



United States  
Department of  
Agriculture

Forest  
Service

Santa Fe National Forest

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**File Code:** 1570-1/2230-3

**Date:** January 12, 2004

Ramon I. Vigil  
Route 1, Box 12  
Glorieta, NM 87525

Certified Mail: 7003 0500 0005 1470 0282  
Return Receipt Requested

RE: Appeal #04-03-10-0006-A251, Removal of Livestock, Springs Allotment, Pecos/Las Vegas Ranger District, Santa Fe National Forest

Dear Mr. Vigil:

On January 9, 2004, I received your appeal (dated 12/27/03) of Ranger Reddan's direction to remove your livestock from the Springs allotment. Based on information included in your notice of appeal, I must assume you are referring to his letter dated December 3, 2003.

On October 23, 2003 Ranger Reddan authorized livestock on the Springs Allotment through November 29, 2003, unless monitoring results supported an extension. The December 3, 2003 letter clarifies the time frames associated with the extension, based on monitoring results.

In accordance with 36 CFR 251.83, "*The following decisions are not appealable: (o) Reaffirmation of prior decisions.*" Ranger Reddan's December 3, 2003 direction was a reaffirmation of his October 23, 2003 letter regarding authorization of livestock grazing on the Springs Allotment.

Further, in accordance with 36 CFR 251.88 (b), "*It is the responsibility of those filing an appeal to file the notice of appeal by the end of the filing period.*" The appeal period runs for 45 days following the Deciding Officer's written notice of the decision; if, the October 23, 2003 letter included an appealable decision, then the appeal period closed December 8, 2003.

In accordance with 36 CFR 251.92(a), "*The Reviewing Officer shall dismiss an appeal and close the record without a decision on the merits when: (2) Appellants notice of appeal is not filed within the required time period; or(5) The decision is excluded from appeal under this subpart (Sec. 251.83).*" Therefore, your appeal is dismissed.

The appeal regulations do not permit me the flexibility to grant an extension of time on your appeal (36 CFR 251.89(a)).

I strongly suggest you continue to work with Ranger Reddan in achieving proper resource management on the Springs Allotment. Direction you receive from Ranger Reddan to implement a decision previously included within the Annual Operating Instructions and/or other decisions for the Springs Allotment are not subject to appeal.

This dismissal decision is subject to discretionary review at the next administrative level as provided for in 36 CFR 251.87(d).

Sincerely,

/s/ Gilbert Zepeda  
GILBERT ZEPEDA  
Forest Supervisor

cc: Christina Gonzalez, Berwyn Brown, Joe Reddan

