



United States
Department of
Agriculture

Forest
Service

Southwestern Region 3
Carson National Forest

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File Code: 1570-1

Date: May 17, 2004

Mr. Bill Stern
Forest Guardians
312 Montezuma Street, Suite A
Santa Fe, New Mexico 87501

**CERTIFIED MAIL – RETURN
RECEIPT REQUESTED
NUMBER: 7000 1530 0003 5303 4327**

RE: Appeal #04-03-02-0002-A215, Spring Creek Allotment, Tres Piedras Ranger District, Carson National Forest

Dear Mr. Stern:

The purpose of this letter is to inform you that the Carson National Forest received your appeal of District Ranger Ernesto Hurtado's decision on the Spring Creek Allotment by e-mail on April 29, 2004 and was filed in a timely manner. However after checking the record, neither you as an individual, nor Forest Guardians as an organization submitted comments during the 30-day comment period for the Spring Creek allotment environmental assessment.

The project record documents that the District Ranger sent the proposed action for the Spring Creek Allotment to Forest Guardians and/or Bill Stern on July 11, 2003 (PR #45). The legal notice for comment was published in *The Taos News*, the newspaper of record, on July 17, 2003 (PR#46), with comments to be submitted within 30 days of publication to have appeal eligibility. The record shows no oral or written comments on the Spring Creek allotment from you or Forest Guardians (PR#45), until your appeal was received by the Carson National Forest on April 29, 2004.

The purpose of the 30-day comment period is to provide an opportunity for the public to comment on the proposed action prior to a decision by the responsible official, and make the appeal process available to those who submit substantive comments during the comment period (36 CFR 215.1).

I am dismissing your appeal due to lack of substantive comments submitted by you or Forest Guardians during the comment period in accordance with 36 CFR 215.13 (a) and 215.16 (6) regulation. In the future, I encourage you to provide oral, written or electronic comments to the responsible official prior to the end of the notice and comment period. This decision constitutes the final administrative determination of the Department of Agriculture (36 CFR 215.18(c.)).

If you have questions regarding this decision, please contact Constance Smith of Appeals and Litigation in the Regional Office (505-842-3223) or Audrey Kuykendall in Carson's Supervisor's Office (505-758-6212).

Sincerely,

MARTIN D. CHAVEZ, JR.
Appeal Deciding Officer

cc: Constance Smith, Ernesto Hurtado

