



US Army Corps
of Engineers ®
Seattle District

Appeal Process Fact Sheet

13 December 2007



Our letter cites a Department of the Army administrative appeal rule for permit decisions and approved jurisdictional determinations that went into effect March 9, 1999. In accordance with this rule, we have included a *Notification of Administrative Appeal Options and Process and Request for Appeal* form of which Section I is the Notification of Appeal Process (NAP) fact sheet and Section II is the Request for Appeal (RFA) form.

If a permit decision was made, you may decline to accept a permit if you object to any of the terms or conditions, **and** you believe that these terms or conditions are based on procedural errors; incorrect data; omission of fact; incorrect application of current Federal manual or guidance associated with wetlands; or incorrect application of a law, regulation, or policy that governs our permit program. Once you accept the permit, you waive the right to further appeal unless we later modify the permit.

If you object to this permit decision or jurisdictional determination, you may request an administrative appeal under Corps regulations at 33 CFR Part 331. As stated previously, enclosed you will find a *Notification of Appeal Options and Process and Request for Appeal* form. If you request to appeal this determination, you must submit a completed RFA form to the Division Engineer at the following address:

Division Engineer
U.S. Army Corps of Engineers, Northwestern Division
David W. Gesl, Appeal Review Officer
Post Office Box 2870
Portland, Oregon 97208-2870
Telephone: (503) 808-3825

In order for an RFA to be accepted by the Corps, the Corps must determine that it is complete, that it meets the criteria for appeal under 33 CFR part 331.5, and that it has been received by the Division Office within 60 days of the date of the NAP. Should you decide to submit an RFA form, it must be received at the above address by the 60th day. "Day 1" is designated as the date of the NAP form. "Day 60" is designated as the 60th calendar day after the date of the NAP form, with the official counting of calendar days beginning on "Day 1" as designated above. When "Day 60" is a traditional non-working day (e.g., a holiday or a weekend), the 60 day timeframe is extended to the next business day. Our Division Office has 90 days to resolve the appeal with you once your completed and acceptable NAO-RFA form has been received.

It is not necessary to submit an RFA form to the Division office if you do not object to the decision or determination in our letter.

If you have any questions about your options or the appeal process in general, please contact the project manager indicated on the form.