



United States  
Department of  
Agriculture

Forest  
Service

Gila National Forest  
Voice: 505.388.8201  
Fax: 505.388.8204  
TTD: 505.388.8489

3005 E. Camino del Bosque  
Silver City, NM 88061-7863

Internet: [www.fs.fed.us/r3/gila/](http://www.fs.fed.us/r3/gila/)

File Code: 1570

Date: July 25, 2003

Lee E. Peters  
Hubert & Hernandez, P.A.  
P.O. Drawer 2857  
2100 North Main, Suite One  
Las Cruces, NM 88004

CERTIFIED MAIL 7002 2030 0005 8833 8573  
RETURN RECEIPT REQUESTED

Re: Appeal 03-03-06-0017-A251

Dear Mr. Peters:

I have received your letter, dated July 18, 2003, on behalf of Lena K. Shellhorn, appealing the June 3, 2003 decision by District Ranger Larry Raley. Specifically, you have requested that the Decision modifying the permit be rescinded. District Ranger Raley's decision modifies the terms and conditions of the Term Grazing Permit issued to Lena K. Shellhorn on January 8, 1997.

On December 31, 2002, United States District Judge M. Christina Armijo ordered the Forest Service to modify the 1997 Term Grazing Permit for the Copper Creek Allotment as soon as possible so as to explicitly incorporate the standards and guidelines from the 1996 amendments to the Gila National Forest Plan into the permit and ensure the permit's consistency with the Gila National Forest Plan (as amended through 1996).

The permit modification that you are appealing was directed by Court Order and the Forest Service cannot grant the relief requested. Therefore, since the requested relief cannot be granted under existing law, fact, or regulation, I am dismissing your appeal, as provided by 36 CFR 251.92(a)(4).

This decision is subject to discretionary review by the Regional Forester as provided for in 36 CFR 251.92 (c).

Sincerely,

/s/ Stephen G. Libby (for)  
MARCIA R. ANDRE  
Forest Supervisor

cc:

Lena K. Shellhorn  
P.O. Box 97  
Glenwood, NM 88039

CERTIFIED MAIL 7002 2030 0005 8833 8580  
RETURN RECEIPT REQUESTED

