



United States  
Department of  
Agriculture

Forest  
Service

Santa Fe National Forest

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File Code: 1570-1/2230-3

Date: June 2, 2004

Belarmino Martinez  
President  
P.O. Box 10  
Velarde, NM 87582

CERTIFIED MAIL  
7003 1680 0002 3938 2246  
Return Receipt Requested

RE: Appeal No. 04-03-10-0009-A251

Dear Mr. Martinez:

Your reply to Ranger Sanchez' responsive statement was due on or before May 23, 2004.

### **APPEAL REVIEW PROCESS**

Pursuant to 36 CFR 251.98(d) the appeal record closed on May 24, 2004.

This letter constitutes my review and decision on the appeal you filed regarding the 2004 Annual Operating Instructions for the Mesa Poleo 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 31, 2004 notice of appeal.

**Issue 1:** Appellants dispute the need for a two-week delay in entry onto the Mesa Poleo allotment.

**Contention:** All of the pastures are in good condition. The delay is based on specific reductions in authorized cattle numbers to 157 head. The appellants only have 107 head to place on the allotment this season.

**Response:** On April 23, 2004 Ranger Sanchez met with the appellants to check range readiness and discuss authorized cattle numbers. As a result of range readiness observations and the lack of available permittee owned cattle, Ranger Sanchez adjusted the authorizations to allow all available cattle to enter the allotment on the normal permit dates

I find the District Ranger has complied with Forest Service operational procedures, including the proper application of accepted scientific principles and practices.



## 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/ Gilbert Zepeda  
GILBERT ZEPEDA  
Forest Supervisor

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