



United States  
Department of  
Agriculture

Forest  
Service

R3 Regional Office

333 Broadway SE  
Albuquerque, NM 87102  
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File Code: 1570

Date: April 2, 2003

David Hodges  
Executive Director  
Sky Island Alliance  
738 N. 5th Avenue  
Suite 201  
Tucson, AZ 85701

**CERTIFIED MAIL – RETURN  
RECEIPT REQUESTED  
NUMBER: 7099 3220 0000 8708 2780**

Dear Mr. Hodges

Your appeal of grazing decisions on the Pinaleno Allotments, located on the Coronado National Forest, was received in the Regional Forester's electronic inbox on March 18, 2003. To date, we have not received a paper copy of your appeal.

The appeal regulation at 36 CFR 215.13(a) requires that any appeal be written and filed within the 45- day appeal filing period specified in the public notice published pursuant to § 215.9. The regulation also states that evidence of timely filing is the United States Postal Service postmark on a mailed appeal or time and date imprint on a facsimile appeal, 36 CFR 215.13(c). The current regulations make no provision for filing appeals through electronic mail.

The legal notice for appeal of these decisions provided that appeals must be filed with the Regional Forester at 333 Broadway SE, Albuquerque, New Mexico, 87102 within 45 days of the date of publication. The end of the 45-day appeal filing period was March 17, 2003.

I am dismissing your appeal without review because it was filed electronically and was untimely. This decision to dismiss your appeal is the final administrative decision of the Department of Agriculture.

Sincerely,

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

cc: Christina Gonzalez, Berwyn Brown, Mailroom R3 Coronado

