

STEWARDS OF THE SEQUOIA

Non-profit 501c3

PO Box 1246

Wofford Heights CA 93285

January 27, 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,

Please respond to this formal complaint regarding your violating the Sequoia and Sierra Forest Plan Objection Resolution Process and NEPA.

Stewards of the Sequoia has been actively engaged in Sequoia Forest Plan Revision over the past 10 years. We have endeavored to help the Forest Service draft a reasonable revised Sequoia Forest Plan. Our focus was to ensure protection of multiple use recreation opportunity and to promote forest health. It has been arduous and time consuming to read and comment on several thousands of pages of forest plan drafts. We expected the Forest Service to follow all laws and regulations and asked for nothing more than getting a fair shake while being treated equally under forest service planning rule.

The Forest Service accepted Stewards of the Sequoia's detailed 42-page objection of 8/15/22 and invited us to take part in the objection resolution meeting, which you presided over on November 15, 16, and 17, 2022.

However, at that meeting when I wished to talk about our specific objections, you informed me that objectors were not allowed to discuss any specific objections, that you would respond to our specific objections in writing soon, that you wanted to hear instead about new issues.

Stunningly your written objection response of 12/16/22 does not address our specific written objections of 8/15/22. I contacted you about this but you have refused to respond to my voicemail of 1/9/23 or my emails of 1/9/23 and 1/11/23 where I asked you-

*"Hope you had a nice holiday. We are concerned that your Sequoia Sierra Objection Resolution did not address our specific objections. What is the procedure for us to formally object or file a complaint? Is there a timeline to file?
Thanks" (Horgan email to Holzworth 1/9/23)*

Your lack of response seems to confirm your intention to continue to ignore our concerns with your forest plan. Lacking any guidance from you we did a little research and found your document- "How to Participate in the Objection Process, USDA Sierra and Sequoia National Forests Land Management Plan Revision, June 2022" (attached), which states-

Violation of Forest Plan Objection Resolution Process

Page 1 | 3

- 1) **“The USDA Forest Service will provide an opportunity for objectors to meet with the Reviewing Officer and attempt to resolve their concerns.”**

Yet by prohibiting us from having any discussion with you to **“resolve our concerns”** at the objection resolution meeting you have violated of USDA Forest Service objection resolution procedure.

- 2) **“A concise statement explaining** the objection and suggesting how the proposed plan decision or species of conservation concern list may be improved. This information is important to set the agenda for **resolution discussions**. If applicable, identify how the plan revision is inconsistent with law, regulation, or policy.”

Stewards of the Sequoia provided a 42 page **“concise statement”**, but you prohibited us from **discussing** our objections at the meeting, contrary to Forest Service objection resolution procedure.

- 3) **“The written response(s) will explain reasons for the response to the objection** and may contain instructions for the Responsible Official. The response will be the final decision on the objection.”

Yet your written response did not respond to our written objections. Without going into the specifics of our 42-page objection, it is clear that your 29-page response could not possibly contain our 42 pages of objections along with your responses, let alone contain the even greater volume from all other objectors and your responses.

Your objection response has condensed, mis characterized and ignored objections, which makes it impossible for you to have addressed all specific objections as you are required to do.

While your objection procedure states your objection response is the final decision on the objection, it is clear that if you fail to respond to objections and have not discussed objections with objectors, then you have failed to complete the process and cannot have given a final decision and have not completed the required NEPA process.

As you know our formal comment letters have repeatedly asked the Forest Service to address many violations of law, regulation and policy in the Draft Sequoia Forest Plan. Yet the Forest Service failed to do so. By now refusing to address our specific objections on these same issues the Forest Service has made it clear they are intentionally ignoring our valid concerns and have obstructed our efforts to participate in the project planning process, thus disenfranchising all members of our group, as constituents of the general public, from exercising our right to fair and full engagement through every project phase from Scoping, to Analysis, to Objection, and Objection Resolution. The FS has subsequently produced a plan that bypassed proper public process under NEPA.

- 4) **“Objections must be based on previously submitted comments unless there is an issue that arose after formal comment opportunities.”**

So, it is extremely troubling that at the 12/16/22 objection resolution meeting you only allowed discussion of so-called new issues and refused to discuss our specific written objections. Furthermore, the supposed new issues such as changing the name of your Backroad Recreation Area has existed in the plan for many years, so this must be an old issue. You then proceeded to offer resolutions to supposed new issues which you also included in your 12/16/22 objection response cover letter, such as changing the name of Backroad Recreation Area.

To address old issues as supposed new issues is a violation of procedure and denies the public the opportunity to be engaged about them. Worse yet you did this while refusing to discuss valid specific written concise objections, which is supposed to be the primary purpose of the objection meetings.

Stewards of the Sequoia have been involved in other Sequoia National Forest objection resolution meetings in the past in which our specific objections were discussed and addressed during objection meetings with prior forest staff. Clearly this is long standing policy as well as current policy per your above June 2022 Sequoia Objection Process document. It is hard to understand how you could have thought it

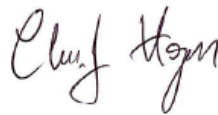
was proper to prohibit discussion of specific objections with objectors and to not respond to many specific objections.

- Was this intentional in an attempt to wiggle out of addressing our objections and others in violation of the NEPA process?
- Is this a continuation of discrimination against Stewards of the Sequoia, such as at the arbitration meeting you presided over when you would not reinstate our long-standing volunteer agreement of 18 years even though we have not been being accused of any wrongdoing, there is no evidence of any wrongdoing and we are not guilty of any wrongdoing?

You have made several serious process errors in your objection resolution process which can be remedied by having an objection meeting with Stewards of the Sequoia to discuss each of our objections and determine possible resolutions and to then provide a written response to our specific objections prior to releasing your Record of Decision. We hereby request an objection resolution meeting with you to accomplish this. We would also welcome your reinstating Stewards volunteer agreement so we can resume our work helping to maintain Sequoia trails as the largest on the ground volunteer group having maintained over 4000 miles of Sequoia trails since 2004.

All we ask is to be fairly treated and for the Forest Service to follow their policies and regulations and to see a reasonable revised Sequoia Forest Plan that addresses our objections.

Sincerely,



Chris Horgan
Executive Director
Stewards of the Sequoia
501c3 non-profit
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"

Promoting Responsible Recreation & Environmental Stewardship

Violation of Forest Plan Objection Resolution Process

Page 3 | 3