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

JUN 13 2000

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Alfonzo Cruz Colón
Apartment 501
Condominio Vistamar Princess
Carolina, Puerto Rico 00983

Dear Mr. Colón:

By letter dated February 4, 2000, you filed a notice of appeal to the Secretary of Commerce 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 was taken from an objection by the Puerto Rico Planning Board (PRPB) to the legalization of a wooden dock of 20 feet long by 12 feet wide. The purpose of the project is for private use to provide boat access.

The Federal regulations implementing the CZMA provide, in part, that an appellant may file a notice of appeal with the Secretary within 30 days of the appellant's receipt of a State agency objection and that no extension of time will be permitted for the filing of a notice of appeal. See 15 C.F.R. § 930.125. In addition, the Secretary may dismiss an appeal for failure to submit a notice of appeal within the required 30-day period. See 15 C.F.R. § 930.128.

On November 1, 1999 and December 13, 1999, PRPB mailed, by certified mail-return receipt requested, letters to you objecting to the consistency certification for this project. Both letters were returned to PRPB with "unclaimed" notices from the Post Office.

At your request, PRPB faxed you a copy of the objection letter on January 4, 2000. The 30-day period for filing a notice of appeal from the date you received the PRPB's objection expired on February 3, 2000. Your February 4th letter shows a postmark date of February 7, 2000. Your notice of appeal filed with the Secretary exceeds the 30-day period.

In light of your failure to submit the notice of appeal within the required 30-day period, I am dismissing the appeal. You may not file another appeal from the Puerto Rico Planning Board's objection to this permit application. This is a final agency action for purposes of judicial review.

Sincerely,

Scott B. Gudes

cc: Mr. Josè R. Caballero-Mercado
Chairperson, PRPB