



United States
Department of
Agriculture

Forest
Service

Southwestern
Region

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File Code: 1570-1(2200)

Date: April 13, 2000

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RE: Sacramento Grazing Association

Dear Messers. Bryant & Nichols:

We are in receipt of your letter dated March 29, 2000, which references Forest Supervisor Jose Martinez' letter dated March 2, 2000.

Supervisor Martinez' March 2, 2000, letter denied Mr. Nichols' request to defer the release of the FEIS. The Forest Supervisor concluded that it is inappropriate to delay the release of the FEIS. Your March 29, 2000, letter includes a notice of appeal under *36 CFR part 251* of the Forest Supervisor's decision to proceed with the FEIS on the Sacramento allotment.

The March 2, 2000, letter did not make a decision that is appealable under Forest Service appeal regulations. The Code of Federal Regulations delineates which decisions are appealable and which are not. *36 CFR part 215* provides for appeals of National Environmental Policy Act (NEPA) decisions documented in a Record of Decision or Decision Notice [*36 CFR 215.7(a)*].

Regulations found at *36 CFR part 251* provide a process for those who hold written authorizations to appeal written decisions by an authorized Forest Service line officer, with regard to issuance, approval or administration of the written instrument [*36 CFR 251.80*].

In this case, the Forest Supervisor has not completed the NEPA process; therefore, there is no decision appealable under *36 CFR part 215*. Furthermore, the March 2, 2000, letter makes no decision regarding issuance, approval or administration of a written authorization, to use and occupy National Forest System Land. It merely expresses intent to continue the NEPA process



