



File Code: 1570-1
#02-04-00-0012
Date: February 25, 2002

Mr. James W. Birchim
Tribal Chairman
Yomba Shoshone Tribe
HC 61 Box 6275
Austin, NV 89310-9301

Dear Chairman Birchim:

We received your November 30, 2001, appeal of District Ranger Crabtree's decision on the Underdown Canyon Experimental Burn. I regret to inform you that I must dismiss your appeal because it was received after the end of the appeal period. The appeal period closed on November 19, 2001, and your appeal was not postmarked until December 3, 2001. The appeal regulations do not allow us to extend the appeal period (36 Code of Federal Regulations (CFR) 215.13(d)).

In your appeal, you cited 36 CFR 215.13(e), which allows interested parties to send comments regarding an appeal up to 15 days after the appeal period closes. An interested party is a person other than the appellant who provides comments about an appeal. The section does not apply to the person filing the appeal, or appellant.

In your appeal, you raised issues of federal jurisdiction, the Ruby Valley Treaty of 1863, and tribal property rights. I agree that these issues are important and would like to discuss them with you, but our appeals process is not the best way to achieve this. The process is narrowly focused on individual projects and is limited by the regulations.

I am instructing Humboldt-Toiyabe National Forest Supervisor Bob Vaught to call you and arrange to meet with you, at your convenience, to discuss these issues. Also, I would be happy to join this meeting if you think it would be helpful. I hope we can develop a long-term relationship with your government so that we can continue to discuss issues of importance to the Yomba Shoshone Tribe.

Sincerely,

/s/ Jack G. Troyer

JACK G. TROYER
Acting Regional Forester

cc:
Humboldt-Toiyabe NF: B. Vaught, D. Arrasmith
Austin RD: L. Crabtree

