



## DEPARTMENT OF THE ARMY

JACKSONVILLE DISTRICT CORPS OF ENGINEERS  
P.O. BOX 4970  
JACKSONVILLE, FLORIDA 32232-0019

July 26, 2011

Ms. Rae Ann Wessel  
Sanibel Captiva Conservation Foundation  
P O Box 713  
Ft Myers FL 33902

Dear Ms. Wessel:

This letter is in response to your Freedom of Information Act (FOIA) request received by our office on June 6, 2011 and assigned FOIA Number 11-186. You requested a copy of the denial letter and staff recommendation report for a project entitled Plantation Development, Ltd. and/or Harbour Pointe at South Seas Resort, Permit Application Number 2003-12117IP. Please find enclosed a CD that contains documents that are responsive to your request.

It is the policy of the Department of the Army to release the maximum amount of information under the FOIA, unless the information is exempt from release and a significant reason exists for non-disclosure. I have reviewed your request and concluded that it must be partially denied. Some of the information has been redacted as it relates to the location of cultural resources. My decision not to release this information is based on Exemption 3 of the FOIA, 5 U.S.C. § 552(b)(3) and the Archaeological Resources Protection Act (ARPA), 16 U.S.C. § 470hh.

As the District Counsel, Jacksonville District U.S. Army Corps of Engineers, I have been delegated the authority to deny requests for information under the FOIA by the South Atlantic Division Counsel. If you consider my response to be a denial of your request, you have the right to appeal this decision to Army General Counsel. The appeal letter must be addressed to the Army General Counsel and submitted to this office at U.S. Army Corps of Engineers, Jacksonville District, Attention: Office of Counsel (FOIA Officer), 701 San Marco Boulevard, Jacksonville, Florida 32207-8175. An Appeal must be received within 60 days of the date of this letter. The envelope containing the appeal should bear the notation "Freedom of Information Act Appeal."

Sincerely,

A handwritten signature in black ink, appearing to read "John A. Pax", is written over the typed name and title.

John A. Pax  
District Counsel