



United States
Department of
Agriculture

Forest
Service

Santa Fe National Forest

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File Code: 1570-1/2230-3

Date: December 29, 2003

William J. Lynch
President
Barbero Livestock Association
P.O. Box 4952
Santa Fe, NM 87502

Certified Mail: 7003 0500 0005 1470 0275
Return Receipt Requested

RE: Appeal #04-03-10-0005-A251, Removal of Livestock, Barbero Allotment, Pecos/Las Vegas Ranger District, Santa Fe National Forest

Dear Mr. Lynch;

I received your appeal of Ranger Reddan's direction to remove your livestock from the Barbero allotment. Based on information included in your notice of appeal, I must assume you are referring to his letter dated October 23, 2003. In accordance with 36 CFR 251.88 (b), *"It is the responsibility of those filing an appeal to file the notice of appeal by the end of the filing period." In the event of questions, legible postmarks will be considered evidence of timely filing.*

The appeal period runs for 45 days following the Deciding Officer's written notice of the decision; and, if this was an appealable decision, the appeal period closed December 8, 2003. Your appeal was dated December 22, 2003 and postmarked December 23, 2003. In accordance with 36 CFR 251.92(a), *"The Reviewing Officer shall dismiss an appeal and close the record without a decision on the merits when: (2)Appellants notice of appeal is not filed within the required time period."* 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 251.89(a)).

I strongly suggest you continue to work with Ranger Reddan in achieving proper resource management on the Barbero allotment. Direction you receive from Ranger Reddan to implement a decision previously included within the Annual Operating Instructions for the Barbero allotment may not be subject to appeal.

This dismissal decision is subject to discretionary review at the next administrative level as provided for in 36 CFR 251.87(d).

Sincerely,

/s/ Gilbert Zepeda
GILBERT ZEPEDA
Forest Supervisor

cc: Christina Gonzalez, Joe Reddan

