



File Code: 1570 (251-2)
#01-01-00-0020

Date: January 16, 2001

Jim Robideau
2491 Sophie Lake Road
Eureka, MT 59917

Terry Utter
2300 Mills Spring
Eureka, MT 59917

Harry Workman
P.O. Box 84
Eureka, MT 59917

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Dear Messrs. Robideau, Utter, and Workman:

I have received your appeal regarding the Kootenai National Forest Supervisor's decision for a temporary grazing permit on the South unit of the Pinkham Allotment (Rexford Ranger District).

Regretfully, I must dismiss your appeal as being untimely. The Forest Supervisor's decision was dated August 7, 2000. Your appeal was postmarked January 5, 2001, which is 151 days after the decision date. I realize the Forest Supervisor verbally extended the appeal period. However, appeal regulations require filing an appeal within 15 days of the date of the decision and do not allow for extension of the time period to file an appeal.

Appeal Regulation 36 CFR 251.92(a)(2) states, "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..."

I also understand that the permit you intended to appeal is now expired. We are directing the Forest Supervisor to evaluate whether additional grazing capacity is available for grant, according to FSH 2209.13-99-1, Section 13.21, and if determined available, to follow the grant priorities found at FSH 2209.13-99-1, Section 13.22, to grant this available capacity. Issuance of temporary grazing permits, prior to satisfying conditions set forth at FSH 2209.13-99-1, Section 13.21, is inappropriate.

This decision is the final determination of the Department of Agriculture and is not subject to higher level review [36 CFR 251.87(e)(3)].

Sincerely,

/s/ J. Doug Glevanik (For)

KATHLEEN A. MCALLISTER
Appeal Deciding Officer
Deputy Regional Forester

cc:
Kootenai NF

