

UNITED STATES DEPARTMENT OF COMMERCE
Herbert C. Hoover Building
14th Street and Constitutional Avenue, N.W.
Washington D. C. 20230

VILLA MARINA YACHT HARBOUR, INC. *
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PETITIONER *
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CASE NUM.:CZM-2001-0529-117
JOINT APPLICATION #178
USACE NUM. 198800516(IP-VG)

NOTICE OF APPEAL

TO THE HONORABLE SECRETARY:

COMES NOW, Petitioner Villa Marina Yacht Harbour, Inc.(“VMYH”), through the undersigned attorney who very respectfully informs, states and moves as follows:

Petitioner received on October 1, 2003 Notice from the Puerto Rico Planning Board (“PRPB”) dated September 26,2003 objecting Petitioners request for Consistency Determination under 15 CFR 930.1. The Notice was received on September 31, 2003

2. Petitioner wishes to Appeal such determination of Objection to the Coastal Zone Consistency Determination pursuant to 15 CFR 930.

3. Petitioner bases its Appeal on the grounds that the proposed activity, a marina expansion is consistent either the objectives and purposes of the Coastal Zone Management Act (15 CFR 930.121

4. Furthermore, petitioner contends that the Puerto Rico Planning Board (“PRPB”) did not act under the time allowed by the act and thus it should have been interpreted that it did not object, and that it did not follow correct local and CZM Act procedures and was bias in its determination.

5. Petitioner believes it has submitted al required information and complied with sections 930.57 and 930.58 of the Act (15 CFR 930), including all requirements listed in the objection letter, and that its objections, decisions and procedures in the instant case have been in contravention of the Act.

Furthermore, the proposed activity (existing marina expansion) is consistent with the objectives and purpose of the Coastal Zone Management Act and "PRCMP"¹.

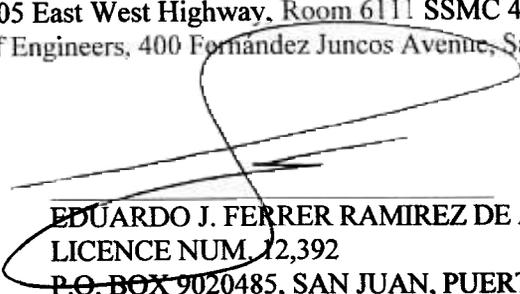
6. The proposed marina expansion, which was already approved and certified compatible in the past, is consistent with the objectives and purpose of the Act as defined in Section 930.121, as it better serves the public interest in facilitating marina and docking services (admiralty) that is consistent with the current use and development of the area, Interstate Commerce and the public need for marina services, that is compatible with the current land use and development of the area and that represent the best way to provide such services to the general public.

7. Petitioner has complied with all required information requirements, and has produced an unprecedented compilation of Oceanographic studies to justify such development and has complied with all requirements listed for consistency with the "PRCMP".

Wherefore, Petitioner hereby files its Notice of Appeal.

RESPECTFULLY SUBMITTED.

I hereby Certify that a copy of the present document was sent via certified mail to Puerto Rico Planning Board, PO Box 41119, San Juan, Puerto Rico 000940-1119; Assitant General Counsel For Ocean Services (GCOS), 1305 East West Highway, Room 6111 SSMC 4, Silver Spring Maryland 20910; United Sated Army Corps of Engineers, 400 Fernández Juncos Avenue, San Juan, Puerto Rico 00901-3299.



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¹ The PRCMP was submitted to NOAA on July 12, 1978.