



January 30, 2023

To: Objection Reviewing Officer: Jody Holzworth, Deputy Regional Forester
USDA Forest Service Pacific Southwest Region
1323 Club Drive
Vallejo, CA 94592

Email: Jody.Holzworth@usda.gov

RE: Complaint: Objections Not Addressed
Sequoia & Sierra National Forest Land Management Plan Revisions

Ms. Holzworth,

I am reaching out as follow up to the objections response letter and key findings document, for Sequoia and Sierra forest plan revisions, which you signed on December 16, 2022, and issued via email distribution to Objectors on December 19, 2022. While I appreciate the level of time and resources that you and members of the Forest Service (FS) staff have invested in the plan revision and objection resolution process, I am deeply disappointed that the outcome of this process did not address the issues that were raised in the objection letter that I submitted on behalf of California Four Wheel Drive Association (Cal4). Speaking as a representative of Cal4, we are further alarmed that the FS has disregarded multiple elements of protocol that dictate how objection resolution must be administered, which disenfranchises Objectors of their fair opportunity to fully engage in the objection resolution process, nullifies the validity of the Final Environmental Impact Statement (FEIS) and Final Record of Decision (ROD), and places the FS at risk of litigation. This letter serves to document our complaints regarding the objection resolution proceedings and outcomes, and to proactively seek resolution.

A core issue to this complaint centers on the manner in which objection resolution was administered by FS staff. The 2012 Land Management Planning Rule (attached, with highlighted text for emphasis) stipulates guidelines for how the FS and the public may engage in the objection process. Page 26 of the 2012 Rule states:

"Known as a "predecisional objection," this administrative challenge to the draft decision provides one more opportunity for you to work with the Forest Service to resolve any outstanding issues with the plan prior to a final decision. The objection must identify specific concerns with the plan, how the proposed decision could be improved, and your previous formal comments on the draft plan. If you choose to file an objection, you may meet with the Forest Service to attempt to resolve your concerns. Other people who have been active in the planning process and are interested in the revised forest plan, as well as the general public, may participate in the resolution meeting. If you and the Forest Service successfully resolve your concerns, you can withdraw your objection. If you and the Forest Service cannot resolve your concerns or only resolve a portion of the objection, the Forest Service will generally issue a formal written response, which can identify changes to the plan reflecting any resolutions..."



Objection resolution meetings were held on November 15, 16, and 17, 2022. Objectors and Interested Persons were invited to participate, and the general public was invited to observe.

The 2012 Rule states that objection resolution meetings are intended to:

“...provide[s] one more opportunity for you to work with the Forest Service to resolve any outstanding issues with the plan prior to a final decision. The objection must identify specific concerns with the plan, how the proposed decision could be improved, and your previous formal comments on the draft plan. If you choose to file an objection, you may meet with the Forest Service to attempt to resolve your concerns.”

Having this background from the 2012 Rule as the context for the objection resolution meeting, I was alarmed when FS staff instructed all Objectors in each phase of the three-day meeting, that Objectors must not cite or restate items that were contained in their objection letters. FS staff stated that a written response would be provided to all written objections, and the sole purpose of the meetings was to discuss new information, and to seek resolution between Objectors. The framework set by FS staff for this objection resolution process fully negated the purpose of objection resolution as defined by the 2012 Rule. The 2012 Rule stipulates that the purpose of objection resolution meetings is to seek resolution between the FS and Objectors, not between the Objectors themselves.

Given that according to the 2012 Rule, all objections *“must identify specific concerns with the plan, how the proposed decision could be improved, and your previous formal comments on the draft plan”* – it was further alarming that the FS failed to address content from our objection letter, would not allow discussion of anything that was stated in the objection letter, and would only permit discussion of new information. This fully negated the purpose of meeting for objection resolution. I raised my concerns over this set of instructions for the objection resolution meetings during those meetings, and was assured by FS staff that my written objections would be responded to in full via written response.

However, the FS objection resolution and key findings document that was issued as written response is wholly inadequate to address the objections that were itemized in our objection letter. The 29-page response contains one paragraph to address each of 67 distinct issues that stemmed from the collective group of all objectors. I had provided significant detail on each issue raised in our 19-page objection letter, and thus expected a detailed response in written form, since the FS had failed to discuss those items during objection resolution, with assurances given for a thorough written response. However, the objection response letter from the FS provided a generalized response lacking in sufficient detail for those objections that were addressed, and in fact did not address all of the objections contained within our objections letter, which included the need to resolve critical concerns and legal violations on the following Plan components:

- Pacific Crest Trail Management Area (PCTMA)
- Zoning
- Non-Recreation Project Impacts to Recreation Program
- Wild & Scenic River Eligibility
- Economic Impact Analysis



Furthermore, given that according to the 2012 Rule, all objections *“must identify specific concerns with the plan, how the proposed decision could be improved, and your previous formal comments on the draft plan”* – it was shocking that the FS staff instructed Objectors that they must not cite or restate items that were contained in their objection letters, and the sole purpose of the meetings was to discuss new information. To that end, the FS incorporated a suggestion from an Objector that was raised during Objection Resolution, but not previously, to “change the name of Challenging Backroad Areas to more accurately reflect the purpose of the areas.” The FS adoption of new action based on new suggestions from Objectors during objection resolution fully defies the legal limitations of scope and purpose for objection resolution per NEPA. The general public never had an opportunity to consider and comment on this change to the plan. This is a change that was slipped in the back door at the final moment of the project planning process, cutting out the required evaluation contained within prior phases through Scoping and Analysis. Through this action, the FS has not only trampled the public’s rights to be fully and fairly engaged in the planning process per NEPA protocol, but it has also demonstrated special favor to individuals involved in objection resolution, as this is an isolated group that is not representative of the general public.

It must also be noted that I had reached out to FS staff prior to the Objection Resolution meetings to proactively request clarification on the goals and expectations for the meetings. Specifically, I asked FS staff to clarify whether individual objectors would have the opportunity to have their individual letters of objection addressed in full, given the forecasted group setting and group dialogue slated for this meeting series. FS staff response to this inquiry was vague, noting primarily that the FS has a lot of discretion in how they want to set up the objection resolution meeting (*Email sent on September 2, 2022, to Lucy Aragon, Bobbie Miller, Talitha Derksen, and Judy Suing of the USDA Forest Service; response received from Lucy Aragon on September 2, 2022, with all recipients CC’d*). In reflection after the meetings were held, it is clear that the FS may have intentionally obscured their email response to avoid disclosure of the fact that thorough responses to each objection letter were never an intended step that they planned to fulfill. In fact, if the FS had intended to respond to each objector in alignment with the 2012 Rule, they would have needed individual time and dialogue with each objector, as the sum of objections to this project were robust, detailed, and crossed a wide span of issues. The group format used, with omission of individual dialogue, was wholly insufficient to achieve the guidelines and objectives for objection resolution as set forth in the 2012 Rule.

The actions perpetrated by the FS through administration of this objection resolution process comprise a variety of NEPA violations, including: rigging the outcome of the project, and disenfranchising the public of fair opportunity to engage in the full planning process. Additionally, I had cited areas within the Sequoia & Sierra National Forest Land Management Plan Revisions where plan content violated existing Congressional Acts, specifically:

- The National Trails System Act (1968, amended 2019)
- Wild and Scenic Rivers Act (1968, and amendments)
- National Forest Management Act (1976)

The FS failed to address these violations during the objection resolution meetings, and did not fully address them in their written response.



As vested stakeholders in both the Sierra and Sequoia National Forests, we seek an opportunity to resolve the issues stated above with the FS. We request to hold another meeting with the objection resolution team for this project to discuss our objections in full, *"to work with the Forest Service to resolve any outstanding issues with the plan prior to a final decision,"* and receive a thorough response from the FS on each item.

Please reach out to me to schedule this meeting prior to issuing a final Record of Decision: 559.862.6382, rwinn@cal4nrc.com

Thank you,

Rose Winn
Natural Resources Consultant
California Four Wheel Drive Association

CC:

- Dean Gould, Sierra National Forest Supervisor
- Teresa Benson, Sequoia National Forest Supervisor
- Kevin McCarthy, Congressman, District 20 (via Legislative Director Kyle Lombardi)
- Tom McClintock, Congressman, District 5 (via Legislative Director Kyle Campbell)
- Kevin Kiley, Congressman, District 3 (via Staff Assistant Anthony Euceda)
- Bruce Westerman, Chairman, House Committee on Natural Resources; Members, House Committee on Natural Resources; House Committee on Natural Resources, Subcommittee on National Parks, Forests, and Public Lands; House Committee on Natural Resources, Subcommittee on Oversight and Investigations (via Staff Directors Aniela and Sang Yi)

Attachment:

- USDA Forest Service 2012 Land Management Planning Rule