

Refreshing Our Memories on the Consensus Plan and Its Elements

Introduction¹

I recently sent to Mr. Grijalva and Mr. Nawi my *Issues Needing Resolution*². Included in these issues are ones related to 1) constraints on the amount of harvest, and 2) advisory committee review of all THPs that are in sensitive areas of Jackson Forest, and 3) the removal of West Chamberlain THP from the interim harvest plan.

I want to refresh everyone's memories about the consensus plan for resuming operations in Jackson developed by the Mendocino Working Group³, as well as the negotiations and additional letters since its publication. Hopefully, this will clarify for everyone why it is essential that these elements be included in the management plan approved by the Board of Forestry.

I also want to emphasize that the need to have these elements included is not a new concern. I emphasized this need in a letter to Mr. Grijalva in January, 2007:

Here, I want to be completely frank with you on what needs to occur to allow me to cooperate fully in getting Jackson Forest back in operation. **The draft management plan needs to be made to conform to the key elements of the Mendocino group's report.** This should not be difficult. There are only a few areas where substantial changes are required. The Mendocino group's recommendations were approved by three of the major Mendocino County timber firms, as well as representatives of the Sierra Club and the Campaign. They represent reasonable positions that should satisfy the needs of all concerned.⁴

It is worth recalling why the Mendocino Working Group came together and worked together to come up with a consensus plan. No timber harvests approved after 2000 have been implemented in Jackson Forest to date. The two plans approved in 2001 were halted by court order and continue to be halted. The first EIR prepared after the injunction was declared invalid by the court on July 30, 2003. More than four years later, there is still not a legally valid EIR or management plan for the forest.

It was in the above historical context that the Mendocino Working Group⁵ came together in mid 2006. Their letter to the Board of Forestry on November 30, 2006 began:

As you know our group has been meeting in Mendocino County for the past few months exploring ways to move the JDSF Management Plan process forward. Over the years our members have been involved in numerous forestry issues from the Grand Accord to County Rules to SB 1648. Historically we have been on opposing sides. This process has been unique in that we have reached consensus on an approach we believe has the potential to get JDSF back under management.

¹ To simplify access to the supporting documents, I have provided active links to PDF files of them.

² Vince Taylor, [Issues Needing Resolution Prior to or within 15 Days after Board Approval of Jackson Forest EIR and Management Plan](#), November 28, 2007, revised December 12, 2007

³ See the full report and follow-up correspondence: [Report and letters of the Mendocino Working Group](#).

⁴ [Vince Taylor to Ruben Grijalva \(Director, CDF\)](#), January 8, 2007.

⁵ Mike Anderson, Kathy Bailey, Bruce Burton, Art Harwood, Mike Jani, and Vince Taylor,

I underline the last sentence, because it contains the essential salient point: the consensus approach “has the potential to get JDSF back under management.

Apparently senior CDF management and the Board of Forestry recognized this impressive accomplishment for what it promised – to put behind us seven (now eight) years of contention, conflict, and non-operation of the forest. Both embraced the proposals and, to my understanding, have promised to incorporate the essential elements of the proposals in Alternative G of the EIR and the forest management plan. Unfortunately, to date, important elements are not incorporated.

The working group summarized its proposal in its November 30, 2006 letter:

Our approach to moving the management plan process forward is comprised of two phases. Phase one incorporates the guiding principles we have been developing with the Research and Demonstration focus that Bill Stewart has been designing as the new Preferred Alternative 8 [now termed “Alternative G”]. With the adoption of this first phase and the finalization and certification of the EIR, timber harvesting can resume on an interim basis. This interim resumption of harvesting will be guided by the principles in the management plan and the specific criteria developed by this group.

Phase two will be a concurrent and parallel process. This phase will be highlighted by the re-staffing of JDSF including personnel with a broad range of expertise in addition to silviculture, the appointment of a Jackson Advisory Group, the commencement of landscape-level planning on a broad array of issues and the establishment of a credible and verifiable inventory. Our group anticipates this process ... will develop a plan based on detailed specific information that provides for a consensus-based balancing of ecological values, education, research, recreation, timber production and regional economic stability.⁶

Highlighted above are two particularly important aspects of the consensus plan.

Restriction on Interim Revenue Generation

Important elements of the group’s proposal for harvesting in the interim period were restrictions on the locations, types, and total amount of harvest:

Interim Harvesting Criteria

... During Phase I, Timber Harvest Plans (THPs) shall be submitted consistent with the following:

1. Utilize uneven aged management
2. Apply all silvicultural principles stated elsewhere in our recommendations.
3. Aim to generate sufficient revenue to fund the development of Phase II of the Management Plan, including rebuilding adequate staff at JDSF and implementing our recommendations for forest, wildlife and botanical inventories. In addition to financing routine operations, long term initiatives should be limited in Phase I to completion of the road inventory and

⁶ [Letter to the Board of Forestry from the Mendocino Working Group, November 30, 2006](#), p. 1-1. Emphasis added.

rehabilitation plan, an expanded timber inventory and demonstration and research related expenditures.

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...

Item 3 in the above list is a very clear statement of the proposed restriction on total harvest during the interim period. This is the restriction that I requested be included in my *Issues Needing Resolution* as my item 3.

The language I cited in my item 3 came from a follow-on letter written by the working group to the Board on February 21, 2007. An introductory paragraph explained the reason for the letter:

In response to our recommendations, CDF has proposed an initial implementation of the management plan and associated harvesting restrictions.⁸ We have reviewed these recommendations and find that while staff included some of our recommendations they fail to capture adequately some key elements of our proposal that we feel are critical for successful resumption of operations in JDSF.⁹

One of elements not incorporated then in CDF's plan, and still not incorporated in the latest draft publicly available, was the group's proposed limitation on revenue in the interim period. By writing about the revenue restriction in the February 21, 2007 letter, the group again emphasized the importance of this element in its overall vision:

Our proposal for this initial period envisioned low impact harvesting in non-controversial areas. The intent was to generate revenue to restore and enhance staffing, remedy the more significant environmental problems on the forest, initiate a wildlife inventory, a botanical inventory and generate a reviewed and verifiable forest inventory, during the time that CDF was working with the advisory group to develop a long-term landscape and management plan.¹⁰

The group recognized the need to generate sufficient revenue to "fund the development of Phase II of the management plan." At the same time, it embraced limiting the harvest in multiple, specific ways, including limiting revenue generation to the purposes cited, so as "not preclude future options for long-term landscape-level planning in Phase II."

Harvest Restrictions and Advisory Committee Review of THPs

In its initial proposal, the Working Group made specific proposals to see that harvest operations in the interim period "not preclude future options for long-term landscape-level planning in Phase II."

Interim Harvesting Criteria

...

4. THP locations should be chosen so they do not preclude future options for long-term landscape-level planning in Phase II.
5. To facilitate (4), every effort should be made to avoid harvesting areas that:
 - (a) have not been logged since 1925 or

[Report of the Mendocino Working Group](#), "Interim Harvesting Criteria," November 30, 2006, p. 4-1. Emphasis added.

⁸ [Potential Harvest Limitations to be Applied during Initial Implementation of the Proposed Jackson Demonstration State Forest Management Plan](#), Department of Forestry and Fire Protection February 7, 2007

⁹ [Letter to the Board of Forestry from the Mendocino Working Group](#), February 21, 2007, p. 5-1.

¹⁰ [Ibid.](#), p. 5-3.

- (b) are mature second-growth stands contiguous with existing CDF-designated late seral development areas or adjacent to state park lands.
6. With the exception of the enjoined THPs, to assure harvesting in 2007 and 2008, emphasis should be placed on revising and finalizing harvest plans already in the system or those with the necessary field work completed.
 7. If timely THP submission is not possible consistent with (5) the department may propose harvesting consistent with (1-4) using selection harvesting that removes no more than 30% of the conifer basal area of the stand, leaves at least 70% of the overstory stand canopy and maintains or increases the average stand diameter of the residual crop trees. Any such proposed plan shall be submitted to the Demonstration State Forest Advisory Group (DSFAG) for review. The DSFAG shall recommend to the director whether the plan should be submitted, modified or eliminated from consideration. At such time as the Jackson Advisory Group (JAG) informs the Director that it is willing to do so, JAG shall take over the Phase I THP review function from the DSFAG.
 8. The enjoined THPs, Brandon Gulch and Camp 3, will be harvested, if at all, within the context of Phase II of the Management Plan.

The group went to lengths to express its consensus opinion on the location and type of harvesting that should occur in the interim period, because it realized that the careful, cautious implementation of harvests in this period was the key to preventing the resumption of public hostility to Jackson Forest operations.

It singled out for avoidance, if at all possible, areas not logged since 1925 and mature second growth stands next to late seral development areas and state parks. It proposed that if no feasible alternatives were available, THPs might be submitted in these areas subject to silvicultural restrictions and review by advisory bodies.

Following the publication of the Working Group's report, the group, representatives of the Board, and CDF discussed further how to determine the geographical areas that should be considered "sensitive" in the sense that harvest operations within these areas might preclude future options for long-term landscape-level planning.¹¹ I expressed my concern at that meeting and in a follow-on letter about keeping open future options for recreation, including areas adjacent to populated neighborhoods, high-value older forest, restoration R&D, streams, botanicals, and wildlife.¹²

In response, CDF developed a JDSF map overlay showing the areas with different densities of trees greater than 30" in diameter. CDF proposed to use this map to identify areas with 10 or more trees greater than 30" in diameter, and to consider all such areas as "sensitive," rather than providing separate overlays for each of the concerns that I listed. I have appended this map to this document. All areas on the map that are any shade of purple have 10 or more trees 30" in diameter. As can be readily seen, almost all of the forest west of Chamberlain Creek is sensitive.

In a letter to the Board on February 21, 2007, the working group expressed concern about the THPs that were initially proposed for harvesting in the initial period by CDF:

Our group would enjoy better understanding the decision making process that generated the initial list of plans for 2007 as outlined in the February 7th paper titled "*Potential Harvest Limitations to be applied during Initial Implementation of Proposed JDSF*"

¹¹ Meeting in Sacramento on January 4, 2007.

¹² [Vince Taylor to Russ Henly \(CDF\), January 11, 2007.](#)

Management Plan". Often disagreements of this nature are a result of insufficient information we would appreciate a response. Our group is very interested in seeing harvesting resume this year and needs to understand why these plans are favored over others that seem less controversial and lower impact.

In response, a joint meeting with representatives of CDF, the Board, and the Working Group was held on March 1, 2007. The Working Group representatives, Vince Taylor and Mike Jani, summarized the results of this meeting in a letter to Ruben Grijalva on March 6, 2007.¹³ This letter raised the need for review of all THPs in sensitive areas:

6. One item that did not come up for discussion but that was a part of the MWG's interim harvesting criteria, was the submission of THPs in areas of high concern for review by an advisory group. All of the plans outside of the east side of the forest are in the area of high concern developed by Russ Henly. Given that harvest[s] will [n]ot occur until 2008, the Jackson Advisory Group will be in a position to review the proposed THPs. Such a review will assist in ensuring that the plans are designed to maximize public satisfaction with the outcome. The review of plans as outlined in the MWG's "Interim Harvesting Criteria" should be explicitly clarified.¹⁴

The interim harvest plans published in the Alternative G EIR Supplement accepted the purple areas of the map, and stands not harvested since 1925, as areas to be avoided if possible, but it specifically stated that the first set of THPs proposed for harvest would not be subject to advisory body review. The lack of review is directly contrary to the Working Group recommendations.

In a letter to the Board of Forestry dated June 20, 2007, the Mendocino Working Group went to some lengths to explain why advisory committee review was important:

The last issue the MWG would like to address is the short-term harvest proposal. We understood that the Board's EIR subcommittee accepted the MWG's concern that interim harvesting should not preclude future planning options and agreed to our be proposed for sensitive areas in the interim period that they should **both** 1) meet the interim harvest restrictions, and 2) be submitted to the DSFAG or, when operational, the JAG for review. CDF developed a map that shows sensitive areas in purple (Alternative G Map Figure 2).

We are concerned that although the THPs in Section 1 of Table II.3 conform to the interim harvest restrictions recommended by the MWG, they are listed as **not** being subject to DSFAG or JAG review.

We believe that everyone's interests are in resuming operations in Jackson in a way that minimizes the chances for reigniting controversy. DSFAG or JAG review of sensitive THPs will significantly reduce the chances of a misstep. Such review will provide a forum for the public and provide the public with greater assurance that the THPs implemented in the interim period are chosen and designed so as to keep open future options for restoration, habitat, and recreation to the maximum extent feasible, consistent with the need to generate revenue to fund interim operations of the forest.

¹³ [Vince Taylor and Mike Jani to Ruben Grijalva \(Director, CDF\), March 8, 2007.](#)

¹⁴ [Ibid](#), p. 2.

The MWG recommends that all interim-period THPs proposed for sensitive areas be reviewed by the DSFAG or JAG, provided the review does not unnecessarily impact JDSF staff's ability to move forward with the 2008 sale program.

We recognize the importance of resuming operations in Jackson Forest in 2008. The MWG does not want the recommended advisory committee review to disrupt the 2008 JDSF Timber Sales Program. At the same time, we would like to have as effective as possible review of proposed THPs consistent with this desire. To achieve these twin goals, we ask the department to 1) identify those THPs that are prime candidates for 2008 harvests and to have the DSFAG review these plans as soon as possible so that preparation of approved plans can proceed with assurance of acceptability, and 2) to expedite formation of the JAG so that it can take over the review process as soon as practicable recommendations for achieving this objective.¹⁵

Despite this clear statement and explanation of reasons, the working group has not to date been told that advisory committee review will be mandated in the management plan for all sensitive THPs. I also note that although the request for expedited formation of the advisory committee was made in June, 2007, it is still not formed.

Removal of the West Chamberlain THP from the Approved Harvest List

At the meeting on March 1, 2007 discussed above, THPs proposed by CDF for initial implementation were discussed in the context of the Working Group's proposals for interim harvesting. The outcome of this discussion was acceptance by me of the Northfork Spur THP for implementation. This THP will harvest stands not entered since 1925 and is located in within the north central area of the forest that contains the majority of unentered old second growth and arguably has the highest recreation potential in the forest. I accepted this very reluctantly, but did so to show that I was committed to getting harvesting underway in 2008, even if it did require harvesting stands of unentered second growth.

The West Chamberlain Creek THP was also discussed extensively, and it pointedly was **not** accepted for harvesting in the initial period. West Chamberlain is in an extremely sensitive area of the forest, with unentered older second growth, high recreation potential, close proximity to a protected old growth grove, and a well-known Indian archeological site.

The letter that Mike Jani and I wrote following the meeting explicitly and exhaustively lists the THPs that were agreed upon for the initial period:

2. We agree that if necessary to implement harvests in 2008, JDSF could plan harvests in the THP areas denoted as Parlin and Northfork Spur, modified to conform to the interim harvest principles of the Mendocino Working Group (MWG). We also identified several plans on the east side of the forest that are outside of the areas of high concern for all parties and two that are on the southern part of the central area of the forest that have high redwood stocking levels. The last two plans, although not as fully developed, would be less controversial than

¹⁵ [Ibid](#), p.2. Emphasis in the original.

any of those with "substantial work completed" (those in the first section of Russ Henly's spreadsheet). These plans are South Whiskey Springs and 14 Gulch North.¹⁶

The West Chamberlain THP is notable for its absence from the listing.

The list of proposed THPs in Table II-3, Section 1 of the Alternative G Supplemental EIR, includes all of the plans that were approved or identified as being acceptable at the March 1 meeting *plus, inexplicably, West Chamberlain*.

I ask that the agreements reached in the meeting of March 1, 2007 be honored and that West Chamberlain be removed from the list of potential interim harvest THPs.

Conclusion

As the review of history shows clearly, the requested changes considered here have consistently been advocated by the Mendocino Working Group or, in the case of the West Chamberlain THP, agreed to in a joint meeting of CDF, the Board, and Working Group representatives.

¹⁶ [Ibid](#), p.1.

