UNITED STATES DEPARTMENT OF COMMERCE
The Under Secretary of Commerce
for Oceans and Atmosphere
Washington, D.C. 20230

MAR 27 2003

CERTIFIED MAIL - RETURN RECEIPT

Mr. Jorge L. Torres-Martínez
P.O. Box 2187
Salinas, Puerto Rico 00751

Dear Mr. Torres-Martínez:

By letter dated April 15, 1999, you filed with the Secretary of Commerce a notice of appeal pursuant to section 307(c)(3)(A) of the Coastal Zone Management Act of 1972 (CZMA), as amended, 16 U.S.C. §§ 1451 et seq., and the Department of Commerce's implementing regulations, 15 C.F.R. Part 930, Subpart H. The appeal is taken from an objection by the Puerto Rico Planning Board (PRPB) to your consistency certification for a U.S. Army Corps of Engineers (Corps) permit to reconstruct two piers. The proposed project is located within the maritime-terrestrial zone, territorial waters and submerged lands.

We are in receipt of a letter that the Corps sent to you dated February 26, 2003. According to the letter, you proceeded with the construction project without a permit and on August 29, 2001, the Corps issued to you a Cease and Desist Order regarding the unauthorized construction of a wooden deck and the discharge of fill material in navigable waters of the United States. The letter further explained that your permit application, which had originally been dismissed without prejudice, would be deactivated. Because the Corps' action terminated your permit application, the consistency appeal has been rendered moot and cannot proceed.

For these reasons, the appeal is dismissed for good cause pursuant to 15 CFR 930.129(a)(4). You may not file another appeal from the PRPB's objection to this permit application. This is a final agency action for purpose of judicial review.

Sincerely,

Conrad C. Lautenbacher, Jr.
Vice Admiral, U.S. Navy (Ret.)
Under Secretary of Commerce for
Oceans and Atmosphere

cc: PRPB
Army Corps of Engineers

THE ADMINISTRATOR

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