



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

APR 3 2001

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Joan Marchioro  
Assistant Attorney General  
Office of Attorney General of Washington  
P.O. Box 40117  
Olympia, Washington 98504-0117

Dear Ms. Marchioro:

By letters dated July 17 and August 19, 1998, the Port of Seattle (Appellant) filed with the Secretary of Commerce notices of appeal pursuant to section 307(c)(3)(A) of the Coastal Zone Management Act of 1972, as amended, (CZMA), 16 U.S.C. §§ 1451 et seq., and the Department of Commerce's implementing regulations at 15 C.F.R. Part 930, subpart H. The first appeal is taken from an objection by the State of Washington (State) to the Appellant's consistency certification for a Clean Water Act section 404 permit to construct a runway and airport support facilities at Seattle-Takoma International Airport. The second appeal is taken from a later "conditional concurrence" by the State with the same consistency certification.

These appeals had been stayed pending disposition of parallel appeals that had been filed simultaneously by the Port of Seattle with the Washington Pollution Control Hearing Board (Board). The two appeals before the Board have been dismissed. With the dismissal of the appeals pending before the Board, the Appellant has requested that the two consistency appeals be dismissed by its counsel's letter to Karl Gleaves, Assistant General Counsel for Ocean Services. The State concurs with that request.



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

Sincerely,



Scott B. Gudes  
Acting Under Secretary  
for Oceans and Atmosphere/Administrator  
and Deputy Under Secretary

cc: Stephen G. Jones  
Attorney for Appellant  
Tom Mueller, COE



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

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Tom McDonald  
Assistant Attorney General  
Office of Attorney General of Washington  
629 Woodland Square Loop S.E.  
Lacey, Washington 98503

Dear Mr. McDonald:

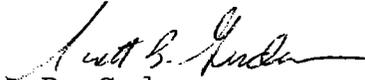
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Stephen G. Jones  
Foster Pepper & Shefelman, PLLC  
1111 Third Avenue, Suite 3400  
Seattle, Washington 98101

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Assistant Attorney General  
State of Washington  
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