DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, NORTHWESTERN DIVISION
PO BOX 2870
PORTLAND OR 97208-2870

REPLY TO
ATTENTION OF

April 18, 2005

Program Support Division

Marilyn Snider
Delaware Watershed Joint District No. 10
P.O. Box 70
Holton, Kansas 66436

Dear Ms. Snider;

Reference your request for appeal to the Northwestern Division (NWD) dated January 26, 2005, regarding an approved jurisdictional determination prepared by the Corps of Engineers Kansas City District for property associated with the Watershed District's Dam Site A-47 located in Nemaha County, Kansas, File No. 199400998.

On February 25, 2005, the NWD appeal review officer, Mr. Mores Bergman, sent a letter informing you that your appeal, as submitted, did not meet the criteria to be considered for appeal since your agency has already signed and accepted a permit that includes Dam Site A-47. Mr. Bergman also informed you that if you were aware of additional information that would show that the area in question was not associated with the Dam A-47 project, you could submit that information within 30 days (of the Feb 25, 2005 letter), and your request would be reconsidered.

Since you have not submitted any additional information, and more than 30 days have now passed, this is to inform you that in accordance with the Corps Administrative Appeal Regulation 33 CFR Part 331, your request for appeal is not accepted since your request does not meet the criteria for appeal as described in subpart 331.5 of the regulation.

Although it has been determined that the jurisdictional determination does not meet the criteria to be appealed, you still may present your concerns identified in your January 26, 2005 letter regarding the wetlands and mitigation requirements to the Kansas City District for their consideration.

If you have any questions regarding this determination or the appeal process, feel free to contact Mr. Mores Bergman at (402) 697-2533, or write to me at the address shown in the letterhead above.

Sincerely,

Peter C. Gibson
Chief, Program Support Division

Enclosure