



United States
Department of
Agriculture

Forest
Service

Region One

200 East Broadway
P.O. Box 7669
Missoula, MT 59807

File Code: 1570-1 (215)
#06-01-00-0024
Date: November 15, 2005

Gary Macfarlane
Forest Watch Director
Friends of the Clearwater
P.O. Box 9241
Moscow, ID 83843

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Dear Mr. Macfarlane:

I have received your appeal on behalf of Friends of the Clearwater of the Upper Palouse ATV Project Decision Notice on the Clearwater National Forest (Palouse Ranger District).

Regretfully, I must dismiss your appeal as being untimely. The Palouse District Ranger's decision was published September 21, 2005. Your appeal was postmarked November 8, 2005, which is 46 days after the decision. Appeal regulations require filing an appeal within 45 days of publication of the decision. The 45-day period for filing an appeal cannot be extended.

Appeal Regulation 36 CFR 215.16(a)(1) states "A Reviewing Officer shall dismiss an appeal without review when: (1) The appeal is not postmarked ... within the 45-day appeal filing period...."

This decision is the final determination of the Department of Agriculture and is not subject to higher level review [36 CFR 215.18(c)].

Sincerely,

/s/ Pamela Gardiner (for)
THOMAS K. REILLY
Appeal Deciding Officer

cc:
Clearwater NF

