



United States  
Department of  
Agriculture

Forest  
Service

Cibola National Forest  
and National Grasslands

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**File Code:** 1570-1  
**Date:** June 22, 2004

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

**CERTIFIED MAIL -  
RECEIPT REQUESTED  
NUMBER: 7000 1530 0000 5726 6444**

RE: Appeal #04-03-03-0003-A215, Horse Mountain/Deep Canyon Grazing Allotments, Magdalena Ranger District, Cibola National Forest

Dear Mr. Stern:

The purpose of this letter is to inform you that the Cibola National Forest has received your appeal of District Ranger Dennis Aldridge's decision on the Horse Mountain/Deep Canyon Grazing Allotments by e-mail on June 1, 2004, which was filed in a timely manner. However, after checking the project record, neither you as an individual, nor Forest Guardians as an organization submitted comments during the 30-day comment period for the Horse Mountain/Deep Canyon environmental assessment.

The project record shows that the District Ranger mailed the proposed action as part of the environmental assessment for the Horse Mountain/Deep Canyon grazing allotments to Forest Guardians on December 23, 2003. The legal notice for comment was published in the *El Defensor Chieftan* in Socorro, New Mexico, the newspaper of record, on December 27, 2003. That notice requested comments to be submitted within 30 days of publication in order to have appeal eligibility. The project record shows that no oral or written comments on the Horse Mountain/Deep Canyon grazing allotments were received from you or Forest Guardians, until the Cibola National Forest received your appeal on June 1, 2004.

The purpose of the 30-day comment period is to provide an opportunity for the public to comment on a proposed action prior to a decision by the responsible official, and make the appeal process available to those who submit substantive comments during the comment period (36 CFR 215.1).

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) regulation. In the future, I encourage you to provide comments to the responsible official prior to the end of the notice and comment period. 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 Deborah Walker in the Cibola Supervisor's Office at (505) 346-3888.

Sincerely,

/s/ Cynthia S. Correll (for)  
Appeal Deciding Officer

cc: Constance Smith, Dennis Aldridge, Ber Brown

