

File Code: 1570

Date: September 28, 1999

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. Edmund A. Loew, Jr., President
Pinal Mtn. Cabin Owners Association
1280 S. Skyline Drive
Globe, AZ 85501

Dear Mr. Loew:

Reference is made to your letter dated September 3, 1999 on behalf of yourself and the following persons:

Stewart, Barbara
Flory, Donald A.
Abdo, Joseph & Sarah
Loew, Joyce
Shores, Dorothy

Gillespie, Mary
Yerkovich, Donald
Beneteau, George & Joyce
Potyka, Richard
Dalmolin, Frank & Betty

Roberts, Charles & Kathy
Armistead, Ken Bettyanne
Scott, Wilma (Billie)
Meitzner, Earl & Mickey

Reference is also made to your second letter dated September 3, 1999 which was also on behalf of yourself and the above listed persons. These two letters served as the notices of appeal for two appeals filed as a result of District Ranger Larry Widner's letter dated July 20, 1999. Both of these appeals were filed in a timely manner.

In Ranger Widner's above referenced letter, he informed you that the Appraisal Report prepared by the contractor (Headquarters West, Ltd.) had been reviewed and approved by a Forest Service Review Appraiser. Based on that review and approval, Ranger Widner also informed you he was accepting Headquarters West, Ltd.'s recommendation; he also provided a way for you to obtain a copy of that Report. In addition, he informed you of the Forest Service policy which gives you an opportunity for a second and even a third appraisal to be conducted if you do not agree with the Headquarters West Appraisal. The Headquarters West Appraisal is not subject to review or revision either by Tonto National Forest personnel or by Permit Holders. To do that would require a re-formation of our contract with this company.

In the fifth paragraph of his letter, Ranger Widner very clearly informed each Permit Holder that at the time of his letter, the acceptance of the estimated market value of the typical lot was not a decision of your base annual rental fee beginning in Calendar Year 2001. Since there could be two additional appraisals conducted, he obviously had no way of knowing what the final decision on the estimated lot value would be.

In the seventh paragraph of his letter, Ranger Widner informed you that when he makes a decision on the rental fee for Calendar Year 2001, that decision will be appealable. All Permit Holders at that time will be informed of their appeal rights.

The Forest Service policies which were the basis of Ranger Widner's letter are in effect Nation-wide, and are consistent with the Fiscal Year 1998 appropriations Act. These policies were developed working closely with elected representatives of the National Forest Homeowners, an organization which represents thousands of Recreation Residence Permit Holders such as yourself.

The two Notices of Appeal submitted by you in behalf of yourself and 20 other persons have been carefully reviewed. Based on the information contained in them, the policies of the Forest Service, the requirements of the Fiscal Year 1998 Appropriations Act, and the fact that no appealable decisions were made in Ranger Widner's letter dated July 20, 1999, I am hereby dismissing both of the appeals dated September 3, 1999, and am closing the record without a decision on the merits.

This dismissal decision is subject to discretionary review by the Regional Forester, Southwestern Region. After receipt of a copy of this letter, the Regional Forest (or designated representative) has 15 days to decide whether or not to review my decision. If no action is taken by the end of that period, you will be notified that my dismissal decision is the final review decision. At that time, you may wish to re-read Ranger Widner's letter and then move forward with the second appraisal that you informed Ranger Widner by your letter dated Sept. 3, 1999, that you and the other Permit Holders wished to obtain.

Sincerely,

/s/Charles R. Bazan

CHARLES R. BAZAN
Forest Supervisor

cc:

Globe RD
Regional Forester, R-3
C. Holbrook
Barbara Stewart
Donald A. Flory
Joseph & Sarah Abdo
Joyce Loew
Dorothy Shores

Mary Gillespie
Donald Yerkovich
George & Joyce Beneteau
Richard Potyka
Frank & Betty Dalmolin

Charles & Kathy Roberts
Ken & Bettyanne Armistead
Wilma (Billie) Scott
Earl & Mickey Meitzner