



United States
Department of
Agriculture

Forest
Service

Cibola National Forest
and National Grasslands

2113 Osuna Road, NE, Suite A
Albuquerque, NM 87113-1001
(505) 346-3900 FAX: 346-3901

File Code: 1570-1

Date: September 6, 2005

Billy Stern
Forest Guardians
312 Montezuma Street, Suite A
Santa Fe, NM 87501

CERTIFIED MAIL – RETURN RECEIPT REQUESTED
(7003 1010 0005 0060 5262)

RE: Appeal #05-03-03-0003-A215, Consolidated Grazing Allotments in Dallam County, Texas,
Rita Blanca National Grassland, Cibola National Forest

Dear Mr. Stern:

The purpose of this letter is to inform you that the Cibola National Forest has received your appeal of District Ranger Nancy Wall's decision on the Consolidated Grazing Allotments in Dallam County, Texas by e-mail on June 16, 2005, which was filed in a timely manner. However, after checking the project record, neither you as an individual, nor Forest Guardians as an organization, submitted comments to the environmental assessment during the 30-day comment period for the Consolidated Grazing Allotments in Dallam County.

The project record shows that the District Ranger mailed the environmental assessment for the Consolidated Grazing Allotments in Dallam County to Forest Guardians on March 22, 2005. The legal notice for the 30-day comment period was published in the *Dalhart Daily Texan* in Dalhart, Texas, the newspaper of record, on March 24, 2005. That notice requested comments to be submitted within 30 days of publication in order to have appeal eligibility. That comment period ended on April 25, 2005. The project record shows that no oral or written comments on the Consolidated Grazing Allotments in Dallam County were received from you or Forest Guardians, until the Cibola National Forest received a fax of your comments from your office on June 5, 2005.

The purpose of the 30-day comment period is to provide an opportunity for the public to comment on a 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 a lack of substantive comments submitted by you or Forest Guardians during the 30-day comment period in accordance with 36 CFR 215.13 (a) and 215.15 (a)(6) regulation. In the future, I encourage you to check the e-mail address carefully to ensure that your comments are received by 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 any questions regarding this decision, please contact Constance Smith of Appeals and Litigation in the Regional Office at (505) 842-3223 or Deborah Walker in the Cibola National Forest Supervisor's Office at (505) 346-3888.

Sincerely,

/s/ Nancy Rose
NANCY ROSE
Forest Supervisor

cc:
Constance J Smith
Nancy Walls
Berwyn Brown
Deborah L Walker