



United States  
Department of  
Agriculture

Forest  
Service

R3 Regional Office

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File Code: 1570/2700

Date: October 20, 2004

James R. Scarantino  
714 Montclair NE  
Albuquerque, NM 87110

Dear Mr. Scarantino,

I received your letter of September 29, 2004, appealing Forest Supervisor Zepeda's decision to dismiss Mr. Berryman's appeal of District Ranger Joe Reddan's decision to deny an outfitter-guide permit in the Pecos Wilderness. Under the 36 CFR§251.86(a) appeal regulations, only an applicant as defined in that section may participate in the appeals process. Mr. Berryman does not meet this definition as the District Ranger did not solicit an application for this type of permit. Your September 29, 2004, appeal of Forest Supervisor's Zepeda's decision is hereby dismissed because Mr. Berryman is not eligible to appeal the decision under this regulation (36 CFR§251.92(a)(1)).

This procedural decision to dismiss your appeal is the final administrative determination of the Department of Agriculture.

Sincerely,

/s/ Abel M. Camarena  
ABEL M. CAMARENA  
Appeal Reviewing Officer, Deputy Regional  
Forester

cc: Gilbert Zepeda, Michael Frazier, Joe Reddan, Judy Yandoh, Constance J Smith, Cassandra Currie

