



United States  
Department of  
Agriculture

Forest  
Service

Humboldt-Toiyabe  
National Forest

1200 Franklin Way  
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(775) 331-6444 Fax (775) 355-5399

**File Code:** 1570-1  
#08-04-17-0020 A215  
**Date:** January 7, 2008

Robert McKay  
McKay Brothers  
P.O. Box 17  
Smith, NV 89430

**CERTIFIED MAIL – RETURN RECEIPT REQUESTED**

Dear Mr. McKay:

We have received the appeal you filed on behalf of McKay Brothers. You appealed the decision by Bridgeport District Ranger Cheryl Probert approving the Environmental Impact Statement and Record of Decision for the Great Basin South Rangeland project.

Your appeal was received by fax on December 29, 2007. The deadline for filing an appeal on this project was November 23, 2007. Therefore, I am dismissing your appeal because it was not timely filed (36 CFR 215.16(a)(1)). This decision constitutes the final administrative determination of the United States Department of Agriculture under 36 CFR 215.18(c).

However, I want to let you know that the decision has been reversed as a result of my review of another appeal. The District Ranger or her staff will contact you to discuss how this affects your allotment.

In your appeal, you alleged that the decision constitutes discrimination based on race. Claims of discrimination are not subject to appeal under the 36 CFR 215 appeal procedures. However, I have referred your letter to our Civil Rights section for appropriate action. If you have any questions about this concern, please contact Sherry Neal at (801) 625-5806.

Sincerely,

*/s/ Edward C. Monnig*  
EDWARD C. MONNIG  
Forest Supervisor

