



United States  
Department of  
Agriculture

Forest  
Service

Santa Fe National Forest

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**File Code:** 1570-1/2230-3

**Date:** April 25, 2005

Jacobo Salazar  
P.O. Box 1881  
Española, NM 87532

RE: Appeal #05-03-10-0007-A251, Annual Operating Instructions for Youngsville Allotment, Coyote Ranger District, Santa Fe National Forest

Dear Mr. Salazar:

On April 20, 2005 I received your appeal (postmarked April 19, 2005) of the 2005 Annual Operating Instructions for the Youngsville allotment issued by Ranger Sanchez. Based on information included in your notice of appeal, I must assume you are referring to his letter dated February 24, 2005.

In accordance with 36 CFR 251.88, *"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. The time period for filing a notice of appeal of a decision under this subpart begins on the first day after the Deciding Officer's written notice of the decision. Time periods applicable to this subpart are computed using calendar days... when the filing period would expire on a Saturday, Sunday or Federal holiday the filing period is extended to the end of the next Federal working day. If, the February 24, 2005 Annual Operating Instructions are the focus of your appeal, then the appeal period closed April 11, 2005.*

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 Sanchez in achieving proper resource management on the Youngsville Allotment. Ranger Sanchez should be able to answer your questions regarding the basis for his statements in the previously mentioned Annual Operating Instructions

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: Francisco B Sanchez, Berwyn Brown, Constance J Smith

