



United States
Department of
Agriculture

Forest
Service

Santa Fe National Forest

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File Code: 1570-1/2230-3

Date: June 9, 2004

Severo Ortega
President
Rt. Box 2.5
Coyote, NM 87012

CERTIFIED MAIL
7002 2410 0003 5797 4744
Return Receipt Requested

RE: Appeal No. 04-03-10-0011-A251

Dear Mr. Ortega:

Your reply to Ranger Sanchez' responsive statement was due on or before June 1, 2004.

APPEAL REVIEW PROCESS

Pursuant to 36 CFR 251.98(d) the appeal record closed on June 2, 2004.

This letter constitutes my review and decision on the appeal you filed regarding the 2004 Annual Operating Instructions for the Jarosa Allotment.

My review was conducted according to the provisions of the appeal regulations in 36 CFR 251 Subpart C. I have considered the appeal record, federal statutes, policies, and operational procedures set out in the directives system of the USDA Forest Service.

APPEAL POINT

My review will focus on the appeal point in your March 25, 2004 notice of appeal.

Issue 1: Appellants dispute the need for a reduction in authorized on the Jarosa allotment.

Contention: The delay is based on drought conditions that no longer exist. Impacts from elk and recreation have not been properly considered into the decision to reduce authorized grazing. Scheduled improvement construction has not been completed. Unauthorized grazing that negatively affects permitted capacity has not been addressed by the Ranger District. The financial burden on the appellants associated with delayed entry is excessive.

Response: The Annual Operating Instructions issued for the Jarosa allotment allow the District Ranger to adjust the grazing authorizations in response to changes in conditions on the ground. Ranger Sanchez met in the field with the appellants to check range readiness and discuss authorized cattle numbers. As a result of that meeting the District Ranger authorized entry onto the allotment at an earlier date than originally planned and increased the number of cattle each permittee is authorized to graze on the allotment during the 2004 season.



I find the District Ranger has complied with Forest Service policies and operational procedures.

DECISION

After review of the appeal record, I find that the District Ranger's decision was based on a reasonable assessment of current resource objectives and conditions. The District Ranger's decision is in conformance with applicable laws, regulations, policies, and procedures. I find no evidence indicating the District Ranger has acted in an arbitrary or capricious manner. The District Ranger's decision is affirmed.

My decision is subject to further administrative review under 36 CFR 251. Any appeal of this decision to the second level must be fully consistent with 36 CFR 251.90, content of notice of appeal. Pursuant to 36 CFR 251.87(c) (2), "the appeal for a second level of review is filed with the regional forester within 15 days of the first level appeal decision. Upon receiving such a request, the regional forester shall promptly request the first level file from the forest supervisor. The review shall be conducted on the existing record and no additional information will be added to the file."

Appeals must be filed with:

Regional Forester
Southwestern Region
333 Broadway SE
Albuquerque, NM 87102

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

Sincerely,

/s/ Michael Frazier (for)
GILBERT ZEPEDA
Forest Supervisor

cc: Francisco B Sanchez, Berwyn Brown, Constance J Smith