(6)] which exempts from disclosure personal information the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. Instances of exempt information have been redacted and the remainder of each record is released to you.

Please be advised that fees associated with the processing of your request are waived in this instance.

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In view of the above, you may consider this to be an adverse determination that may be appealed. Since you have created an account in FOIA online, you may submit an appeal directly within the web-based system. To do this, you would log in to your account, retrieve your original request, and then click on the "Create Appeal" tab in the left-hand column. The basic information from your request will be duplicated for you, and then you can type in the basis of your appeal. If you prefer to use regular mail, you may submit an appeal to:

The Department of the Navy
Office of the General Counsel (ATTN: FOIA APPEALS)
1000 Navy Pentagon, Room 5A532
Washington, DC 20350-1000

Your appeal, if any, must be transmitted (if appealing by FOIA ONLINE) or postmarked (if appealing by mail) within 90 calendar days from the date of this letter. Please be advised that a FOIA requestor has the burden of proving timely submission of an appeal. Additionally, you must include in your appeal a statement indicating why you believe your appeal should be granted, and you are encouraged to also include a copy of your initial request and a copy of this letter.

For any further assistance regarding any aspect of your request, you have the right to contact the Department of the Navy FOIA Public Liaison, Mr. Christopher Julka, at Christopher.A.Julka@navy.mil or 703-697-0031. Additionally, you have the right to contact the Office of Government Information Services (OGIS) to inquire about the FOIA mediation services they offer. The contact information for OGIS is: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-01, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

Any questions concerning this matter should be directed to Ms. Heather Wochnick who may be contacted at heather.wochnick@navy.mil or 619-524-4605.

Sincerely,

KIMBERLY A. OSTROWSKI
Director