

STEWARDS OF THE SEQUOIA

Non-profit 501c3
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March 8, 2023

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

Re: Violation of Objection Resolution Process-
Revised Land Management Plan for the Sequoia and Sierra National Forest FEIS
Via Email: Jody.Holzworth@usda.gov

Dear Deputy Regional Forester Holzworth,

Thank you for your letter emailed to us on 2/28/23 and dated 2/21/23 in response to our complaint of 1/27/23 regarding the failings of your objection resolution process for the Forest Plan Revision.

As we informed you in our complaint letter you would not discuss our objections at your 11/15/22 objection resolution meeting and that your written response of 12/16/22 did not address many of our specific objections.

In your 2/21/23 response letter you state that-

"I value your input and the discussions we had during the resolution meetings"

Yet we were not allowed to discuss our objections with you. I refer you to the 11/15/22 objection meeting recording which you stated you have reviewed (Meeting recording time 38.45 for first day 11/15/22).

As you can see during the objection resolution meeting you refused to answer two simple questions that I asked which were the basis of one of our written objections. In fact, Al Olsen said you would not deal with that at this time. He asked me to go on with my comment, but this objection resolution meeting was required to be a discussion, not a comment process. I responded to the effect that it is hard to be engaged in this objection resolution process when the forest service will not discuss our objections. Shortly after at time 41.36 the facilitator reiterated that all our written objections were on the table and you concurred. I responded that "It's difficult to have a conversation about things that are supposedly on the table when we can't talk about them". In general, you refused to discuss any of our and other organization specific objection issues during the meeting.

Your letter partially quoted 36 CFR 219, but failed to quote the initial part which states-

§ 219.57 Resolution of objections. (a) ***Meetings.*** Prior to the issuance of the reviewing officer's written response, either the reviewing officer or the objector may request **to meet to discuss issues raised in the objection and potential resolution.**

So, the primary purpose of the objection resolution meeting is to **"discuss issues raised in our objection"**. Your refusing to answer questions or remaining mute when asked about key points

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from our written objection cannot be considered having a discussion. Likewise, you refused to offer any potential resolution to our specific written objections contrary to the CFR.

Your agenda objection issues summary (not dated), which laid out the objections to be discussed at this objection resolution meeting did not contain our specific objections, indicating that you had no intention of allowing discussion of our specific objections.

You allowed objectors to make statements or comments, but rarely did you respond or discuss what had just been said by objectors. Therefore, we were not allowed to have a discussion on our specific objections.

The reason given for you not wanting to discuss our specific written objections was to save time (minute 42.22). It is in violation of the CFR to place time limits which prevent the required discussion of specific objections or identifying resolutions.

You appeared to be treating the objection resolution meetings as a way to gather more input or comments, not to discuss or resolve objections. Your meeting fails the test of what an objection resolution meeting is required to be under the CFR.

At the objection resolution meeting you stated that you did not wish to talk about our written objections, but would respond to them all in your written response. It is totally disingenuous for you to now claim per your letter that you did not need to address our specific objections point by point because the CFR does not require you to. Your subsequent objection findings of 12/16/22 also did not address many of our specific objection even though you promised it would. Ignoring specific objections indicates that you were pursuing a predetermined outcome.

While it is true as you pointed out, that the CFR does not require a point by point written response, that clearly does not absolve you as the objection officer from having the required discussion with each objector of each substantive objection they raised and to offer potential resolution per the CFR.

Additionally, the CFR does not intend that substantive objections not be responded to, in fact the CFR says you must discuss and attempt to resolve them, which you have not.

From your letter of 2/21/23 and your actions at the 11/15/22 objection resolution meeting, you seem to be of the opinion that you can pick and choose which objections you discuss or respond to.

1. Where in the CFR does it state you are allowed to ignore specific written objections?
2. Where are your written findings where you considered each specific objection and justified why no further consideration be given to our objections and others?

We cannot imagine there is such a document. Per requirements established within NEPA, i.e. 2012 Rule, and 36 CFR 219, you do not have the right to pick and choose which objections you respond to.

You also seem to be of the opinion that the forest service need not provide potential resolutions, since you would not offer them to us at the objection resolution meeting, but kept asking objectors if they had any resolutions. This is totally unreasonable. First it is not a discussion for the forest service to be mute or refuse to respond on any issue. Secondly, the public does not know what resolution the forest service might feel is appropriate or legal. We would need to engage in a twenty-question game of how about this resolution or if not then how about another resolution. Meanwhile you were mute at the meeting on if many proposed resolutions were acceptable, so

again it is no longer a “discussion” and it is not possible to determine “possible resolutions” as required under the CFR since the forest service would not offer or discuss them.

Stewards of the Sequoia and many of our partner organizations have been fully engaged in your Sequoia Forest Planning process for over a decade. We have filed substantive comments during each phase, many of which have been ignored. We understood the purpose of the objection resolution process was to be able to have discussion and find potential resolutions to address specific issues that the forest service ignored or did not address during prior drafts.

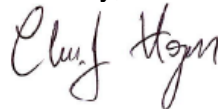
You have denied us that discussion and resolution. We hereby notify you that you have failed to complete the objection resolution process.

In order to correct this extremely serious act of discrimination and violation of public process we again ask you to schedule an objection resolution meeting for you to discuss our specific objections with us and provide potential resolutions to them.

Since the CFR required you to do that, and having not done so, you have not completed the objection resolution process and cannot close the objection period. Per the legislated boundaries of your authority as contracted land managers, you have no authority to release your final Record of Decision until such time as you have the required discussion and potential resolution of each specific objection and have revised your plan based on them.

It is unacceptable that the forest service has ignored, suppressed and stonewalled specific substantive objections. Clearly the point of the objection resolution process is to resolve all objections. It is most disturbing that we are having to defend the objection resolution process merely to be allowed to have our objections discussed and resolved.

Sincerely,



Chris Horgan
Executive Director, Stewards of the Sequoia
chris@stewardsofthesequoia.org

CC: Sequoia Forest Supervisor Teresa Benson
Sierra Forest Supervisor Dean Gould
Congressman Kevin McCarthy
Congressman Tom McClintock
Congressman Kevin Kiley
House Natural Resource Committee

"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 camping, hunting, fishing, hiking, mountain biking, motorized recreation, boating, windsurfing, rock climbing and horse riding"

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