



**United States
Department of
Agriculture**

**Forest
Service**

**Southwestern
Region**

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File Code: 1570-1

Date: November 2, 1998

Forest Guardians
c/o John Horning
1413 Second Street, Suite One
Santa Fe, NM 87505

Certified Mail - Return Receipt Requested
Z 095 964 175

Re: Appeal #99-03-00-0002-A215 Black Copper/Red River Allotment, Questa RD, Carson National Forest

Dear Mr. Horning:

This letter is to inform you that the Regional office has received the above mentioned appeal for review on October 14, 1998.

Through our process of determining a timely filing of an appeal, a procedural error was discovered which was inconsistent with 36 CFR 215.9 "Notice of Decisions". The Forest failed to publish the notice of the decision in a newspaper of general circulation as per 36 CFR 215 regulations.

The Forest has been notified of the error and they are proceeding with the publication in "The Taos News" local paper. The appeal period does not begin until the date of publication, therefore, your appeal is premature. Your appeal is being dismissed without review pursuant to 36 CFR 215(a)(1) since the appeal period was not initiated. You may elect to resubmit your appeal within 45 days of the publication date.

Sincerely,

/s/Alan Defler (for)
JOHN R. KIRKPATRICK
Appeal Deciding Officer
Deputy Regional Forester, Resources

cc:
Forest Supervisor, Carson NF
Questa RD
D.Stewart
P.Jackson
D.Sire

Enclosure: Letter to Carson NF

