

STEWARDS OF THE SEQUOIA

PO Box 1246
Wofford Heights, CA 93285

September 8, 2020

USDA Office of the Assistant Secretary for Civil Rights
1400 Independence Ave, SW, Stop 9410
Washington, D.C. 20250-9410

Re: Complaint of Discrimination by Forest Service against Sequoia Volunteer Trail Program

Dear Assistant Secretary,

We are filing the enclosed AD-3027 complaint about the Forest Service discrimination against Stewards of the Sequoia volunteer trail maintenance program and our members.

We are filing this complaint under the USDA anti discrimination policy which prohibits reprisal or retaliation for civil rights activity.

We understand there is a 180 filing window from the original 3/17/20 discrimination action by USDA Sequoia Forest District Ranger Al Watson. Since that time we have spent considerable time and effort to resolve this issue with Forest staff to no avail. We therefore are compelled to submit this discrimination complaint prior to the end of 180 day deadline identifying the below 12 Acts of discrimination for your review.

As requested in line item 2 of the attached form AD-3027, what follows is an explanation of the discrimination and documentation regarding these 12 discrimination actions against Stewards of the Sequoia by the USDA Forest Service-

BACKGROUND

Stewards of the Sequoia have been the largest on the ground volunteer organization in the Sequoia National Forest and surrounding BLM lands since 2004 performing documented maintenance on over 4000 miles of remote difficult trails including clearing over 10,000 downed trees and maintaining over 5000 water bars. We have a perfect safety record while doing 80% of the trail maintenance on the Sequoia Kern River District Sequoia Western Divide District and surrounding BLM lands. Stewards volunteers have performed over one million dollars in service to the community at little or no cost to the Forest Service. We have provided the major portion of volunteer match for the OHV grants which funds the Sequoia Forest Service OHV trail crew.

Over the years Stewards of the Sequoia have been honored with many awards for our volunteerism and stewardship work including one given to me personally by Forest Chief Tidwell, as well from Sequoia Kern River District Ranger Al Watson who has now terminated us without any opportunity to address or remedy the issues, and other Sequoia District Rangers, elected officials and others (Exhibit 1). Stewards volunteer trail maintenance program has flourished during the tenure of at least five District Rangers and probably as many Forest Supervisors.

ACTS OF DISCRIMINATION

On 1/20/20 our annual volunteer trail maintenance agreement was renewed by Sequoia Kern River District Ranger Al Watson without any changes or concerns about our volunteer program. (Exhibit 2)

Two months later on 3/17/20 District Ranger Watson terminated our volunteer trail maintenance agreement without any discussion or opportunity for Stewards to address the issues raised by him, all of which have nothing to do with volunteer trail maintenance.

In his 3/17/20 termination letter (Exhibit 3) he finds no fault with any aspect of Stewards trail maintenance program and notes our "substantial" trail maintenance work . He is concerned with unrelated issues never raised by him at prior volunteer agreement renewals that have remained unchanged for five years, while never offering Stewards an opportunity to address or discuss them as a true partner would and as required to under FSM 1834.1. Instead he summarily cancelled Stewards trail maintenance agreement.

- **District Ranger Watson has not shown that Stewards of the Sequoia have violated any law or regulation. Merely that he does not like that we question the Forest Service on certain Sequoia Forest land management issues.**
- **We are unaware of any written complaints against Stewards or any citations.**
- **He has not shown that there is any problem with Stewards working with staff on volunteer projects. We are not aware of any.**
- **We think we have a good relationship with all staff other than Ranger Watson's antagonistic behavior.**

As a matter of record Ranger Watson had scheduled a meeting for 3/17/20 at 10:00 with Stewards but refused several times to tell us what the meeting would be about (Exhibit 4). Ten minutes before the meeting he emailed me the termination letter (Exhibit 5) which he had never discussed with us. He did not call me to initiate the meeting. He would not answer his phone when I called him at 10:10 asking him to call me for his meeting and left a voicemail. He also never responded to my 10:19 email asking him to call me about the termination (Exhibit 5). **This is discriminatory (Action 1)**, disrespectful, unprofessional and most un-partner like.

Ranger Watson has violated FSM 1834.1 which specifies that he can *"terminate volunteers if their service or conduct is unsatisfactory **only after making a reasonable effort to determine and correct the cause for unsatisfactory service**". This is a form of discrimination against our Forest Service volunteer program. (Action 2)*

What did Stewards of the Sequoia do in our volunteer trail maintenance program in the two months after he renewed us on 1/20/20 to merit termination?

The District Ranger unreasonably refuses to provide any evidence of what Stewards volunteers did in those two months after renewal to violate our volunteer trail maintenance agreement.

It should be noted that Ranger Watson's stated cause in his 3/17/20 letter terminating Stewards volunteers had nothing to do with our volunteer program and appears to be an attempt to gag Stewards of the Sequoia. (Exhibit 3)

On several occasions my staff and I have met with you and discussed the status of authorized motorized trails in the Piute Mountains. As explained in face to face meetings as well as correspondence dating back nearly 5 years (2015) motorized use is allowed only on roads and trails identified on the 2010 Motor Vehicle Use Map (MVUM). Your continued unwillingness to acknowledge the 2010 MVUM's legitimacy does not align with the Agency's regulations and policy, nor does it support efforts to manage motorized use in the Piute Mountains.

Due to the continuation of spreading misinformation, I cannot in good conscience continue to authorize the on the ground work you have performed as Volunteers, though substantial, given your continued misrepresentation of the Agency.

3/17/20 Termination letter Ranger Watson

Yet the status of the Piute MVUM has nothing to do with volunteer trail maintenance. The Piute MVUM continues to be in question due to many inventoried trails being signed as open in compliance with the Travel Management Rule which requires all inventoried trails to remain open until they are considered in the Piute Travel Management Process which has been on hold since 2010. None of these valid inventoried trails which are signed open are shown on the Piute MVUM which we feel was created in error since a Travel Management Process has never been completed for the Piutes and there was no prior Piute MVUM. All those trails (125 miles) are proposed to be added to the National Forest System in the on hold 2010 Piute Proposed Action (Exhibit 6). At the very least it appears the Piute MVUM is unenforceable or an administrative error, yet Ranger Watson announced after he renewed our volunteer agreement on 1/20/20 that the Forest Supervisor was going to resume Piute Travel Management and the first step would be to enforce what appears to be a questionable Piute MVUM. So we renewed our questioning of this and our volunteer program has been terminated by him for it.

We do not see where any information we have posted is misleading as the Ranger claims. We merely question as we have a right to. One of his claims is that we are misinforming the public by stating there is a proposed one mile wide PCT Corridor. Instead he feels we should have followed the Forest Service line that the PCT Corridor is a half mile either side of the trail (Exhibit 3). Surely they are the same thing. However we would point out that stating it is a half mile either side makes it sound smaller which could be considered misinforming the public.

We feel that Ranger Watson's 3/17/20 termination of our volunteer trail maintenance agreement is really a grievance with our participation with public processes which we have a right to do as a stakeholder, partner and interested public; and an attempt to gag Stewards from continuing to question the status of the in process Piute Travel Management Plan and taking a position opposing the proposed up to one mile wide PCT Corridor. **This is an act of discrimination by the Forest Service of reprisal or retaliation for past civil rights activity which the USDA prohibits and for which we are filing this complaint. (Action 3)**

It is hardly a coincidence that on the same day Stewards were terminated 3/17/20 Forest Supervisor Benson sent a letter to Stewards about our questioning Piute Travel Management (Exhibit 7).

Surely forest partners are allowed to disagree with the Forest Service on any issue.

District Ranger Watson authorized a trail adoption agreement with the Sequoia Forest Keepers who have filed numerous lawsuits on the Forest Service. Would that not make them a bad partner by his standards and prohibit him from entering into any agreement?

District Ranger Watson has authorized a trail maintenance agreement with the Pacific Crest Trail Association, yet they have directly caused the established Sequoia PCT carrying capacity to be violated more than 155 times by issuing far too many PCT permits which is causing harm to the PCT experience and the environment (Exhibit 8). Would that not make them a bad partner and require termination of their forest agreements? Instead District Ranger Watson has given them an office in the Sequoia Kern River federal building.

Stewards of the Sequoia sent a letter on 3/19/20 (Exhibit 9) to Sequoia Forest Supervisor Teresa Benson asking her to reinstate Stewards volunteer trail maintenance agreement, as well as asking several questions about the termination. Supervisor Benson never responded. **This is an act of discrimination by the Forest Service of reprisal or retaliation for past civil rights activity which the USDA prohibits and for which we are filing this complaint. (Action 4)**

It should be noted that we did receive a letter from District Ranger Watson on 4/14/20 but it does not answer any of the questions we raised in our prior letters nor does it provide any evidence of wrongdoing by Stewards. (Exhibit 10). However the District Ranger states that "*attempts to include new routes or changes to the MVUM have not been successful in the past for various reasons*". We would point out that since there was no Piute MVUM prior to the Piutes being removed from 2010 Travel Management Plan, that there was no MVUM in order to add new routes or make changes to. The only way to create a MVUM is to complete a Travel Management Process for the area. Yet the Piutes were removed from Sequoia Travel Management and are still in process of the Piute Travel Management Plan. Since Piute Travel Management was never completed there cannot be a Piute MVUM, hence the administrative error of there being a Piute MVUM now. We would be happy to provide further documentation to the USDA about this if so desired.

Stewards sent a letter to the District Ranger Watson on 3/25/20 (Exhibit 11) asking that our volunteer trail maintenance program be reinstated and asking to "*please let us know to what extent your termination is appealable and if there are any administrative methods by which Stewards of the Sequoia volunteer trail maintenance agreement may be reinstated.*" The District Ranger never responded to these questions or explained if there was any way to appeal his decision. **This is an act of discrimination by the Forest Service of reprisal or retaliation for past civil rights activity which the USDA prohibits and for which we are filing this complaint and a violation of FSM 1834.1. (Action 5)**

The termination of Stewards award winning volunteer trail maintenance program is wrong. The Forest Service is supposed to encourage volunteers, not discourage or persecute them by taking retribution for current and past engagement in public lands planning.

In the meantime Stewards are welcomed by the BLM to continue our volunteer work on nearby BLM lands. They cannot comprehend why the Forest Service has terminated such a productive, professional organization especially at a time when volunteerism is so badly needed.

We feel any responsible agency official would do everything they could to encourage a volunteer program like Stewards of the Sequoia has. Instead Ranger Watson has done everything he can to discourage Stewards. He has spent an inordinate amount of time going through apparently every

page of our quite large website in an attempt to manufacture a problem. Time that could have been spent helping on trails. He has promised to personally come out and help on the Whiskey Flat trail project since he is fully qualified as a C Sawyer. Yet he has never come out to help on that trail or any project.

It is clear indication of the high level of animosity that Ranger Watson has towards Stewards of the Sequoia when on 3/17/20 he demands that Stewards remove our Forest Service adopt a trail signs within 14 days (Exhibit 3) and then orders his staff to remove the Stewards signs even though he knew we were appealing his decision. He would rather have our signs removed instead of having staff perform much needed trail work. As Ranger Watson is so concerned about misinformation why does he have several signs telling the public that the Trail of 100 Giants and Plateau OHV Area is closed and other routes are closed when they are not? (Exhibit 12) **This is discrimination. (Action 6)**

At the request of Congressman McCarthy 4/2/20 letter (Exhibit 13), Regional Forester Moore had his staff host a 3 hour mediation meeting on 5/20/20 to see if Stewards of the Sequoia 15 year volunteer agreement could be reinstated with the Sequoia Kern River District. The meeting provided a good deal of productive discussion.

During that mediation teleconference Forest Supervisor Teresa Benson offered that Stewards of the Sequoia could be allowed to volunteer if they accepted the 2010 Piute MVUM as the current legal document. I agreed to that but the Supervisor then deferred to Kern River District Ranger Al Watson who stated he would not renew Stewards agreement because Stewards are dishonest. He refused to state why we are dishonest. Needless to say we feel Stewards are honest as evidenced by our providing more volunteer work than agreed every year. The mediator then proposed that Stewards should meet separately with Ranger Watson's staff to determine under what conditions Stewards could be allowed to continue to volunteer. Ranger Watson begrudgingly agreed to this. This account can be corroborated in the 5/20/20 meeting notes (Exhibit 14).

Almost three weeks later on 6/9/20 Ranger Watson contacted Stewards to set up a meeting on 6/17/20 with Stewards, himself and Forest Supervisor Benson (Exhibit 15). We understood this meeting was to comply with the intent of the mediation outcome to determine under what conditions Stewards could be allowed to continue to volunteer (Exhibit 14). Instead at the 6/17 meeting Ranger Watson summarily stated he would not renew Stewards volunteer agreement because of his new allegation that Stewards are disrespectful, unprofessional and do not help meet the Forest Service Mission. He repeatedly refused to state what Stewards had done to make him think this. He offered no discussion about how Stewards could address this issue and the Forest Supervisor backed up his decision even though Ranger Watson refused to provide any evidence of when Stewards have been disrespectful, unprofessional or not helped meet the Forest Service Mission. At this point both the Ranger and Forest Supervisor are violating Forest Regulation FSM 1834.1. It is unreasonable to refuse to provide documentation of any wrongdoing by Stewards, and this refusal to provide the requested documentation makes it impossible to determine and correct the cause for unsatisfactory service or determine if there has been unsatisfactory service. **The summary refusal to District Ranger Watson to provide any evidence to substantiate his claims against Stewards is an act of discrimination of reprisal or retaliation for past civil rights activity which the USDA prohibits and for which we are filing this complaint. (Action 7)**

In the interim on 4/17/20 Ranger Watson attempted to circumvent his termination of Stewards volunteers by reaching out by email and press release to our members, our board and even myself "*inviting volunteers to partner with the us this summer*" on the OHV trails Stewards had maintained. In other words asking each of us to volunteer as individuals instead of under the Stewards of the Sequoia volunteer agreement. How can Ranger Watson find the same people who he has terminated from volunteering and who are supposedly disrespectful, unprofessional and do not help to meet the forest service mission acceptable as volunteers by using another name? **This is an act of discrimination by the Forest Service of reprisal or retaliation for past civil rights activity which the USDA prohibits and for which we are filing this complaint. (ACTION 8)**

Ranger Watson also spread harmful misinformation about Stewards telling local business owners such as Sierra Gateway Market that Stewards are dishonest and claimed he had volunteers groups lined up to replace Stewards which he does not.

Ranger Watson has failed in his job of creating and maintaining a work environment in which all people are treated with dignity, fairness, and respect, and are free from harassment (FSM 1834) **which we also believe is an act of discrimination. (Action 9)**

It would seem obvious that the award winning Stewards of the Sequoia 4000 miles of trail maintenance is a monumental help to meet the Forest mission. To our knowledge there have been no complaints about Stewards partnership volunteer work with the Forest Service. It appears evident that the District Ranger Watson's claims against Stewards are untrue and libelous. Ranger Watson continues to find new ways to impugn Stewards members even after Congressman McCarthy expressed concerns about this (Exhibit 11).

"Unfortunately, the Kern River Ranger District letter not only appears to impugn the integrity of my constituents, but also seems to indicate the U.S. Forest Service does not believe that the Stewards support the mission of the U.S. Forest Service nor is the work the Stewards do in the SNF in the interest of the American people." (4/2/20 McCarthy Letter)

Stewards of the Sequoia entered into the mediation and subsequent meeting with District Ranger Watson and other staff in good faith that the Forest Service was willing to have an open an honest discussion of any and all issues under which the District Ranger terminated Stewards volunteer trail maintenance agreement and allow Stewards to opportunity to see how they might be resolved. Instead District Ranger Watson has come up with allegations unrelated to our volunteer trail maintenance program as well as new ones not included in his 3/17/20 termination letter and which he refuses to explain or discuss once again violating Forest Regulation FSM 1834.1 **and discriminating against Stewards volunteer program. (Action 10)**

While we have total respect for the authority of the District Ranger and Forest staff we feel that unfounded accusations are inappropriate, unreasonable, libelous, arbitrary and capricious.

We also file this complaint against Forest Supervisor Benson and Regional Forest Moore as they have discriminated against Stewards of the Sequoia (Action 11) by supporting Ranger Watson's termination of Stewards without any evidence to back up his claims that Stewards have violated any law or regulation or any evidence that Stewards are disrespectful, unprofessional and do not help to meet the Forest Service mission, and with overwhelming evidence that Stewards are respectful, professional and have helped to meet the Forest Service mission for more than 15 years.

Ranger Watson has a history of persecuting volunteers. He also has a history of illegal trail closures such as the Siretta Trail several years ago, which Congressman McCarthy at the request of Stewards of the Sequoia was able to get Ranger Watson to reopen, but for which he bears a grudge against us. He also continues to hold Stewards responsible for the public's outrage about him closing Siretta trail based on false allegations by the Sequoia Forest Keepers of motorized trespass that the Ranger never bothered to verify or perhaps knew were false but proceeded with the closure anyway.

Yet Stewards of the Sequoia have been and continue to be willing to bend over backwards to accommodate Ranger Watson in any reasonable way possible. Just last year Stewards updated minor discrepancies in our Who We Are video unrelated to volunteer trail maintenance at considerable expense when District Ranger Watson demanded that we do so in order to be allowed to resume volunteering after he would not renew our volunteer agreement. At that time Ranger Watson also tried to force Stewards to close trails in order to be allowed to maintain other trails. Our volunteers were prohibited from working on the trails for 3 months until we were able to convince Ranger Watson that volunteers cannot be forced to close trails.

I reached out to Regional Forester Moore after receiving his letter backing the Forest Supervisor decision to support the District Ranger termination of Stewards (Exhibit 16) even though it turns out he is unaware of any specific evidence of wrongdoing. I spoke with him and two of his staff on 8/11/20. Forester Moore appeared to want to help Stewards volunteers to be reinstated and offered to report back to me once he obtained evidence backing up Ranger Watson's allegation of disrespect, unprofessionalism and not helping to meet the Forest Service Mission. He stating there were problems with Stewards but he did not know what specifically. On 8/19/20 I also followed up with him by email (Exhibit 17). It has been three weeks and Forester Moore has not provided the promised evidence or responded to us in any way. **This is an act of discrimination. (Action 12)**

Additionally under the National Trail Stewardship Act each National Forest District is required to increase volunteerism 100% by next year. The wrongful termination of Stewards volunteers by Ranger Watson has eliminated 80% of his district volunteerism in violation of the Stewardship Act and contrary to the USDA Forest Chief's 10 Year Trail Stewardship Challenge.

Fifteen years of Stewards of the Sequoia volunteer efforts have helped the Forest Service mission by putting the Sequoia Kern River District way ahead of the curve eliminating backlogged trail maintenance and increasing communication with stakeholders.

This year without Stewards performing over 300 miles of difficult trail maintenance the Sequoia Forest trails are falling into disrepair with trees and brush blocking them as well as water bars failing causing trail rutting. This is harming tourism and the ability of the public to enjoy their public lands. The District Ranger is failing in the Forest Service Mission to maintain trails..

Without any evidence supporting the allegations against Stewards volunteer trail maintenance program, the most reasonable way to handle this is for the USDA to reinstate Stewards of the Sequoia volunteer agreement and let us know in writing what efforts the USDA will be making to prevent this kind of agency behavior, discrimination and violations of FSM 1834.1.

We do not feel the Forest Chief has attempted to comply with Congressman McCarthy's 4/2/20 written request (Exhibit 11) -

"Accordingly, I respectfully request that you carefully monitor these discussions and work with your teams in Region V and the Ranger District to ensure this mediation process can be quickly established and completed, that the Stewards' First Amendment rights are not violated, and that the decision to restore the Stewards' volunteer service agreement is based on this group's performance of its duties under this agreement, not on policy disagreements or website postings that are unrelated to the volunteer service agreement."

These acts of discrimination by the Forest Service against Stewards of the Sequoia are harmful to volunteerism and the forest mission as well as dishonest, unethical and unprofessional.

We look forward to the your reply as to how the USDA will resolve the discrimination and wrongful termination of Stewards of the Sequoia volunteers (Discrimination Actions 1-12). We need to schedule and recruit for the Stewards award winning fall volunteer trail appreciation maintenance season as soon as possible.

The entire spring season had to be canceled due to the wrongful termination. We have lots of work to make up for. All Stewards volunteers have ever done and ever wanted to do under our volunteer trail maintenance agreement is to help the Forest Service Mission by maintaining trails and we have done an incredible job of it. The Forest Service needs to support our volunteerism and stop discriminating and persecuting us based on untrue allegations or concerns unrelated to trail maintenance.

Sincerely,

Chris Horgan
Executive Director
Stewards of the Sequoia

CC: Regional Forester Randy Moore
Congressman Kevin McCarthy
Kern County Board of Supervisors
Blue Ribbon Coalition

"Since being founded in 2004, Stewards of the Sequoia continues to be the largest on-the-ground organization of volunteers in the Sequoia National Forest. Our crews have maintained over 4,000 miles of trails and have planted hundreds of trees in reforestation projects. We represent in excess of 3000 members whose activities include motorized recreation, camping, hunting, fishing, hiking, mountain biking, boating, windsurfing, rock climbing and horse riding"

Promoting Responsible Recreation & Environmental Stewardship