



File Code: 1570-1

Date: September 7, 2001

JJJ Ranch
Attention Mark Dixon
P.O. Box 40
Nogal, NM 88341

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

RE: Appeal No. 01-03-08-003-A251, Lower Bonito and Loma Grande Allotments, Smokey Bear Ranger District, Lincoln National Forest

Dear Mr. Dixon:

On August 24, 2001 I received your letter of appeal, per 36 CFR 251, dated May 23, 2001.

Your appeal states, "I am writing this letter to inform you that while I am complying with the Adjustments on our grazing permits in the Lincoln National Forest, Industrious Enterprises (JJJ Ranches) is appealing the decision for these adjustments concerning the Mexican vole, which is prey for the Mexican Spotted Owl on the Bonita and Loma Grande Permits: and for the cactus on the Vera Cruz Permit."

In order to determine if the appeal meets minimum requirements, I have reviewed the annual operating instructions letter (AOI) of July 10, 2001, from District Ranger Gerald Hawkes to you.

The decision being appealed was received within 45 days of the issuance of the AOI.

After review of your notice of appeal and referenced AOI, I have decided to close the record and dismiss your appeal because it does not meet the minimum requirements of 36 CFR 251.90 to such an extent that I do not have sufficient information to base a review of your appeal. Specifically, the following requirements are lacking in your notice of appeal:

- 1) A statement of how the appellant is adversely affected by the decision being appealed;
- 2) A statement of facts of the dispute and the issue(s) raised by the appeal;
- 3) Specific references to any law, regulation, or policy that the appellant believes to be violated and the reason for such an allegation;
- 4) A statement as to whether and how the appellant has tried to resolve the issue(s) being appealed with the Deciding Officer, the date of any discussion, and the outcome of that meeting or contact; and



5) A statement of the relief the appellant seeks.

My decision to dismiss this appeal and close the record is subject to discretionary review by the Regional Forester.

Mr. Dixon, it is encouraging to see your letter acknowledge a good working relationship with District Ranger Hawkes and Greg Gray. I also appreciate your willingness to implement the adjustments even though you do not agree with them. Your management and willingness to work with the District Ranger on these issues demonstrates that livestock grazing can be compatible with other public resources such as Mexican spotted owl habitat requirements.

Sincerely,

/s/ M. Louise Kennemur for
JOSE M. MARTINEZ
Forest Supervisor

Enclosure

cc: Regional Forester
Smokey Bear Ranger District Ranger