



United States
Department of
Agriculture

Forest
Service

R3 Regional Office

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File Code: 1570/2200

Date: November 26, 2003

Laurele Fulkerson
Grazing Program Director
Forest Guardians
312 Montezuma
Suite A
Santa Fe, NM 87501

RE: Appeal #04-03-00-0005-A215, 13 Mile Rock Allotment, Coconino National Forest.

Dear Ms. Fulkerson:

We received your appeal of the Environmental Assessment, Decision Notice and Finding of No Significant Impact for the 13 Mile Rock Allotment on November 25, 2003. In accordance with 36 CFR §215.13 (c), *“the appellant is responsible for submitting an appeal on or before the last day of the appeal filing period. Where there is a question about timeliness of an appeal, the U.S. Postal Service postmark on a mailed appeal...will be used to determine timeliness.”*

The official notice of this decision was published in the *Arizona Daily Sun* on October 10, 2003. The appeal period runs for 45 days following publication and in this instance, the appeal period closed on November 24, 2003. Your appeal arrived via fax on November 25, 2003 and is imprinted with that date as well. In accordance with 36 CFR §215.15(a), *“an appeal Deciding Officer shall dismiss an appeal without review when: (1) the appeal is not postmarked or the facsimile is not date imprinted within the 45-day appeal filing period in accordance with section 215.13...”* therefore, your appeal is dismissed.

The appeal regulations do not permit me the flexibility to grant an extension of time on your appeal (36 CFR §215.13(d)). I encourage you to submit your written appeal by mail or facsimile well before the close of the 45-day appeal filing period.

This dismissal decision constitutes the final administrative determination of the Department of Agriculture (36 CFR §215.18(c)).

Sincerely,

/s/ Lucia M. Turner
LUCIA M. TURNER
Appeal Deciding Officer, Deputy Regional
Forester

cc: Rodger Zanotto, Berwyn Brown, Mailroom R3 Coconino, Ken Anderson, Larry Sears, Jerry W Bradley

