



United States  
Department of  
Agriculture

Forest  
Service

Southwestern  
Region

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Albuquerque, NM 87102-0084  
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**File Code:** 1570-1 (FOR)

**Date:** August 23, 1999

Mr. Brian Segee  
Center for Biological Diversity  
P.O. Box 710  
Tucson, AZ 85702-0710

CERTIFIED MAIL--  
RETURN RECEIPT REQUESTED  
Z 506 822 048

RE: Spring Valley Urban/Wildlands Fuels Reduction Project Appeal Number  
#99-03-00-0089-A215, Kaibab National Forest

Dear Mr. Segee:

We received your appeal of the Spring Valley Urban/Wildlands Fuels Reduction Project. According to my review of the documentation, your appeal is untimely. 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."

Pursuant to 36 CFR 215.9(a) "the Responsible Official shall publish a notice of any decision...in a newspaper of general circulation identified pursuant to the requirements of 215.5(a)." The official newspaper of general circulation for the Kaibab National Forest is the *Arizona Daily Sun*.

The official notice of this decision was published in the *Arizona Daily Sun* on June 13, 1999. The appeal period runs for 45 days following publication and it closed on July 28, 1999. Your appeal was postmarked August 2, 1999. 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 in the future.

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

Sincerely,

/s/ Louis Volk Jr. for

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



cc:  
Kaibab NF  
Williams RD  
Appeals and Litigation Staff, R3