Please accept this email as the official response to your Freedom of Information Act Request. This is in response to your FOIA request dated June 04, 2015 in which you requested a copy of the December 27, 2011 Lease Agreement and Lease Amendment dated June 26, 2014 between VA and Fort Howard Development, LLC.

The requested lease dated December 2011 has been withheld in its entirety under FOIA Exemption 4, [5 U.S.C. § 552 (b)(4)].  A total of 15 pages have been withheld.  Lease Amendment dated June 2014 has been withheld in its entirety under FOIA Exemption 4, [5 U.S.C. § 552 (b)(4)] a total of 54 pages have been withheld.

Exemption 4 exempts from disclosure all privileged or confidential trade secrets and commercial or financial information.  It is our determination that the records in question were not a “voluntary” submission but were “required” to be submitted to VA.  The National Parks standards were applied and the “competitive harm prong” is the test that I utilized to justify any claim to Exemption 4 protection.  Such records are protected from disclosure if their release to the public would cause substantial harm to the competitive position of the submitter of the records.

Your request was processed by the undersigned.  You may appeal the determination made in this response to:

                                            General Counsel (024)

                                            Department of Veterans Affairs

                                            810 Vermont Avenue, N.W.

                                            Washington, D.C.  20420

If you should choose to make an appeal, your appeal must be postmarked no later than sixty (60) calendar days after the date of the adverse determination.  It must clearly identify the determination being appealed and must include any assigned request number.

The appeal should include:

1.         The name of the FOIA Officer

2.         The address of the component

3.         The date of the component’s determination, if any

4.         The precise subject matter of the appeal

If you choose to appeal only a portion of the determination, you must specify which part of the determination you are appealing.

The appeal should include a copy of the request and VA’s response, if any.  The appeal should be marked “Freedom of Information Act Appeal”.

Sincerely,

Kelli Emery

FOIA Officer

Office of Asset Enterprise Management