



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
PACIFIC OCEAN DIVISION, CORPS OF ENGINEERS
FORT SHAFTER, HAWAII 96358-5440

MAR 18 2005

CEPOD-PDC

MEMORANDUM FOR COMMANDER, ALASKA ENGINEER DISTRICT

SUBJECT: District Reevaluation of Appellant Objections to the Initial Proffered Permit for the Campbell Creek Project, Alaska District file (District file number POA-2003-800).

1. I have received an administrative appeal of the Clean Water Act jurisdictional determination for Alaska District file number POA-2003-800, Campbell Creek area, Anchorage, Alaska, from Kenneth Duffus of KND Engineering. After an initial evaluation of this appeal, my staff has determined that the appellant in this action previously submitted objections to the special conditions of the District's initial proffered permit regarding this property in May 2004. Although the Alaska District staff has been in contact with Mr. Duffus, he has not received the District's written response to his objections, and a proffered permit for consideration, as required by 33 CFR 331.6 (b)
2. Therefore, I am directing the Alaska District to complete the evaluation required by 33 CFR 331.6 (b) and provide it to Mr. Duffus within 30 days of the date of this letter. The District must provide a proffered permit modifying some, all, or none of the conditions in the initial proffered permit, provide Mr. Duffus the District's evaluation of his objections to the initial proffered permit, and provide a request for appeal form. In accordance with 33 CFR 331.6 (b), the District Engineer must sign this proffered permit.
3. I am holding in abeyance Mr. Duffus' February 17, 2005 request for appeal of the District's January 4, 2005 approved jurisdictional determination until the proffered permit and appeal form are provided to Mr. Duffus. Once the District has provided Mr. Duffus a proffered permit, he may choose to appeal the Clean Water Act jurisdictional status of the property at the same time that he determines whether or not to appeal the District's special conditions of the proffered permit.
4. My point-of-contact for this action is Mr. Michael Lee at telephone (808) 438-3063. Please provide Mr. Lee a copy of your proffered permit provided to Mr. Duffus.

A handwritten signature in black ink, appearing to read "Robert L. Davis", written over a horizontal line.

ROBERT L. DAVIS
Brigadier General, U.S. Army
Commanding