

January 29, 2004

Appeal Review Officer

Mr. Michael S. Shaw  
Ms. Virginia N. Shaw  
PO Box 1227  
Longmont, CO 80502

Dear Mr. Shaw and Ms. Shaw:

Reference your request for appeal dated December 21, 2003 regarding an approved jurisdictional determination (JD) that was provided by the Corps of Engineers (Corps) Omaha District on December 4, 2003. The Corps file number is 200180876. Your appeal request was received on December 29, 2003.

Upon reviewing your request, I note that you state that you are submitting additional information that was not previously available to the Omaha District. In accordance with the Corps Administrative Appeal Regulation 33 CFR Part 331 (specifically subpart 331.6(c)), if a requestor submits an appeal based on new information, the appeal cannot be processed and will be sent to the District for reconsideration. I have therefore forwarded your request to the Omaha District for reconsideration.

After considering the new information you have submitted, the District will provide you with a reissued approved JD. If, after receiving the District's reissued approved JD, you still believe that you have reason to appeal, based on the criteria contained in Part 331.5 of the appeal regulation, you may re-submit an appeal to this office. I have enclosed a copy of the appeal regulation for your information.

If you have any questions about the appeal regulations or process, you may call me at (402) 697-2533, or write to me at the address shown in the letterhead above.

Sincerely,

Mores Bergman  
Appeal Review Officer