



United States  
Department of  
Agriculture

Forest  
Service

R3 Regional Office

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File Code: 1570-1/2200

Date: August 4, 2004

Krista J. Munson  
P.O. Box 483  
Snowflake, AZ 85937

**CERTIFIED MAIL – RETURN  
RECEIPT REQUESTED**

RE: Appeal #04-03-00-0014-A215, Environmental Assessment for Management of Noxious Weeds and Hazardous Vegetation on Public Roads on National Forest System Lands in Arizona

Dear Ms. Munson:

The purpose of this letter is to inform you that the Southwestern Regional Office, USDA Forest Service, received your appeal of Forest Supervisor Karl P. Siderits' decision on the above-referenced project via email on July 19, 2004. Your appeal was filed in a timely manner. However, in checking our records, we found that you did not submit comments during the 30-day comment period for the environmental assessment.

The legal notice for comment was published twice in the *East Valley Tribune*, on July 25, 2003, and again on August 20, 2003, with comments to be sent to Bill Woodward at the Regional Office in Albuquerque, NM. Notice of availability of the EA was mailed by Tonto National Forest Supervisor Karl Siderits to you and others on July 28, 2003; and electronic copies of the EA were available when the legal notice was published.

The project record indicates that you requested and were sent a hard copy of the EA. The project record also shows that you submitted timely comment letters by fax on September 19, 2003, for four other individuals: Mr. Orion Crawford, Ms. Leanda Carr, and Ms. Ann McGreger/Ms. Ann McCampbell (joint letter). However, there is nothing in the project record to indicate that your own comment letter was ever submitted until it was attached to your appeal.

The four letters submitted on September 19, 2003, show your headliner note stating, "YOUR FAX WAS NOT AVAILABLE SEPT. 18." We checked our fax records for September 18, 2003. The records show that our fax (505-842-3800) was operable and receiving or sending information all day. The records also indicate that September 18 was an extremely busy fax day and that it may have been difficult to get connected.

The purpose of the 30-day comment period is to provide an opportunity for the public to comment on the proposed action prior to a decision by the responsible official and make the appeal process available to those who submit substantive comments during the comment period (36 CFR 215.1).



I am dismissing your appeal due to lack of substantive comments submitted during the comment period, in accordance with 36 CFR 215.13(a) and 215.16(6) regulation. In the future, I encourage you to verify that we have received your oral, written, or electronic comments prior to the end of the notice and comment period. This decision constitutes the final administrative determination of the Department of Agriculture (36 CFR 215.18 (c)).

If you have questions regarding this decision, please contact Constance Smith of Appeals and Litigation in the Regional Office at (505)842-3223.

Sincerely,

/s/ Abel M. Camarena  
ABEL M. CAMARENA  
Appeal Deciding Officer,  
Deputy Regional Forester

cc: Mailroom R3 Tonto, Bill G Woodward, Karl Siderits, Paul M Stewart, Gene Onken,  
Constance J Smith, Arleen D Martinez