



United States
Department of
Agriculture

Forest
Service

Santa Fe National Forest

1474 Rodeo Road
P.O. Box 1689
Santa Fe, New Mexico 87504-1689
505-438-7840 FAX 505-438-7834

File Code: 1570-1

Date: November 19, 2004

Billy Stern
Grazing Program Coordinator
Forest Guardians
312 Montezuma Street, Suite A
Santa Fe, NM 87501

CERTIFIED MAIL
RECEIPT REQUESTED
No: 7002 0860 0007 4459 7904

RE: Appeal #05-03-10-0005-A215, Bull Creek, Cow Creek, Macho, and Soldier Creek, Valle Osha
Grazing Allotments, Pecos-Las Vegas Ranger District, Santa Fe National Forest

Dear Mr. Stern:

The purpose of this letter is to inform you that the Santa Fe National Forest received your appeal of District Ranger Joseph Reddan's decision on the above named grazing allotments. Your appeal was received via e-mail on October 22, 2004, which was filed in a timely manner. However, after reviewing the project record, I have determined that neither you as an individual nor Forest Guardians, as an organization, submitted comments during the 30-day comment period for the subject grazing allotments' environmental assessment.

The project record shows that the District Ranger mailed the proposed action for these grazing allotments to Forest Guardians on or about August 2, 2004. The legal notice for comment on the proposed action was published in the *Albuquerque Journal*, the newspaper of record, on August 4, 2004. That notice required that comments be submitted within 30 days of the publication date in order to have appeal eligibility (36 CFR 215.13(a)). The project record shows that no written or oral comments on the subject grazing allotments were received from you or Forest Guardians, until the Santa Fe National Forest received your appeal on October 22, 2004.

Therefore, I am dismissing your appeal due to a lack of substantive comments submitted by you or Forest Guardians during the 30-day comment period in accordance with 36 CFR 215.13 (a) and 215.15 (a)(6). This decision constitutes the final administrative determination of the Department of Agriculture (36 CFR 215.18 (c)).

If you have any questions regarding this decision, please contact Constance Smith of Appeals and Litigation in the Regional Office at (505) 842-3223 or Allen Fowler in the Santa Fe National Forest Supervisor's Office at (505) 438-7821.

Sincerely,

/S/ MIKE FRAZIER

GILBERT ZEPEDA
Forest Supervisor
cc: Joe Reddan, Julie A True, Constance J Smith

