



United States  
Department of  
Agriculture

Forest  
Service

Southwestern  
Region

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File Code: 1570-1

Date: February 4, 1999

Jeff Burgess  
1922 E. Orion Street  
Tempe, AZ 85283

Certified Mail - Return Receipt Requested  
Z 095 964 198

Re: Appeal #99-03-00-0024-A215, Windmill Allotment, Coconino National Forest

Dear Mr. Burgess:

This letter is to inform you that the Regional Office has received the above mentioned appeal for review, pursuant to 36 CFR 215 regulations, on January 21, 1999.

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 Arizona Daily Sun 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/ John R. Kirkpatrick

JOHN R. KIRKPATRICK  
Appeal Deciding Officer  
Deputy Regional Forester, Resources

cc:

Forest Supervisor, Coconino NF  
Rangeland Management, R3  
Appeals and Litigation, R3  
EAP, R3

Enclosure: Letter to Coconino NF

