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

MAR 26 1997

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. G. Marvin Kuffskie
13720 Puerto Drive
Ocean Springs, MS 39564

Dear Mr. Kuffskie:

You have appealed the objection of the Alabama Department of Environmental Management to your proposed project to dredge a canal from an existing man-made pond to an existing man-made canal connected to Cotton Bayou in Orange Beach, Baldwin County, Alabama. The appeal arises 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.

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. § 930.128. On January 14, 1997, a 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 returned by the postal service, you received that letter on January 22, 1997. 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 State of Alabama's objection to

this permit application. This is a final agency action for purposes of judicial review.

Sincerely,

Diana H. Josephson

Diana H. Josephson

cc: Mr. E. John Williford, Chief
Field Operations Division
Alabama Dept. of
Environmental Management