



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

REPLY TO
ATTENTION OF

NOV 02 2007

Program Support Division

Mr. Dennis D. Reynolds
Davis Wright Tremaine LLP
1201 Third Avenue, Suite 2200
Seattle, WA 98101-3045

Dear Mr. Reynolds:

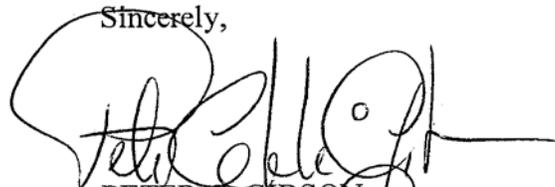
We have received the Request for Appeal (RFA) by Mr. Jeffery Sneller (File Number 200600697) associated with actions involving property on Bainbridge Island, Kitsap County, Washington. The Corps Jurisdiction Determination (JD) is not ripe for appeal at this time and the RFA is unacceptable.

The Jurisdiction Determination in question was completed November 30, 2006, after the Supreme Court's June 19, 2006 *Rapanos* decision but prior to issuance of Joint Corps-EPA *Rapanos* Guidance on June 5, 2007. Mr. Sneller may request the Seattle District revisit the Jurisdiction Determination. The JD must be revisited by the Seattle District prior to consideration for the appeal process described in the Notification of Administrative Appeal Options and Process and Request for Appeal form. The revisited JD, once approved by the District, would be the potentially appealable action.

An appeal of an approved JD associated with unauthorized activities will normally not be accepted unless the Corps accepts an after-the-fact permit application. To date, such an application has not been accepted. In the event the unauthorized work is restored to the satisfaction of the Seattle District Engineer, an appeal of the JD may not be necessary.

A copy of this letter will be furnished to the U.S. Army Corps of Engineers, Seattle District, P.O. Box 3755, Seattle, WA 98124. If you have questions regarding the Jurisdiction Determination or site restoration, please contact Ms. Michelle Walker at 206-764-6915. If you have questions regarding the Request for Appeal, please contact Mr. Dave Gesl at 503-808-3825 or at the above mailing address.

Sincerely,



PETER C. GIBSON
Chief, Program Support Division