

**PCU // \ Free Assembly Project**

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~ an Association of Volunteers

25 April 2022

Dr. Homer Wilkes, Under Secretary:  
 – Natural Resources and Environment, USDA  
 1400 Independence Ave. SW – Suite 202-W  
 Washington, DC 20250

Cc: Meryl Harrell, Deputy Under Secretary  
 Attn: Tom Vilsack, Secretary of Agriculture

Re: **Status of the 'Group Use' Petition**

Salutations, Dr. Wilkes:

*We join in welcoming your long-awaited arrival as the NRE Under Secretary.*

This to apprise you of our pending rule proposal for civil rights remedies – inquiring on its uncertain status at USDA, and calling for fair evaluation and decisive movement in these proceedings.

In September 2021 our [Petition to Amend](#) the USFS '*Noncommercial Group Use*' regulations was [resubmitted to NRE](#), seeking relief under the Administrative Procedure Act. 5 USC §553(e). This proposal was clear on the constitutional need for CFR revisions, and complete as a package, well-supported and crafted with foresight to the rulemaking process, ready for review.

At the same time we requested a meeting with Ms. Harrell and NRE staff – envisioned as a routine followup within a few weeks, to answer questions on the scope & logic of the Petition, and confirm how the review would proceed. Instead this discourse was diverted to the FS Chief's Office, stalled for months, and never reached the substance of the proposal or the process.

We finally met on 11/16/21... contributors explained the history & urgency of rule changes, but FS staff had not seen the Petition and were unprepared. Days later we filed a second request for a fast return meeting to finish this work – that did not happen until 3/1/22, then no progress was made:

Deputy Chief Chris French invoked the agency's broad legal/policy/admin considerations in receiving such a rule proposal, and requested our input before meeting again in a few weeks. We presented a responsive memorandum on 3/20, cc'd to NRE via email (*attached FYI*):

[\*The Plan for the Group Use Rule Proposal\*](#)

But upon reconvening on 3/22, Mr. French announced that he had already sent recommendations to OSEC, before receiving our memo. He refused to disclose what was said, then spent our time speculating on whether "Rainbow" is really a 'Group' – *begging the core questions entirely*.

The chain of non-events is cause for concern: The Petition is now back where it started, seven months after its proper submittal to NRE, still awaiting informed decisions on its course. Meetings were properly requested with NRE in accord, but no one from your Office took part. FS delegates showed no grasp of the rule proposal or requisite procedures, and never addressed the issues of applied policy or practical steps forward on the rulemaking.

*This Petition deserves fair review, with transparency in accord with APA rights & mandates.*

- It is clearly well-founded in the public interest, not to be dismissed as a crackpot demand... we call for a rigorous Workplan as required for proceedings under DR 1512-1, giving it competent scrutiny from all sides, as appropriate for the needed determinations and approvals.
- Mindful of your diligence, we have offered to assist factfinding and provide further documentation in support of key provisions, on request. That offer stands, with confidence in the merits of the CFR amendments proposed, and the proof in-hand.

To be clear – from this point we will communicate exclusively with NRE personnel on the content and course of this rulemaking, because that is where these regulatory decisions are made: The responsibility and capabilities for qualified assessment lie squarely within your Office... we have a legacy of constructive dialogue there, to be sustained in pursuit of real solutions.

Please verify the status of this worthy rule proposal, and your intentions to proceed with full and proper review under a Workplan as suggested and required. We will answer any questions you have, and render any help you need.

Respectfully:

*~ The Regs Project Volunteers...*

  
*Scott C. Addison*

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