Administrative Appeal Process for Permit Denials and Proffered Permits

1. Corps provides appealable action to applicant/landowner with NAP/RFA.

2. Applicant decides to appeal denied permit or declined proffered permit. Applicant submits RFA to division engineer within 60 days of date of NAP.

3. Corps reviews RFA, and notifies appellant within 30 days of receipt.

4. To continue with appeal process, appellant must revise RFA. See Appendix D.

5. Is RFA acceptable?
   - No: Continue with process.
   - Yes: Proceed to next step.

6. Appeal conference held within 60 days of receipt of acceptable RFA, unless appellant and RO mutually agree to forego the conference.

7. A site visit may be held.

8. RO reviews record and the division engineer renders a decision on the merits of the appeal within 90 days of receipt of an acceptable RFA.

9. Does the appeal have merit?
   - Yes: Division engineer remands decision to district engineer, with specific instructions for reconsideration; appeal process completed.
   - No: District engineer's decision is upheld; appeal process completed.

NOTE: If new information is provided to the Corps, the applicant will be asked if the applicant wishes to revise the project or record. If so, the appeal will be withdrawn and the case returned to the District for appropriate action. If not, the Division Engineer will rule on the merits of the appeal based on the administrative record without consideration of the new information. However, the new information may cause the District Engineer to take action under 33 CFR 325.7, independent of the appeal process.

Appendix A