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

APR 4 2003

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Dr. Walter T. Taylor, M.D.
2018 Bayou LaPorte Drive
Biloxi, Mississippi 39531

Re: Coastal Zone Management Act Consistency Appeal from the Mississippi Department of Marine Resources

Dear Mr. Taylor:

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 was taken from an objection by the Mississippi Department of Marine Resources (State) to the Appellant's consistency certification for a U.S. Army Corps of Engineers (Corps) permit to build a bulkhead.

Section 307(i) of the CZMA provides for the collection of fees to cover the costs of processing consistency appeals. Specifically, section 307(i) provides that the Secretary of Commerce collect an application fee of not less than $200 for minor appeals and not less than $500 for major appeals.

The Federal regulations implementing the CZMA provide, in part, that the Secretary may dismiss an appeal for good cause. See 15 C.F.R. § 930.129. On November 20, 2002, a letter was sent to you, advising you of the fee provisions and stating that the application fee or request for a fee waiver was due within 30 days of receipt of that letter. On January 30, 2003, another letter was sent to you requesting the payment of the application fee and advising that if the fee was not sent within 30 days of your receipt of that letter, the appeal would be dismissed. According to the certified receipt card, you received that letter on February 4, 2003. To date, we have not received the application fee or a request for fee waiver.

In light of your failure to submit payment for the application fee for this appeal, I am dismissing the appeal. You may not file another appeal from the Mississippi Department of Marine Resources's to this permit application. This is a final agency action for purposes of judicial review.

Sincerely,

James R. Walpole for

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

cc: Mr. Mike Walker
Mississippi Department of Marine Resources