



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: July 5, 2005

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

CERTIFIED MAIL – RETURN RECEIPT REQUESTED
No:

RE: Appeal No. 05-03-10-0009-A215 San Diego Range Allotment FEIS Record of Decision

Dear Mr. Stern:

The purpose of this letter is to inform you that the Santa Fe National Forest received your appeal of Acting District Ranger Gary K. Ziehe decision on the above named grazing allotment, which was filed in a timely manner co-jointly with the Center for Biological Diversity on June 29, 2005. However, after reviewing the project record, I have determined that neither you as an individual nor Forest Guardians submitted comments during the 45-day comment period for the subject range allotment's Draft Environmental Impact Statement (DEIS).

The project record shows that the Acting District Ranger mailed the DEIS to Forest Guardians on or about August 30, 2004. The legal notice for comment on the DEIS was published in the *Albuquerque Journal*, the newspaper of record, on September 14, 2004. That notice required that comments be submitted within 45 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 San Diego Range Allotment DEIS were received from you as an individual or Forest Guardians. The only comments we have are those you emailed to Allen Fowler, Acting Forest Planner, on May 25, 2005 subsequent to a telephone conversation between you and Acting District Ranger Gary Ziehe on May 23, 2005 when you inquired as to why Forest Guardian's comments on the DEIS had not been addressed in the FEIS.

Therefore, I am dismissing your appeal due to a lack of substantive comments submitted by you or Forest Guardians during the 45-day comment period in accordance with 36 CFR 215.16. 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 the Appeals and Litigation Staff 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/ Gilbert Zepeda
GILBERT ZEPEDA
Forest Supervisor

