



United States
Department of
Agriculture

Forest
Service

Southwestern
Region

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File Code: 1570-1 (FOR)

Date: June 12, 1998

Mr. Bryan Bird
Forest Guardians
1413 Second Street
Santa Fe, NM 87505

CERTIFIED MAIL--
RETURN RECEIPT REQUESTED

RE: Scott Ecosystem Management Area Appeal #98-03-00-0027-A215
Kaibab National Forest

Dear Mr. Bird:

We received your appeal of the Scott Ecosystem Management Area on June 4, 1998. There was no evidence of a cancelled postmark anywhere on your envelope. The appeal regulations require that in order for the Forest Service to determine evidence of timely filing, "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 timelines of an appeal, the U.S. Postal Service postmark on a mailed appeal...will be used to determine timeliness." (36 CFR 215.13(c)). You had 45 days from the date of publication of the decision document in the Arizona Daily Sun on April 19, 1998 in which to file your appeal (36 CFR 215.13(a), 215.9). The appeal period closed on June 3, 1998. Lacking a cancelled postmark and the fact that we received your appeal on June 4, 1998, I must dismiss your appeal as untimely (36 CFR 215.13(a)(c)). 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/John R. Kirkpatrick
JOHN R. KIRKPATRICK
Appeal Deciding Officer
Deputy Regional Forester, Resources

cc:
Kaibab NF, C. Gonzalez, FOR

