



File Code: 1570-1

Date: March 27, 2001

Sacramento Grazing Association
P.O. Box 506
Weed, NM 88354

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Re: Appeal No. 01-03-08-001-A251-RNG – Sacramento Allotment, Sacramento Ranger District, Lincoln National Forest

Dear Mr. Goss:

On March 9, 2001 I received your notice of appeal per 36 CFR 251 dated February 9, 2001.

You state in your letter “We are appealing the directive to again re-tag our cattle on the Sacramento Allotment.”

In order to determine if the appeal meets minimum requirements, I have reviewed the Acting District Ranger letter of August 2, 2000 and the annual operating instruction letter for the Sacramento Allotment dated February 6, 2001. A decision requiring tagging of livestock was contained in the August 2, 2000 letter from the Acting District Ranger as you reference in the notice of appeal. I found no decision to re-tag cattle within the February 6, 2001 annual operating instruction letter from District Ranger Frank Martinez.

Upon reviewing your notice of appeal I find the following minimum requirements lacking as described in 36 CFR 251.90:

- 1) The title or type of written instrument being appealed that directed re-tagging, the date of the written instrument and the person making the decision to re-tag.
- 2) Specific references to any law, regulation, or policy that the appellant believes to be violated and the reason for such an allegation.
- 3) A statement as to whether and how the appellant has tried to resolve the issue being appealed with the Deciding Officer, the date of the discussion and the outcome of that meeting or contact.

In my review of your appeal I am dismissing this appeal and closing the record per 36 CFR 251.92 (a)(2). My decision to dismiss is based on the following facts:

- 1) The decision to require tagging of livestock was issued by the District Ranger on August 2, 2000 and no appeal was filed within 45 days as required in 36 CFR 251.88(a)(2).



- 2) The annual operating instructions contained in the letter of February 6, 2001 reference the August 2, 2000 requirement to tag. A requirement to re-tag livestock was not found in this letter.
- 3) The notice of appeal did not identify a written instrument that required livestock to be re-tagged.

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

Sincerely,

/s/ Jose M. Martinez
JOSE M. MARTINEZ
Forest Supervisor

Enclosures

Cc SW Regional Forester
Sacramento District Ranger