



United States
Department of
Agriculture

Forest
Service

Lincoln National Forest

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File Code: 1570-1/2210-1

Date: January 7, 2005

Michael Van Zandt
McQuaid, Bedford, and Van Zandt
221 Main Street, 16th Floor
San Francisco, CA 97105-1936

**CERTIFIED MAIL – RETURN
RECEIPT REQUESTED
NUMBER:
7001-0320-0003-8427-1255**

Subject: Administrative Appeal Decision, Appeal #04-03-08-0003-A251

Dear Mr. Van Zandt:

On July 28, 2004, Sacramento District Ranger, Frank Martinez made a decision to implement Alternative B as described in the Final Environmental Impact Statement for the Sacramento, Dry Canyon and Davis Grazing Allotments, with minor modifications as described in the Record of Decision.

On September 22, 2004, I informed you that we accepted your notice of appeal per 36 CFR 251.91 and that I would process this appeal per 36 CFR 251 regulations.

On November 1, 2004, I transmitted to you the responsive statement of the deciding officer, Sacramento District Ranger Frank Martinez, providing twenty days for you to provide me input (36 CFR 251.94(c)).

On December 7, 2004, I informed you that I closed the official appeal record (36 CFR 251.98 (d)). The record reflects that neither you nor the appellant have provided input regarding the responsive statement nor was an oral presentation or a stay of implementation of this decision requested. This letter also informed you that I would deliver my decision on your appeal in 30 days.

Based on a review of the appeal record, I find that the Deciding Officer's decision is in conformance with applicable laws, regulations, orders, policies and procedures (36 CFR 251.99). I find no evidence that indicates the Deciding Officer has acted in an arbitrary and capricious manner. The Deciding Officer's decision is affirmed. This constitutes the first level review decision.

My decision is subject to a second level of appeal provided in 36 CFR 251.87. An appeal for a second level of review must be filed with the Regional Forester within 15 days of the first level review decision.

Sincerely,

/s/ Jose M. Martinez
JOSE M. MARTINEZ
Appeal Reviewing Officer



cc: Frank R Martinez, David M Stewart, Mary Ann Joca, Larry Cospers, Doug Moore, Michael Nivison, Jimmy Goss, Patrick L Jackson, Constance J Smith