



United States
Department of
Agriculture

Forest
Service

Santa Fe National Forest

1474 Rodeo Road
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Santa Fe, New Mexico 87504-1689
505-438-7840 FAX 505-438-7834

File Code: 1570/2230

Date: December 20, 2002

El Madriel Partnership
Ildfonso and Richard Madrid
P.O. Box 54
Youngsville, NM 87064

RE: Permit Appeal No. 02-03-10-0034-A251

Gentlemen:

This letter is to inform you that the Record for Appeal 02-03-10-0034-A251 is closed as of this date.

The Deciding Official, Ranger Sanchez, did not provide a responsive statement within the required time frame. Because he did not respond within 30 days of your oral presentation, as required by my October 3, 2002 letter, my decision regarding this appeal is based solely on your September 27, 2002 notice of appeal and your October 11, 2002 oral presentation.

You raised the issue that the decision to remove livestock from the allotment does not comply with federal laws including NEPA and the Small Business Enforcement Fairness Act. It was made without consideration for Environmental Justice Regulations (Executive Order 12898).

Your permit was issued on February 29, 1999 following all applicable federal laws and regulations, including the National Environmental Policy Act. Each permit includes General Terms and Conditions (Part 2). Part 2, Section 8c states “[t]he permittee will remove livestock from Forest Service administered lands before the expiration of the designated grazing season upon request of the Forest officer when it is apparent that further grazing will damage the resources.

The only specific relief you have requested throughout this appeal process was a stay of implementation of the original decision. On October 2, 2002 Gilbert Zepeda denied your request for a stay on the basis that you did not provide sufficient new information that would raise questions regarding the existing information from both the Forest Service and the Range Improvement Task Force monitoring efforts to the extent that a stay was merited. The Regional Forester declined to exercise his right of discretionary review of Mr. Zepeda’s decision.

During your oral presentation you stated that you had complied with Ranger Sanchez’ decision by removing you cattle from the Youngsville allotment prior to October 5, 2002. This, combined with your lack of submission of additional data regarding the need for a stay, indicates that compliance with the decision did not have a major adverse effect on your livestock operation.



There is no further relief available to you as a result of this decision. You were able to comply with Ranger Sanchez' decision. The cattle have been removed from the Youngsville allotment for more than two months now.

Based on the information in the record for this appeal, your ability to comply with the decision, and the unavailability of any form of relief at this time, I am affirming the decision by Ranger Sanchez that required removal of all cattle from the Youngsville allotment by October 5, 2002.

Pursuant to 36 CFR 251.87, you may file an appeal for a second level of review of Ranger Sanchez' decision with the Regional Forester within 15 days. If requested, such a review will be limited to the existing appeal record. No additional information will be added to the file. If you wish to file such an appeal, you must send a Notice of Appeal to: Harv Forsgren, Regional Forester, Southwest Region, 333 Broadway Blvd. SE, Albuquerque, New Mexico, 87102 with a copy to Francisco B. Sanchez, District Ranger, Coyote Ranger District, HC78 Box 1, Coyote, New Mexico, 87012. The Notice of Appeal must be filed by January 6, 2003.

If you have any further questions regarding the appeal, please contact Barry Imler at the letterhead address or by phone at (505) 438-7801.

Sincerely,

/s/ Leonard Atencio
LEONARD ATENCIO
Forest Supervisor