



**United States
Department of
Agriculture**

**Forest
Service**

**Quemado
Ranger District
505-773-4678**

**P.O. Box 159
Quemado, NM 87829
FAX 505-773-4114**

File Code: 1570/2210

Date: June 17, 1998

Karen Budd-Falen
L. Eric Lundgren
Budd-Falen Law Office, PC
623 West 20th Street
P.O. Box 346
Cheyenne, WY 82003-0346

CERTIFIED MAIL - RRR

**RE: Jordan Mesa and Taylor Creek 1998 AOP Appeal
and Request for Stay of Decision, 98-03-06-0001**

Dear Ms. Budd-Falen and Mr. Lundgren:

Your appeal and request for Stay of Decision on behalf of Fowler Cattle Company, concerning the April 22, 1998 annual operating plan (AOP) decision for the Jordan Mesa and Taylor Creek Allotments located in the Wilderness Ranger District of the Gila National Forest, was received in this office on June 8, 1998. As the decision you are appealing has been withdrawn by the Deciding Officer, your appeal and request for Stay of Decision is dismissed in accordance with 36 CFR 251.92(a) (6).

The basis for withdrawal of the decision is as follows: By letter dated 5/13/98, W.R. Fowler representing Fowler Cattle Company, requested personal convenience nonuse for a three year period, subject to extension. Mr. Fowler also requested 120 days to remove cattle from National Forest System lands that graze on the Taylor Creek and Jordan Mesa Allotments. It is Fowler Cattle Company's stated intent to have cattle removed from Taylor Creek Allotment and Jordan Mesa Allotment by July 15, 1998 and September 15, 1998, respectively.

District Ranger Sue Kozacek, by letter dated 5/13/98, approved Fowler Cattle Company's request for nonuse for personal convenience for a three year period. This approval of nonuse resulted in the need to develop a new annual operating plan which documents changes in livestock management as agreed upon with Fowler Cattle Company. The new annual operating plan, which supersedes the 4/22/98 AOP decision is attached along with Fowler Cattle Company's request for nonuse and Ranger Kozacek's approval of the nonuse request.



Karen Budd-Falen

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This decision to dismiss your appeal is not subject to discretionary review, 36 CFR 251.92(c).

Sincerely,

/s/ Abel M. Camarena
ABEL M. CAMARENA
Forest Supervisor

Enclosures

cc:
Fowler Cattle Company
Wilderness RD
RO