



Submitted via email to publiccomments@bof.ca.gov

June 12, 2024

California Board of Forestry and Fire Protection Members,

The Environmental Protection Information Center (EPIC) submits the following comments regarding the June 19th California Board of Forestry and Fire Protection (Board) meeting.

I. EPIC Urges the CAL FIRE Not To Approve Any Timber Harvest Plans for Jackson Demonstration State Forest Without First Approving a New Management Plan

For the past several years, EPIC and many other concerned community members have advocated for a new management plan for the Jackson Demonstration State Forest (JDSF). Instead of a new management plan that has undergone proper environmental review and a robust public process, CAL FIRE has issued a “new vision.” CAL FIRE has instructed the Jackson Demonstration State Forest Advisory Group (JAG) to approve new timber harvest plans (THPs) under both the old management plan and the new vision.

For the past several meetings, JAG members have struggled to understand how they can approve THPs using this process. The new vision is vague and is lacking in concrete standards. We believe this is partially a result of the vision statement not going through a robust public process or environmental review. It is also partially a result of the new vision being designed with the intent that it be used in a different manner. The result is a muddled process leading to CAL FIRE stating at the May 8th JAG meeting that the JAG should consider THPs under both the old management plan and the new vision. Members of the JAG have pointed out in past meetings that the new vision and the old management plan conflict, making it confusing and unclear what criteria the THPs should be evaluated under.

Moreover, despite the new vision being focused on tribal co-management and engagement, CAL FIRE has stated that they cannot publicly share information regarding tribal consultation, tribal co-management, or meetings of the Tribal Advisory Council (TAC). This leaves the public and the JAG in the dark as to whether or not the new vision is actually being implemented.

While we understand that CAL FIRE hired a consultant to develop the plan, EPIC strongly feels that the JAG members, tribal governments, and the public should be involved in developing that plan. The new vision itself states “[t]o maximize transparency and public input, development of this strategy will build on feedback from stakeholders and occur in open meetings subject to the Bagley-Keene Act” and that “[l]ocal tribes will continue to be consulted early and often for their recommendations throughout this review process.” (Revitalizing management of the Jackson Demonstration State Forest Modeling the Future of California State Forest Stewardship, page 2, 8/18/22).

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Once we have developed a new management plan, with robust public input, tribal co-management, and environmental review, the JAG can return to developing THPs and apply objective metrics to determine whether or not they meet the objectives of the management plan. EPIC urges the Board to focus on approving a new management plan for JDSF before any THPs are approved by CAL FIRE.

II. The JAG Charter Revision Weakens and Confuses the JAG’s Role in Recommending JDSF Management

Some revisions to the JAG Charter do not match the purpose and intent of the original JAG formation. These revisions subsequently weaken and confuse the role of the JAG as an advisory body to CAL FIRE and the Board. EPIC requests the following revisions to the JAG Charter. These recommendations have been incorporated into the JAG Charter in the attached version (“Attachment A”) with tracked changes. The page numbers below correspond to the document titled “FULL 9(d)(ii) JAG Charter Final Draft-05202024 - No Track Changes,” not Attachment A.

1. Page 1 “Purpose”: The phrase “as requested” should be removed to allow the JAG flexibility in discussing community concerns and management recommendations during their public meetings.
2. Page 2 “Duties”: Removing the “on an ongoing basis” language limits the JAG’s ability to make recommendations to the Board and CAL FIRE. This language should remain in the charter.
3. Page 2-3 “Organizational Roles and Responsibilities”:
 - a. “Board of Forestry and Fire Protection”: Please confirm whether workplans no longer require Board approval. EPIC supports the JAG approving work plans without Board approval.
 - b. “CAL FIRE”: CAL FIRE facilitator should only be provided at the JAG’s request by majority vote, otherwise this conflates CAL FIRE staff authority and role during JAG meetings.
4. Page 4 “Membership”: Remove “Local” from “13. Local Tribal Representative” to clarify that the tribal representative does not have to be a Mendocino County resident as suggested by the definition of “Local” in the next section “Geographic Composition.” If it is the intention of the Board to require the Tribal Representative to be a Mendocino County resident, please explain your rationale and why this does not obstruct tribal participation in the JAG.
5. Page 5-6 “Decision-making”: The past charter language should be used as it is clearer and more descriptive of the consensus process. Members of the JAG have noted that the previous language is helpful for new members of the JAG who are unfamiliar with the consensus model of decision making.



Thank you for your time and consideration of these comments. EPIC appreciates the Board giving adequate time to both the public and the JAG to review the Charter Revisions, and for providing a Word document to provide edits.

Sincerely,

Melodie Meyer
Conservation Attorney, EPIC

Jackson Demonstration State Forest Advisory Group (JAG) CHARTER

BACKGROUND

The Jackson Demonstration State Forest (JDSF) is a 48,652-acre forest owned by the State and managed by the Department of Forestry and Fire Protection (CAL FIRE). The largest forest in the State Forest system, JDSF consists primarily of young-growth redwood, Douglas-fir, and hardwood tree species.

State Forests are governed by Public Resources Code sections 4631-4664. These statutes prescribe the purpose of State Forests and their management, as well as the roles and responsibilities of CAL FIRE and the Board of Forestry and Fire Protection (Board) with respect to State Forests. State Forests are managed according to a Forest Management Plan that is prepared by CAL FIRE and approved by the Board.

Commented [KC1]: Addition -
This is a new paragraph defining roles and responsibilities.

JDSF is managed primarily for research and demonstration associated with a range of forest management purposes, including environmental stewardship, timber production, and recreation. The large size of JDSF makes it uniquely suited to research and demonstration at the watershed or sub-watershed level and provides an opportunity to test management techniques and regulatory standards. Information gained through research and demonstration programs is disseminated and available for application to California's forestlands, public and private, industrial and non-industrial. In addition, JDSF contributes to the economic stability of local communities by providing high quality forest products and recreational opportunities, which sustain local employment and tax bases. Outdoor recreation includes hiking, biking, camping, foraging, and day use at JDSF. Implementation of the Forest Management Plan is critical to JDSF operating within its mission.

Commented [KC2]: Addition -
This is a new sentence.

PURPOSE

The purpose of the JAG is to provide advice and recommendations to CAL FIRE and the Board, ~~as requested,~~ regarding the periodic review of the Management Plan. The JAG serves as a conduit for local community input, and after consideration of such input the JAG provides advice or recommendations to CAL FIRE. As appropriate, CAL FIRE incorporates such advice or recommendations into the Management Plan. When CAL FIRE submits the Management Plan to the Board for its approval, CAL FIRE provides the JAG's advice or recommendations, in addition to CAL FIRE's recommendations. In accordance with Board Policy, CAL FIRE shall review each Management Plan at least every ten years. As requested by CAL FIRE, the JAG may provide advice and recommendations regarding CAL FIRE's ongoing implementation of the Management Plan, including management actions, research and demonstration activities, tribal outreach, educational opportunities, and recreational activities.

Commented [KC3]: Revised -
This section was under the "Mission" header in the 2015 management plan and has been revised and expanded upon here.

AUTHORITY

The JAG was created pursuant to the 2007 JDSF Management Plan. The JAG is an advisory body, and its members serve at the pleasure of the Director.

Commented [KC4]: Addition -
This is a new section.

DUTIES

The JAG will conduct its activities in accordance with its Purpose and in support of the goals of the Management Plan for JDSF. These goals, as more fully described in the Management Plan, may include Research and Demonstration; Forest Restoration; Watershed and Ecological Processes; Timber Management; Recreation and Aesthetic Enjoyment; Information, Planning, and Staffing; Protection; Minor Forest Products; Property Configuration, and Education and Outreach.

~~As requested by CAL FIRE or the Board, the~~ On an ongoing basis, the JAG may:

Commented [KC5]: Revised -
Previous language here was " On an ongoing basis:"
This section also includes minor language changes within each duty.

1. Review and comment on ongoing implementation of the Management Plan and overall, Forest management.
2. Provide periodic recommendations on forest management policies and the Management Plan.
3. Review and comment on proposed even-aged harvesting.
4. Provide advice on other specific issues as directed.
5. Provide input on Management Plan revisions and amendments.
6. Discuss current forest management issues and provide advice on management direction and research needs.
7. Provide recommendations in regard to long-term research goals and actions under the Management Plan and provide an overview and assistance regarding identification and prioritization of research and demonstration projects.
8. Provide recommendations on monitoring approaches and where appropriate, assist with the interpretation and evaluation of monitoring information.
9. ~~Conduct~~ an annual cycle of work planning to meet its mission of providing ongoing advice on JDSF. Once a workplan is created and adopted by the JAG, it will then be submitted to the Director, and for informational purposes to the Board.

Commented [KC6]: Revised -
This was a stand-alone item that has been incorporated into the list of duties. Also removes approval of workplan by the Board and Director.

ORGANIZATIONAL ROLES and RESPONSIBILITIES

- ~~Board of Forestry and Fire Protection:~~ Principal responsibility for approving the Management Plan for the JDSF. Adopts policies to guide the Director's administration of State Forests. The Board may designate a member of the Board or a staff member to serve as a liaison to the JAG, in its discretion. When submitted by CAL FIRE in connection with a request to approve a Management Plan, reviews the JAG's advice or recommendations with respect to the Management Plan.

Commented [ES7]: Revised -Organizational Roles and Responsibilities
Addition of a Tribal Advisory Council to Roles and Responsibilities.
• *Tribal Advisory Council* - Provides Tribal expertise and indigenous knowledge on cultural resources, practices, and values to the Director and JDSF Forest Manager, consistent with CAL FIRE management authority. It may designate a member to serve as liaison to the JAG.

Commented [ES8]: Revised - Organizational Roles and Responsibilities
Past Charter Language
• *Board of Forestry and Fire Protection* - Provides direction and oversight on policy matters. It shall designate a member of the Board or a staff member to serve as a liaison to the JAG. Additionally it shall approve the JAG's work plans. As, Lead Agency, the Board is responsible for approving changes to the management plan for the Forest.

- **CAL FIRE**: Responsible for preparing Forest Management Plans and managing the forest in accordance with statute, regulation, and plans approved by the Board and policies adopted by the Board. Provides fiscal, policy, and technical support for the JAG’s work, within staff and budget limits, including paying reasonable and necessary travel costs of JAG members, consistent with State travel reimbursement policies. CAL FIRE may provide a neutral facilitator for the JAG as requested by the JAG by a majority vote, determined to be necessary. Provides to Provides the Board independent recommendations from the Director and the JAG to the Board.
- **Director (or designee)**: Provides direction and oversight of CAL FIRE staff, consistent with statutory requirements for the management of State Forests. The Director may designate a staff member to serve as a liaison to the JAG.
- **JDSF Forest Manager (or designee)**: Is the main point of contact for the JAG Chairperson and directs JDSF staff regarding assistance to the JAG. Establishes agenda priorities; ensures that adequate resources are available to support the JAG.
- **JDSF Staff**: Provide technical expertise for the JAG and subject matter experts to plan and manage specific discussion items and conduct intense work on single subjects, within staff and budget limits. Participates in and helps inform the JAG discussion.
- **Demonstration State Forest Program Manager**: Provides technical expertise to the JAG, JDSF Forest Manager, JDSF Staff, the Director, and the Board.
- **Tribal Advisory Council**: Provides Tribal expertise and Indigenous knowledge on cultural resources, practices, and values to the Director and JDSF Forest Manager, consistent with CAL FIRE management authority. It may designate a member to serve as liaison to the JAG.

Commented [ES9]: Revised - Organizational Roles and Responsibilities
 Past Charter Language
 •CAL FIRE - Provides direction and oversight on policy and, technical support for the JAG’s work, within staff and budget limits. As budgets allow, CAL FIRE may provide a neutral facilitator for the JAG, as determined to be necessary. CAL FIRE will pay reasonable and necessary travel costs of the JAG members, consistent with Sate travel reimbursement policies.

Commented [ES10]: Revised - Organizational Roles and Responsibilities
 Past Charter Language
 •Director - Provides direction and oversight, establishes agenda priorities, ensures that adequate resources are available to support the JAG.

Commented [ES11]: Revised - Organizational Roles and Responsibilities
 Past Charter Language
 •**Demonstration State Forest Program Manager** - Provides technical expertise to the JAG, JDSF Forest Manager, JDSF Staff, and the Board of Forestry and Fire Protection.

Commented [ES12]: Addition - Organizational Roles and Responsibilities
 Tribal Advisory Council

Commented [NA13R12]: Section deleted see comment below.

Commented [KC14]: Revised - Removed reference to the Board Research and Science Committee which no longer exists.

Commented [NA15]: Tribal Advisory Council: The Tribal Advisory Council is not part of the JAG nor does it have a reporting responsibility to the JAG. As such, reference to the Council is removed from the Charter to reduce confusion regarding this group.

This was based on feedback/discussion from the May JAG Meeting.

Commented [KC16]: Revised - From “approval” to “confirmation”

Commented [KC17]: Revised - Existing Charter language is: “The JAG will be composed of a minimum of 6 and up to 13 members from categories such as the following:”

Commented [NA18]: Based on feedback from the May JAG meeting, language updated.

MEMBERSHIP

Members are to be appointed by the Director and are subject to confirmation by the Board. Members do not represent particular interests but are to be chosen for knowledge and ability to represent the broad public interest. Members will be selected through an open solicitation and nomination process to be conducted by the Director or their designee. This process will include broad public notification of the opportunity to apply to be a member or to nominate others to serve. The JAG will be composed of 6-13 members with expertise in one or more of the following areas:

- Licensed Timber Operator
- Registered Professional Forester
- Biologist
- Forest Products Industry
- Botanist and/or Ecologist
- Physical Scientist (e.g., hydrology, geology, etc.)
- Small Private Forestland Owner
- Industrial Forestland Owner
- Forestry Researcher

- Forest Conservation Organization
- Recreation Organization
- Local Community Member
- ~~Local~~ Tribal Representative

Geographic Composition: The majority of members shall have a local or regional perspective. “Regional” is defined as a perspective from the California Redwood Region (Monterey County to Oregon). Regional perspective may be a matter of expertise, not residency. “Local” is defined as community members residing within Mendocino County. At least one-third of the members shall have a statewide perspective.

Terms for Appointments: Appointments shall be for three-year terms. Members will serve at the pleasure of the Director. Terms may be extended for successive one-year terms or terminated at the Director’s discretion.

Chairperson and Vice Chairperson: The Director shall appoint a Chairperson from among the members of the JAG. The Vice Chairperson shall be selected by the JAG from among its members. The Vice Chairperson shall chair meetings of the JAG in the absence of the Chairperson.

Member Responsibilities:

- **Chairperson:** Leads JAG meetings, ensures the Group conducts itself professionally and on task and on time; serves as liaison to the Director and/or CAL FIRE staff. The Chairperson is responsible for ensuring timely accomplishment of the JAG’s workplans, if adopted. The Chairperson is the point of contact for the JAG and is responsible for assisting the JDSF Forest Manager in preparation of the meeting agendas and completion of follow-up actions.
- **Vice Chairperson:** Fulfills the role of Chairperson when the Chairperson is unavailable. Assists the Chairperson and CAL FIRE staff in preparation of the meeting agendas and follow-up actions.
- **Committee Member:** Attend and actively participate in meetings. Complete any work projects agreed to. Represent the public interest. Work in good faith with other JAG members to provide relevant advice and recommendations.

Conflict of Interest: Members are responsible for complying with the conflict of interest and ethics laws applicable to public officials, which may require recusal or other remedies in the event of a conflict of interest. For training purposes, members shall complete the Ethics Training Course for State Officials available for free on the Attorney General’s website (<https://ethics.doj.ca.gov/>) once every two years.

Sexual Harassment and Abusive Conduct: There is zero tolerance for sexual harassment or abusive conduct. Members are responsible for complying with relevant laws on the topic. For training purposes, members shall complete annually the Sexual

Commented [ES19]: Revised - Charter Membership Title

- 10. Environmental Advocate to Forest Conservation Organization
- 11. Conversation Advocate to Recreation Organization
- 12. Recreation to Local Community Member
- 13. Local Community to Local Tribal Representative

Commented [NA20]: Based on feedback from the May JAG meeting, numbers replaced with bullets.

Commented [ES21]: Redefined - Terms of Appointments

Past Charter Language
Appointments shall be for three-year terms, and may be extended for successive one-year terms at the Director’s discretion when a member is willing and there are no new applicants from the represented category. Extended terms are subject to termination at the Director’s discretion. If a vacancy occurs before a member term expires, the appointment to fill that vacancy shall be for the rest of the regular term of that position.

Commented [KC22]: Addition -
New section.

Commented [KC23]: Addition -
2015 Charter language is: Should a conflict of interest arise for a member on a particular matter before the JAG, that member shall recuse him/herself from discussion and action on that matter.

Commented [KC24]: Addition -
New section.

Harassment Prevention Training Course (Supervisory) available for free on the California Civil Rights Department’s website (<https://calcivilrights.ca.gov/shpt/>).

Attendance: Members should advise the Chairperson and JDSF Forest Manager if they are unable to attend a meeting.

Commented [KC25]: Revised -
Removed: Members not in attendance can and should provide comment and input on agenda items to the Chairperson and the JDSF Forest Manager or designee prior to the meeting.

Extended Absence: If a member is unable to actively participate during the term of appointment, either the Chairperson or JDSF Forest Manager will ask the member to reconsider their ability to fulfill their duties and may suggest a replacement to the Director. The JAG, as a collective body, will determine if a member should be replaced in instances where active participation cannot be maintained, while adhering to applicable laws, rules, and regulations

Commented [KC26]: Revised -
Minor revisions to this section.

MEETINGS and REPORTING:

Frequency of Meetings: Meetings will be held as needed and determined by the JAG in consultation with the JDSF Forest Manager.

Open Meetings: The JAG will conduct its activities consistent with the Bagley-Keene Open Meeting Act (Government Code § 11120 *et seq.*) (Bagley-Keene), including without limitation requirements relating to public notice and participation. For training purposes, members are encouraged to obtain and review the free Guide to the Bagley-Keene Open Meeting Act prepared by the Department of Consumers Affairs and made available on its website (https://www.dca.ca.gov/publications/bagleykeene_meetingact.pdf) and/or the resources and training available on the Attorney General’s website (<https://oag.ca.gov/open-meetings>).

Commented [ES27]: Addition - Open Meetings

Quorum: A quorum is one person more than ½ of the current sitting JAG membership. In the absence of a quorum, the JAG will not engage in voting or taking of any actions but may follow a consensus-seeking and informational process as a bridge to the next meeting when a quorum is present.

Commented [ES28]: Revised - Decision-making Past Charter Language
To determine a degree of consensus, members will note their level of support for items as, for examples, Strong Support, Support, Disagreement and Strong Disagreement. The JAG may modify these categories to better meet its needs. Issues without a broad degree of support will not move forward as representing the views of the JAG. The level of support for various items will be recorded. If an item receives a vote of Disagreement, the group will be asked to continue working until it appears a resolution is not attainable, or move on to an area where more agreement is possible. When a resolution is not attainable, the members will note the nature of the disagreement and make a determination as to the best way to proceed in the particular issue area. 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 perspective will be recorded and forwarded to the Director and the Board. Where non-consensus recommendations of reports come forward from the JAG, the Director and the Board will give full consideration to the range of perspective expressed by the JAG Members and make their decisions based on the discretion provided in statute and Board Policy. All members must be fully advised of decisions made in their absence.

~~**Decision-making:** The JAG will operate as a consensus-seeking body, with inclusive and collaborative discussions seeking widespread agreement. All members are expected to contribute their best thinking and act in the overall public interest, regardless of their membership positions or of their areas of interest. Collaboration cannot be effective unless all parties are open to listening to all perspectives and modifying their initial positions in the interest of compromise for the public good.~~

~~Where disagreement or non support is identified, the group will continue working to consensus or until it appears a consensus resolution is not attainable. In that case, the JAG will document the level of support and a description of differing views of the members as part of its advice or recommendations.~~

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~~If the group provides a consensus-based recommendation, the Director or the Board will give those recommendations the highest level of consideration. If consensus is not reached on a topic, the range of perspectives recorded will be forwarded to the Director or Board, whichever is the appropriate authority for the topic. Where non-consensus recommendations of reports come forward from the JAG, the Director or the Board will give full consideration to the range of perspectives expressed by the JAG Members and make their decisions based on the discretion provided in statute and Board Policy.~~

~~Simple voting may be adopted for procedural or non-policy matters.~~

Decision-making

To determine a degree of consensus, members will note their level of support for items as, for examples, Strong Support, Support, Disagreement and Strong Disagreement. The JAG may modify these categories to better meet its needs. Issues without a broad degree of support will not move forward as representing the views of the JAG. The level of support for various items will be recorded.

If an item receives a vote of Disagreement, the group will be asked to continue working until it appears a resolution is not attainable, or move on to an area where more agreement is possible. When a resolution is not attainable, the members will note the nature of the disagreement and make a determination as to the best way to proceed in the particular issue area.

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 perspective will be recorded and forwarded to the Director and the Board. Where non-consensus recommendations of reports come forward from the JAG, the Director and the Board will give full consideration to the range of perspective expressed by the JAG Members and make their decisions based on the discretion provided in statute and Board Policy.

All members must be fully advised of decisions made in their absence.

Sub-Groups: Standing sub-committees may be formed by the JAG to specifically address topics in the work plan. In addition, the JAG, in consultation with the JDSF Forest Manager may also form work groups or sub-committees for topic-specific issues. Such committees will operate with well-defined scopes and specific start and end dates. The JAG may invite non-members to these committees who may provide technical expertise to the discussion. Such committees shall comply with Bagley-Keene, if applicable.

Consultation: When additional expertise is desired to assist the JAG in its deliberations, other public agencies, professional organizations, and educational or research

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Commented [ES29]: Addition To Charter - Sub-Groups

Commented [ES30]: Revised - Consultation Past Charter Language

When additional expertise is advisable to assist the JAG in its deliberations, agencies such as Regional or State Water Quality Boards, Department of Fish and Wildlife, California Geologic Survey, NOAA Fisheries, U.S. Fish & Wildlife Service, USDA Forest Service, professional organizations, and educational or research institutions shall be invited to participate in the discussion or in consultation CAL FIRE will make these requests on behalf of the JAG.

institutions may be invited to participate in the discussion or in consultation. The JDSF Forest Manager will make these requests on behalf of the JAG.

Minutes: Draft minutes of the JAG meetings shall be reviewed, corrected as needed, and approved by the JAG at the following regularly scheduled JAG meeting as part of that meeting’s agenda before being finalized. All members must be fully advised in the meeting minutes of decisions made in their absence from the meeting. CAL FIRE staff will be responsible for taking minutes, revising them as requested by the JAG at the following regularly scheduled JAG meeting, distributing the minutes to the public, and maintaining the minutes, including posting them in a timely manner to the JDSF website.

CHARTER AMENDMENTS

The Director and Board may amend the charter, with the agreement of both parties.

LIMITATION ON THIRD-PARTY RIGHTS

This charter governs the expectations of CAL FIRE and the Board with respect to the functions of the JAG as their advisory body. The charter is not enforceable by third parties.

**Commented [ES31]: Revised - Charter Amendments
Past Charter Language**
The Director and Board may amend the charter, with the agreement of both parties. The JAG may recommend amendments to the charter, with these recommendations subject to the approval of the Director and the Board.

Commented [ES32]: Addition to Charter - Limitation on Third-Party Rights