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September 6, 2011

Stan Dixon, Chair, and Members
Board of Forestry
P.O. Box 944246
Sacramento, CA 94244-2460

Dear Chairman Dixon and Members,

I am today resigning from membership on the Jackson Demonstration State Forest Advisory Group. I do so with sincere regret. As you know, I have been working to improve management of Jackson State Forest since 1995. I had looked forward to continuing this work as a member of the Jackson Advisory Group (JAG).

My resignation is the direct result of the actions taken by the Board of Forestry on the Advisory Group's recommendations for future management of Jackson Demonstration State Forest (JDSF)¹. When I heard of the Board's actions, I was shocked and dismayed. By selectively choosing from the Advisory Group's recommendations, the Board unraveled the unanimously supported consensus that the Group worked arduously for 2-1/2 years to achieve.

The board eliminated the key protections that would have ensured that the forest was placed on a path toward restoration of older forest characteristics across the forest landscape. It contemptuously dismissed the Group's recommendations designed to enhance recreation experiences and to move toward elimination of herbicides.

All of the changes made by the Board were to move forest management of JDSF back toward "business as usual," away from the balanced vision put forth by the Jackson Advisory Group. In so doing, you threw away the golden opportunity to end the conflict, legal challenges, and acrimony that have surrounded JDSF for fifteen years.

If I were to remain a member of the Advisory Group, I would be tacitly accepting the actions of the Board. To do so would betray the thousands of people who have relied on me to represent their desire for meaningful reform of JDSF management.

I waited to write this letter until I felt I could convey accurately, without anger, how badly the Board acted, how disrespectful it was to members of the Advisory Group, and how serious are the consequences of your actions.

First, let me review some history.

Jackson Demonstration State Forest has been embroiled in controversy, subject to public outrage, and faced with protracted legal battles since 1995. Legal actions initiated by the Campaign to Restore Jackson State Redwood Forest, under my leadership, shut down all timber operations in Jackson Forest from 2001 to 2008. As a consequence, the Department of Forestry, the state, and the timber industry lost revenues in excess of \$100 million. Additionally, the state paid in excess of \$300,000 to the Campaign for its legal fees.

¹ *Findings On The Recommendations Of The Jackson Demonstration State Forest Advisory Group And Direction To The Department Of Forestry And Fire Protection For Management Of Jackson Demonstration State Forest*, Board of Forestry, July 13, 2011

In 2006, Ruben Grijalva, then Director of Cal Fire, and I agreed that the solution to the discord and acrimony between the Department, timber interests, and the public was to bring together representatives of all interests to develop a consensus plan for future management of Jackson Forest. Impetus for this approach was provided by the failure of previous efforts to by-pass the public and dictate forest policy by the Department. By March of that year, the Department had received over 6000 comments on its latest attempt to develop a legally acceptable Environmental Impact Report (EIR). Clearly, the next set of legal battles was in the offing.

The first step toward resolving the conflict was formation of what is generally called the Mendocino Working Group, an ad hoc, non-official group of Mendocino County timber leaders², plus Kathy Bailey who had a long association with the Sierra Club, and me. The Working Group began meeting in the summer of 2006 and quickly came to an agreement on the general outlines of a plan for getting Jackson Forest back in production and developing a consensus long-range management plan.

Key elements of the plan were incorporated in a proposed new JDSF management plan prepared in concert with the new EIR. First, there was to be a three-year "interim period" during which management of the forest was to be constrained. No clearcutting or other forms of even-age management were to occur, and timber operations were to avoid stands with a high proportion of large, old trees. Second, a broad-based, independent Jackson Advisory Group was to be established. It would review all proposed timber plans during the interim period and would work to develop a consensus long-range plan for management of Jackson Forest. At the end of the interim period, the Advisory Group was to provide its consensus plan to the Board of Forestry to review, with the understanding that if accepted by the Board, the Advisory Group's recommendations would be incorporated in the management plan for JDSF.

For my part, I agreed that if these elements were incorporated in the proposed management plan, I would not legally challenge the new EIR. I was willing to trust that the Advisory Group would develop a consensus with which I could live. I was ready to put legal challenges behind and to devote my efforts to building a workable consensus.

The charter for the Jackson Advisory Group directed the group to seek consensus. Very importantly, the charter strongly implies that the Group's consensus recommendations would be accepted by the Board and the Director of the Department:

To the extent the group is able to provide a consensus based recommendation, the Director and the Board will give those recommendations the highest level of consideration. In the event consensus is not reached on any particular topic, the range of perspectives will be recorded and forwarded to the Director and the Board.

Where non-consensus recommendations or reports come forward from the Advisory Group, the Director and the Board will give full consideration to the range of perspectives expressed by the Advisory Group members and make

² Art Harwood of Harwood Mills, Mike Jani of Mendocino Redwoods, Bruce Burton of Willits Redwood, and Mike Anderson of Anderson Logging.

their decisions based on the discretion and direction provided in statute and Board Policy.³ [Emphasis added]

Consensus recommendations will be given “the highest level of consideration.” Only for non-consensus recommendations will the Director and the Board “make their decisions based on the discretion and direction provided in statute and Board Policy.” Taken together, these two paragraphs create a strong presumption that consensus recommendations of the Advisory Group would be accepted by the Board, unless there were overwhelming reasons for not doing so.

The current (and future) members of the Board need to understand two basics:

1. The Board was fully involved in development of and establishment of the Jackson Advisory Group. The establishment of the Advisory Group was a part of the JDSF Management Plan approved by the Board. The Board, through its Management Subcommittee, participated in the drafting of the Charter for the Advisory Group. The Board approved the Charter and also confirmed all appointments to the Advisory Group. The Board accepted the responsibility to receive and review the report of the Advisory Group.

At a recent Board meeting, the Chair appeared to distance the Board from the Advisory Group, saying in effect that the Advisory Group was not a creation of the Board and that its recommendations had no special status with the Board.

The Board cannot disown what it was instrumental in creating.

2. The entire Advisory Group process was and is **political**, in the very best sense. Jackson Forest was mired in conflict because opposing interests never talked to one another, except in court.

Before the reforms incorporated in the 2008 Management Plan, the Department held that management of the forest was its business, that its powers were provided by legislation, and that it answered only to the Board. The Board and the timber industry supported this position.

In establishing the Advisory Group, the Department and the Board recognized that Jackson Forest is a public forest and, as such, it needs to serve the broad needs of the public, including timber, conservation, and recreation interests.

The process of resolving differences that reflect conflicting values (e.g., timber revenues versus forest restoration) is inherently political. When different values are involved, there is no technical “right answer.” To reach agreement, compromise is required.

The Advisory Group fully recognized that it was engaged in a political process. Technical advice was essential for reaching agreements that all

³ *Charter of the Jackson Demonstration State Forest Advisory Group*, approved by the Board of Forestry, January 9, 2008, p. 4.

could accept, but the core of the consensus was a feeling by all parties that their core values were respected and honored.

The Advisory Group achieved consensus to a degree some thought impossible on issues that have divided the community for over a decade. This remarkable achievement promised an end to the controversy and conflict that has plagued Jackson State Forest for so long. All that remained to reach this long-sought goal was for the Board of Forestry to endorse the central recommendations of the Advisory Group.

In its report to the Board, the Advisory Group emphasized, “The resolution of differing views required compromise. It was the balancing of differing interests within the overall package that made consensus possible.”⁴ The report elaborated further in a section that identified keys to consensus [p. 5]:

- The identification by all members of their “core or bottom-line needs” and “red flags” made a crucial contribution. At a point when progress was stalled, core needs were put up against the list of proposed recommendations, and members could see that most core needs were being met. The JAG was then able to focus on meeting remaining core needs and removing red flags.
- Looking at the recommendations as a whole. Members became more willing to give ground in some areas when they felt their core needs had been met in other areas.

Recognizing the key importance of balancing interests in reaching consensus, and implicitly recognizing the political importance of the consensus, the Advisory Group explicitly gave guidance to the Board [p. 6]:

It is important to consider the recommendations as a whole. Although not every recommendation satisfies everyone, the complete package represents a balancing of interests that enabled reaching overall consensus.

Stating the obvious, coming to unanimous agreement was arduous and not easily achieved. That it took 2-1/2 years of concerted effort to reach agreement speaks for itself. Members of the Advisory Group devoted over 5,000 man and woman hours to the task, without compensation, because they all felt the importance of eliminating the conflicts of the past and creating a new vision for Jackson Forest.

Given the language of the charter cited previously, the wisdom of eliminating conflict and future legal challenges to JDSF management, and the remarkable achievement of the Advisory Group in coming to unanimous consensus, I and others had every reason to expect that the Board would accept the recommendations of the Advisory Group without significant changes.

Instead, you rejected central elements of the recommendations that were of crucial importance to the conservation, recreation, and general public members of the group, and did so in way that was extremely disrespectful of the Advisory Group.

The actions of the Board were, and I use the word advisedly, deplorable:

⁴ *A Vision for the Future*, The Report of the Jackson Demonstration State Forest Advisory Group, January 15, 2011, p. 2.

- In rejecting central elements of the consensus recommendations, the Board unraveled the hard-won consensus. In so doing, it threw away the golden opportunity for a future for JDSF free from conflict and discord.
- The entire process of the Jackson Advisory Group, prior to the Board review, was collegial and inclusive, with the goal of ensuring that all parties felt heard and their concerns honored.
- The Board, in contrast, acted in isolation and shut out the Advisory Group from process. When months of Board review passed without requests for input or participation by the Advisory Group, the Group's Chair wrote on May 9, 2011, via email, to the Board of Forestry and Cal Fire:

On behalf of the JAG I request that opportunities be provided for the JAG to formally contribute to on-going discussion by the Board and its Committees as these bodies review the JAG Report...

Continued involvement of, and dialogue with, the broadly-representative JAG would, I believe, benefit the Board and its Committees as they consider the JAG's consensus-developed recommendations.⁵

No response was made to the letter, and the request was ignored.

- The Board never gave the Advisory Group any opportunity to respond to concerns or to comment on proposed Board changes to its recommendations.
- The Board allowed staff and a few Board members working for tens of hours to discard central agreements that took Advisory Group thousands of hours to develop, review, and revise until agreement could be reached.

Different members of the Advisory Group have expressed to me that "The Board's actions were a slap in the face," and "The Board threw us under the bus." However expressed, there is no question that the Board showed no respect for the members of the Jackson Advisory Group or their accomplishments.

Because the Board apparently did not understand the full import of some of the changes that it made to the Advisory Group's recommendations, I would like to explain.

If any one agreement could be identified as central to the consensus, it was the agreement 1) to use Matrix Forestry in all areas of the forest not devoted to research projects or allocated to more restrictive silviculture **and** 2) to only depart from Matrix Forestry for approved research or demonstration projects that were, for the most part, components of an overall research program based on Centers of Excellence.

Elimination of Matrix Forestry

Without going into the details, which are in the Advisory Group report, suffice it say that huge amounts of effort went into developing the technical details of Matrix silviculture so that it would satisfy both those primarily interested in timber production and those primarily interested in restoration to older forest conditions. To help in validating the Matrix Forestry approach, about a dozen practitioners of similar forestry were invited to

⁵ John Helms email to George Gentry, Executive Officer of the Board of Forestry, and Russ Henly, Cal Fire Assistant Deputy Director for Resources, May 9, 2011. Mr. Helms explicitly requested, "I would appreciate your sharing these remarks with Board Chairman Dixon."

a field day to say how they would apply this approach to a wide range of forest conditions. The actual specifications were developed by a practicing RPF and Chairman Helms, a retired professor of silviculture at UC Berkeley, and then thoroughly reviewed by all JAG members and revised to meet all concerns.

The end result was a flexible approach toward management that won unanimous support.

The Board rejected Matrix Forestry and directed that it be replaced by standard Forest Practice Rules Uneven-Aged Management, thereby eliminating silvicultural goals and constraints that were central to the Advisory Group consensus.

Elimination of Guidelines for Implementing Silviculture in Support of Research

Historically, many of the harvest plans in Jackson Forest that employed clearcutting and group “selection” were justified on the basis of “research,” but without any underlying research program or projects. Further, there was great debate in the Advisory Group over whether harvests that departed from Matrix Forestry could be done in anticipation of future, unspecified research.

These concerns were resolved by creating “Recommended Guidelines for Silviculture Variations in Support of Research and Demonstration”⁶ **These guidelines stressed that the entire forest should be available for research and demonstration**, but provided appropriate constraints to ensure that only appropriately evaluated research projects would be used to justify harvests that conflicted with silvicultures endorsed by the Advisory Group. **These guidelines implicitly rejected implementing silviculture for unspecified future research.**

These Guidelines were central to reaching consensus on the Research and Demonstration recommendations..

The Board rejected “silviculture and timber harvest guidelines proposed in the JAG’s *Recommended Guidelines for Silviculture Variations in Support of Research and Demonstration*”⁷

The Board also overrode the Advisory Group’s recommendation that silvicultural allocations in support of research be made in **the context of a research plan** based on Centers of Excellence. This recommendation was made to ensure that such allocations would support specific, planned research, not unspecified future research.⁸ The Board findings say instead:

The Board’s research governance structure will bear responsibility for determining the range of stand structures necessary to fulfill the goal of creating a “world class” research and demonstration forest at JDSF. Once the Board’s research governance structure has made this determination, it will then

⁶ Ibid, Chapter 3, Section D, p. 40.

⁷ *Findings*, op. cit, p. 2.

⁸ The eliminated “*Recommended Guidelines for Silviculture Variations*” provided additional assurance by specifying, “After adoption of a Strategic Research Plan (and associated landscape allocations), harvests justified by research will be implemented only when there is reasonable confidence that the associated research will be carried out.”

determine what, if any, modifications to the adopted landscape allocations are required.⁹

Under the Board's decision, a research plan no longer need be developed before making allocations for research. It is entirely up to a non-existing, to-be-created "research governance structure." The Advisory Group is assigned no role, even a review role in this process.

These provisions of the Board's findings make a mockery of the Advisory Group's careful efforts to find a balance between research needs and protection of public forest values.

Findings with Regard to Recreation

The Recreation Recommendations of the Advisory Group concern protecting and enhancing recreation and aesthetics -- values of high importance to the public.

The Board went out of its way to offend the public, as well as the Advisory Group, saying in its first paragraph on recreation:

- The Board generally supports the JAG's recommendations for recreation on the Forest, **but does not support measures to shield recreationists from the realities and educational opportunities associated with timber harvest. JDSF is not a park, but is a public forest with a unique responsibility to demonstrate timber management under the State's Forest Practice Program.**¹⁰ [Emphasis added.]

First, the bolded words imply that the Advisory Group was unaware that timber management and research are primary missions of the state forest. Of course, it was aware of this. But, the enabling legislation acknowledges that recreation is a compatible use, and the Advisory Group felt it was important to enhance opportunities for recreation and aesthetic experience.

Further, the Board's statement evidences its confusion about the intended audience for demonstrations of timber management. Obviously, the intended audience is the timber industry, not the general public. The public can be given educational "opportunities" about timber harvesting in specially selected and developed sites. There is no possible justification for subjecting recreationists to the full impacts of timber harvesting on all popular recreation roads and trails.

The Board then emphasized its contempt for the Advisory Group's desire to develop enhanced protection of aesthetic values on highly used recreation trails and roads by rejecting its recommendation to do so.

Herbicide Use

Recognizing the extreme sensitivity of Mendocino residents to any herbicide use, the Advisory Group formulated guidelines designed to minimize herbicide use while working toward the goal of eventually eliminating their use on JDSF.

The Board summarily rejected the herbicide recommendations of the Advisory Group, with no explanation or justification.

⁹ *Findings*, op. cit, p. 2.

¹⁰ *Ibid*, p.2.

Final Words

In summary, the Board failed to respect its own Advisory Group and the political solution the Group worked so hard to achieve.

The public has lost its respect for government at all levels. The Board actions exemplify why this loss continues.

I regret ending my contributions to the Jackson Advisory Group on this note, but the Board has given me no choice.

I will continue to take an interest in Jackson Forest and to represent the public interest.

Sincerely,



Vince Taylor