



United States
Department of
Agriculture

Forest
Service

Southwestern
Region

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File Code: 1570-1 (2400)

Date: January 12, 2001

Mr. Sam Hitt
Forest Guardians
1411 Second Street
Santa Fe, NM 87505

**CERTIFIED MAIL -- RETURN RECEIPT
REQUESTED**

RE: Corner Mountain Fire Salvage Appeal #01-03-00-0013-A215,
Reserve Ranger District, Gila National Forest

Dear Mr. Hitt:

We received your appeal of the Environmental Assessment, Decision Notice and Finding of No Significant Impact for the Corner Mountain Fire Salvage on January 2, 2001. In accordance with 36 CFR 215.13 (c), *"the appellant is responsible for submitting an appeal on or before the last day of the appeal filing period. Where there is a question about timeliness of an appeal, the U.S. Postal Service postmark on a mailed appeal ... will be used to determine timeliness."*

The official notice of this decision was published in the *Silver City Daily Press and Independent* on November 7, 2000. The appeal period runs for 45 days following publication; and in this instance, the appeal period closed on December 22, 2000. Your appeal was dated and postmarked December 26, 2000. In accordance with 36 CFR 215.15(a), *"an appeal Deciding Officer shall dismiss an appeal without review when: (1) the appeal is not postmarked or the facsimile is not date imprinted within the 45-day appeal filing period in accordance with section 215.13..."* Therefore, your appeal is dismissed.

The appeal regulations do not permit me the flexibility to grant an extension of time on your appeal (36 CFR 215.13(d)). I encourage you to submit your written appeal by mail or facsimile well before the close of the 45-day appeal filing period.

This dismissal decision constitutes the final administrative determination of the Department of Agriculture (36 CFR 215.18(c)).

Sincerely

/s/ James T. Gladen

JAMES T. GLADEN
Appeal Deciding Officer
Deputy Regional Forester, Resources



cc:

Forest Supervisor, Gila National Forest
District Ranger, Reserve Ranger District
Appeals/Litigation Staff, R3
Forestry Staff, R3