

# Jackson Demonstration State Forest

## a Tale of Self-Serving Fictions, Ecological Destruction, Lies, Lawbreaking, Broken Public Trust, Greed, Gross Mismanagement, and Contempt for the Public

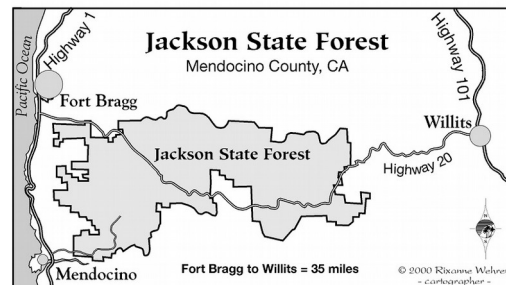
By Vince Taylor

### Introduction

#### *Purpose*

I want to disabuse anyone of the notion that the California Department of Forestry (CDF)<sup>1</sup> has been a good steward of Jackson Demonstration State Forest. The public is now debating the best future use of this publicly owned 50,000–acre redwood forest. Those involved in deciding the forest's fate should be aware of CDF's dismal record of self-serving fictions, lies, lawbreaking, greed, ecological destruction, mismanagement, and contempt for the public.

The urgent need for carbon capture, reduction of fire risk, appreciation for tribal sovereignty, shrinking biological diversity,



<sup>1</sup> The California Department of Forestry (CDF) is the forestry division of the Department of Forestry and Fire Protection, now commonly called Cal Fire. Forestry is a small part of Cal Fire. I use CDF, except when referring to the Director of Cal Fire, to emphasize that only Forestry and not Fire Protection is involved with management of JDSF.

and a growing need for recreation and spiritual nourishment – these all cry out for transforming Jackson State Forest from industrial logging to restoration.

Neither CDF nor the Board of Forestry (BOF) should have any role in Jackson Forest's transformation or its future management. Their past actions disqualify them as stewards of this publicly owned forest.

Don't take my word for it. Assembled here are details, with references, of the many failures and misdeeds of CDF and the Board of Forestry over many decades. Links to references are provided so you can see for yourself.

**When typical foresters look at a forest all they see is standing logs . . .**

To understand why CDF has been such a dismal steward of our public redwood forest, you should know that CDF is staffed by professional foresters. If you are unfamiliar with foresters, you may think this is a good thing, but it is not. Foresters are trained solely on how to extract timber in the most profitable way and to evade to the maximum extent possible all environmental constraints imposed by law. When typical foresters look at a forest, all they see is standing logs, and all they think about is how to get the logs to the mill in the cheapest way possible.

Since its purchase by the state in 1947, Jackson Demonstration State Forest (JDSF) has been operated as an industrial logging operation. I repeat and emphasize, **JDSF has always been and continues to be run as an industrial logging operation.** Biological diversity, healthy salmon habitat, tribal rights, fire risk, carbon capture, recreation, and spiritual nourishment are not positive values to CDF but only hindrances to their logging operations.

## ***Who I Am***

I am not a casual critic. I have a bachelor's degree in physics from Caltech and a Ph.D. in economics from M.I.T. I worked on economic aspects of government policy for twenty years, ten of which were at the Rand Corporation, Santa Monica, California. I was founder and chief executive of a software company for approximately 10 years.



I started studying and critiquing JDSF management in the early 1990s, organized protests against JDSF in 1995,<sup>i</sup> and in 2000 filed the first of five lawsuits to stop illegal actions of JDSF management. The courts sided with our positions in every case. These lawsuits halted all logging in JDSF from 2001 through 2009.

In 2006, I reached a gentlemen's agreement with the Director of Cal Fire: CDF would facilitate organizing a broad-based advisory group tasked with developing a consensus plan for long-term management of Jackson Forest. Both parties agreed to accept the terms of the consensus plan and, in exchange, I agreed to dissolve an injunction that had halted logging in Jackson since 2001. I was a core member of two advisory groups for five years, learning in detail about the history of logging and the condition of stands throughout the forest. What happened to the consensus plan is part of this story.

## **Fiction versus Reality**

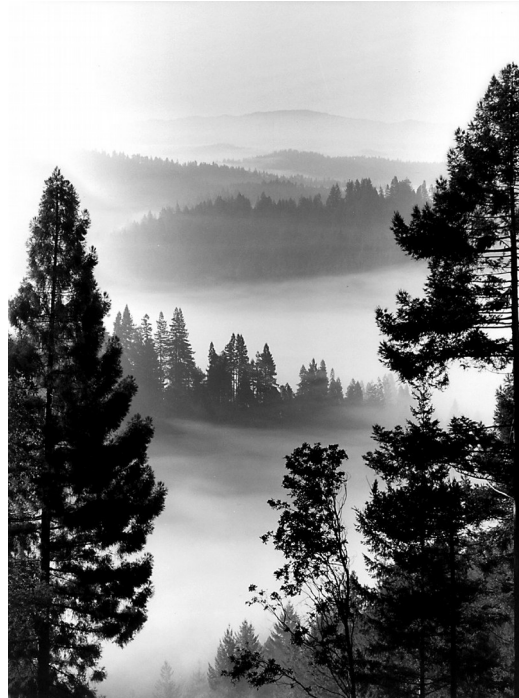
### ***Early History***

#### **Fiction**

CDF's official narrative is that when acquired in 1947, Jackson Forest was a "moonscape,"<sup>ii</sup> "cutover, burned over and otherwise denuded."<sup>iii</sup>

**Reality:** From day one, Jackson Forest was a highly productive forest with virgin stands of redwood covering about 1/3 of the area and well established stands of second growth on the remainder.

This reality is clear in the background of its purchase. In 1942, Emanuel Fritz, the "Father of California Forestry," became concerned that vast tracts of cutover timberland were being left idle and in danger of being converted to range land.<sup>iv</sup> He proposed that the state purchase one million acres of such cutover land to hold and restore to productive forests.



By 1945, when legislation was passed to implement Fritz's concept, financial considerations had intervened and the legislation did not mention the million acres. Further, the Board of Forestry rejected the idea of buying cutover land. It wanted the state to buy "areas containing virgin and second growth timber as well as cut-over lands."<sup>v</sup>

Holdings of the Caspar Lumber Company filled the bill. It was Fritz's first choice for state acquisition:

In the opinion of the writer [Caspar Lumber holdings are] the best area for the first state forest in California. As early as 1922, it was considered in part as a possible school forest for the University of California forestry school. It has been well protected for many years, **there is much excellent second growth capable of bringing in early returns, there are excellent blocks of virgin timber** ...<sup>vi</sup> [Emphasis added]

A 1947 resolution authorized purchasing from Caspar Lumber Company "46,878.08 acres of land with an estimated 236,132

million board feet of second growth timber and an estimated 348,511 million board feet of virgin timber.<sup>vii</sup> Note well, at the time of the purchase, the amount of virgin timber was estimated to be 50 percent greater than the amount of second growth, providing a strong incentive for the purchase.

After the first complete inventory in 1958–60, the estimate of second-growth timber quadrupled to almost a billion board feet. Evidently, the initial estimate, based on a cruise of the land, omitted many of the second-growth trees, considering them of no commercial value. The state had bought a virtual treasure trove for the bargain price of \$1.5 million.

**... what stands out is that CDF never considered preserving the undisturbed stands of old growth for future generations.**

The substantial quantities of second-growth did not lessen the importance and value of the old growth. Over the first 30 years of logging, old growth supplied about 25% of the total harvest.

Emanuel Fritz had a grand vision of a million acres in state forests. The reality: JDSF was the only significant state forest purchased after WWII. It was and is an odd orphan in CDF, mostly neglected until Sacramento began to use JDSF logging revenues to cover shortfalls in their budget.

From a public trust standpoint, what stands out is that CDF never considered preserving the undisturbed stands of old growth for future generations.

### ***Exemplary Management – Reality versus Fiction***

CDF's descriptions of their management of JDSF are filled with superlatives. The narrative of superlative management was begun in 1997 by Richard Wilson, then Director of CDF (later, Cal Fire).<sup>viii</sup> He asserted that CDF transformed “cutover, burned over, and otherwise denuded” land into a thriving, healthy ecosystem –

including “not only the constituent tree species, but the entire spectrum of plants and animals that make up this biological community.”<sup>ix</sup> He added more robust self-congratulation:

“Jackson Demonstration State Forest... comprises some of the richest and best-managed forest in the world.”

“Today, Jackson Forest is one of the preeminent public working demonstration forests in the world, unique among publicly owned forests in the redwood region with its multiple use, conservation-management approach.”

“The guiding management philosophy is to conduct innovative demonstrations, experiments and education in forest management while achieving sustained production of timber through the application of sound forest management techniques.”

“...the volume of growing timber has quadrupled during the same time [1947 to 1997] due to the concerted practice of sustainable forestry by JDSF.”<sup>x</sup>

**This narrative is a self-serving fantasy.**

### ***No Concern for Conservation***

We've already noted that JDSF was a healthy, productive forest with virgin timber on one-third of the area at the time of acquisition. Rather than preserving the already scarce publicly-owned, old-growth redwood, CDF proceeded to manage it exactly as industrial timber owners would – by cutting it all down over the next 40 years.<sup>xi</sup>

**In the 1960s JDSF also began cutting the oldest stands of second growth by clearcutting... This does not constitute "conservation management."**

CDF might be excused for cutting old-growth redwoods in the 1950s and 1960s, when there were still large, undisturbed stands of virgin timber in California, but **by the 1980s, old growth was an endangered species. The JDSF response was to go back over all of**

**the forest, cutting down old-growth trees that had been too difficult to harvest previously with earlier technology.**

In the 1960s JDSF also began cutting the oldest stands of second growth by clearcutting, again emulating industrial timber owners.<sup>xiii</sup> This does not constitute "conservation management."

Conservation and protection of biological values did not enter into the minds of the managers. They were interested only in harvesting timber. **Here is the totality of what the JDSF 1983 Management Plan had to say about protection of wildlife:**

64.41 - Habitat Enhancement

While activities designed to improve the habitats for particular wildlife species have undeniable societal benefits, they would too often conflict with the State Forest's primary mission of timber production. There is no evidence to suggest that current management practices are threatening any significant species.

Recommendation: Continue the current practice of considering the possible adverse impacts on wildlife resulting from timber harvesting, and developing appropriate mitigations.

64.42 - Population Controls

There are currently no population estimates for any of the resident wildlife species nor are there any plans to conduct population studies. There is no reason to believe that the populations of any significant species are falling dangerously low, nor that any are high enough to pose a threat to other resource values.

Recommendation: Allow wildlife population levels to react naturally to habitat changes.

77.2 - Wildlife

Not much can be done in the wildlife management field until better population figures are available. There are no known plans for any agency to conduct such studies. The State Forest will encourage and cooperate with any effort by State agencies or educational institutions to conduct wildlife surveys.

In the development of management unit plans some simulated ownership objectives may include enhancement of wildlife habitat. In that case consultations with wildlife experts would be expected.

The management plan from which these excerpts were taken was published in 1983, which may seem early to some, but **the 1983 Management Plan was not updated until 2002**, and then only because the Campaign to Restore Jackson State Redwood Forest successfully sued to halt logging on the grounds that the management plan was outdated. JDSF had no concern about animals (or plants other than merchantable timber and those tree species that compete with merchantable timber). This is because **JDSF has always been run as an industrial logging operation.**

### *The Research and Demonstration Fantasy*

CDF exalts JDSF as a shining example of forest research and demonstration:

Today, Jackson Forest is one of the preminent public working demonstration forests in the world, unique among publicly owned forests in the redwood region with its multiple use, conservation-management approach.<sup>xiii</sup>

**This is a complete fabrication.**

In the entire history of JDSF, the only significant research or demonstration accomplished was a watershed study conducted in Caspar Creek. It compared stream sediments associated with tractor and logging and cable logging. How useful were the results is





open to question. Every other potentially significant research project was abandoned or modified rendering any results invalid.

**A major difficulty with forest research is that it takes 25 to 50 years to obtain meaningful results.** Most research projects have been done by university professors and their students. All of whom move on before meaningful results are obtained.

**Valid experiments or educational demonstrations can't be done on the thousands of acres that are harvested every year in Jackson Forest;** so JDSF just made up a boiler-plate justification that doesn't require any current research or demonstration:

[T]he purpose and need of the project as proposed is to demonstrate economical forest management by producing timber and allowing opportunities for research and demonstration.<sup>xiv</sup>

### **R&D as a Justification for Clearcutting**

Despite there being very little research or demonstration in JDSF, the *idea* of research and demonstration is of great importance to its managers. Why? Because they use it to justify large-scale application of clearcutting and other forms of biologically destructive even-age management.

**The research mission of JDSF is a sham.**

Clearcutting is the most cost-efficient means of harvesting timber, making it the darling of industrial timber companies and JDSF managers.

In the 2002 Management Plan, before the Campaign to Restore Jackson State Redwood Forest intervened, the DFMP proposed clearcuts (including clearcuts euphemistically called "group selection") for two-thirds of the forest areas eligible for such harvesting, a total of half the forest.<sup>xv</sup>

JDSF has faced great public pressure to limit all variations of clearcutting. They have pushed back against this pressure by

creating a bogus "research mandate." This is from their 2008 management guidance publication:

To forward the interests of research and demonstration, the planned management of Jackson Demonstration State Forest will produce a vast array of forest stand conditions available for observation and study.<sup>xvi</sup>

For the last 30 years, there has been a "vast array of stand conditions" in Jackson Forest. The same conditions are replicated repeatedly. Almost none have served any research or demonstration purpose in the past and will not in the future. The research mission of JDSF is a sham.

The Jackson Advisory Group (JAG), which was formed as a result of lawsuits that shut down Jackson, attempted to rein in JDSF's use of even-age management. It recommended:<sup>xvii</sup>

Limiting even-aged management to specific research projects that would be peer-reviewed, restricted to the minimum size required for scientific validity, and for which funding was reasonably assured.

This ecologically sensible recommendation was vetoed by the Board of Forestry, which has always supported JDSF's industrial logging against all attempts at reform.

### ***The Myth of Multiplying Inventories***

CDF credits its management for multiplying the inventory of timber in Jackson Forest. Former CDF Director Richard Wilson wrote:

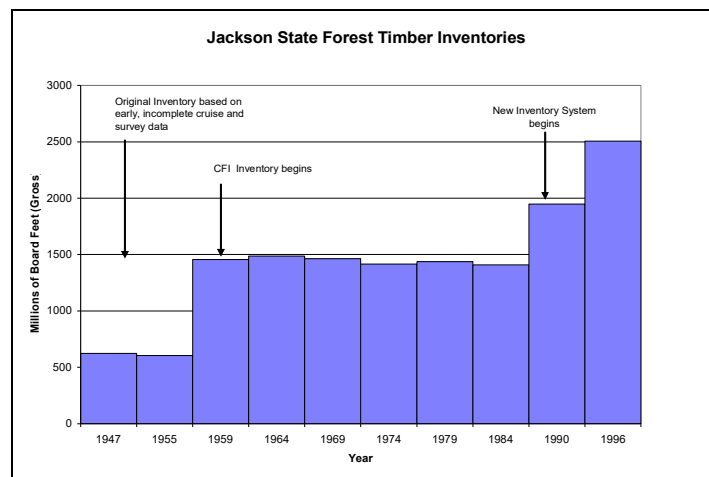
"...the volume of growing timber has quadrupled during the same time [1947 to 1997] due to the concerted practice of sustainable forestry by JDSF."<sup>xviii</sup>

This would be a remarkable achievement if true, but like so much of the glowing vision painted by CDF, **it is a total fabrication.**

The policy of JDSF since its inception has been to set the "allowable annual cut" equal to the projected growth in the forest. If you cut all the growth, the inventory will remain constant. Indeed, this is what inventory measurements showed from 1960 through 1984.

What then is the basis for the claim of a quadrupling of inventories? I answered this question in a letter to Director Wilson written soon after he published his claim.<sup>xix</sup> In brief, all of the "growth" in inventories occurred at three points in time: 1960, 1989, and 1996, years when the inventory methods were changed.

- The year 1960 was when the first actual inventory based on sample plots was made. The initial "inventory" was based on a cruise made in 1947 before the sale. All of the purported growth in the 1960 inventory was due to an increase in young trees, the estimated volume of which more than quadrupled. Clearly, in 1947, young trees were of little commercial value and no real effort was made to count them. Jackson Forest has always grown at about 2% per year; thus the quadrupling of volume in 13 years was almost entirely due to better counting. The remainder occurred because there was no significant logging between 1947 and 1960.
- In the 24-year period from 1960 through 1984, measured inventories remained constant, as one would expect given the policy of harvesting all growth.
- The second big increase came in 1990, when a new inventory system was introduced. The new system showed a five-year "increase" in inventory of 40%, and the next inventory figure published in 1996 (shortly before Wilson's article), showed a seven-year increase of 30%.<sup>2</sup> **These were *not* real increases in inventory, but artifacts of changing the measurement system.**



## *Inflated Inventories*

I provided both Director Wilson and the JDSF Forest Manager with compelling evidence that new inventory system contained errors that led to serious overestimates of the inventory. Neither Wilson nor anyone in CDF publicly recognized or attempted to correct the errors that inflated the inventory estimates.

<sup>2</sup> Although JDSF cited the 1996 figure as an inventory "measurement," it was a computer-model projection of the 1989 inventory. In 1999, they reduced the inventory estimate almost back to the 1989 number.

CDF had a strong reason to stick with the inflated inventory numbers: They justified a substantial increase in annual harvests. To CDF, JDSF is all about generating revenue, bigger harvests are better harvests – regardless of how it affects the health of the forest.

The inflated inventories of 1990 and 1999 were cited in the 2002 Draft Management Plan as context for setting the allowable harvest – a number required by the Board of Forestry regulations governing management of JDSF. The first number cited in the plan is growth of 63 million board feet per year. This is, frankly, a

**To CDF, JDSF is all about generating revenue, bigger harvests are better harvests.**

ludicrous number. From 1955 to 1984, the annual growth averaged about 30 million board feet per year. The cited estimate of 63 million board feet per year is more than twice this amount. Nothing occurred that could explain such an increase in growth.

Apparently, management also decided this number was indefensible because, in the end, they set the allowable harvest for the next five years at 32 million board feet per year. This is still far above 18 million board feet per year, the actual level of sustainable harvests after allowing for areas of the forest where only reduced or no logging is legally allowed.<sup>xx</sup>

If the lawsuit brought by the Campaign to Restore Jackson State Redwood Forest had not succeeded in stopping the 2002 Management Plan, JDSF management would have been logging at nearly twice the sustainable rate, seriously degrading both the quantity and the quality of the trees in Jackson Forest. Only public opposition restrained the greed of CDF and lessened the damage.

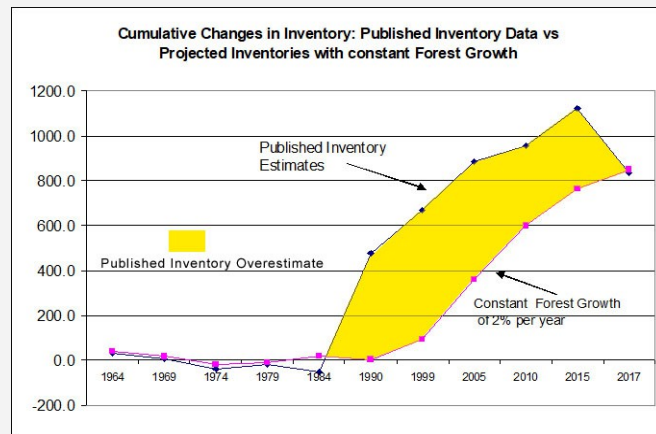
## Recent Growth in Inventories

Since 2000, inventories in JDSF have grown significantly, but CDF deserves no credit. This growth occurred **only** because of the successful lawsuits that halted logging in JDSF for eight years and forced JDSF measures to reduce 2010–2020 harvests to about one-half of pre-lawsuit levels.

These measures have not lessened CDF's desire to maximize revenue at the expense of ecological values and the law.

### CDF Confirms Inventory Inflation

In 2017, CDF completed a new inventory with 4,863 plots and new estimation parameters. It confirmed what I'd told CDF 20 years before – that their 1989 and following inventories were substantially inflated. The figure below shows that the inflation was finally eliminated with the 2017 inventory.



### Knowingly Breaking the Law

CDF has repeatedly broken the law in managing JDSF. I cite here four examples.

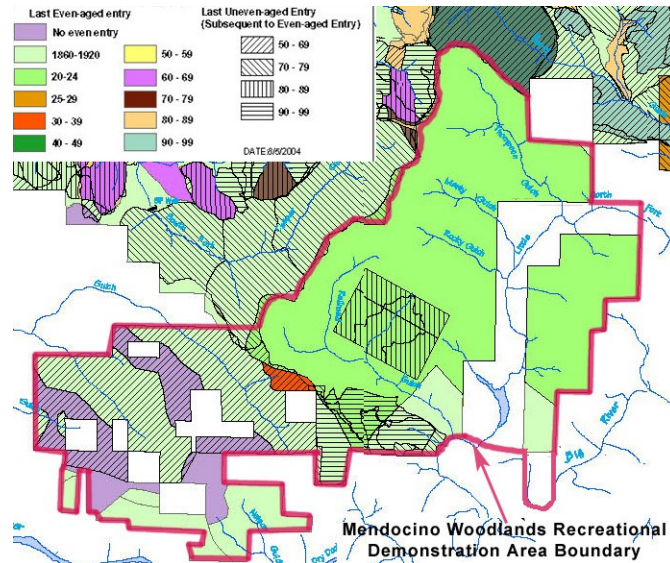
### *Illegally Logging in the Woodlands Transfer<sup>xxi</sup>*

In the same year (1947) that the state bought the timber holdings of Caspar Lumber Company to form JDSF, the 5,426-acre Mendocino Woodlands Recreational Demonstration Area was



transferred by the federal government to California and added to JDSF.

The transfer was authorized by an earlier act of Congress (“Act”) that stated in pertinent part: “Every such deed or lease shall contain the express condition that the grantee or lessee shall use the property exclusively for public park, recreational, and conservation purposes. . . .” (Act of June 6, 1942 [56 Stats. 326; 16 U.S.C. 459t].)



The Woodlands Recreational Demonstration Area is of great historic significance. It was one of 48 similar New Deal recreation developments created to provide low-cost recreation to urban populations. As such, they embodied the social ideas of the New Dealers. They not only exemplified the ideals of scenic preservationists and landscape architects, they also embodied the aspirations of "group camp" advocates, who for decades had sought to make summer camps and other organized camps an integral aspect of the larger state park movement.<sup>xxii</sup>

The Woodlands is one of only two Recreational Demonstration Areas that has maintained the integrity of its original design and purpose—except for the extensive logging done by the California Department of Forestry. The group camps were designated a National Historical Monument in 1997.



The goal of the architects of the Recreational Demonstration Areas was to give low-income children the experience of "outdoor life" in recreation areas "juxtaposed to significant tracts of woodland developed only with hiking and bridle trails."<sup>xxiii</sup>

Preserving and restoring all of the 5,246 acres outside of the Woodlands outdoor camp area was an explicit goal of the project:

The small farms and apple orchards in the [Woodlands Recreational Demonstration] area were to be "taken down by the development crews and the land restored to its natural state." In other areas, the Redwood forest would be allowed to continue to regenerate, "restoring it to its natural forest state."<sup>xxiv</sup>

The National Park Service managed the Recreational Demonstration Areas. They gave a high priority to scenic and wilderness preservation. They also distrusted the states' adherence to these values.<sup>xxv</sup> Therefore, they crafted the act

**[The Woodlands'] Redwood forest would be allowed to continue to regenerate "restoring it to its natural forest state.**

authorizing transfers of Recreational Demonstration Areas to ensure that states continued to use of the properties for their original purposes. **The transfer act stated that the transferred land was to be used *exclusively* for public park, recreational, and conservation purposes.** Note the conjunction *and*. This conjunction has a clear legal meaning: All three of the purposes must be served by any activity carried out in the Recreational Demonstration Areas transferred to the states.

Undeterred by the clear terms of the Act of Congress, California flexed its political muscles. It got the Director of the National Park Service to meet with the Division of Forestry (later the Department of Forestry) in San Francisco on August 9. The Forestry members told the Director that the "Division of Beaches and Parks of the Department [of Natural Resources] does not feel

that it can appropriately administer the area," and proposed instead that it be transferred "to the State for administration by the Division of Forestry of the same Department [of Natural Resources] for recreational and forestry purposes . . ." <sup>xxvi</sup> They "asked" the US Department of the Interior to clarify whether terms of the Act of Congress governing the Woodlands Transfer would allow timber harvesting. <sup>xxvii</sup>

I put "asked" in quotes because the Interior Department's response suggests that this meeting was part of an orchestrated show. California got exactly what it wanted in a letter of October 31, 1946 from C. Gerard Davidson, an Assistant Secretary of the Interior. He wrote: <sup>xxviii</sup>

I believe that the State can appropriately determine in future years the extent to which the area should be used for (1) public park, (2) recreational, or (3) conservation purposes, or for any combination of these purposes, and that so long as the area is used for one or more of these purposes, the condition stated in the proviso quoted above will be met. By including in the act the general term "conservation" in addition to the more specific terms "public park" and "recreational" Congress recognized that the areas might be used for other than public park and recreational purposes.

I also believe that the harvesting of forest products in accordance with recognized conservation principles and practices and the conducting of forest experiments and demonstrations would be compatible with the term "conservation purposes, since it is generally acknowledged that such economic and scientific utilization of timbered areas ultimately results in the conservation of our forest resources." <sup>xxix</sup>

Assistant Secretary Davidson opinion is contrary to the Act of Congress and provides no justification for logging. Attorney Paul Carroll explained in a 1998 letter to CDF that the plain language of the act under which the land was transferred mandates that the land be used for public parks **and** recreational **and** conservation purposes, that is, for all three purposes, not just a selected one. <sup>xxx</sup> He went on to provide case law citations that support this position, but one doesn't need case law to understand that *and* means *and*, not *or*.



Further, Assistant Secretary Davidson's interpretation of *conservation* is directly contrary to the meaning used by the National Park Service, which managed development of the Woodlands and oversaw the transfer legislation. The National Park Service has **always** used conservation to mean preservation of unspoiled nature. Evidently, Davidson was unaware, or chose to be unaware, of this and used the Forest Service's interpretation of *conservation*. The Forest Service since its inception in the early 1900s, has used conservation of forests to mean logging them in ways that will not unduly degrade future harvests.

The legislation authorizing transfer of Recreational Demonstration Areas to states was originally passed by congress in 1939, when the conservation preservationists were in full control of Interior and the National Park Service.<sup>xxxix</sup> Given the history of the Recreational Demonstration Areas and of the National Park Service, there can be no doubt of the meaning of the word *conservation* in the clause "the grantee or lessee shall use the property exclusively for public park, recreational, and conservation purposes."

### ***Theft of the Woodlands***

Pause for a moment to ask why the Department of Interior in 1946 did not stand behind the principles and intent of those that created the Woodlands Recreational Demonstration Area in the 1930s and instead provided an opinion contrary to the plain language of the Act of Congress authorizing the transfer? The only answer that makes sense is that California had sufficient political power in Washington get the Department of Interior to give it what it wanted.

The unseen force in this operation must have been the California timber industry. Then as today, it wielded great political power. In the mid-1940s, the Division of Forestry was tiny, with a 1945-47 two-year budget of only \$7 million, devoted mostly to forest fire activities. It did not have the political weight on its own to get title to the Woodlands Area.

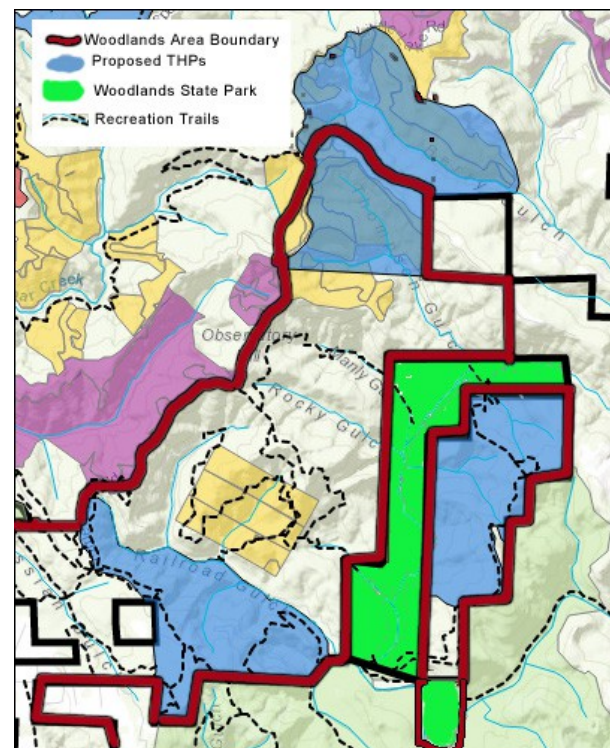
Speaking plainly, the timber industry stole 5,246 acres of park land and recreation facilities from those for whom it was created and intended--low-income city dwellers, especially children.

The California Department of Forestry has perpetuated this theft up to the present without reflection or regret.

## **CDF Planning to Break the Law Again**

CDF has violated terms of the transfer deed in the past and currently plans to violate them again. **JDSF now has three timber harvest plans scheduled within the Woodlands transfer – all in violation of the clear language of the transfer deed.**

You may ask, why would CDF want to violate the law so blatantly now? The answer: They have now logged nearly every other acre of the original second-growth stands in the lands obtained from the Caspar Lumber Company. The trees in the Woodlands are now over 100-years old and valuable timber. All that matters to JDSF managers is timber revenue. They have no concern that the trees they want to log are among the oldest second-growth redwood trees in existence and no concern for the logging impact on the historic Woodlands camp site.



## ***Failing to Update Management Plan***

### **Initial Lawsuit**

From the inception of CDF's management of JDSF, Board of Forestry regulations required that "Management plans shall be prepared and maintained current for the Jackson...State Forests.

All operations on the Forests shall conform to the management plans.”

Maintaining a current management plan posed no problem until CDF's greed for revenues required them to devote their resources to writing timber harvest plans rather than updating their 1983 Management Plan. This plan was to have “a major review at the midpoint of its effective period [1987], and be completely revised in 1992.” Neither occurred as scheduled for the next 10 years. This was no small matter. I noted earlier how little was in the 1983 Management Plan about protection of wildlife. Also missing was consideration of endangered species, maintaining biological diversity, and cumulative effects of their and their neighbors' logging activities.

Despite lacking a current management plan, JDSF in clear violation of the law, accelerated its rate of logging in the mid-nineties, harvesting 50% more than its annual allowable harvest for several years. A 1999 request from the Sierra Club to CDF to declare a moratorium on logging until a new management plan was prepared fell on deaf ears.

In 2000, the Campaign to Restore Jackson State Redwood Forest filed a court suit alleging that JDSF was violating the law by conducting timber operations without a current management plan. The Superior Court of Mendocino County concurred, ruling in May 2001 that JDSF did not have a current management plan and that any timber operations would be illegal. <sup>xxxii</sup>

This was not the end of CDF's attempt to evade their public trust responsibilities. In response to the judge's ruling, CDF went to the Board of Forestry and requested that they eliminate the requirement that JDSF have a current management plan in order to harvest timber. The BOF, which is for practical purposes an extension of the timber industry, was only too happy to comply. Think about this for a moment: CDF and the Board of Forestry, both theoretically stewards of the public trust, were only too happy to do away with the protections an up-to-date

management plan would provide in order not to lose a moment of logging revenue.

Thinking that they had cleverly circumvented the law, CDF filed a motion to moot the suit as no longer relevant. However, the Campaign's lawyer recognized that this action violated California Environmental Quality Act (CEQA) law and was illegal.

Recognizing that it would be charged with a CEQA violation, CDF did not resume logging but failed to agree it could not legally log. Eventually, to force CDF to negotiate in good faith, the Campaign filed a suit against the BOF in January 2002. Realizing that their gambit was certainly going to fail, CDF finally agreed, on March 20, 2002, to halt all logging in Jackson State Forest until a new management plan and Environmental Impact Report (EIR) were approved.

A reasonable person would think that this would have been the end of CDF's attempts to evade the law. If so, they would be wrong.

## **Second Lawsuit**

Concerned only with resuming logging as expeditiously as possible, CDF hired a contractor to prepare the EIR needed to accompany an updated management plan. The contractor pulled together a deficient EIR in six months, neglecting to do the data collection and evaluation required by CEQA law. The BOF approved the EIR in September 2002, and the Campaign filed suit to invalidate the EIR in October 2002. CDF approved a new management plan in November 2002. In April 2003, CDF approved two logging plans in areas not entered since the original logging of old growth trees. The Campaign asked for a Preliminary Injunction to prevent CDF from carrying out these logging plans.

These actions set the stage for the CDF to demonstrate its dedication to "getting out the cut" no matter its obligations to protect the environmental values of forests. On June 10, 2003, Judge Henderson of the Mendocino Superior Court denied the

Preliminary Injunction, even though in the ruling he stated that he was "very likely" to find the EIR legally invalid on multiple grounds. On June 11, CDF sent loggers into the woods to cut as many trees as possible as quickly as possible, recognizing fully that the court was going to invalidate the EIR when it ruled.

Working over the weekend, the Campaign's lawyer, Paul Carroll, prepared an Emergency Petition to the Court of Appeals. Within two hours of receiving the petition on Monday, June 17, the Court stayed further logging. By then, though, huge damage had been done. During six days' logging, CDF had cut 1500 trees containing one million board feet of timber.

I said at that time:

... CDF's behavior constitutes an outright scandal. The California Department of Forestry (CDF) is acting like Pacific Lumber or some other big industrial timber firm, rather than as the agency legally charged with the responsibility for enforcing environmental protection for California's forests. The judge as good as said that he would shortly find the EIR invalid, making logging in Jackson Forest illegal. Given its position as guardian of California's forests, CDF ought to take every precaution to avoid violating the spirit of the environmental laws. Instead, CDF is rushing to log as much timber as possible before being enjoined by the court.

This case has stripped off the public-relations façade that CDF has placed over what is just a big industrial logging operation run to generate profits for state forestry programs. CDF loses no opportunity to emphasize that they run Jackson State for research and demonstration on good forestry practices. Nowhere in the policies governing the state forests is the word 'revenue' even mentioned. But, CDF actions are all about money.<sup>xxxiii</sup>

CDF's court documents never mentioned research and demonstration. They were all about revenue. Ross Johnson, Deputy Director of CDF, declared that "further blockage of state forest activities and revenues will further exacerbate the problem of being able to hire fire captains...[and we will] see continued reduction or elimination of funding needed to address critical forest pest issues...' No mention is made of harm to research or demonstration projects."<sup>xxxiv</sup>

On July 30, 2003, Judge Henderson of Mendocino County Superior Court ruled that the EIR for JDSF was invalid

because of multiple failures.<sup>xxxv</sup> He enjoined future logging but was ambiguous about the two timber plans previously stayed by the Court of Appeals.

Losing no chance to get to log these plans, CDF filed a motion to do so with the Court of Appeals. On August 20, 2003, this court told CDF in no uncertain terms that instead of litigating, it needed to start following the law, and it continued the stay on logging.

After lengthy negotiations, CDF agreed in September 2004 to refrain from all logging and road preparation for logging in Jackson State Forest until a new management plan and EIR were approved for the forest.

The above is a brief summary of CDF's attempt to evade the law. A complete summary of all five court cases is available.<sup>xxxvi</sup>

### ***Logging in Excess of the Allowable Harvest***

In the latter years of the 1990s, CDF Sacramento directed JDSF to execute harvests in excess of what their and BOF policies allowed. Although not of the same magnitude of disregard for the law as failing to update the 1983 management plan or logging of the

#### **From the Decision on Case No. 89022**

**Richard J. Henderson  
Judge of the Superior Court of  
Mendocino County**

**Dated: July 30, 2003**

I realize that the burden of any suspension of logging operations within the JDSF falls primarily and immediately upon both the employers and employees involved in coastal timber operations.... CDF and the Board [of Forestry] had every reason to believe that their approval of the updated Management Plan would be subjected to close judicial scrutiny. With that in mind, CDF and the Board should have scrupulously followed the procedures adopted-by the legislature to minimize the risk of an inevitable court challenge and the potential economic hardship on the management of the JDSF and on the local timber industry. Instead, CDF virtually ignored the relatively clear guidelines and conducted a deficient environmental review that will inevitably further delay logging activities in the Jackson Demonstration State Forest

Woodlands Transfer, the direction to exceed the legally mandated harvest level adds to the cumulative evidence of CDF's self-disqualification from future management of JDSF.

CDF and BOF policies mandate that the running five-year average of harvests should not exceed five times the allowable annual cut specified in the management plan. In 1997, the JDSF Timber Sales Manager, John Griffen, warned that because of large sales in 1995 and 1996, future harvest levels needed to be reduced significantly to avoid violating this mandate. CDF Sacramento pointedly ignored this warning. As a consequence, timber harvests exceeded their legally allowed level in each year from 1997 through 2000 – by amounts equal to 10 to 47 percent of allowed level. It is to be emphasized that CDF knew in advance in each of these years what level of harvest was legally permissible.<sup>xxxvii</sup>

### **Contempt for the Public**

Perhaps the most compelling reason for removing CDF from any role in the management of Jackson Forest is its unremitting rejection of any and all concerns and desires expressed by the public – even by citizen groups appointed by CDF itself. Jackson Forest is a public forest owned by the people. Their views should be respected and considered by whatever agency is given responsibility for stewardship of this valuable public asset. CDF has repeatedly demonstrated their inability and unwillingness to do so.

### ***Citizens Advisory Committee***

After the initial public protests in 1995, JDSF appointed a Citizens Advisory Committee with broad local public representation. Many of the locals felt that finally they were to have a chance to make common sense reforms to JDSF management, and they volunteered hundreds of hours over two years to the task. JDSF staffed the Committee meetings and, at

**When drafting its next management plan update, CDF**

**ignored all recommendations of the Committee . . .**

the end, wrote the report for the Committee. A number of Committee members protested that the report didn't represent their views fairly. JDSF rejected their concerns. As a consequence, the dissident members wrote their own report, to no avail.<sup>xxxviii</sup> When drafting its next management plan update, CDF ignored all recommendations of the Committee, not just those of the dissidents. The disdain that CDF showed toward the Citizens Advisory Committee was a foretaste of what was to come.

***The Jackson Advisory Group***

On a scale all its own is the egregious behavior of CDF and the Board of Forestry towards the high-level Jackson Advisory Group (JAG) that they created in response to the stalemate that resulted from the legal actions of the Campaign to Restore Jackson State Redwood Forest.<sup>xxxix</sup>

To understand the degree of hubris and contempt for the public exhibited by CDF and the Board of Forestry, some background is necessary.

From the mid-1990s, Jackson Demonstration State Forest had been embroiled in controversy, subject to public outrage, and faced with protracted legal battles. Legal actions initiated by the Campaign to Restore Jackson State Redwood Forest shut down all timber operations in Jackson Forest from 2001 to 2009. As a consequence, the Department of Forestry, the state, and the timber industry lost revenues in excess of \$100 million.

Additionally, the state paid over \$300,000 to the Campaign for its legal fees.

In 2006, Ruben Grijalva, the first non-forester Director of CDF, 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 bypass the public and dictate forest policy by the Department. By March of that year, the Department had received over 6,000 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, and CDF realized that its EIR was very vulnerable to a legal challenge.

The first step toward resolving the conflict was formation of the Mendocino Working Group, an ad hoc, non-official group of Mendocino County timber leaders<sup>3</sup>, 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 long-range, consensus management plan.

A key element of the plan was the establishment of a high-level Jackson Advisory Group charged with reaching a consensus on long-term management of JDSF. The members of the JAG were appointed by the Director of CDF and approved by the Board of Forestry.<sup>4</sup>

The Board of Forestry was fully involved in the development and establishment of the Jackson Advisory Group. The Board, through its Management Subcommittee, participated in the drafting of the

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<sup>3</sup> Art Harwood, Owner and CEO of Harwood Mills; Mike Jani, CEO of Mendocino Redwoods; Bruce Burton, Owner and CEO of Willits Redwood; and Mike Anderson, Owner and CEO of Anderson Logging.

<sup>4</sup> JAG members: Anderson, Mike, CEO Anderson Logging, Licensed Timber Operator; Bailey, Kathy, Sierra Club; Braudrick, Peter, Recreation/Community; Gill, Linwood, Registered Professional Forester; Helms, John, UC Berkeley, ESPM; Jani, Mike, CEO Mendocino Redwood Co.; Liquori, Mike, Sound Watershed Consulting; Melo, Jere, Former Head of Georgia Pacific Fort Bragg Mill, Registered Professional Forester; Perkins, Linda, Conservation/Community; Porter, Daniel, Save the Redwoods League; Taylor, Vince, Campaign to Restore Jackson State Redwood Forest; Tilley, Forest, Former Manager of JDSF, Registered Professional Forester; Valentine, Brad, Department of Fish and Game.

Charter for the Advisory Group. The establishment of the Advisory Group was a part of the JDSF Management Plan approved by the Board. The Board approved the Charter and also confirmed all appointments to the Advisory Group.

In light of what ultimately happened, this element of the JAG Charter is central to understanding how egregious the final actions of the Board of Forestry were:

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.

To most people, including me, "give . . . the highest level of consideration" meant "approve." What else could it mean?

In view of the radically conflicting interests of members of the JAG, reaching a consensus seemed an almost impossible goal; so CDF and the Board may well have thought they never would be faced with a consensus recommendation. Miraculously, the Advisory Group achieved consensus on all central aspects of a long-range management plan. The plan allocated significant parts of the forest to be logged only in ways that would enhance return toward old growth; required all other logging to be done in ways consistent with future restoration of old growth; reduced all types of clearcutting to very low levels; required that timber operations done for research purposes had to be tied to a specific, well-developed, peer-reviewed research project; laid out plans for a world-class forest research program; and provided for greatly enhanced recreation opportunities.

**Miraculously, the Advisory Group achieved consensus on all central aspects of a long-range management plan.**

Obviously, coming to unanimous agreement was arduous and not easily achieved. That it took 2-1/2 years of concerted effort to reach agreement speaks volumes. Members of the Advisory Group devoted over 5,000 person-hours to the task, without

compensation, because all believed in the importance of eliminating the conflicts of the past and creating a new vision for Jackson Forest. Additionally, CDF staff devoted thousands of hours responding to JAG requests for information and analysis.

On January 15, 2011, the Jackson Advisory Group published its recommendations for long-term management of Jackson State. Full consensus was achieved on the package of recommendations contained in the final report entitled *A Vision for the Future*.<sup>xi</sup> In my naiveté, I thought we had accomplished what seemed unimaginable 11 years prior. With all factions in agreement, the Campaign's supporters and I celebrated.

I was to be taught a lesson. The Department of Forestry is not a monolithic organization. When the JAG began working, the then-Director of Cal Fire was committed to the consensus process, but a new Director came on board before it finished. The new Director, Ken Pimlott, was a traditional logger-forester. The old guard at JDSF and the department had always been outraged over the prospect of losing control to a bunch of tree huggers – even though timber industry representatives outnumbered environmentalists on the JAG

For the consensus plan to be adopted and legal, the Board of Forestry had to approve it. Given that all parties had come to consensus agreement, approval seemed a mere formality. But the old guard had other ideas. Working in secret with a forester member of the Board of Forestry, devastating amendments were made to the consensus plan. During the entire six months the report was being considered by the Board subcommittee, the JAG was never asked to participate. 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 CDF:

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.<sup>xli</sup>

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. In retrospect, it is clear why. The fix was in.

No members of the JAG, or even the CDF staff that supported JAG operations, were given advance notice of the BOF meeting where the consensus report was to be considered. The Board subcommittee recommended amendments that gutted the carefully crafted agreements that had led to consensus. With almost no discussion, the Board approved them all.

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 – the central agreement that allowed consensus to be reached. Rather than accepting the carefully balanced recommendations on silviculture (specifications for timber harvests) in different areas of the forest, the Board rejected them all and decreed they would be developed by CDF and the Board. It contemptuously dismissed the Group's recommendations designed to enhance recreation experiences and move toward elimination of herbicides. It rejected the recommendations for creating a world-class research governance structure. Instead, it mandated that research be controlled by JDSF.

As I said in my letter of resignation to the Board of Forestry: "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."

By their actions, CDF and Board gained a decade of uncontested control over JDSF. Now, however, a much broader coalition of public groups have come together to change the mandate for Jackson from industrial logging to restoration and to transfer management from CDF to the State Parks.

As Ye Sow, So Shall Ye Reap.

## **Afterword**

At the time of the Board rejection of the JAG report, I was so shell-shocked I couldn't think clearly about how the rejection occurred. With the passage of time, it has become clear.

What now seems certain is that the gutting of the JAG consensus was not solely the work of dissident "old guard" CDF staff.

Just before the JAG Report was published, Ken Pimlott, a traditional logger forester, was made Director of Cal Fire.

The Board of Forestry and management of CDF and JDSF have always worked hand in glove together. It is inconceivable that the Board would have acted independently of the Director of Cal Fire on a matter as important to CDF as the management of JDSF. It is also inconceivable that lower-level staff in CDF could have worked with the Board to gut the JAG recommendations without the explicit approval of the Director of Cal Fire.

In essence and by their actions, the Director of Cal Fire and the Board of Forestry said to the JAG and the public at large, "We own Jackson Demonstration State Forest and we are going to manage it as we please. Hands Off!"

## **Conclusion**

The urgent need for carbon capture, reduction of fire risk, appreciation for tribal sovereignty, shrinking biological diversity, and a growing need for recreation and spiritual nourishment – these all cry out for transforming Jackson State Forest from industrial logging to restoration.

Neither CDF nor the Board of Forestry should have any role in Jackson Forest's transformation or its future management. Their past actions disqualify them as stewards of this valuable publicly owned forest.

i **Endnotes**

- [Taylor, Vince 1995-03 Newsletter-text recognized.pdf](#)
- ii [Eng, Helge 2021-05-06 Email Response to J. O'Brien.pdf](#)
- iii [Wilson, Richard 1997-11-23 Forever Redwood - Jackson State Forest Example.pdf](#)
- iv [Fritz, E. 1942-11 - Proposed System of State Forests.pdf](#)
- v [1945 Forestry-Activities029.pdf](#)
- vi [Fritz, E. 1942-11-30 Suggested Purchase Areas.pdf](#)
- vii [1947-01-10 RESOLUTION OF STATE FOREST PURCHASE COMMITTEE to purchase Caspar Lumber Company Land.pdf](#)
- viii [Wilson, Richard 1997-11-23 Forever Redwood - Jackson State Forest Example.pdf](#)
- ix Wilson, Richard 1997-10-23 Fort Bragg Advocate News (Article unavailable.)
- x [Taylor, Vince 1998-04-22 Letter to Richard Wilson - JDSF inventory growth.pdf](#)
- xi [Eng, Helge 2015 Jackson Demonstration State Forest, California, United States of America.pdf](#)
- xii [2014-10-22 JDSF OptionA 20141022 PL signed.pdf](#), p 8.
- xiii [Wilson, Richard 1997 Forever Redwood - Jackson State Forest Example.pdf](#)
- xiv [Caspar500 2020-05-05 Timber Harvesting Plan Sec1-6 Searchable.pdf](#), p. 104.
- xv [Taylor, Vince 2002 EIR comments.pdf](#), p. 24.
- xvi [Final JDSF FMP Master 2008-01-08 HE.pdf](#)
- xvii [JAG 2011-01-18 Final Report.pdf](#), p.4
- xviii [Taylor, Vince 1998-04-22 Letter to Richard Wilson - JDSF inventory growth.pdf](#)
- xix [Ibid.](#)
- xx [Taylor, Vince 2002-07-18 EIR comments final.pdf](#), p.29.
- xxi [Taylor, Vince State Plans Illegal Logging](#)
- xxii [National Historic Landmark Nomination for the Mendocino Woodlands Recreational Demonstration Area](#), p.40.
- xxiii [Ibid](#), p. 36
- xxiv Resettlement Administration, Division of Information, *Press Release*, December 16, 1935. Entry 47, RDA Program Files, 1934-1937, RG 79, National Archives, Washington, DC; cited in [National Historic Landmark Nomination.](#), op. cit., p. 48.
- xxv [Ibid.](#)
- xxvi [Ibid.](#)
- xxvii [Ibid.](#)
- xxviii [Ibid.](#)
- xxix [Davidson, C. Girard Federal Assistant Secretary of the Interior 1946-10-31, letter to Warren T. Hannum, Director, Department of Natural Resources, State of California](#)
- xxx [Carroll, Paul 1998-07-31 letter on behalf of the Big River Watershed Council to Douglas Wheeler, Director of Resources and James Branham, Chief Deputy Director of Resources](#)
- xxxi [House of Representatives 1941-03-13 Report No. 248, Authorizing the Disposition of Recreational Demonstration Projects.](#) Roosevelt vetoed the 1939 bill, but the only

changes made from the initial bill in the version passed in 1942 related to ensuring the federal government would have no continuing responsibilities or liabilities and that the transfers would need Presidential approval.

<sup>xxxii</sup> [https://www.jacksonforest.com/Lawsuit/lawsuit\\_top.htm](https://www.jacksonforest.com/Lawsuit/lawsuit_top.htm)

<sup>xxxiii</sup> [https://www.jacksonforest.com/Lawsuit\\_EIR/Press\\_Releases/logging\\_stay.htm](https://www.jacksonforest.com/Lawsuit_EIR/Press_Releases/logging_stay.htm)

<sup>xxxiv</sup> [Ibid.](#)

<sup>xxxv</sup> [Henderson, Richard J., Judge of the Superior Court, 2003-07-30 Decision Summary](#)

<sup>xxxvi</sup> [https://www.jacksonforest.com/Publications/General/cdf\\_legal\\_record.htm](https://www.jacksonforest.com/Publications/General/cdf_legal_record.htm)

<sup>xxxvii</sup> [Taylor, Vince 2021-06-09 Logging in Excess of Allowable Cuts 6.pdf](#)

<sup>xxxviii</sup> Robinson, Monroe, member of the Citizens Advisory Committee, personal communication.

<sup>xxxix</sup> Vince Taylor, [2011-09-05 Resignation Taylor to BOF.pdf](#) The summary of events following draws heavily upon my resignation letter to the Board of Forestry. The letter contains more details.

<sup>xl</sup> [Jackson Advisory Group 2011-01-15 A Vision for the Future](#)

<sup>xli</sup> [Helms, John 2011-05-09 email to George Gentry, Executive Officer of the Board of Forestry, and Henly, Russ, Cal Fire Assistant Deputy Director for Resources.](#) Mr. Helms explicitly stated, "I would appreciate your sharing these remarks with Board Chairman Dixon."