



United States
Department of
Agriculture

Forest
Service

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File Code: 1570

Date: December 20, 2002

Sherry Farr-Laney
Diamond Bar Cattle Company
HC-65, Box 225
Logan, NM 88426

CERTIFIED MAIL 7001 1140 0003 5956 2336
RETURN RECEIPT REQUESTED

RE: Appeal No. 03-03-06-0013

Dear Ms. Farr-Laney:

On December 9, 2002, I received your letter appealing the November 7, 2002 decision of District Ranger, Annette Chavez, to deny your application for a grazing permit on the Diamond Bar allotment.

As per 36 CFR 251.86, only an applicant who, in response to a prospectus or written solicitation or other notice by the Forest Service, may participate in the appeals process provided under 36 CFR 251. In addition, as per 36 CFR 251.82, decisions subject to appeal must involve a written instrument to authorize use of the National Forest.

There has been no prospectus, written solicitation or other notice proposing to re-initiate grazing on the Diamond Bar allotment. In addition, there is no grazing permit to occupy and use National Forest System lands on the Diamond Bar allotment. Because of the absence of these conditions, you are not eligible to appeal the District Ranger's decision under this subpart. Therefore, as per 36 CFR 251.92 (a)(1), I am dismissing your appeal and closing the record.

This decision is subject to discretionary review by the Regional Forester as provided for in 36 CFR 251.87(d). Therefore, a copy of my decision has been forwarded to the Regional Office.

Sincerely,

/s/ Paul Boucher (for)
MARCIA R. ANDRE
Forest Supervisor

cc:
Regional Forester

