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Sierra and Sequoia National Forests Plan Revision Objection

Theresa Benson, Sequoia National Forest Supervisor

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

Dear Deputy Regional Forester Elizabeth Berger,

The Piute Mountain Property Owners Association reflects the views of 59 property owners with over 1100 acres of private lands in the Claraville and Sorrell Peak areas of the Piute Mountains.

This cover letters serves to communicate that we commented on the Sequoia Forest Plan Revision on September 26, 2019. We are sending our comment letter from that date and the font is in black. Our current thinking and objection is posted in red.

We are including a second objection by following the PCT through the Piutes from the south going north as far as Landers Campground and then east and out of the mountains and into the desert.

We believe the harmony and respect for the PCT already exists and that a management area is likely not to, in our opinion, to lead to the desired outcome.

Sincerely,

Nate Sciacqua

Mike Graves

Please see attachments

We are objecting to the Plan Revision by including our comment letter from 2019. The original letter is in black font. The red font is one part of our objection, and tying our comment letter to our objections.

September 26, 2019

US Forest Service

Forest Planner Fariba Hamedani

Forest Plan Revision

Via Email-r5planrevision@fs.fed.us

Re: Sequoia Forest Plan Revision Revised DEIS Comment

Dear Ms. Hamedani and Forest Planners,

Please add this comment letter to the public record and consider our comments as you draft the Final Sequoia National Forest EIS.

The Piute Property Owners Association is concerned about proposals in the Sequoia Forest Plan DEIS that will harm motorized recreation trails around our property.

* Most of our members purchased property in the Piutes in order to be able to enjoy the existing historical motorized trails.

Objection point: We are concerned that a PCT management area will curtail our ability to access our public lands using the existing trails near our properties, and we are even more concerned that a management area enforced as some would like will result in the closure of non system roads, routes, and trails that stakeholders use that facilitate travel and access in US Forest lands. It is necessary to cross the PCT somewhere to get to many places in the Piute Mtns. We object to a PCT management area that curtails our access to public lands long enjoyed by generations of people.

*

* We understand your Alternatives B, C, D and E propose to expand the existing Pacific Crest Trail Corridor up to one mile wide, and within that area you will only allow existing designated motorized trails.

Objection point: We understand that designated roads and trails may be allowed to remain, and that possibly the existing user generated (as the USFS calls them) trails might be allowed to pass through the management area on a case by case basis. This would be predicated upon the trail crossing the PCT not interfering with the nature and purpose of the PCT. We are grateful that the Supervisor acknowledged that some are concerned that the PCT management area may curtail their recreation. This would not be a desired outcome.

However as you are aware the Piute motorized trail plan has not been completed. There are many non system motorized trails which have yet to be analyzed for possible designation. Your Forest Plan proposals would circumvent and violate the requirement for those non system trails to remain open until the Piute Travel Plan analyzes them to determine if they should be designated or be closed.

Objection point: The idea of a PCT corridor arose in 2012, which we voiced our concerns over, essentially because of the corridor and the OLR process. We are fundamentally opposed to the OLR process, since others are free to move the PCT, potentially harming the trail experience of other stakeholders.

* The Pacific Crest Trail currently coexists in harmony with motorized recreation as it is required to do under the 1982 PCT Comprehensive Management Plan. If the Forest Service feels the PCT must now restrict other forms of recreation and can no longer coexist in harmony, then we suggest you relocate the PCT outside of the Piute OHV trail system area.

* Objection point: We understand that the 1982 PCT plan is superseded, and yet it is also cited in the most recent documents. What some of us find unbelievable is that there is a conflict going on the ground at the intersection of

the PCT use and the other uses in the Piute Mtns. The reality on the ground is that there is harmony and coexistence in the Piutes. PCTA has wanted a corridor (management area) for a decade now, since the [ldquo]Need to Change[rdquo] document. We understand they would like the best trail experience, but we know of no interference, no value degradation, to the PCT. We see no allegations of problems or conflict in the Piutes from the PCTA, trail users, property owners, law enforcement, or staff from the USFS, BLM, or Ca State Parks. The conflict is on paper, not upon our public lands. The 1992 PCT Optimal Location Review Process Guidelines call for moving the trail away from activities that are incompatible with protection of the trail. The document states that the team evaluate [lsquo]the physical, biological, and social environments to locate the trail within a corridor that can sustain the most desired recreation setting[rsquo]. The OLR process appears to be able to move the PCT away from conflicts and commercial developments, or the trail can be moved to curtail activity near a new location for the trail. The problem is that some do not think private property is compatible near the PCT but the public ownership aspect coupled with the optimal trail locations mean the trail is free to move TO private property.

* We are also concerned that your proposed PCT Corridor up to one mile wide will infringe on our private property, since our properties are closer than a half mile from the PCT. We object to this infringement on our private property and will take legal action if needed.

* Objection point: While we have heard and been told that the management area will not affect private property, multiple USFS documents from various eras, and including the most recent revision of land management, include the acquisition of private property along and in the management area. The USFS partner, the PCTA, calls for public ownership of all lands along the PCT and with an expanded idea of the viewshed, a viewshed they shall always want, and one that is acknowledged by the Supervisor in one of the alternatives not chosen. We believe calls for public ownership of all land near the management area, and calls for allowing the PCT to be relocated in order to place it in a higher value area, shall and do place potential infringements upon our property rights. We can understand that the PCTA wants the best trail experience, as we do, but it is our government[rsquo]s responsibility to protect the rights of all stakeholders. We would like the USFS to equally protect our trail experience and believe that this will result in the ultimate desired outcome. Again, the OLR process could be used to move the management area, creating new private properties to go onto the PCT land acquisition inventory. We haven[rsquo]t been privy to the [lsquo]potential alternate trail locations[rsquo]; none of us know where the future PCT is, and therefore we don[rsquo]t know if our property becomes the object of someone else[rsquo]s desired prize. This is reason to object to a PCT management area; it leaves us without a clear idea of what the future holds.

* We understand you may be considering a variable PCT Corridor in order to avoid being on private property. However a variable corridor would not meet the proposed requirement to insulate the trail with a certain distance. If a smaller width PCT Corridor is acceptable anywhere, then it must be acceptable everywhere. We understand there is no PCT Corridor on lands outside the National Forest, so there should be no corridor on public lands either.

* Objection point: We understand that the PCTA and the USFS would like the trail experience to be high, and we are grateful that the Supervisor acknowledges that the PCT cannot be this perfect single track with solitude as an experience everywhere. Most parties know that the PCT skirts freeways, railroad tracks, and homes in various areas outside USFS jurisdiction. The Supervisor cites the example of the PCT taking the shoulder of a road in the Scodie Mountains on the way to McIver Cabin, before dropping down to Walker Pass. We understand that people have always wanted to improve the PCT as time goes on. This is supposed to be a land management revision. Why does this include a trail that should be project specific? We still object to this.

* Pacific Crest Trail hikers have regularly sought food and assistance from our property owners and motorized recreationists in the area. We find it offensive that PCT people now seek to restrict our historic motorized trails.

Objection point: We have discussed this statement at some length recently. We are not going to confuse the PCT users with the PCTA. We are not going to allow our attitudes to change or deteriorate toward other forest and trail users. We don't believe the VAST majority of stakeholders ever read or shall read land management documents or EIRs, and we believe almost everyone is unaware of the changes that the management area will create. We think it offensive that some have an issue with private property ownership near the PCT, or trail riding in the forest. It is the duty of our government to protect citizen's rights, and government should be considerate of customs. Our research indicates that some parties have played the PCTA for large sums of money, or they would block access to the PCT (near the Canadian border). We also think the PCTA did not save Landers Meadow from development. The LLC in question was an energy development firm; they wanted solar panels in a meadow, and that was never going to happen; no one was going to send transmission lines above ground or under. Kern County would not give anyone permits to build vacation homes in a meadow. We cherish our public lands and those who do likewise.

* Many of us love the PCT and what it represents. It is an amazing trail. That being said, we strongly oppose any expansion of the PCT Corridor. As it stands, this will take away from other forms of recreation that are already in very limited supply. Closing these lands and in favor of making the PCT more of Wilderness experience outside of Wilderness is not appropriate on multiple use lands, and not fair to those of us who enjoy mechanized recreation. The PCT already has hundreds upon hundreds of miles which are within non motorized Wilderness lands.

* Objection point: We still think this. Many of us have always thought it was cool to have a property near the PCT. Unfortunately, the management area and calls by past staff and PCTA for public ownership of surrounding land create a sense of foreboding, stress, legal issues. It wasn't supposed to be like this, and the early 80's versions of PCT management call for it to be a good neighbor. There is room for all of us, but the PCT management area, coupled with the PCT land acquisition inventory, and the Optimal Location Review process mean that any pre-existing zoning or management cedes to the location of the PCT, and therefore we object.

Please rethink the Forest Plan so your Alternatives preserve all existing recreation opportunity for all forms of recreation including motorized recreation. Further restricting already limited motorized recreation is exactly the opposite of what is needed in a quickly growing state.

We look forward to your reply as to how the Forest Service will address the above legal and other issues.

Objection point: We believe that a review of our past efforts working with the USFS demonstrates our commitment to the environment, our willingness to work with others and find solutions, and our love of the outdoors. It is our government's responsibility to act as a fair and impartial referee. We think the desired outcome is keeping public lands open for all the public. We have more to say upon this matter, and we hope this review of our past comments show are current thinking.

Sincerely,

Nate Sciaqua, President

Second part of objection

Sierra and Sequoia National Forests Plan Revision Objection

Theresa Benson, Sequoia National Forest Supervisor

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

This is a descriptive objection to the management area as it passes through the Piutes, and why we object to the PCT [lsquo]management area[rsquo] specifically in each area.

Objection to the PCT management area

The PCT management area bisects a natural roaded area and a general recreation area from the southern end of the Sequoia national forest northbound along Jawbone Cyn Rd until crossing Piute Mtn Rd. Soon after, the PCT turns eastward crossing 29S05, the road that leads to Landers Campground.

We object to the management area since the trails that cross the PCT at this southern end of the forest are not designated, generally cross the PCT perpendicular, and lead out of sight. These trails, stuck in an [lsquo]on hold[rsquo] Piute Travel Management Plan, should have been designated by late 2011. The trails serve movement westbound through the forest with high value scenic opportunities of the Walker Basin. See figure 1 Map from USFS website. We don[rsquo]t think user conflict or denigration of the PCT trail experience is an issue here.

Where the PCT approaches Piute Mtn Rd., close to the west is a large block of private property, originally incorporated as the town of Claraville in the 1800[rsquo]s. A management area that extends into the block of property has the potential to infringe on basic property rights. There is more private property just south of Piute Mtn Rd and to the east of the block of land known as Claraville that is closer to the PCT. We object since the PCT land acquisition Inventory is not available to the landowners and the Optimal Location Reviews are poorly understood or described, nor do we know where the optimal trail locations for future trail routing exists. See figure 2.

In multiple parts of USFS documents where the PCT is discussed, strategies include discussion of purchase of lands in a PCT land acquisition inventory. The USFS says the inventory rests with the PCTA, therefore they cannot share it with us. The PCTA does not make the inventory accessible on its website. The USFS documents discuss at some length the relocation of the PCT to higher value areas but does not elucidate on the process. The process appears to be best understood from March 2012 Pacific Crest National Scenic Trail Optimal Location Review Process Guidelines. The general ambiguity of future trail tread contributes considerable uncertainty to the security of property ownership. Without clearly designated roads, routes, and trails, and the recognition of the existing non system routes, ingress and egress, along with accessibility to the wider forest of public lands may be cut off, and therefore is a major concern and reason to object to a management area that some would like to extend as a viewshed as far as the eye can see.

When the PCT is north of Piute Mtn Rd. and bending east crossing 29S05, it is close to Landers Campground. The site is not developed with hookups or other amenities but is high value to all users since there is always water available. This campground is popular with PCT hikers, hunters, general campers, gem seekers, and off roaders, and the site known as [squo]the Landers Meadow Guard Station[squo]. The spot is not much more than a stack of rocks presently, making a semi structure. Because of the long history of gold mining, logging, and cattle grazing, this area is loaded with roads, routes, and trails of a historic nature. While there is an abundance of such and within a proposed management area, we do not believe any of this contributes to the denigration or comprises any loss of value to the PCT experience. The ArcGIS web map does not show what we are talking about so we have submitted Figures 3 and 4, which are pdf files from the USFS of this area in 2004 shortly after trail inventory was taken. Some of the non system routes are single track trails usually used by off roaders, but many of the other non system routes are the size of roads. This particular area has had many uses for over 100 years.

And yet, there is no conflict of users or stakeholders. There have been allegations leveled but never confirmed. A Kern County Sheriff investigation of misuse of the PCT showed no such issue. Enforcing a management area a mile wide in this generally flatter terrain has the potential to create conflict as we see it. We think it counterproductive to foster conditions of discord when we enjoy the current harmony and this is a major reason we object to the creation of a PCT management area.

Staff has told us that this plan only concerns the USFS, but your documents have many references to working with other agencies and partners. MOU[squo]s exist to facilitate the needs of the PCT. Your revised documents frequently cite the value of the trail experience. The PCTA is looking for a great trail experience. Does that stop once outside of USFS lands? Generally, BLM lands don[squo]t look like USFS lands, but here it is indistinguishable. Figure 4 shows the PCT (purple line) stopping at the border with BLM lands. Note that the purple line stops; it is the current placement of the PCT. A close look of the map shows the PCT national scenic trail to the south in red, and where it may have been at one time. What is accurate is where the PCT crosses Piute Mtn Rd. to descend the mountain, with Mount Whitney in the background on a clear day. Looking to the west in the corner of the BLM lands and on both sides of Piute Mtn Rd is private property. Here the PCT management area would clearly extend into that property and it is here that people access our public lands by means of routes and trails shown as non system. These access points are dear to us and should not be closed or [squo]naturalized[squo]. This is a pocket of stakeholders who cherish and frequent public lands. A management area that denigrates our trail experience or prevents our ingress cannot be construed as a desired outcome. While the properties are in BLM area, a PCT management area could easily result in the closure of all non system routes at the border of USFS lands. The MOU cited in the 2012 PCT OLR guidelines call for the BLM to implement the PCT management area, further exacerbating our anxiety. Therefore this is an adamant reason for objecting to the PCT management area. That isn[squo]t a desired outcome. A review of the circumstances and practices from the past to present will show good will and good neighbors, and that the values of the PCT are not being denigrated. Also, there are no industrial, commercial, or residential developments in this area that the USFS or the BLM are going to allow for. Kern County does not allow for further subdividing of property, and rarely do they permit. Banks do not lend and insurers shy away from wildlands, as they call them, so threats to the PCT have already been minimized. Finally, we object since we don[squo]t know and have been unable to ascertain the following:

- * USFS cannot share the PCT land acquisition inventory with us, the property owners.
- * We don[squo]t know where the identified optimal trail locations exist but the guidelines call for the USFS to maintain the GPS inventoried data.
- * The guidelines call an [squo]evaluation across administrative boundaries[squo], [squo]regardless of land ownership.[squo] So, we don[squo]t know what determinations the BLM has made.
- * We don[squo]t know who is reviewing our land ownership patterns.

We think a no change status of the PCT as it is presently, along with no change in the management of the land is

the most suitable alternative. The PCT experience is about as high as it can be with the available viewsheds balanced by safety and proximity to roads that serve the PCT hikers and angels. A no change alternative would leave other forest users, recreators and stakeholders on an equal footing, and equal under the law. There are no cited issues with private property or transgressions onto those properties. Recreationists report they rarely if ever see hikers on the trail, though we know people are hiking it. The possibility of encounters with PCT hikers are much more likely at Landers Campground and at the base of the mountain where the PCT crosses Kelso Valley Road.

Sincerely,

Nate Sciacqua

Mike Graves