



UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration  
Washington, D.C. 20230

OFFICE OF THE GENERAL COUNSEL

**FILE COPY**

FEB 17 1993

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

William L. Sharp, Esquire  
Associate Attorney  
State of New York  
Department of State  
Albany, New York 12231-0001

Re: Staten Island Railway Corporation Consistency Appeal;  
Your File Number F-91-515

Dear Mr Sharp:

By letter dated September 2, 1992, Staten Island Railway Corporation (Appellant), through counsel, filed with the Secretary of Commerce (Secretary) 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 implementing regulations at 15 C.F.R. Part 930, Subpart H. The appeal is taken from an objection by the New York State Department of State (State) to the Appellant's consistency certification accompanying its application to the Interstate Commerce Commission requesting authority to abandon or discontinue operations over a 9.23 mile line of railroad.

By your letter dated November 4, 1992, addressed to Ms. Trudy Coxe, Director, Office of Ocean and Coastal Resource Management, National Oceanic and Atmospheric Administration, you requested, with the Appellant's consent, a two-month stay of this appeal so that the Appellant and the State could conduct informal settlement negotiations. The request for a stay was granted. During the pendency of the stay, the State and the Appellant reached an agreement on modifications to the State's alternative proposals that would make the activity consistent with the State's Coastal Management Program. Accordingly, the Appellant has requested that the appeal be withdrawn in a joint settlement agreement entered into and submitted to the administrative record by the Appellant and the State.



Accordingly, the appeal is hereby dismissed, with prejudice. The Appellant is barred from filing another appeal from the State's objection to its original consistency certification. This is a final agency action for purposes of judicial review.

Sincerely,

A handwritten signature in cursive script that reads "Margo E. Jackson". The signature is written in dark ink and is positioned above the typed name.

Margo E. Jackson  
Assistant General Counsel  
for Ocean Services

cc: Nathan R. Fenno, Esquire  
Ms. Elaine Kaiser



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CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Nathan R. Fenno, Esquire  
Vice President - Law  
Staten Island Railway Corporation  
1 Railroad Avenue  
Cooperstown, New York 13326

Dear Mr. Fenno:

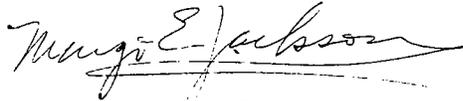
By your letter dated September 2, 1992, to the Secretary of Commerce (Secretary) on behalf of Staten Island Railway Corporation (Appellant), the Appellant filed a notice of appeal pursuant to section 307(c)(3)(A) of the Coastal Zone Management Act of 1972 (CZMA), as amended, 16 U.S.C. §§ 1451 et seq., and implementing regulations at 15 C.F.R. Part 930, Subpart H. The appeal is taken from an objection by the New York State Department of State (State) to the Appellant's consistency certification accompanying its application to the Interstate Commerce Commission requesting authority to abandon or discontinue operations over a 9.23 mile line of railroad.

By letter dated November 4, 1992, Mr. William Sharp, Associate Attorney for the State, wrote to Ms. Trudy Coxe, Director, Office of Ocean and Coastal Resource Management, National Oceanic and Atmospheric Administration, requesting on behalf of the State, a two-month stay of this appeal so that the Appellant and the State could conduct informal settlement negotiations. The request for a stay was granted. During the pendency of the stay, the State and the Appellant reached an agreement on modifications to the State's alternative proposals that would make the activity consistent with the State's Coastal Management Program. Accordingly, the Appellant has requested that the appeal be withdrawn in a joint settlement agreement entered into and submitted to the administrative record by the Appellant and the State.



Accordingly, the appeal is hereby dismissed, with prejudice. The Appellant is barred from filing another appeal from the State's objection to its original consistency certification. This is a final agency action for purposes of judicial review.

Sincerely,

A handwritten signature in cursive script that reads "Margo E. Jackson". The signature is written in dark ink and is positioned above the typed name.

Margo E. Jackson  
Assistant General Counsel  
for Ocean Services

cc: William L. Sharp, Esq.  
Ms. Elaine Kaiser