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REGULATION OF LOGGING IN CALIFORNIA 1945 - 1975

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The Resources Agency
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DIVISION OF FORESTRY
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FOREWORD

The regulatory forest practice program that we have in California came about by a long evolutionary process. Being one of the first to be established in the United States, the governmental control of logging on private lands started cautiously without punitive measures, but progressively during the past thirty years the program has become the most sophisticated with the toughest regulations in the nation. Despite this achievement the system is still undergoing change, especially with regard to protection of environmental and other values associated with forests, in addition to being directed at the growing of wood itself.

The adoption of the Forest Practice Act and the accompanying rules and regulations has been brought about by the play of many forces. The initial catalyst was a spreading national controversy about private timber cutting, which prompted a legislative inquiry here in California. Most heavily involved in this study and the laws and regulations that followed was a strong industry whose lands rank third in productive potential in the country. Foresters too in education, government, and industry, played a major role, along with the State Board of Forestry and key people in the Legislature. Increasingly as the years went by, the general public through various conservation organizations became more concerned and brought about more attention to the protection of the watershed, aesthetic, fish and wildlife, and recreational aspects of commercial timberlands. The various forces often clashed and compromises for much more intensive controls on logging had to be arranged.

The main purpose of this bulletin is to record what has transpired up to the present in California in regard to the regulation of forest practices by the State. This information should be valuable in diverse ways to government, the forestry and legal professions, educational and historical institutions, conservation and industry organizations, and certainly many others.

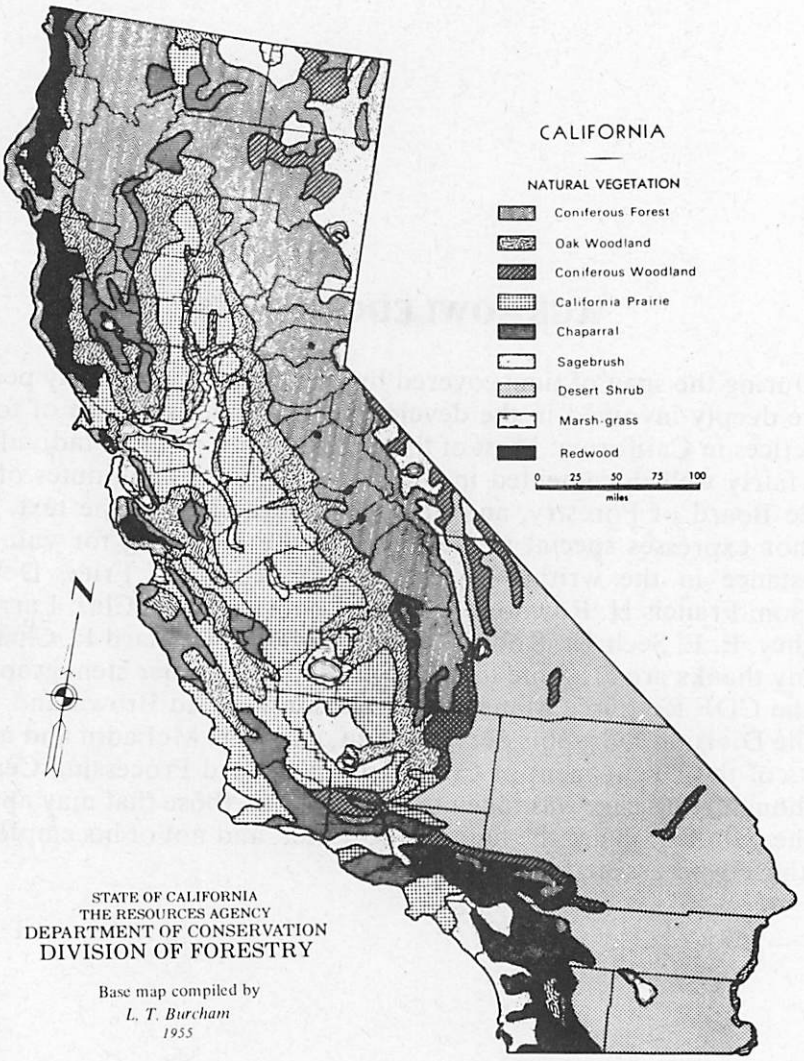
The author, Tobe Arvola, is eminently qualified to have written this treatise, most of which was done on his own time. As Deputy State Forester in charge of all resource management activities for the Division of Forestry from 1948 until late 1975, he has been the leading staffer in the administration of the Forest Practice Act. A University of California forestry school graduate, the writer had the benefit of a number of years of practical experience in logging in the redwood region prior to state employment. In late years he kept close tab on national forestry developments as a Councilman for the Society of American Foresters during 1970-1973 and member of a national SAF task force on forest practices in 1975.

Lewis A. Moran
Director of Conservation

ACKNOWLEDGEMENTS

During the span of time covered by this bulletin very many people were deeply involved in the development of the regulation of forest practices in California. Most of the contributions of these individuals are fairly well documented in legislative reports, the minutes of the State Board of Forestry, and other literature cited in the text. The author expresses special appreciation to the following for valuable assistance in the writing of this history: Emanuel Fritz, DeWitt Nelson, Francis H. Raymond, Lewis A. Moran, C. R. Clar, Larry E. Richey, E. E. Sechrist, Robert M. Maclean, and Leonard R. Chatten. Many thanks are also due to Marjorie Blair and other stenographers of the CDF Resource Management Section, Gerald Brown and staff of the Division's Graphic Services Unit, and Mae McFadin and assistants of the Department of Conservation's Word Processing Center. Although great care was taken to avoid errors, those that may appear in the publication are the fault of the writer, and not of his employer, or those who assisted him.

T.F.A.


CALIFORNIA
NATURAL VEGETATION
Coniferous Forest
Oak Woodland
Coniferous Woodland
California Prairie
Chaparral
Sagebrush
Desert Shrub
Marsh-grass
Redwood
0 25 50 75 100
miles
N
STATE OF CALIFORNIA
THE RESOURCES AGENCY
DEPARTMENT OF CONSERVATION
DIVISION OF FORESTRY
Base map compiled by
L. T. Burcham
1955

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For there is hope for a tree,
if it be cut down, that it will sprout again,
and that its shoots will not cease.

Job 14:7 (RSV)

THE REGULATION OF LOGGING IN CALIFORNIA 1945-1975

The regulation of private logging practices in California is and has been for three decades the most stringent in the nation. This governmental control has been mainly provided by the State Forest Practice Act, as it is commonly called. This law has been dynamic, never stagnant and ever changing to meet the different situations of the times. It is a product of a number of factors—precursory developments within the state and nationally, strong economic forces, especially in the beginning, and increasingly so in later years the effect of social pressures. As with most laws, logging controls could progress only as fast as such forces would permit and to the degree the citizenry became interested in and accepted such statutory restraints.

Next to forest fire protection, the work of the California Division of Forestry that has had the biggest impact over the years is that of regulating forest practices. This effort has directly affected thousands of timber owners and operators and has imposed a major workload on the Board of Forestry as well as the Division. Except possibly for control of forest fires, this forest practice activity has also occupied the concern and emotions of more people than any other state forestry program. Moreover, with the passage of time, the State's role in regulation of timber harvesting has become a most sensitive issue. The story of this regulatory program is an interesting one, at least to the author and possibly many others closely associated with it. We believe these events deserve telling to record the many facts, and hopefully, any lessons that might be learned from this experience.

Early Beginnings

C. Raymond Clar has recorded in his two fine historical volumes on California state forestry [1],[2] many rather futile attempts for governmental control of forest cutting from the early 1800's until World War II. The first trials were Spanish and Mexican decrees for guarding the conservation and regeneration of the woods in Alta, California. Nothing much happened during the lusty occupation of the territory by the Americans, except for some concern about the preservation of redwoods in the mid 1850s. As noted by Clar and rel-

ated later in this booklet, almost a reverence developed about the two redwood species, which had a lasting and profound effect on regulation of logging up to modern times. After creation of the State Board of Forestry in California in 1885 (the first in the U.S.), more consideration developed for protection of the commercial forests and a few regulatory laws were enacted about logging, mostly about fire prevention and slash disposal, prior to World War II.

However, a vain attempt to regulate forest practices was made in the heady early days of the Roosevelt Administration. It was largely an industry effort, but it had the imprimatur of the federal government, which, through the National Recovery Administration, authorized a Lumber Code Authority. With approval of the President and under the U.S. Code of Fair Competition, rules of forest practice were developed for this state by the Western Pine Association and the California Redwood Association. This short-lived voluntary program had only educational value at best, and the program died when the U.S. Supreme Court declared the NRA unconstitutional in 1935.

The National Scene

What developed later in California was a reflection of what was happening throughout the country. A national controversy about compulsory forest practices by the federal government ignited in 1910. It flared anew in the periods 1923-24, 1938-52, and now rages at its highest intensity yet during the Bicentennial of these United States[3].

Much progress resulted from each of the early modern episodes, but the proponents of federal control have never yet achieved their original objectives, and probably never will. The federal Weeks law of 1911 was an outgrowth of an attempt for such regulation. This landmark legislation, however, turned in another direction to improve forestry by the purchase of new National Forests and their enlargement in order to protect water supplies and grow timber. The famous Clarke-McNary Act of 1924 is a by-product of the next attempt for federal regulation; it evolved into a successful partnership between the U.S. Forest Service and the state forestry agencies for fire protection, tree seedling production, and assistance to forest owners. All of these developments strongly indicated that governmental regulation should only be the last resort.

The most heated national discussion until then about regulatory

forest practices occurred in the decade and a half after 1938 when the Bankhead Study was authorized by the Congress. The resulting report noted widespread damage caused by private lumbering and recommended a federal-state regulatory system. This precipitated a great public debate, which lasted many years with participation especially by industrial interests, conservation organization, the principal forested states, and certainly many politicians.

There were many benefits resulting from this fray. The industry voluntarily improved forest practices and started the Tree Farm Program. The states strengthened their forestry agencies and, with the help of the Norris-Doxey Act of 1938 and the Cooperative Forest Management Act of 1950, expanded technical services to forest owners. The Council of State Governments prepared its first model act on this subject in the early 1940s; and most of the various state forest practice acts that exist today were prompted by this long controversy, although some of these laws were enacted primarily to stave off federal controls.

The obvious philosophy that emerged during this period was that if regulation was justified it should be undertaken only after other methods to improve forestry were found not to be enough to solve the problem, and that any controls imposed on private operations should be by the states—not the federal government. Sixteen states had such statutes by 1975. And, because of a bigger yet storm over environmental protection blowing today, along with new federal legislation (e.g., the Federal Water Pollution Control Act Amendments of 1972), there are brewing drastic improvements in these state laws, and new acts in those states that have not entered this regulatory field 3/.

California fortunately is ahead of the game, although more changes are currently in the wind. Let us now proceed to explain how California got to this point in the regulation of forest practices.

The Forest Practice Act

The predecessor to the California Forest Practice Act was Chapter 172 of the 1943 Legislative Session—the so-called minimum-diameter law. As Sections 4850-4854 of the Public Resources Code, this law prohibited the commercial cutting of coniferous trees of less than 18 inches in diameter unless a permit was obtained from the State. This legislation was hurriedly promoted by S. Rexford Black, who at that time, as the fulltime secretary of indus-

try's California Forest Protective Association, was a powerful political figure. He and the lumber interests he represented were motivated to have a tolerable state law of this kind to meet the growing public criticism about timber cutting and to head off incipient federal regulation. Senator Randolph Collier* of Yreka was enlisted to introduce the bill (S.B. 173). More will be explained about this law later in this bulletin.

A more comprehensive forest regulation law came about because of the effort of a legislative Forestry Study Committee 4/ that had been established by Chapter 1086, Statutes of 1943. This committee, headed by Senator George M. Biggar of Covelo, with Professor Emanuel Fritz**of the University of California forestry school as its consultant, had worked strenuously during 1944 and 1945 to develop the largest single package of proposed forestry legislation in the history of California. Fritz wrote the committee report.

The Legislature in 1945 accepted the recommendation of the Biggar committee and passed a bill to regulate forest practices on private land. The bill (S.B. 637) that was introduced by Senator Biggar and co-authored by his colleagues, Oliver J. Carter*** of Redding and Edward Fletcher of San Diego, was signed into law as Chapter 85 by Governor Earl Warren on April 23, 1945. It remained uncodified until 1953 when the provisions were placed in the Public Resources Code as Sections 4901-4967. (These code sections were later renumbered in 1965 as Secs. 4521-4618).

The bill had a mixed parentage****.One draft for a Forest Conservancy Act was prepared by Emanuel Fritz; it was a modified version of the Maryland Forest Conservancy Districts Act, which was an outgrowth of the model bill developed by the Council of State Governments. Fritz and others were apparently impressed with the Maryland law from a favorable report on it by U.S. Chief Forester

* Of all the legislators involved, Senator Collier is the only one who has been part of the entire struggle for forest practice regulation in California during the main period covered by this writing.

** Professor Fritz was responsible for the initiation of this legislative study; it grew out of his persistent but unsuccessful first attempts to get a State Forest program established in California. That came about in 1945 along with other important forestry legislation.

***Senator Carter later served as a Federal district judge in San Francisco, and presided at the famous Patty Hearst trial in 1976.

****See Board of Forestry minutes for June 15, 1962 which includes a number of papers relating to the development of the Forest Practice Act.

Lyle Watts in the June 1944 Journal of Forestry. Some industry people felt that Fritz's proposal went too far, so William R. Schofield, the new Secretary-Manager of the California Forest Protective Association, was chosen to prepare another version. This he did, also using the model bill of the Council of State Governments 5/. The Schofield draft, which was referred to as a Forest Practice Act, differed considerably from that written by Fritz, so the Forestry Study Committee had the lobbyist and the professor resolve those differences before a bill could be submitted to the Legislature. The main bone of contention was whether the power to regulate should be vested in the Board of Forestry or given to the industry, subject to the approval of the Board.

Coincident with this 1945 legislation there were a number of other successful reform forestry bills. One of these, Chapter 316 (Sec. 505, Pub. Res. Code), established a new seven-man Board of Forestry, which turned out to be an important factor in the evolution of the regulation of forest practices and other new and improved forestry programs. The Board was composed of three representatives of the forest industry, and one each from agriculture, livestock production, water development and the general public. The Board * was chaired by William S. Rosecrans of Los Angeles, a businessman who had a long and keen interest in conservation. Also, another energetic person in the form of DeWitt Nelson entered the scene as State Forester just prior to adoption of this regulatory law. These two men formed a winning combination to instill new life into California state forestry.

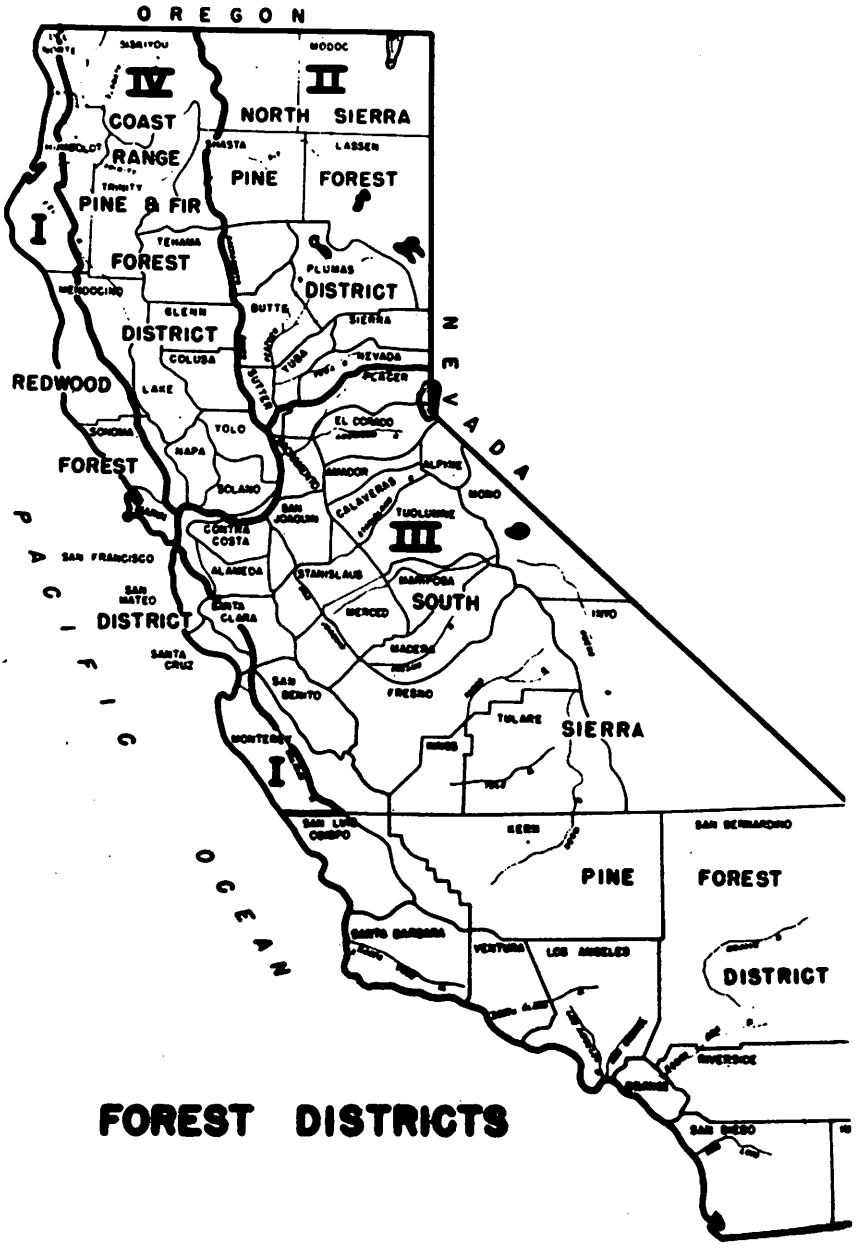
The Forest Practice Act, which became effective in September 1945, established four Forest Districts (see map)—the Redwood, North Sierra Pine, South Sierra Pine, and the Coast Range Pine and Fir—and provided for the appointment of Forest Practice Committees in each to formulate Forest Practice Rules for consideration of the State Board of Forestry.

To get organized for this new venture, the Board met with representatives of the Western Pine Association in San Francisco on June 16, 1945. This was shortly followed by a trip by Board Chairman Rosecrans, member J.J. Prendergast, and State Forester Nelson to meet firsthand with more industry people in Susanville, McCloud, Scotia, and San Francisco.

* See Appendix for these and later Board members.

Governor Warren signing Chapter 316 on May 10, 1945 for reorganization of Board of Forestry. Standing: DeWitt Nelson, Senator Biggar, his secretary Marguerite Bridges, Assemblyman Jacob M. Leonard, Emanuel Fritz, Director of Natural Resources Warren T. Hannum. State Archives photo.

William S. Rosecrans, Board of Forestry Chairman 1944-58.



Forest Districts 1957-1973, slightly modified from original districts established in 1945.

Area cut and burned before logging by Mendocino Lumber Co. in North Fork of Big River, 1921. Photo by Emanuel Fritz, UC School of Forestry.

Same area as above, 1975, now Jackson State Forest.

The four regular members, as provided by law, to each of the four District Forest Practice Committees were all appointed by Governor Warren on October 23, 1945. Three days later the Board of Forestry made appointments of the committee secretaries from the ranks of the Division. The composition of the original committees was as follows:

Redwood Committee
Gordon J. Manary (Chairman), Logging Supt., Pacific Lumber Co. Scotia
Charles R. Barnum, Timber Broker & Realtor, Eureka
Dana Gray, Logging Supt., Union Lumber Co., Ft. Bragg
Harold Prior, Banker & Rancher, Eureka
Arnold F. Wallen (Secretary), Forest Technician, CDF, Santa Rosa

North Sierra Pine Committee
Thomas K. Oliver (Chairman), Manager, Fruit Growers Supply Co., Susanville
Elmer E. Hall, Logging Supt., McCloud River Lbr. Co., McCloud
Alvin R. Haynes, Rancher, Burney
Lem C. Hastings, Paul Bunyan Lbr. Co., Susanville
Melvin M. Pomponio (Secretary), Deputy State Forester, Redding

South Sierra Pine Committee
Swift Berry (Chairman), Manager, Michigan California Lbr. Co., Camino
Walter S. Johnson, President, Associated Lbr. & Box Co., San Francisco
Frank Solinsky, Jr., Calaveras Land & Timber Corp., San Francisco
George H. Volz, Orchardist, Placerville
DeWitt Nelson (Secretary), State Forester, Sacramento

Coast Range Pine & Fir Committee
Edwin J. Regan (Chairman), Lawyer and Timber Owner, Weaverville
Louis Ohlson, Owner, Castle Cr. Lbr. Co., Castella
D.G. Christen, So. Pac. Land Co., San Francisco
Pat Jackson, J. F. Sharpe Lumber Co., Yreka
Melvin M. Pomponio (Secretary), Deputy State Forester, Redding

Except for the committee secretaries, only two of these forest members were professional foresters—Thomas Oliver, a UC graduate, and Swift Berry, an early Biltmore School of Forestry product and former Board of Forestry member. (Berry subsequently became a State Senator, as did Edwin J. Regan, who later served as a state appellate court judge in Sacramento.) Many changes took place in the committees in the following years and these are recorded in the Appendix. Until these committees became virtually inoperative in late 1971, only one member had served the entire period; that was George Volz, the farmer-timber owner representative on the South Sierra Pine Committee.

To organize and plan the formulation of the regulations, a meeting of all the committee members was held in San Francisco on November 9, 1945. It followed the Board meeting that morning, at which William Schofield announced plans for that session. Quite obviously, in his typical style, Schofield was taking charge. State Forester Nelson advocated quick action in the fire prevention field before going into logging controls. Before the Board adjourned for the joint meeting of the committees, it adopted a resolution stating that the Division should have at least one adequately trained forester for each of the Forest Districts to assist the Forest Practice Committees. This led to the assignment of the first Forest Technicians to this new program at the four CDF District Offices in the timbered areas: Arnold F. Wallen in Santa Rosa, Paul Sischo in Redding, Charles W. Fairbank in Sacramento and Dean F. Schlobohm in Fresno.

Development and Adoption of Rules

Shortly after the turn of the year, the committees went to work to formulate proposed rules for their districts. The North Sierra Pine and the Coast Range Pine and Fir Forest Practice Committees met jointly on January 24, 1946 in Redding to get organized and discuss rule proposals. The North Sierra group then met alone on February 28 and had two more sessions to put a package together before holding public hearings. These hearings were conducted on July 15, 16, 22 and 23 in Redding, Oroville, Quincy, and Alturas, respectively.

The Redwood Committee got organized on March 3 in Scotia, and it had one more meeting to develop some proposed rules. Public hearings followed on July 15, 16, 18, and 20 in Crescent City, Eureka, Ukiah, and Redwood City, in that order.

The first organizational meeting of the South Sierra Committee occurred on January 9 in Jackson. After another meeting to draft some rule proposals, the Committee conducted hearings June 6, 7, 13, and 14 in Placerville, Sonora, Fresno, and Bakersfield.

The Committee for the Coast Range Pine & Fir Forest District met in Redding February 27 to prepare some proposals. These were discussed with timber operators and owners at hearings held July 10, 11, 12, and 17 in Yreka, Weaverville, Willows, and Eureka, respectively.

State Forester Nelson and his Forest Manager Preston H. McCanlies attended many of the early meetings and the public hearings that followed. So did Schofield, who, to be certain that the rules were acceptable, played a leading role in these sessions. Virtually, no one from the general public participated and the rule development was largely an industry show; the lay public remained disinterested in such things for at least another decade.

The flurry of activity by the committees and staff was a forerunner to a lot more that was necessary, because the original Forest Practice Act required the rules to be approved by two-thirds of the timberland ownership. Therefore, it was necessary to determine who the owners were and what commercial timber acreage they held in order to send them ballots. Fortunately, the California Forest and Range Experiment Station, with some cooperation by the Division, had just completed a forest survey[6/], and this along with County Assessor records, made it possible for the Division to compile the necessary information without much trouble. In addition, the committees, with the advice of the CDF staff, had to rework the rules in response to testimony offered at the hearings, and place the drafts in final form. This was done at a number of work sessions by the committees with advice from the Division staff, which was not always accepted.

About the time that voting on the rules was being readied, complications arose about the form of the ballot and how the vote should be exercised where the land and timber were in separate ownerships. State Forester Nelson requested the advice of the Attorney-General, who issued an opinion (46-219) on August 7, 1946 to clarify the issue. Basically, he ruled that in case of divided ownership between land and timber the approval of each owner would be needed. That same opinion also spoke to the question of how timber contracts would be affected by the rules.

Finally, after considerable discussion by the Board at its August 1946 meeting, including some consideration towards corrective legislation which fortunately was avoided for the time being, the ballots were placed in proper form. At that same meeting the Board received a letter from Senator Biggar who expressed fears that the proposed rules were inadequate; but the Board did not agree.

There were 2,383 ballots that were mailed in August and September to owners. A report made at the December 1946 Board meeting showed that good progress had been made in getting owner approval in the Redwood and North Sierra Districts where industry associations who favored the rules had many members; the first had 76% approval by that date, and the second 84%, both well over the two-thirds required by law. However, the response in the other two districts was disappointing, so a special campaign started in early 1947 by Schofield, the Forest Practice Committees, CDF Forest Manager McCanlies, his newly hired Forest Technician George A. Craig, and other Division personnel to beat the bushes for votes. The Board gave final approval to the Redwood and North Sierra District rules on February 13, 1947, but an apathetic lag in voting did not allow approval of the South Sierra rules until March 6 and the ones for the Coast Range District on April 10. Information on the balloting results is shown in the following table:

Forest Practice Rules Balloting Record

Forest Districts	Redwood	No. Sierra	So. Sierra	Coast Range
Balloting Acreage	1,156,122	1,731,000	784,310	1,047,203
No. Owners Approved	71	101	108	138
No. Owners Disapproved	5	5	9	21
% District Acreage Approved	81	85	67	68

There was hardly any public interest or opposition to the Forest Practice Act and the rules. About the only criticism arose from the Coulterville Chamber of Commerce, which was reported to the Board in September 1949. Their complaint was that the method of balloting did not allow for negative voting.

The contents of the rules conformed to the standards set forth in Section 5 of the original Forest Practice Act (Chapt. 85). They ap-

plied to old growth and second growth timber and included practices on minimum cutting diameters, seed trees, care of residual trees from logging damage, snag and slash disposal, fire prevention safeguards, and fire protection measures. They were the most comprehensive forest practice regulations adopted to date by any state.

Supposedly, the approval of the rules put the Division in the business of regulating forest practices on private land, and it began to gear itself to do so. It was a sizeable job indeed, for the post-war lumbering boom was in full swing. In 1947 there were 878 sawmills in California and the total timber cut had sharply risen to 3.4 billion board feet. During this organizational period, it was learned from some legal research conducted by Stuart M. Schick, the Division's Law Enforcement Officer in Santa Rosa, that the rules should be filed with the Secretary of State to have any effect—a very important item that had been overlooked. Consequently, the State Forester made that filing for all the rules on September 4, 1947 in accordance with Section 11381 of the Government Code.

Initial Program Administration

Although the Forest Practice Rules could not be applied until after their approval by the Board in 1947, the State Forester was obligated under the Act to begin registration of timber operators in 1946. In that year there were 399 operators who registered, but that obviously was an incomplete count. By 1947 the registrants rose to 790, mainly due to timbermen being better informed, as well as more being in the business.

After approval of the rules the first job to get done was to publish and distribute them to timber owners and operators. This was completed by October 1947, using pocket-sized booklets of a distinctive color for each Forest District—red for the Redwood District, green for the North Sierra, blue for South Sierra, and brown for the Coast Range Pine & Fir Forest District.

Except for the four foresters assigned to the program in late 1945 and early 1946, no provision was made for an inspection force. Typical of the Division in those days, it was assumed that this job would be handled by existing personnel like the many other new tasks that had somehow been absorbed. This was a lot to expect because the four original foresters assigned to this work were also being saddled with other technical duties, and the regular field rangers were hardly

equipped to police logging operations. Furthermore, the State Forester's Office was bogged down with so many expanding activities that at first not enough effort was put into planning and organizing the necessary administration of the Forest Practice Act. Consequently, the Division got off to a slow start to inspect timber operations, but a major effort was made to inform owners and operators about the requirements—a challenging educational undertaking.

A more structured program gradually evolved, and at the end of 1948, when T.F. Arvola replaced McCanlies, the first annual report on accomplishments was prepared. A creditable showing was made that year despite the shortage of personnel. Mainly by using field Assistant State Forest Rangers, there were 2,840 inspections made and 14,200 man-hours consumed in that effort; yet 12 percent of the operations could not be covered. A subjective system for measurement of compliance was used; it showed that statewide the compliance was 75 percent, varying from a low of 55 percent in the Redwood Forest District to a high of 92 percent in the North Sierra. Surprisingly, rules pertaining to fire protection measures were violated the most. Lacking any specific enforcement provisions in the Forest Practice Act, except for failure of an operator to register, there was no formal enforcement action tried until 1950, about which more will be explained later.

Because of the sensitivity of the program, the State Forester tried to keep the Board of Forestry well advised of its progress, particularly by presenting annual reports which were usually in mimeograph form. Statewide reports were not published until 1948, but initial progress reports for the first year were made on a district basis at the September and October 1947 Board sessions. These program reviews usually resulted in spirited discussions, which revealed a cautious and conservative attitude on part of the Board as to how rigidly forest practices should be regulated.

Policywise, the first expression of the Board on this program was adopted at the March 1946 meeting, when it was decided to keep the list of registered timber operators confidential. However, upon the advice of the Attorney-General, this policy was revoked at the June 1948 meeting and a resolution authorizing release of names and addresses of operators only was approved at the following meeting.

In May 1949, the Board was moved to take a position opposing

federal regulation but favoring state logging controls because of a bill (S.1820) that had been introduced in the 81st. Congress for federal regulation of private timber operations*. This position later matured into a broader policy statement on private forest management (Art. 1, Chapt. 3, Part 1, Div. II, Board of Forestry Organization and Policies) adopted by the Board in November 1958. The only other formal policy in this area was one urging immediate and vigorous enforcement of the Forest Practice Act (Art. 1, Subchapt. 2, Chapt. 3, Part 2, Div. II); it was approved at the March 1956 meeting.

In the beginning the procedures for administration of the Forest Practice Act were quite elementary, because of inadequate staff and no experience to go on. The first instructions were placed within the Division's circular letter system, and later a functional forest management manual containing procedures for all technical activities including forest practices was developed. In 1963, with the adoption of a comprehensive CDF Manual of Instructions, the material was recast into that reference with modification from time to time to meet changing conditions and needs.

One issue regarding administration of the rules came up early in the game and it was settled very decisively. Many timber operations were being conducted on private land within the exterior boundaries of National Forests and within the Forest Service fire protection area. As a practical measure, State Forester Nelson hoped to have that agency handle forest practice inspection there along with administration of fire laws and fire control responsibilities, which were already contracted to the Forest Service. In fact, Nelson entered into a memorandum of understanding with Regional Forester Perry A. Thompson on May 14, 1947 for his organization to do the job. William Schofield vigorously objected to this arrangement at the July 1947 Board meeting. At that time there was a considerable amount of industry criticism about the incumbent Forest Service Chief Lyle Watts who was a strong advocate of federal regulation. The matter was deferred to the October meeting, at which an argumentive discussion strongly indicated that the Board and industry didn't want the USFS to have any role in administration of the rules. In a following executive session, the State Forester was plainly instructed to discontinue the arrangements he had made with Regional Forester

*In June the Legislature passed Senate Joint Resolution No. 31 opposing this same federal bill.

Thompson. He so did by letter to the field offices on November 5, 1947.

Admittedly, the Forest Practice Act program was at first to be one of education and persuasion because of the philosophical tone behind its formulation and the lack of any misdemeanor, criminal, or civil penalties in the law. A discussion as early as the June 1945 Board meeting, long before any rules were in effect, tended to set the pattern for years to come. It was decided there that operations on a cooperative basis between the CDF and industry would be the most satisfactory manner of handling violations. Noble as this idea was, it did not come to pass. Emanuel Fritz expressed fear in a letter to the Board on July 10, 1947, that the Division wasn't going to enforce the rules. This brought a defensive response and discussion at the following three Board meetings.

Besides persuasion, about the only method to achieve compliance for many years was to use the fire statutes applicable to logging operations for leverage. The approach was to inspect for those statutory requirements along with the rules, and in case of any violations of the former to cite the operator to appear in the local Justice Court. Sometimes, when violations of the rules were noted in the citation, the judge often would as a penalty place the violator on probation until deficiencies in respect to rules as well as laws were corrected. In 1948 when no specific legal measures were available to enforce Forest Practice Rules, there were 27 such cases filed, 22 of which were successful.

So-called administrative* law enforcement measures were also used a great deal. This consisted of writing strong letters, filing formal notices of violations, making re-inspections of delinquent operations, and otherwise prodding operators. But this was hard work that yielded little improvement and many of the inspecting personnel soon lost their enthusiasm for making inspections or reporting violations. In fact, a forest practice inspector in the Division in those days was to be derided because of the impotency of his position.

The problems of enforcement were periodically brought to the attention of the Board by the State Forester but nothing much happened for some time. During a Board review of forest practices in February

* Not to be confused with provisions of the Administrative Procedures Act, a formal quasi-dicial method to enforce various state regulations.

1949, Ernest Kolbe of the Portland office of the Western Pine Association offered the help of the WPA forestry committee to investigate any poor operations of members of that organization. The following summer, a group of WPA representatives including Kolbe and Ralph D. Hodges, the California Forest Engineer of the association, Deputy State Forester John Callaghan * of Redding, this author, and others visited three problem areas. This communal pressure motivated two of the operators to correct their infractions in time. But the logging superintendent for Mt. Shasta Pine Manufacturing Co. resented this intrusion, and he did not respond favorably as the two others did.

Schofield reported this failure to the Board in July 1950 and the Board requested the Attorney-General to take some legal action despite there being no penalty in the law. This led to many months of diligent work with Walter S. Rountree, Deputy Attorney-General in Sacramento, to build a case for an accusation based on general law, draft briefs, subpoena witnesses, and arrange for a formal hearing. Fortunately, the company's attorney was a practical man; he could readily see that it would be cheaper and easier for his client to perform the required slash and snag disposal work than fight the legal battle, so a stipulation was signed to that effect. This first real test was a big factor in State Forester Nelson getting the Board to consent to some major changes in the Forest Practice Act.

Law Amendments

The first amendment of the Forest Practice Act was made in the 1947 Session. Senate Bill 254 (Chapter 983) by Oliver J. Carter and Frank L. Gordon of Suisun made some technical changes in respect to Forest District boundaries and balloting procedures, about which some problems had arisen in 1946 (as previously mentioned).

In addition to enforcement, early experience with the Forest Practice Act and rules revealed a number of other problems, and this engendered an interest on part of the Board in early 1950 to seek some improvements. This desire was also stimulated in part by the threat of federal regulation in the 81st Congress, including a bill by

* Callaghan resigned as Chief Deputy State Forester in 1959 to become an understudy to and eventually to succeed William Schofield as Secretary-Manager of the California Forest Protective Association.

Congresswoman Helen Gahagan Douglas* of southern California for a large redwood national forest (stretching from central Mendocino County into Del Norte County), and a proposal (S. 1820) by U.S. Senator Dewey Anderson for nationalization of forest practices. By the end of the year, a draft of a bill to amend the Forest Practice Act was prepared largely by William Schofield, who wanted to be sure that it was right by his people, although most of the ideas accepted for changes started in the Division.

S.B. 436, which was introduced in 1951 by Senator Edwin J. Regan to amend the Act, was passed by the Legislature and approved as Chapter 720 by Governor Warren. This first significant revision of the law brought about some long-desired changes. It required timber owners to notify the State Forester of logging operations, and a most significant enforcement step in requiring operators to have annual permits instead of just being registered. The $1.00 registration fee was eliminated.

The permit became a key through which the logger could be disciplined since operating without a permit was a misdemeanor, and permits were subject to suspension or revocation in case of non-compliance after an administrative hearing process. The bill provided for amendment of the Forest Practice Rules through action initiated by the Forest Practice Committees, subject to Board approval without requiring a vote of timber owners.

In the same 1951 Session, some other related legislation was considered. A.B. 1501 and A.B. 2720 would have regulated disposal of logging slash, but these bills did not pass. However, one bill, A.B. 925 by Pauline Davis of Portola, Frank Belotti of Eureka, and Charles E. Chapel of Los Angeles did succeed (Chapter 527), and this started a program for greater care of fish and stream resources that would intensify in the years ahead.

Two pieces of legislation in 1951 bolstered the protection of Sierra redwood. A law prohibiting the cutting of these trees over 16 feet in diameter was enacted by the Legislature in 1873 as Chapter 249, later coded as Section 4726 of the Public Resources Code. Because of some increased cutting of Sierra redwood in the early 1950's, public pressure built up demand for more legislation. Senate Concurrent Resolution No. 44 by Senator Hugh Burns of Fresno requested the

* Douglas was later defeated for her seat by Richard M. Nixon in a heated campaign.

State Forester and the State Park Commission to investigate the situation and report the findings. This was done in December 1952, which was largely the product of Forest Technicians Dean F. Schlobohm and Frederick A. Meyer of the Division of Forestry and the Division of Beaches & Parks, respectively[7]. It generally showed that there was not much to worry about because 92 percent of the virgin Sierra redwood was already in public ownership, and the agencies having jurisdiction were preserving the big trees.

The other Sierra redwood legislation in 1951 was A.B. 3250 (Chapter 1652) by Assemblyman Harlen Hagen of Tulare and Kings counties, which became Sections 4721-4727 Pub. Res. Code. It set forth state policy to preserve the species and provided authority to acquire suitable groves, but the law was never exercised because most groves were already in public ownership.

The Forest Practice Act was first codified by A.B. 1920 (Chapter 109) by Julian Beck of San Fernando during the 1953 Session. Not much else was done to the Act then except S.B. 152 (Chapter 1664) by Edwin Regan amended Section 4939 to provide expenses for Forest Practice Committee members. This was done at the suggestion of the State Forester so that the members would not have to use personal funds or be dependent upon their employers for travel expenses. Although not much revision was made to the Act, a lot of other forestry legislation did develop in 1953 because a very exhaustive review was made the year before of the Division's programs by the Senate Public Lands Interim Committee and the Assembly Agriculture Subcommittee on Public Lands, Grazing and Forest Practices [8], [9], [10].

In 1955, again at request of the State Forester Nelson, Sections 4850-4854 of the Public Resources Code, regarding minimum diameter permits were repealed by Chapter 1026 (resulting from S.B. 566, Regan); this will be covered in more detail later.

The 1957 Session produced some major changes in the Act brought about largely by a study started the year before by the newly appointed State Forester F. H. Raymond. He succeeded DeWitt Nelson who had been elevated to Director of Natural Resources. Typical of his methodical and orderly nature, Raymond was bent on making some improvements he felt necessary from his close personal experience as Deputy State Forester of the North Coast District and as Secretary to the Redwood Forest Practice Committee. After some

staff analysis, joint meetings of the four Forest Practice Committees were held in February and March 1956 in Sacramento. The results of these conferences, including some recommendations for legislation, were reported by C.L. Morey, Chairman of the South Sierra Committee, to the Board of Forestry in March. This led to the development of S.B. 925 by Senator Regan for the 1957 Session. Senator Regan had headed the Senate Interim Committee on Public Lands and his help had been solicited to amend the Act, along the lines that were documented in a report of that committee[1]. The Board got heavily involved in drafting this legislation, along with the industry and the Administration, and it was discussed in detail at the November 1956 and February, March and May 1957 meetings. During this period the Department of Fish and Game expressed some concern about the bill in respect to more protection of fisheries and streams, but they were advised by the Board to seek any such remedies through amendment of the Fish and Game Code rather than through the Forest Practice Act.

S.B. 925 was successful, and with the signature of Governor Goodwin Knight it became Chapter 1648 of the 1957 Session. Up until that time, the 1957 amendments to the Act were the most extensive. The general theme was to smooth out administration and to obtain more effective enforcement. The title to the law was officially given as the Forest Practice Act. Along with clarifying the Forest District boundaries, including placing the central coast below Monterey County within the South Sierra Pine Forest District, S.B. 925 authorized the Board to describe more specifically the eastern edge of the Redwood District. Primarily due to the efforts of Lem Hastings, chairman of the North Sierra Forest Practice Committee, and an employee of Board member Kenneth R. Walker (the owner of the Paul Bunyan Lumber Company), the procedures for amendment of the rules were changed so that a vote of the timber owners could be forced if a petition of 25 owners were submitted to the Board. This seemed an ominous backward step at that time, but fortunately this right was never exercised. To confirm a 1956 Attorney-General's Opinion (56-103), a provision was added to the Act to declare it to have exclusive jurisdiction over regulation of timber operations. This was included to offset the threat of county ordinances, which became an important issue in later years as reported in following pages.

Rather than have an annual timber operator permit, the new law authorized a continuing renewable permit. It also sharpened procedures for such permits and notices of timber operations and authorized the denial of permits by the State Forester for certain technical reasons. This, along with expanded provisions with respect to enforcement, strengthened the administration of the Act. A three-year statute of limitation was also added to the code by the 1957 bill.

The only change in the Forest Practice Act in 1959 was the addition of Section 4941.5 by Chapter 861 requiring meetings and records of public bodies (including Forest Practice Committees) to be open to the public. This was repealed in 1968 (Chapter 1473) because of the adoption of a similar general requirement for most public bodies in the Government Code.

For the first time in the history of the Forest Practice Act a noticeable amount of public attention and criticism arose in the mid-1950's. Both the Sierra Club and the Izaak Walton League expressed dissatisfaction with the law. Much of this concern centered around the protection of streams and the migratory fish resources, of which more will be described later. Of course the timber industry reacted and both the Western Pine Association and the California Redwood Association rushed to survey cutover lands and report their favorable findings to the Board of Forestry, the first in January 1958 and the latter the following May. The WPA survey was a repeat of the one made in 1954, which was reported to the Board in April 1955. Another survey was made by WPA in 1962, the results of which were presented to the Board in February 1964. The industry often used Board meetings as a stump from which to expose its views to the public.

During 1958 the Senate Interim Committee on Forest Practices and the Senate Interim Committee on Economic Redevelopment of Cutover Timber Areas and Brushlands, both chaired by Senator Stanley Arnold of Susanville, jointly held some hearings and field trips. The committee tried to cover the whole field of forestry and nothing definitive on forest practices resulted from their work, although a report was published the following year[12].

After a busy interval for revision of all the rules, the Board of Forestry heard and discussed at its June, August, and September 1961 meetings a proposal by the State Chamber of Commerce for the UC

School of Forestry to make a study of the effectiveness of the Act. This idea was endorsed by the Board and a committee was appointed to develop guidelines for the study. The designated committee chairman, Dean John A. Zivnuska of the UC School, gave a progress report at the December meeting, but the committee became inactive after that, primarily because the study would cost money and the source of such funds was too uncertain for Dr. Zivnuska to be motivated any further. Besides, other developments were brewing to threaten the Forest Practice Act.

In the fall of 1961 the Assembly Interim Committee on Natural Resources, Planning and Public Works, headed by Lloyd W. Lowery of Rumsey, decided to enter the picture. In October the committee, accompanied by Director of Conservation DeWitt Nelson*, State Forester Raymond, staff (including the author), and interested parties made a lengthy tour from the Sacramento Valley through the Mendocino National Forest to Fort Bragg, then to Eureka where a hearing was held on forest practices, followed by trips to logging operations of the Pacific Lumber Co. and Simpson Timber Co. nearby. Phillip S. Berry**, an Oakland Attorney and active Sierra Club member, implied that the Act was only a "pleasant statement of policy"[13] and suggested some constructive improvements. Director Nelson and State Forester Raymond also offered proposed changes. The legislative committee's report[14], which was published in November 1962, agreed and included a number of recommended law changes.

In the spring of 1962 the State Forester received letters from the Associated Sportsmen of California and the California Wildlife Federation expressing concern about logging damage to streams and advocating legislative remedies. Both letters were similar in text; they probably were promoted by someone from the Department of Fish and Game which was quite concerned about the problem. With this growing criticism of forest practices, the Board decided that there should be a review of the Act. This was done thoroughly at a meeting held in Redding in June 1962, at which a number of key people associated with the origin of the law participated. These included Emanuel Fritz, George Craig, William Schofield, John Callaghan,

* The Department of Natural Resources was renamed the Department of Conservation in 1961 when the Resources Agency was created.

** Phillip Berry was later appointed to the Board of Forestry in 1974.

and DeWitt Nelson, all of whom presented formal papers. Alex Calhoun, Chief of Inland Fisheries for the Department of Fish and Game, and David Pesonen for the Sierra Club made pitches for their interests. After this meeting the Board spent two days examining timber operations in Shasta and Humboldt counties before reconvening in Eureka.

At the request of Assemblyman Lowery, the State Forester drafted a proposed bill to amend the Forest Practice Act for the 1963 Session. Raymond did this in consultation with Director Nelson, Deputy Attorney-General Robert H. Connett, the Legislative Counsel's Office and a few key industry representatives. However, in order to preclude very much influence by the latter, as had been experienced in the 1957 legislation, the State Forester carefully avoided getting the Board, the Forest Practice Committees, and much of the industry too deep into the process. After S.B. 565 was introduced by Senator Regan, the bill was explained and discussed by the Board at its April meeting. Because of some rather far-reaching aspects of the proposed amendments to the Act, John Callaghan of the California Forest Protective association and Knox Marshall of the Western Pine Association voiced some objections.

Two principals of the 1960's: State Forester Raymond and Board Chairman W.B. Carter. The occasion was the Board receiving a conservation award, May 22, 1968, from the California Federation of Women's Clubs.

But times had changed; a different Administration was in power and potent figures like Kenneth Walker were no longer on the Board, so S.B. 565 went on its way unobstructed. It was signed by Governor Edmund Brown as Chapter 2033 of the 1963 Session.

The 1963 amendments to the Forest Practice Act exceeded the gains made in 1957. Fees were again authorized for timber operator permits, but at more than a nominal level—$15.00 for an original permit, $10.00 for annual renewal, and a $5.00 penalty fee for late filing. Three new enforcement provisions were added to that of suspension and revocation of a permit. The State Forester now could deny a permit or a renewal to an operator who failed to comply with the rules, which turned out to be a convenient and effective device. Also, the Director could bring an injuction to stop an operation in violation, and the State Forester was given authority to correct violations on-the-ground and charge the operator or the owner for the costs.

In 1963 the Legislature by Chapter 1830 also amended Section 384a of the Penal Code relating to transportation of Christmas trees. Until then the problem of trespass cutting was not effectively controllable under this law and many counties had to enact ordinances. The primary responsibility of administration of the amended Penal Code system was placed on the Department of Justice and the County Sheriffs.

While 1963 was an auspicious year in terms of legislative advancements, it also ushered in a period of great change in forestry in California. A number of events occurred about then that had material and longlasting effects on the future.

Probably the first significant happening was a study conducted in 1963-64 of the redwood region by the National Park Service under a grant from the National Geographic Society. NPS Director Conrad L. Wirth had applied for funds to make this investigation because of his concern over the damage caused to the Rockefeller Grove in the Humboldt Redwoods State Park by the devastating North Coast flood of 1954-1955. The catastrophy had caused many accusation to be cast against logging and was largely responsible, over timber industry objections, for the State Park to begin to acquire, with the help of the Save-the-Redwoods League, much of the Bull Creek watershed in 1963 in order to protect the Rockefeller Grove. The NPS study

also led to the discovery in October 1963 of a new world's tallest tree in Redwood Creek[15], and this stirred greater national attention to the redwoods.

The interest of the Sierra Club in forest practices also began to intensify about this time. Phillip Berry, who had not been satisfied with his earlier attempts to strengthen the law, published a critical article[16] in the Sierra Club Bulletin in 1964, and this turned out to be an introduction to more participation by this group in the subject.

Then another disaster fell—the December 1964 northern California flood, which was the second "1 in a 100-year" flood occurring within a decade! This generated more controversy that resulted in the establishment of the Redwood National Park in 1968 and focused more interest of the public on logging, especially the clear-cutting that was being done under alternate plans to the Forest Practice Rules.

The charges that were levied against logging because of this latest flood were not directed solely at private operations, but also at timber harvesting on National Forests. It was an alarming situation because of the large amount of publicity and propaganda that was confusing the public. Facts were mauled by extremists. Consequently, in cooperation with others the Board of Forestry held a special meeting in February 1965 to review the flood damage and its causes. An impressive group of experts spoke at length to try to bring out the many complicated factors and relationships bearing on floods, but unfortunately, the audience consisted mostly of people who understood the situation.

The next change in the Forest Practice Act came in 1965 when it and all the Public Resources Code sections were recodified by Chapter 1144 (S.B. 710 - Eugene G. Nisbit). This meant a radical change in code numbers and reorganization of the various parts pertaining to forestry. Because the 1964-1965 flood badly severed public highways, railroads, and communications in northern California, the 1965 Session quickly approved S.B. 280 (Chapter 19) by Frank S. Petersen of Fort Bragg as suggested by the Division of Forestry in order to extend the deadline for renewal of timber operator permit applications until May 1 of that year.

Other measures that were tried in 1965 indicated the trend of the changing times. A bill (S.B. 903) by Fred Farr of Monterey would

have given the Department of Fish and Game more control of activities, including logging, that affect streams. But this was opposed by the Board and the industry, so it was assigned to interim study, which is conveniently used as a dumping ground for unwanted legislation. Assembly Bill 2541 (Myers) was a similar measure that was also warded off.

A much more serious problem arose in 1965 as a consequence of a report of the Commission on State Organization and Economy; it made sweeping recommendations to eliminate or reduce the responsibilities of various state boards and commissions. Included in the Commission's report was a proposal to limit the Board of Forestry to an advisory role, eliminate Forest Practice Committees, and instead have the State Forester promulgate the Forest Practice Rules under administrative procedures. Two companion bills, A.B. 2492 and 2493 by Milton Marks and John T. Knox, both of the Bay Area, were introduced to accomplish the recommendations of the Commission. This precipitated quite a storm at the May meeting of the Board, at which it took formal action to oppose the bills. Because of this resistance and from many other quarters, these measures were referred to interim study. Still the threat of this legislation, along with the recodification previously mentioned, caused the Board in September 1965 to request the Forest Practice Committees to consider revision of the rules.

The tempo about forest practices continued to build. In 1966 a Subcommittee on Forest Practices and Watershed Management of the Assembly Committee on Natural Resources, Planning, and Public Works was established. Charles Warren of Los Angeles and Edwin L. Z'berg of Sacramento chaired those committees, respectively. At a long session in Berkeley in August, Warren's subcommittee held the most comprehensive hearing about forest practices that had been conducted until that time. About 40 people from all sides of the topic testified[17]. The legislative committee then contracted with the Institute of Ecology at the Davis campus of the University to make a study, the product of which was incorporated with one of the committee's published reports[18]. The UCD study was not well informed about regulation of the lumber industry because the team working on it was not adequately balanced and it did not confer with CDF staff for facts and opinions. A more controversial report[19] primarily

pointed at the redwood region was also released by the Assembly committee; it was largely motivated to stimulate the creation of the Redwood National Park.

The most immediate consequences of the Z'berg-Warren investigation was the introduction of 11 bills by Warren in 1967 to amend the Forest Practice Act — A.B. 2064-2074. These related to such matter as expanding the purposes of the Forest Practice Act to protect other values besides timber productivity, broadening the membership of the Board of Forestry and the Forest Practice Committees, allowing the Board to adopt rules independently of those committees, requiring timber cutting plans to be subject to approval of the State Forester, controlling soil erosion and protecting streams. These proposals caused the State Chamber of Commerce, the Western Wood Products Association, and the California Forest Protective Association to file statements with the Board at its May 1967 meeting. The Board responded by adopting a resolution saying that there was no need for amendment of the Act.

The Northern California Section for the Society of American Foresters also became concerned about the issue in 1967. It made a study* of the Forest Practice Act and obtained an expression of its 1,200 members by a referendum. The resulting report[20/] favored existing objectives of the Act but recognized the necessity to protect, conserve, and enhance non-timber values through other laws and programs. The SAF supported the existing system for development of rules by district committees having technical competance. Recommendations were given for further studies of silvicultural effectiveness of the rules, costs of protecting non-timber values, and land-use effects of the rules. The SAF report suggested more rigid controls over conversion of forest land to other uses and more adequate levels of inspection and enforcement.

The Senate Natural Resources Committee, which was headed by Robert J. Lagomarsino of Ventura of the opposite party to Assemblymen Warren and Z'berg, also moved to get into forest practices. Senate Resolution 385 by Lagomarsino was adopted in 1967 to authorize a study on the subject. The committee thereupon made a trip to Eureka to hold a hearing there and inspect logging operations in Humboldt, Trinity and Shasta counties. One of the areas observed

* By coincidence this writer, as chairman of the SAF Policy Committee, headed the study.

was a sedimentation problem in a critical salmon spawning area in the Upper Trinity River near Lewiston, which the legislators felt needed investigation, the results of which will be explained later. The committee did not sponsor any bills, but did prepare a progress report on its activities in January 1968.

In 1968 Assemblyman Warren re-introduced five bills (A.B. 452-456) to amend the Forest Practice Act that he failed to get approved the year before despite suppport from Secretary of the Resources Agency, Norman B. Livermore, Jr. However, he still faced opposition from the Board of Forestry and lumber industry. During Easter week he accepted an invitation from John Callaghan to make a tour of logging operations in Mendocino County, in which the author also participated. From that trip Warren learned some of the complexities in legislating forest practices and decided to drop the bills pending further study.

The only legislation that passed in 1968 pertaining to the Forest Practice Act was a technical amendment sponsored by the Department of Conservation regarding travel expenses of Forest Practice Committee members. This was S.B. 878 (Chapter 814) by Senator Fred W. Marler, Jr. of Redding; it amended Sec. 4565 Pub. Res. Code.

After a year's lull, legislative activity picked up again in 1970. Much of this arose because of public concern about logging in a few urban counties, which will be covered in some detail later. Let it suffice to say here, that to meet this pressure, the Legislature enacted a few potent laws. A.B. 101 (Chapter 366) by Charles Warren added a second public member to the Board of Forestry (Sec. 630, Pub. Res. Code). In a similar vein, A.B. 2433 (Chapter 1437) by George W. Milias of San Mateo County amended Sec. 4562, Pub. Res. Code to place two public members on each Forest Practice Committee. The Board resolved to oppose the latter bill at its May 1970 session. Both of these bills resulted from earlier attempts by Assemblyman Warren to lessen the dominance of these bodies by economic interests. To some extent A.B. 665 (Chapter 37) by Carl Britschigi of San Mateo County also stemmed from Warren. It added Section 4580.5 to the Public Resources Code to allow the Board to adopt emergency rules on its own motion without preparation by the Forest Practice Committees; but to make those emergency rules permanent the new law re-

quired subsequent approval of the committees. Another 1970 measure by a San Mateo legislator was S.B. 507 (Chapter 712) by Richard J. Dolwig, which gave authority to the counties of Marin, Santa Clara, and San Mateo to adopt forest practice ordinances in PRC Section 4582. A similar bill (A.B. 1143) by William T. Bagley of San Rafael and two other authors was dropped in favor of S.B. 507. Napa County was added to this code section by A.B. 3087 (Chapter 1090) by John F. Dunlap of that county in the 1971 Session.

The developments in 1970 convinced the Administration that more improvements in the Forest Practice Act were necessary to satisfy public demands. Consequently, six bills were sponsored by the Department the following year. Those that passed were S.B. 561 (Chapter 748), S.B. 562 (Chapter 645) and S.B. 714 (Chapter 752) all by Senator Lagomarsino and A.B. 1022 (Chapter 971) by Dixon Arnett of Redwood City and A.B. 1028 (Chapter 1349) by Kenneth L. Maddy of Fresno. A.B. 1246 by Assemblyman Bagley, which would have made a technical change in the membership on the Forest Practice Committees, was withdrawn because of industry objections. In brief, the five successful 1971 bills streamlined procedures for adoption of new Forest Practice Rules, substantially increased timber operator permit fees, provided for temporary permits for seasonal operators, increased charges the State Forester could levy for expenses incurred by corrective action by the State, required recording of timberland conversion certificates, and made a number of other changes for better administration and enforcement. One thing was learned from this session: having so many separate bills and authors for amendment of one law for political reasons was an inefficient and time-consuming method of amending legislation.

While the 1971 legislation was being considered, the Department staff and the State Forester's Office were exploring ideas for further revision of the Forest Practice Act in 1972. However, this never matured because of an unforseen legal crisis as the reader shall see in a later section. Before going into that episode, it is desirable that a few other parts of this story be picked up at this time.

Rule Revisions

The improvements made in the Forest Practice Act by the Legislature in 1951 provided convenient means for amendment of the

Forest Practice Rules without going through the cumbersome process of approval by the timber owners. That fall the Forest Practice Committees, with the aid of the Forestry Division, commenced discussion of proposed amendments to the rules. Then to make the process legal, the Board of Forestry at its February 1952 meeting approved the recommendation of State Forester Nelson and ordered the committees to proceed. That action ushered in a busy period involving many meetings of the committees.

Led by Francis H. Raymond, Deputy State Forester for the North Coast District, the Redwood Committee was the first to get results. It held public hearings in Eureka on March 7, Ukiah on June 6, Santa Cruz on June 17, and Crescent City on July 31. The amendments proposed by the committee were submitted and approved by the Board on February 5, 1953 for legal publication, as required by law. At the following meeting in April the Board gave final approval to the new rules.

The North Sierra Committee also moved ahead quickly and held hearings in Oroville on May 6, Quincy on May 7, Redding on May 8, and Burney on May 9, 1952. Its recommendations for rule revisions were also presented to the Board in February 1953, but some vociferous objections were raised by three industrial foresters about the lopping of slash. The Division had made a strong effort to require lopping of pine slash to cut down the insect and fire hazards, and had been partly successful in getting the Forest Practice Committee to go along, but the dissidents convinced the Board otherwise. As a result, the Board referred the matter back to the committee. After another hearing by the committee in Oroville on April 6, less stringent slash abatement requirements were proposed to the Board that same week and approved for publication. They were finally adopted by the Board at its May meeting.

The Board previewed the rule amendments for the Coast Range Pine and Fir District also at the April meeting, after the Forest Practice Committee had held public hearings in Ukiah, Eureka, Redding, and Yreka on November 19, November 20, December 3, and December 4, respectively. Final review and adoption occurred at the May 1953 meeting.

The last committee to amend the rules was the one for the South Sierra Pine Forest District and this did not take place until a year

later. Hearings were held in Placerville on January 11, Truckee on January 12, Sonora on January 13, and Fresno on January 14, 1954. The same controversy over lopping arose when the proposed changes were presented to the Board at the March meeting. Also, the Board and those in attendance got deeply into rule language. This made it necessary for the South Sierra Committee, which fortunately was present, to meet at lunch to resolve the differences, so that the Board could schedule the final adoption for its next meeting.

The first amendment of the Forest Practice Rules was a notable accomplishment. Not everything that the Division wanted to improve in practices and their administration and enforcement was achieved, but yet the effort was worth it. It helped break down the conservative attitude and resistance of industry, and even some foresters, to change. As it was experienced in the making of the initial rules, the general public did not participate in the revisions and the Division found itself pretty much alone in struggling to strengthen the regulations.

The apathy of the general public about forest practices began to relent in the mid-1950's when a sizeable logging program began on both National Forest and private land in San Bernardino County [21]/ [22]/. Although the cutting was being done very carefully to reduce tree losses from insects, enhance recreational values, and to abate fire hazards; there was a public outcry against it. This was primarily sparked by Mrs. G. C. Chapman of Skyforest, who got the attention of the South Sierra Forest Practice Committee in 1956, when it decided to meet and look at the situation there. It became evident after this instance that special rules were needed to meet southern California conditions, and the committee began to work in that direction, but progress was painfully slow.

The major amendment of the Forest Practice Act in 1957 and problems with enforcement of the rules were an impetus to going ahead again with improving and strengthening of the rules. After some prompting by State Forester Raymond, at the October 1957 meeting, the Board expressed the wish that the Forest Practice Committees should review their rules and draft recommended changes. This activated the committees and many meetings were held, with the Redwood District Committee leading the rest. It had a package ready for the Board to consider at its July 1958 session, but it was stalled

because of an interest on part of the Board and others to have some uniformity in the rules in respect to definitions and other terms and conditions. This required coordination, so a joint meeting of the committee chairmen and secretaries was held in January. The results of this effort, while not completely satisfactory, were reported to the Board in March 1959, and it appeared that another delay was in the offing. However, Redwood Committee Chairman Frank J. Hyman, Jr. of Fort Bragg made a successful plea for the Board to consider their proposed amended rules for public hearing, and this was set for the April 1959 meeting.

To face up to the mounting criticism about logging damage to streams, the Division of Forestry was influential in getting the proposed amendments to include something on erosion control and stream protection. It was tough going because of the reluctance of industry representatives, but nonetheless, the committee, largely at the insistence of Chairman Hyman and member E.E. Carriger of Santa Cruz, did develop some rules on this subject. When the rule changes were heard before the Board at the April meeting, the perennial and alert watchdog William Schofield and a number of his associates objected vehemently, so the Board put off adoption of the amended rules until the following meeting, with the request that the language pertaining to erosion and stream protection would be mollified in the interim by the committee.

At the May meeting of the Board, the counter forces were well organized. They consisted of newly appointed Director William E. Warne* of Fish and Game, a couple of key members of his staff, and Dr. Everett H. Watkins, a Eureka orthodontist, representing Salmon Unlimited and the North Coast Conservation Council. Warne made a forceful statement in favor of more protection of fisheries from logging damage and offsetted Schofield's charge that the Department of Fish and Game was trying to invade the Forest Practice Act. After Redwood committee member Carriger pressed for the committee's modified proposal, the Board approved the amendments to the Redwood District Rules as presented. The Redwood Committee had worked real hard up to this point; besides holding public hearings in February 1958 in Santa Cruz, Ukiah, and Eureka, it met six other

* Warne became a more prominent figure in later years, serving as Director of Agriculture, Director of Water Resources, and rising to be the first Administrator of the Resources Agency in 1961.

times since 1957 on this project. This Board action, while compromised to some extent to satisfy the timber interests, was the first to recognize other values besides forest regeneration and productivity; it became a forerunner of many changes to come in later years.

The other committees were not able to act so quickly on rule amendments for a number of reasons. They didn't have chairmen that were as motivated as Hyman was, the stream problems were not as acute in those districts, the industry leaders wanted to proceed cautiously in light of this threat of widening the scope of forest practice regulation, and vacancies on at least one committee were filled very slowly. This committee vacancy problem was a constant one. It was caused by the fact that the Governor by law had literally thousands of appointments to make, and the system employed by every Administration was to use the party machinery to nominate qualified candidates—a slow process.

The chairmen and secretaries of the three committees from other than the Redwood District did manage to get together in April 1959 to coordinate their efforts and to try to obtain some uniformity. Following that meeting the committees proceeded to meet individually and to hold the required public hearings. Having started on trying to take care of the situation in southern California in 1956, the South Sierra Committee was the next one to move ahead. It held hearings on proposed rules in Placerville on November 4, 1959, Fresno on November 5, San Bernardino on November 6, and Sacramento on December 4. Cecil Wetsel, a woods and mill operator in both the Mother Lode and southern California areas, as chairman of the committee, had by hard experience in sensitive areas accepted progressive ideas about forest practices, and he was instrumental in getting better rules especially for the southern part of the district. The committee presented its recommendations to the Board in January 1960, which approved them for public hearing at the Feburary meeting. The amended rules were adopted on an emergency basis at that time and made permanent at the April Board session.

The North Sierra Committee was next to revise its rules. This was the most conservative committee of all and the majority of its members were reluctant to make many changes, especially in respect to erosion control and slash disposal as advocated by the Division. The public was party to the deliberations, again led by a woman, as it was

in southern California. Mrs. Marylyn Armstrong of Shingletown in Shasta County represented herself as secretary and advocate for the Group for Safer and Better Forest Practice Rules. To say, the least, her participation in committee meetings and hearings made them much livelier than the usual stodgy affairs of the past. Hearings were held by the committee on December 15, 1959 in Oroville and January 12 and 19, 1960 in Mt. Shasta and Redding respectively. Despite a report from the State Forester pointing out some remaining weaknesses in the proposed amended rules, and a letter of protest from Mrs. Armstrong, the Board in February accepted the committee's proposal for public hearing of the rule changes by the Board on April 21, 1960. Mrs. Armstrong objected again prior to that hearing, but the Board approved the amendments at that hearing.

This left the Coast Range Pine and Fir District Committee the last to act. Following a filling of two vacancies, the committee was ready to roll in August 1960 when it met to review some suggested revisions that had been prepared over a year earlier. It immediately set and held public hearings—November 9th in Ukiah, November 10 in Eureka, November 21 in Yreka, November 22 in Redding, and February 7, 1961 in Weaverville. The committee submitted its recommendations to the Board in April 1961 and the public hearing was set for the meeting in June. The matter of erosion control and stream protection was an issue, as it had been in the Redwood District two years earlier, and Department of Fish and Game representatives worked hard to pursue their interests before the committee and the Board. They were only partly successful because Schofield and other industry people were on guard; however, the new rules as approved by the Board at that hearing did contain some improvements along those lines like those in the Redwood District.

The next go-around on rule revisions started in 1965 and came about largely because of the criticism of logging that arose after the catastrophic flood that occurred in late December 1964 and early 1965. The 1965 recodification of the Forest Practice Act was another and stated official reason, although the uneasiness of the times was the more important factor. Upon the recommendation of State Forester Raymond, the Board in September 1965 requested the Forest Practice Committees to review the rules and develop needed amendments.

The Redwood Committee again led the pack because the

pressures were greater there than elsewhere. It worked over a year on revisions and there was a lot of participation by others besides the timber industry, such as, the Department of Fish and Game, California Wildlife Federaion, North Coast Conservation Council, and Salmon Unlimited. Another lady entered into the forest practice battle—an outdoor writer, Mrs. Ru-Flo Harper Lee of Eureka. She was a small elderly woman, full of spunk, who once called herself at a public meeting the "little old lady who didn't wear tennis shoes"*. The committee and the vested interests were hard put to handle her pugnacious attacks, because she gave all she had. To review the rules publicly, the committee held four hearings: April 21, 1966 in Santa Cruz, May 26 in Ukiah, November 30 in Eureka, and March 16, 1967 again in Eureka. After preliminary review at its April 1967 meeting, the Board gave final approval to the ameded rules of the Redwood District in June.

The North Sierra Forest Practice Committee moved next. It held public hearings on April 25, April 26, and May 12, 1967 in Mt. Shasta, Oroville, and Redding, respectively. Erosion control and protection of fish resources received a thorough airing, but the conservatism of the committee prevailed, and Mrs. Armstrong was no longer on the scene, so the changes made in the rules were slight. The recommended revisions were submitted to the Board at the June meeting and approved on August 18, 1967.

The South Sierra Committee tried to act quickly. It held hearings in Sacramento on May 15, Fresno on May 17 and San Bernardino on May 18, 1967; but the committee got bogged down, and after a long delay, two more hearings had to be conducted in 1968, both in Sacramento on February 19 and March 1. The proposed amendments were submitted to the Board in April 1968 but the proposal was not satisfactory, and it had to be referred back to the committee. The amendments were reworked and submitted to the Board the following month, and finally approved at the Board meeting on July 18, 1968.

The progress made by the Coast Range Pine & Fir Forest Practice Committee to revise its rules was likewise slow. Hearings were first held April 4, 1967 in Yreka, May 5 in Eureka and May 26 in Redding, but the job didn't get finished. After two more hearings in Redding on February 23 and April 5, 1968, the amendments were pre-

* The antithesis of a common term applied at the time to elderly female activists.

sented to the Board in June and given final Board approval on August 21, 1968.

The only other amendment of the original Forest Practice Rules was that which occurred in 1970 to meet a crisis in the southern part of the Redwood Forest District. This was briefly mentioned earlier, but will be covered in more detail in a later section.

Other Regulations

It was necessary over the course of time to adopt other regulations besides the Forest Practice Rules to implement the Act. The first occasion was to take care of a problem with respect to the boundary between the Redwood and Coast Range Pine and Fir Forest Districts. The original law had this spelled out as being the easterly occurrence of redwood timber in certain named counties. While plainly stated, this boundary was somewhat difficult to pinpoint on-the-ground*. Another confusion was over the boundary between the Coast Range and North Sierra Pine Forest Districts north of Dunsmuir. These problems were cleared up temporarily by resolutions adopted by the Board at the October 1951 meeting.

Legislation in 1957 (previously described) clarified the boundary situation generally and gave the Board specific authority to prescribe the redwood boundary. To implement this new authority, the Board, with the concurrence of the two district committees involved, adopted a rule to describe this boundary on October 31, 1957. It was later registered in the California Administrative Code as Sec. 910, Title 14.

After repeal of the old minimum diameter law in 1955, State Forester Raymond at the November 1955 Board meeting proposed the adoption of regulations to apply the existing Section 4947 Pub. Res. Code to govern the conversion of timberland to other uses. At the January 1956 meeting the regulations were approved as Section 1100-1103, Title 14 of the Administrative Code. Because of growing citicism of this feature of the law, much tightened regulations (Sec. 1100-1105, Title 14, Cal. Adm. Code) were adopted in June 1958. More will be explained about this subject later.

* When this matter was discussed at a Redwood Committee meeting, Schofield saw no problem and boasted that he could find and walk that line with no difficulty. Nobody challenged Schofield's claim.

Following amendment of the Forest Practice Act in 1963, there was a need to adopt regulations with respect to new requirements about filing of notices of timber operations by operators and owners. In order to implement this law as soon as possible the Board adopted an emergency regulation in October. After the required legal notice and hearing it was adopted permanently at the December meeting and became Section 1110 of Title 14.

Improving Administration and Enforcement

In addition to the need for improvement of the Forest Practice Act, in 1950 the Board began to recognize that the administration and enforcement had to be beefed up. At the February meeting the Board heard a report on the program from the author; somewhat surprisingly this stimulated some comments on the part of industry representatives to the effect that the Division needed more professional inspectors and training. At that time about 95 percent of the inspections were being performed by fire protection personnel.

This problem was pursued further at the July and August 1950 Board meetings. At the latter session, when the Board learned that the State Forester had not requested any additional positions for this work for the 1951-52 fiscal year, because of lid on spending placed by the Governor and Director of Finance, the members were displeased, and they adopted a resolution favoring the employment of nine fulltime inspectors. This was followed by another resolution at the March 1951 meeting. As a result the Department of Finance conceded to allow four field inspectors for the next fiscal year, with a promise for more in the following budget.

As a result, eight inspectors were added, from early 1951 until early 1953. Along with this, at the suggestion of industry associations, a special effort was made during that period to train these and other personnel in forest practices, consequently a number of field training sessions were held in cooperation with timber companies. This new force of inspectors made it possible for about half the inspections made each year to be done by these men, with the balance still being done by the ranger classes.

Over the years, experience, and more particularly public pressure, showed that the inspection level was still inadequate. However, despite attempts to add more inspectors, the budget requests of the

Division were ignored. At the legislative hearing by the Warren subcommittee in Berkeley in 1966, which was referred to earlier, Phillip Berry representing the Sierra Club deplored the inadequate inspection staff. He had also criticized this situation in articles [13], [16] in the Sierra Club Bulletin. Similarly, in 1969 the Northern California Section of the Society of American Foresters commented on this point[20].

A staff position in Sacramento was authorized in 1966 to handle a growing workload in timber taxation*, with the understanding that this person would be used part-time for forest practices. In 1969 a legally trained administrative adviser, Joseph DeLu, was employed primarily to assist the Board, but who also was to help on enforcement of the Forest Practice Rules. These were the only augmentations made to ease the situation until 1971, at which time Director of Conservation James G. Stearns made some administrative changes in the Division to assign three more foresters to the activity. But by the time this was done it was almost too late, because, as shall be learned later, the Division was almost out of the forest practice business at the close of that year.

As the Division strengthened its administration, and as more operators and owners became educated about the requirements, the performance improved. The new inspectors added in the early 1950's at first produced more inspections. This first peaked in 1953 and 1954 at 4,145 and 4,144 inspections, respectively, following the general trend of number of timber operators and production[23]. The number of inspections decreased for a time after 1954, because the Division found through experience that to enforce the rules required special effort and high quality inspections rather than an emphasis on number of inspections. The following table gives some of the statistics from annual forest practice reports:

* Under extant Sec. 12¾ of Article XIII of the State Constitution, young timber on previously cut areas began to be declared mature for taxation purposes in 1955. This work was done by representatives of the County Assessor, Board of Equalization, and the Board of Forestry.

Forest Practice Activities

Selected years 1950 - 1975

	Number Tbr. Operators	Number Inspections	Degree* Compliance (%)
1950	989	2,184	80
1955	1,768	3,183	NA
1960	1,598	2,496	87
1965	1,353	1,842	91
1970	1,167	2,026	94
1975	1,266	5,668	96

* Percent of the applicable rules found to be in compliance during inspections[24].

Incongruous as it may seem, historically the greatest number of rule infractions were those pertaining to hazard reduction and fire prevention and suppression, e.g., snag disposal, slash abatement, filing of fire plans—items which were of direct and economic interest to the land owner. Of course, the costs involved were a factor. Although the compliance index above appeared favorable, inspections revealed many infractions. For those annual reports giving that information, infractions ran from a peak of 3,592 in 1954 and to a low of 860 in 1970. Only a minority of the operations were found to be in full compliance. For the two years that figures were compiled on this the number of operators having no instances of non-compliance with the rules was 38-40 percent.

Like the first five years under the Act, in the early 1950's most enforcement was administrative in nature—writing strong letters, making personal visits with management officials following inspections, jawboning, and sending out formal notices of violations. Administrative action of this kind ranged from 386 times in 1957 to 1,554 times in 1962. In 1970 such measures were taken in 758 instances.

As mentioned earlier, the method the Division first found to be effective was to take legal steps against operators who had violated forest fire laws or who had committed a misdemeanor by failing to register as a timber operator. In taking these citations to the local courts, the judges, upon the recommendation of the Division, often placed the operator on probation with the proviso that he correct his violation of Forest Practice Rules as well as those of the statutes. This proved to be very effective, especially in the late 1940's and early

1950's. This approach and the administrative action explained above were first used because they were the only tools available, and later favored because these methods were more direct and immediately responsive than trying to suspend or revoke a permit—a much more complicated procedure.

Although the Division was pleased to obtain the power to suspend or revoke permits by the 1951 amendment of the Forest Practice Act, this did not stimulate any big rush of litigation. The reasons were that Division personnel were not accustomed to playing a stronger role, the procedures were cumbersome and quite exacting, and many rules were couched in rather loose and indefinite language. In 1954 this situation was changed by Chief Deputy State Forester Raymond who was a man of strong determination and with a keen interest in law and its enforcement. He established a litigation report procedure and met separately with the District Deputies and staff to train them as to what was wanted. Raymond felt strongly that success in law and rule enforcement depended on an orderly system of collecting and reporting complete and sound evidence.

As a result, litigation cases on forest practice violations began to build up the following year when 16 litigation reports were prepared and submitted. This started the Division and the Attorney-General's Office in earnest on a program of trying to use the authority in the Forest Practice Act to enforce the rules, but with it came painful complexities, delays, and frustrations. Of these 16 cases, only two really got to the point where theAttorney-General filed formal accusations. The rest of the cases were disposed of by the operator finally coming around, the operation going out of business, or the Attorney-General not prosecuting the case for technical reasons. Litigation against one operator for whom an accusation was filed was dismissed two years later when the operator corrected most of the violations. Only one case was fully prosecuted; it was the first of record. This action led to a six-month suspension of the permit in 1956 of the W.H. Munson Lbr. Co. of Etna, which chose not to defend itself so no formal hearing was held.

About this time quite a lot of agitation occurred for stronger enforcement of the rules. As previously noted, the Board adopted a policy on enforcement in March 1956. In that same year, at the request of Board member Wendell Robie, State Forester Raymond

reported on the progress of enforcement cases at the August meeting. Then in July 1957, the Board got hit hard when it met in Eureka, particularly from local citizens and officials about lack of enforcement in the redwood region. Again prompted by Robie, the Board adopted a resolution asking for a study of enforcement and a report at the October meeting. To accomplish this the Division had to move fast to make the review and prepare the report. The findings showed that, while the Division had began to exert itself more to enforce the rules, the results to date had not been especially rewarding or effective. The fact that the survey revealed 40 percent of the operations were not completely in compliance was somewhat shocking. However, State Forester Raymond pointed out that the 1957 improvements to the Act did not become effective until just the month before, in September, and that the rules generally needed revision in order to be more effectively enforced. This seemed to quiet the situation for a while with the understanding that the Forest Practice Committees were going to diligently devote their energies toward the problem.

These developments set the stage for the Division to do more in enforcement, and to continually seek improvements in the law and the rules, but it was a thankless job. The Board really wanted a conservative administration of the Act and rules, and not to have the Division go overboard. One indication of this was the request the Board made in October 1957 for the Division to develop a new system of reporting violations. Some Board members and industry representatives were unhappy about the reports of the Division, like the one above, which often made the industry look bad. Until then each breach of a rule was called a violation and Board member Kenneth Walker especially felt that this overstated the situation. Consequently, the terminology was changed that year to report each instance of non-compliance with a rule as an infraction, and to use the word violation to mean a condition where one or more serious infractions constituted justification to take more than ordinary steps to enforce compliance. In 1958 the Board also asked the Division to work with the Western Pine Association about having a procedure whereby operators could be given formal clearance for areas found to be in compliance. As the State Forester reported to the Board in October of that year, that proposal would have been difficult to accomplish because of the extra work that would have been imposed on the limited staff.

The Division moved ahead despite criticisms of its efforts from opposite factions, the difficulties inherent in the procedures, and the shortage of inspectors and legal help. Gradually, things improved and great progress was made, albeit slowly, starting in the early 1960s, when a major effort was started to prosecute violators. The first enforcement case that had to go the full route, including a formal hearing, occurred in 1961 against the B & B Lumber Co. and four other Humboldt County operators. Material advances were made after the 1963 amendment of the Forest Practice Act; this authorized more enforcement penalities—denial of permits to operators not in compliance, injunctions to stop violators, and physical correction by the State with costs to be levied against the operator or owner. The authority of the State Forester to deny the renewal of a timber operator permit proved to be particularly effective with not too much red tape. However, to many people the system still seemed to be unnecessarily complicated and slow, and this was a constant criticism.

In addition to administrative measures mentioned earlier, from 1955 through 1971 the Division prepared about 85 litigation reports for permit suspensions, served permit denial papers against 35 operators, sought two injunctions to stop delinquent operations, and started 14 cases in preparation for the State to physically correct the violations. While the results may not have seemed commensurate with the efforts, this in retrospect was a creditable performance when one considers all the problems encountered. The record of successful actions having gone the full legal route in forest practice enforcement from the beginning through 1975 is given below:

Suspension or revocation of permits	20
Denial of permits	59
Injunctions	3
Corrective action by State	10

One serious administrative problem that deeply concerned the Board was caused by the recommendation by the Legislative Analyst in 1969 that the cost of the administration of the Forest Practice Act should be supported by fees charged against timber operators. Conservation Director James G. Stearns had some of these same feelings, especially charging for processing of alternate plans, but he did not press this idea. The Legislative Budget Committee requested a report on this proposal for the 1970 Session. In fiscal year 1968-1969 the net

cost to the State for the program was $204,000. The matter was studied by the Division staff and a Board committee, which culminated in a hearing held by the Board in October. The testimony offered there was overwhelming against making the program pay for itself, and at the meeting in January 1970 the Board adopted a motion disfavoring industry self-support of the Forest Practice Act. Repeat performance of this same question came up in connection with the 1974-75 fiscal year budget in the Reagan Administration, and very early in the term of Edmund G. Brown, Jr. which will be described later in the text.

Protection of Streams and Related Values

In 1950 the Department of Fish and Game and organized sportsmen sparked what was to become a long controversy about logging damage to streams, which eventually broadened into concern over other values besides timber productivity in the State's regulation of forest practices. It first came to the attention of the Board at the October meeting of that year when State Forester Nelson described a proposal of Fish and Game for a stream protection law. The Board was completely negative on the bill and adopted a resolution to the effect forthwith. Nevertheless, a bill did pass (Chapter 527) in 1951 which prohibited blockage of streams in the North Coast district*. Fish and Game Director Seth Gordon appeared before the Board the following February to appeal for understanding and cooperation. V.M. Moir of the State Chamber of Commerce did likewise after implying that the cooperation between the Division of Forestry and Fish and Game had not been close enough.

In May 1952 the Board got a good exposure to the problem on a field trip to northern Humboldt County. Local Fish and Game representatives showed a blockage on May Creek caused by operations of the Arcata Redwood Company. Vinton W. Bacon and William G. Shackleton, Executive Officers of the State and North Coast Water Pollution Control Boards, respectively, also participated and explained problems of water quality connected with logging. As Moir pointed out at the following Board session, the Department of Fish and Game was trying by field trips like this and discussions at meetings to educate operators about the problem before enforcing the new 1951 law.

* This law (Sec. 5948 F&G Code) was amended in 1957 to apply to all of the state.

Selectively-cut area in mixed conifer type on Crane Mills Tree Farm in Tehama County.

Residual redwood type after two selection cuts in Humboldt County. Picture courtesy of Pacific Lumber Co. and California Redwood Association.

About this same time the Forest Practice Committees were busily engaged in developing the first amendments to their rules. For some unknown reason the Fish and Game authorities did not choose this opportunity to plead their case. However, after some CDF urging, the Redwood Committee did develop the first erosion control rule in 1953. At a meeting that year in July both Moir and Gordon reported to the Board that progress in stream protection was being made, but that "fly-by-night" operators were still causing problems.

The Fish and Game Department began to learn that solving these problems and enforcing their code requirements was tough business. Their men increasingly turned to the Division for not only cooperation in eduation, but to also get more CDF help in keeping loggers in line with respect to protection of the fisheries. On November 16, 1953, Director Gordon wrote to the Redwood Committee to solicit help and to propose the adoption of Forest Practice Rules for stream protection. Two days later six officials of Fish and Game appeared before the Redwood Committee, and virtually the entire meeting concentrated on stream protection. To answer the pitch they made that rules should be developed towards this end, it was pointed out that the basic purpose of the Forest Practice Act was to protect the productivity of timberlands, and that the law did not include authority to adopt rules for protection of other resources per se. Nonetheless, the committee seemed to be sympathetic, so a resolution was adopted to recognize the problem and request the timber industry to cooperate. The Fish and Game representatives naturally were not completely satisfied with this response, but that's the way it was and the problem was still vested with them.

Through experience the Fish and Game Department learned that the 1951 stream blockage law was difficult to enforce because of inadequate standards. Consequently, in 1954 the Fish and Game Commission adopted a regulation (Sec. 225.5 Chapt. 6, Part 1, Division 1, Title 14, Cal. Adm. Code) to make the law more specific.

In the following year Fish and Game stepped up their efforts to protect streams from logging damage. A survey was made of the North Coast streams from which it was claimed that 925 miles of spawning streams had been hurt by logging operations. Late in 1955 Fish and Game, Forestry, and industry representatives made a trip to observe problems in Mendocino and Sonoma counties, including

Jackson State Forest. Following this the local Fish and Game officials began to put a lot of pressure on the Division regarding stream blockages on the State Forest. This set off an analysis of the overall problem by the Division and corrective action at Jackson. The analysis, which was prepared by the writer, rebutted some Fish and Game claims; the resulting office report was distributed to that Department and the Board of Forestry by letter on September 20, 1956. Nevertheless, the Division constructively commenced to improve the situation on the State Forest by initiating a pilot stream clearance study and publishing a report[25], which helped to bring about a better understanding of the attendent factors. Also, the study in 1960 brought about a continuing program of stream clearance work by the Division's Conservation Camps for Fish and Game and the Wildlife Conservation Board in many areas.

The Fish and Game Department tried to add light to the subject too. From early 1956 until early 1957 they printed and distributed a series of four bulletins, "Fish News for Timber Operators and Fishermen." And in the latter year, a film, "Tomorrow's Salmon and Steelhead," was produced that created quite a stir. At its first showing to the Board of Forestry in October 1957 the movie produced only a mild reaction, but by the next meeting it had received more criticism. Joe Russ III*, Chairman of the Humboldt County Forestry Committee, had written a letter to the Board complaining about the bias against the timber industry in the film and suggesting that it be revised. Director of Natural Resources Nelson reported he had discussed this matter with his counterpart Seth Gordon, who had agreed to consider changes. The matter later rested with William Schofield (who even offered to buy up the film to get it out of circulation) and the Fish and Game staff. After a number of conferences with industry representatives, the film was eventually modified.

To overcome the growing criticism between various factions, State Forester Raymond and Fish and Game Director Gordon agreed in late 1957 to try to improve interagency communications and cooperation. A joint meeting was held at state level in January 1958 at which various ideas were developed, e.g. interchange of information, more field liaison, and placing pertinent Fish and Game Code sections in the Forest Practice Rule booklets.

* Scion of a pioneer Humboldt livestock grower, Russ later was appointed to Fish and Game Commission during the Reagan Administration and was still serving as of this writing.

As explained earlier, the probings of Fish and Game eventually had some effect on the Forest Practice Committees and the Board. During the second revision of the Forest Practice Rules, which began in 1958, Fish and Game representatives actively participated in the deliberations. Some consideration, especially in the Redwood District, was given by the committees to stream protection, but primarily as it related to soil and timber productivity because of the restrictive language of the Forest Practice Act.

With the advent of the Pat Brown Administration in 1959 and a later change in the directorship*, the Department of Fish and Game became more active. As reported to the Board of Forestry in February 1961, State Forester Raymond had been invited to attend a meeting of the Wildlife Conservation Board and the joint Legislative Interim Advisory Committee to that Board to discuss logging damage to streams. Assemblywoman Pauline Davis and Assemblyman Lloyd Lowrey were especially interested in the operation of the Forest Practice Act in relation to this problem. This discussion no doubt was helpful in the passage that year of additional legislation (Chapter 909), adding Sections 1600-1602 to the Fish and Game Code to require notices of diversion, obstruction, or changes in bodies of water.

The review of the Forest Practice Act by the Board in June 1962 was taken as an opportunity by Fish and Game to promote better stream protection. This was done by Dr. Alex Calhoun, chief of inland fisheries, who became the main protagonist of the cause for the rest of the Brown Administration. He appeared again before the Board that November to give an illustrated lecture, wherein he described 33 streams damaged by logging. This was based on a survey made by the Fish and Game Department which was later published as a departmental report[26]. And in December he was the author of a scathing article with many horrid pictures of stream damage in the Sierra Club Bulletin[27].

Knowing that plans were underway for amendment of the Forest Practice Act in 1963, the Fish and Game Commission adopted a resolution on the need for stream protection. This was reported at the first meeting of the Board of Forestry that year. State Forester Raymond informed the Board that the idea for including protection of streams in amendment of the Act was thoroughly discussed at a

* Walter T. Shannon succeeded Wm. E. Warne, who transferred to Agriculture.

Resources Agency conference, but the idea was dropped, and that the Department of Fish and Game had agreed generally with the draft of the bill (S.B. 565) prepared by Raymond and Deputy Attorney-General Robert H. Connett. Raymond wasn't yet convinced that the stream clearance problem had to be solved this way, largely because of the attitude of industry and the majority of the Board members. Two bills (A.B. 2781—Myers and A.B. 2788—Cologne) sponsored by fish and game interests, were introduced in 1963 to cover forest practices relating to protection of fish and water resources but they failed to go anywhere, because of the strength of the industry lobby.

For the next few years, the protection of streams and other values became a part of a bigger scene—the Redwood National Park controversy and the 1964-65 flood. Earlier in this bulletin, mention was made of two more unsuccessful bills (A.B. 2541, S.B. 903) in 1965 that would have given the Department of Fish and Game more authority to control stream damage. This increasing clamor brought about the third round to revise the Forest Practice Rules and the 1966 legislative inquiry, during both of which more attention was given to non-timber values than ever before. Industry became worried about the deteriorating conditions, so John Callaghan and many of his industry association members met in April 1966 with Director Walter Shannon and his staff to review six supposedly damaged streams. From that conference it was decided that field trips would be made by representatives of the association, the Forest Practice Committees, Fish and Game, and Forestry that spring. The objective of the trips was to examine and discuss specific problems on-the-ground in order to get away from general accusations and non-productive rhetoric; and the trips proved to be helpful in that respect. The low-key report made by Fish and Game at the June Board meeting indicated that some progress was being made, but the petition filed that same day with the Board by Phillip Berry on behalf of the Sierra Club to have the Redwood Forest Practice Rules nullified indicated otherwise*.

Another article [28] about logging damage to streams by Calhoun in the Sierra Club Bulletin** in the summer of 1963 muddied the waters again, figuratively speaking. It provoked some sharp com-

* This petition was referred to the Redwood Committee to consider in amendment of the rules that was then underway, and nothing else came of it.

** Calhoun's article also was reprinted in the August-September 1966 issue of Fish and Game Department's "Outdoor California."

ments from Callaghan at the August Board meeting, who also charged that the Department of Fish and Game was promoting ordinances like the one in Monterey County referred to in Calhoun's article. A more specific complaint from E.E. Carriger of the Redwood Forest Practice Committee was read to the Board at its next meeting; it claimed that a local warden had also been doing some lobbying with officials of San Mateo and Santa Cruz counties. At request of the Board, State Forester Raymond met with Fish and Game Director Shannon about this matter, and advised the Board at the November session that Shannon agreed to clear such actions henceforth with Forestry*.

With the State Administration being taken over by Governor Reagan in 1967 friction over stream protection cooled down somewhat. In addition, some improvements were accomplished in the Forest Practice Rule amendments made about that time, and a better understanding seemed to prevail between the Fish and Game hierarchy and industry leaders. However, vestiges of the malady remained as evidenced by the Warren forest practice bills in the assembly that failed in 1967 and 1968. It surfaced also on the 1967 field trip of the Senate Natural Resources Committee to Upper Trinity River, where an important salmon area was being smothered by eroded materials. At the request of this legislative committee, the Department of Conservation, in cooperation with Fish and Game and other concerned departments of the Resources Agency studied the problem and issued a report[29]. It showed that the sediment was not caused primarily from logging in the Grass Valley Creek watershed, as it had been implied by Fish and Game and related interests, but by a mix of many factors, the main one being that the construction of the Trinity Dam had eliminated natural winter flushing of the stream.

Despite this report, Fish and Game kept pressing the matter. In January 1971 Director G. Ray Arnett wrote to the Board to ask for a review of the Forest Practice Rules in that district with respect to erosion control, so the Board decided it should look at the Grass Valley Creek situation. To prepare for this the Coast Range Pine and Fir District Committee inspected the watershed the following May. Then the Board made a trip there in October. Neither body was convinced

* Board member Frank C. Meyers, a retired Marine Corps General, typical of his style and background, commented that "if this is the way the Fish and Game Department is going to act regarding forest practices, then the Board should take a look at the Fish and Game laws and come up with contrary arguments."

that any changes were necessary in the rules.

Because of repeated threats of stricter legislation from external sources, even though the issue of stream protection had quieted down, the industry continued to work on the problem. In 1968, the California Forest Protective Association conducted four regional field seminars on the topic. They were attended by 220 loggers from 89 companies, along with Fish and Game and Forestry officials. As an aid for further education of operators, the Department of Fish and Game in 1969 prepared, with the help of the Division, a helpful leaflet called "Fish Facts for Timber Operators." During the following year Sections 1600-1602 of the Fish and Game Code were strengthened by A.B. 538 (Chapter 1357) for a two-year trial period to require State approval of obstruction, diversion, or disturbance of a body of water. This requirement was extended until 1976 by S.B. 1193 (Chapter 1031) in the 1972 Session.

A new factor entered the picture in the early 1970's. Largely because of the agitation over erosion and watershed damage that followed the 1964-65 flood, the North Coast Regional Water Quality Board became interested. The testimony of U.C. geologist Dr. Clyde Wahrhaftig* regarding erosion from logging at the 1966 Warren subcommittee hearing was particularly damaging and widely quoted. This was discussed by the Board of Forestry in August 1967. Then, at request of the Board, member Philip Abrams, who was a professional geologist, evaluated the statement and reported to his colleagues in April 1968 that Wahrhftig's findings were based on inadequate data. Repeated citations to the Wahrhaftig report after that continued to bother John Callaghan, so the California Forest Protective Association hired consulting geologist Anthony Orme (a UCLA professor) in 1970 to study the situation. Orme also claimed that there were weaknesses in Wahrhaftig's findings.

Meanwhile, the North Coast Water Quality Board, led by its Executive Officer, Dr. David Joseph, a former Fish and Game staffer, decided to take some action. In 1971, using the services of a newly established environmental unit of the Attorney-General's Office in San Francisco, the North Coast Board unilaterally filed charges against an operator in Mendocino County for not only non-com-

* Wahrhaftig was appointed to the Board of Forestry in 1975.

pliance with their water quality regulations, but also in respect to the Forest Practice Act. Even though the operator was in the wrong, this turned out to be an aggravating affair which created new frictions. Also, in that same year the Lahontan Water Quality Control Board and the new Tahoe Regional Planning Agency established a regulation for zero tolerance of sediment in the streams in the Tahoe Basin, making it difficult for the few timber operators there. A more ambitious program of regulation of construction and logging operations to protect water quality was established by the North Coast Regional Board in 1972.

Timberland Conversion

Another controversial aspect of the Forest Practice Act pertained to timberland conversion, although it became a decreasing problem in later years. As explained earlier, timberland conversion originally was regulated under the so-called minimum diameter law of 1943 (Sec. 4850-4854 Pub. Res. Code). It provided that coniferous timber north of the 6th Parallel South (counties north of Kern and San Luis Obispo) of less than 18 inches in diameter at stump height could not be cut for lumber without a permit from the State Forester. Such cutting could be made only for purposes of improving forest growth or converting the land to other uses than growing timber.

With the advent of small and portable mills after World War II, especially tie mills*, in the northern part of the redwood-Douglas fir region, this law was often used by ranch and small timber owners to avoid the requirements of the Forest Practice Rules. The Douglas fir trees interspersed within their holdings had had no value prior to this time, and in fact, many owners had been girdling and burning these trees for years to increase grazing for livestock. The small mill operators, who had migrated to this region after the war, took advantage of the situation. They were able to buy the timber for as little as 50 cents per thousand board feet, sometimes under long-term contracts, and encouraged the owners to file for the conversion permits in order to be relieved of the rule requirements. In some cases these contracts became subject of later conflicts between land owner and the timber owner/operator. One classic example was a legal suit and its after-

*While these mills cut so-called eight-foot railroad ties, most of the output was resawn at other mills to produce studs for house construction.

math involving a property in Sonoma County. The 12-year history of this case and its complications and ramifications were related to the Board in January and February 1971 because of some bad publicity about the Forest Practice Act.

A further irritation of the conversion problem to fire protection agencies was that many of the mills were located in the woods and had no effective device or method to dispose of their sawdust. This was gradually corrected by amendment of Section 4165, Pub. Res. Code in 1949 and 1953.

State Forester Nelson pointed out to the Board in October 1950 that the law on conversion should be clarified, but William Schofield objected to any penalty. He felt that the only answer was in educating owners to grow timber rather than clear it for other purposes. It was suggested that the subject be put on the agenda for the next meeting, but this did not occur so the matter was forgotten for awhile.

The problem of the minimum diameter law was again brought to the attention of the Board by Nelson in March 1951. At the next meeting the writer presented the results of a survey showing what had occurred during the past five years, during which time 254 conversion permits had been granted for 55,830 acres. The report revealed that the system was often being used to circumvent the Forest Practice Rules. It was suggested that the minimum diameter law be repealed since it was antiquated, and that more rigid controls be adopted by Board policy or regulations. William B. Berry*, a forest consultant and small timber operator of Placerville, objected on the grounds of interference with property rights, and the Board moved quickly to the next item.

State Forester Nelson pressed the issue again at the August Board session. He and Emanuel Fritz predicted that it would become a very great problem, but Schofield successfully countered their arguments. Meanwhile, the number of permits began to soar. By the end of 1952 the number and area of permits tripled over the average annual rate prior to that time. About 95 percent of the area was supposedly being converted to grazing.

Upon the recommendation of this writer, this problem was brought before the Board again in February 1953. To control growing abuse of these permits, it was proposed to the Board that it adopt a policy which would contain criteria and procedures to identify

*Berry, a U.C. forestry graduate, was the son of Swift Berry, former member of the Board, the South Sierra Forest Practice Committee, and State Senate.

legitimate conversions. A draft was presented but it met the resistance of Schofield, so the Board just took the matter under advisement, and there it lay dormant but still festering until late the following year.

At the December 1954 meeting, the new State Forester, Francis H. Raymond, recommended some proposed changes in forestry laws. Among them was again the suggested repeal of the minimum diameter law. Surprisingly this time Schofield spoke in favor so the Board went along with the idea. The law was repealed in 1955 by S.B. 566 (Chapter 1026), with Edwin J. Regan as author, and became effective on September 8. Raymond advised the Board about this matter at the June meeting and presented a preliminary report on the need to develop regulations on conversion of timberland under Section 4947 of the Forest Practice Act.

This report to the Board, which had been drafted by the author, stated that the regulations should try to control the illegitimate operations, and to restrict conversions to bona fide cases. It was proposed that criteria similar to that being used in Oregon be considered to achieve this objective. State Forester Raymond planned to personally work with Deputy Attorney-General John Morris to prepare the required regulations.

This task was not accomplished until the November 1955 Board session, at which Raymond submitted his proposal. It was a very conservative product representing the legal philosophies of Raymond and Morris that gave heavy emphasis to private property rights, and the proposal did not include much specific criteria to identify sincere conversions. The proposed regulations simply required a declaration of intention and filing of an affidavit to that effect. Board members Rosecrans and Robie felt this was inadequate but Schofield cautioned the Board about going too far. Because of the impasse the matter was postponed until the next meeting.

In January 1956 Morris and Raymond presented the proposed regulations again to the Board with Chairman Rosecrans and two other members absent. This time the regulations went sailing through without any dissent and they were adopted on an emergency basis then and there as Sections 1100-1103, Title 14, California Administrative Code. The unused criteria and standards that the writer of this history had prepared to include in the regulations were placed in the file hoping that they might be utilized at some other time, which they eventually were as will be described later.

Although there was some fall-off in 1956 from the all-time peak the year before, the activity in conversion of timberland continued at

a high level, and this still bothered many people. During a review of proposed changes in the Forest Practice Act in November 1956, the Board requested another study. The results were given to the Board at a meeting held in Eureka in the following July, at which time a great deal of criticism was made about enforcement of the Forest Practice Act. Much of this paradoxically came from local ranching interests, who had been initially sold on using the conversion law in long-term contracts with timber operators, but who later realized their mistakes because of the increasing timber values.

The report made to the Board, showed about 1,653 conversions had been filed covering 372,402 acres from 1946 through 1956. Of this acreage, 29 percent had been logged and plans to complete the conversion on that land had been abandoned, and another 45 percent had had no treatment other than logging. While this was not a good record, those defending the system rationalized the situation by claiming that these lands were not really lost to timber production; they still had some trees!

This subject simmered at low intensity for the next few years. In late 1963, Director DeWitt Nelson requested another survey of the problem, believing that it may be subject to legislative and other investigation. The report, which was finished in August 1964 (unpublished office copy) revealed little improvement in the situation; on 78 percent of the area surveyed the conversion had either been abandoned or was incomplete[30]. In December 1965 Director Nelson filed a statement with Administrator of the Resources Agency Hugo Fisher on timberland conversion. Having been prepared by State Forester Raymond, it was somewhat conservative and cautiously suggested legislation to safeguard the use of the affidavit for legitimate purposes. Raymond's main point was that the right of a property owner to convert his timberland to another use should not be abridged because that would jeopardize the constitutionality of the Forest Practice Act.

The Legislative Analyst entered the picture in 1967. In his review of the budget that year, A. Alan Post recommended that the Division provide copies of conversion affidavits to County Assessors so that the converted lands would be appraised for a higher use and rate. When this was tried, only nine counties were interested. As noted earlier, the amendment of the Forest Practice Act in 1971 required the recording of conversion papers, so this information then became automatically available to Assessors.

Although the amount of timberland conversions began to decrease markedly in the mid-1960's (see table below), the criticism of the abuses continued. It became an important part of the rising antagonism against the Forest Practice Act. State Forester Raymond called the Board's attention to this in June 1968 and implied that some remedial measures should be considered. At the following two Board meetings he gave progress reports of some staff work that had been done in cooperation with Deputy Attorney-General Robert H. Connett to amend the regulations. By the September session Raymond was ready to roll, because log exports to Japan (as reported to the Board at that same meeting) had taken a sharp rise* and this market threatened to cause an upsurge in conversion of timberland. Without too much discussion the Board adopted the State Forester's proposed set of comprehensive regulations (Sections 1100-1105, Title 14) for timberland conversion on a finding of an emergency. They were largely based on criteria that the staff had first developed in 1955 and which had been reposing in the files ever since. These new regulations required the submission of an application, a detailed plan of conversion, and the issuance of a certificate approved by the State Forester. After a public hearing the Board made the regulations permanent at the November 1968 meeting.

Timberland Conversion Activity
Selected Years, 1946-1975

Year	Cases	Acreage
1946-1950	243	47,891
1951-1952	344	54,958
1955	371	94,988
1960	110	40,754
1965	49	11,864
1970	33	20,568
1975	10	4,153
Total (1946-75)	2,898	916,938

As seen in the above table, despite an active export market and high prices**; the stiffer regulations of 1968 did curtail the past misuse of this practice. It's unfortunate that they had not been tried before; stronger regulations earlier may have staved off a lot of the misguided conversion attempts.

*The exports from California rose from 40 million board feet in 1967 to 212 million in 1968.

**In 1973 the Japanese were paying as high as $150 to $200 per MBM for young-growth logs dockside in Eureka.

Alternate Plans and Clear-cuts

To provide for some flexibility in the management of forests, the framers of the original Forest Practice Act included a section to allow for plans that would be an alternative to any Forest Practice Rule, or for complete forest management plans that would substitute entirely for the rules. This authority was in Sections 4944-4947 of the Act when it was codiified in 1953, which later became Sections 4574-4577. The procedures required these plans to be approved by the Forest Practice Committee and the Board if the plans would accomplish greater silvicultural or protectional management of the lands than provided for in the rules.

Collins Pine Company of Chester submitted the first application for a plan*, which State Forester Nelson reported on to the Board in April 1947. It was a general plan for the management of the extensive properties of the company. Because the plan was not specific enough, it did not receive the blessing of the North Sierra Pine Forest Practice Committee, so the proposal died.

The first plan that made the grade was one submitted to the Board in September 1947 by Charles and James L. Beckett of Lassen County to manage 240 acres of red fir for Christmas trees and to be relieved of the minimum diameter cutting rule. Along with that, the applicant wanted exemption from the sawmill waste disposal requirement because a portable mill would be used. The plan was brief, consisting of only one page, and simple. Having been previously approved by the North Sierra Pine Forest Practice Committee, and finding no fault with the plan, the Board approved it.

There was another plan presented that same day with the Beckett proposal from Hughes Bros. of Placer County seeking relief from the snag-felling rule in the salvage of an old burn; it did not fare so well and the Board deferred action pending further check by the Division. The Hughes Bros. plans was reviewed again the next meeting and received the Board's blessing.

In 1948 the Board approved 18 alternate plans, 17 of which allowed disposal of sawmill waste outside of the burner required by the North Sierra Forest Practice Rules. This requirement was peculiar to that District and the Redwood Forest District, although the rules of the latter were first believed to permit only alternate plans for tim-

*Waller H. Reed, Chief Forester for the company prepared the plan. He later served as a member of the Board from 1969 until early 1973.

ber cutting operations*. This matter of alternate plans for sawmill waste disposal hardly fitted the original intent of the Forest Practice Act and there was some confusion with the sawmill waste disposal statute (Sec. 4165, Pub. Res. Code). This was clarified with the amendment of that law in 1949 and 1953. Also, after the Forest Practice Rules were first revised in 1953, sawmill waste disposal was no longer covered by those regulations, only by statute.

As noted in the table below, the number of alternate plans to be processed ran at a fairly stable rate for about 15 years. There were only a few complications and problems during this period. Occasionally, the Board did not approve a plan because of inadequate information or a technicality. Most of the plans were rather mundane and unsophisticated, dealing with sawmill waste disposal as indicated above and snag and slash disposal in the woods.

Approved Alternate Plans
1947-1971

Years	Number
1947-50	28
1951-55	25
1956-60	29
1961-65	56
1966-70	124
1971	18
1972-73	0
Total	281

There was one problem in 1951 that required some legal investigation. The Calaveras Land and Timber Co.** submitted a plan, which became before the Board in June of that year, to permit the company to harvest timber below the 22 inch diameter limit specified in the rules of the South Sierra Pine Forest District. The company wanted to cut trees down to 18″ in diameter because it owned these trees on lands not held in fee. Despite the fact that the Board had approved similar plans for such timber rights of the Calaveras Land and

*The Board changed its position on this in September 1950 when it reconsidered three plans on slash disposal.

**These holdings were absorbed in the 1970's by the Winton Lumber Co., which later was purchased by the American Forest Products Company, which then merged in the early 1970's with the Bendix Corporation.

Timber Corporation in 1949 and 1950 (the latter jointly with Winton Lumber Company), the Board hesitated and wanted to know more about what stocking would be left and what were the legal facts. At the August 1951 meeting, the Board approved, with two dissenting votes, the latest Calaveras proposal, after receiving a report from State Forester Nelson on the stocking question and a legal clarification from Deputy Attorney-General Walter S. Rountree. It seems that Frank Solinsky, Jr., the manager of the Calaveras holdings, as an original member of the South Sierra Forest Practice Committee, had anticipated this problem and engineered an exemption in the first rules for owners of limited timber rights. This exemption was discontinued with the revision of the rules in 1960.

By 1956 the alternate plan record had become cluttered with many inactive plans. Consequently, after investigation by the Division, the Board in February 1957 revoked 26 outmoded plans. This action set in motion a tighter system of expiration dates for alternate plans and cleaner processes.

A major turning point with respect to alternate plans occurred in 1960, the full impact of which would be felt in years to come. Until that time selection cutting had been the general practice throughout California. This system had evolved 30 years earlier when tractors and trucks began to replace "donkeys"* and railroads that were commonly used in clear-cutting operations prior to that time.

A 1959 storm blew down a lot of redwood trees in selectively cut areas in northern Humboldt county, and this caused the Arcata Redwood Company to raise questions about this type of selection harvesting. The damage was particularly bad on their lands near the coast, which had marine terraces of sandy soils. Eugene Hofsted (formerly County Forester), as company forester, proposed a change from selection cutting to clear-cutting, followed by aerial seeding, which was widely used in the Pacific Northwest Douglas-fir area. Knowing that this would require an alternate plan and possibly be a sticky matter, Howard Libby, the president of the company, invited Director Nelson to visit the area and discuss the proposal. This led to the development of the first of many alternate plans for clear-cutting of

*Steam or other powered yarders used in cable logging.

old growth*. The Board approved the plan for 835 acres at the April 1960 session. In February 1961 the Board heard a company report on the plan and no problems appeared to exist, despite the fact that some of the cutting was adjacent to or in close view of the Redwood Highway north of Orick.

Some rumblings about the visual impact of this clear-cutting began later as the company enlarged the plan considerably by amendments submitted to the Board in March and December. The criticism came to the surface at the latter meeting, when E. E. Carriger of the Redwood Forest Practice Committee voiced some objections. As a principal of the Santa Cruz Lumber Co. he repulsed repeated attempts in the past to acquire their lands for state park purposes, and he felt strongly that clear-cutting would fan those sparks into a fire. Even William Schofield questioned Arcata's clear-cutting along the highway, which a few other redwood operators had criticized. After considerable argument and discussion the Board approved expanding the plan again, with one dissenting vote.

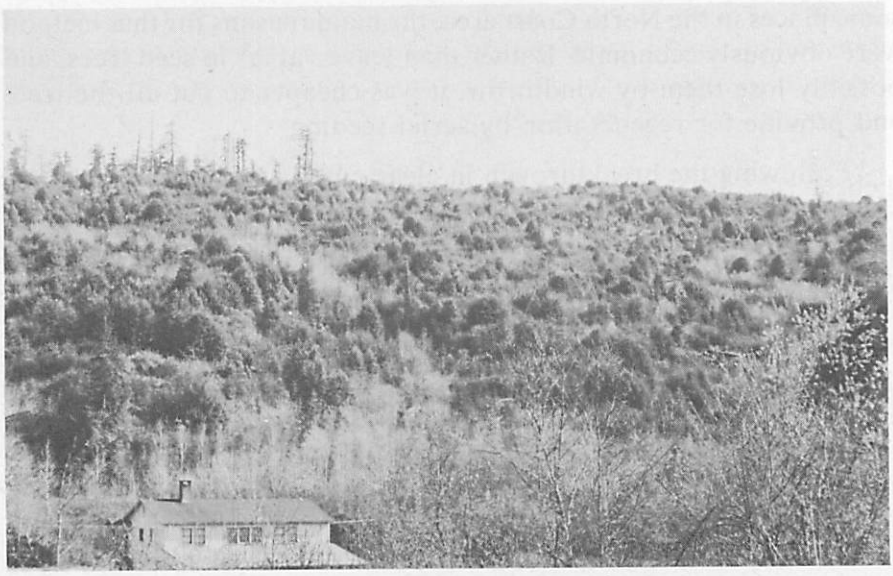
Despite this experience and growing public resistance, clear-cutting became attractive to more companies in the redwood region. Although a good case could be made for that type of silviculture in some places in the North Coast area, the main reasons for that method were obviously economic. Rather than leave values in seed trees, and possibly lose them by windthrow, it was cheaper to cut all the trees and provide for regeneration by aerial seeding.

Following the breakthrough in clear-cutting by Arcata Redwood Company, among the giants, Simpson Timber Co. became active in 1962 followed by Weyerhaeuser (later acquired by Simpson) and U.S. Plywood in 1963. Georgia Pacific Corp.** held back until 1967. From the start until December 1971, when the Forest Practice Act was crippled by a court decision, there were about 117 clear-cutting plans in the Redwood District containing over 142,000 acres. There were another 25 such plans for about 26,000 acres in the neighboring Coast Range Forest District. Simpson Timber Co. alone held about 50 of these plans, which became real popular in the late 1960's.

*An earlier Simpson Timber Company plan approved by the Board in September 1959, permitted the company to cut all seed trees on cut-over lands, and provide for restocking by brush control, seeding, and planting.

**Changed to Louisiana-Pacific Corp. in 1972.

Clear-cut redwood stand on Geneva Hill in Humboldt County after 1963 logging. Photo in 1965 by Arcata Redwood Co.



Same stand as above in 1976 showing established regeneration. Arcata Redwood Co. photo.

There is no question in this writer's mind that the increasing use of this clear-cutting system had a part in the growing public discontent about logging, which finally resulted in the creation of the Redwood National Park and a crisis in forest practice regulation. The Board became a little nervous about it from time to time and constantly sought assurance that all was well. The State Forester's Reforestation Advisory Committee looked at the regeneration on clear-cut areas in May 1963 and June 1966 and generally found satisfactory stocking. At the latter time the Board heard favorable reports from the Reforestation Advisory Committee and Chairman Alfred Merrill of the Redwood Forest Practice Committee on the subject.

The Board also became more concerned about procedures and adequacy of supporting data about alternate plans. In August 1963 it turned down a plan from the Michigan-California Lumber Co. of Camino because the applicant was not present to answer the questions that came up, so that plan had to be delayed. The same question came up regarding other plans in August 1967 and again in June 1968. At the latter meeting it was decided that more definite procedures were needed, and the writer was appointed to chair a Division committee to develop a proposal. After discussion of this committee's recommendations at three subsequent sessions, the Board in January 1969 approved procedural policies for its handbook. Despite some urging for compulsory attendance of alternate plan applicants at Board meetings, this requirement was not included. However, the matter was raised again by Board member Ray Crane in November 1970 and February 1971, but the Board held fast. Related to this was the question of whether alternate plans could be approved by mail ballot, which had been a common practice; this was decided in the negative after advice given to the Board by Deputy Attorney-General Connett in October 1971.

In order to further brace their feet about alternate plans, two Board members in June 1960 suggested that the Division make a study of performance under alternate plans. The results of that survey were presented to the Board at the April 1971 meeting. Except for a fast-growing workload for processing and inspections of these plans, and a few minor problems, the report generally showed satisfactory results.

Because of the increasing burden imposed on the Board and the

Division to process clear-cutting alternate plans, member Pat Ivory suggested in 1963 that there should be a Forest Practice Rule to allow that type of operation. This was considered and rejected by the Redwood Committee in March 1963. It came up again in 1965 during the amendment of the Redwood Forest Practice Rules, and a proposal was even drafted by the staff. This too was turned down because of the uneasiness that existed about redwood logging, and the need to keep special controls on clear-cutting.

The number of plans became a critical problem also for some companies. To alleviate the workload on applicants, the Division, and the Board, it was proposed that companies depending on alternate plans to any large extent might file for larger acreages. At first, this seemed like a good idea, but the climate for clear-cutting began to change rapidly. Nevertheless, Simpson Timber Co. decided to try an especially large plan. After considerable preparation and field review by both the Redwood Committee and the Board, a clear-cutting plan for 146,000 acres was approved for Simpson at the June 1971 Board meeting. Sensational reporting of this by the news media caused a storm of protests and adverse publicity throughout the state, so much so that the company, after consultation with Secretary for Resources Livermore, had the Board revoke the plan the following session. Unfortunately, the plan was misunderstood. It did not call for clear-cutting 146,000 acres as many assumed; instead, it only gave the company leeway to clear-cut where it was appropriate to do so within that area, largely to remove old seed trees in cutover areas. However, this sad experience didn't turn out to be a propitious introduction to a more serious event later in the year as the reader shall soon see.

County and Local Regulations

As reported earlier by this author in another publication[31], county and other local forest practice ordinances caused some friction in the administration of state regulations. Two logging ordinances—San Matèo County in 1937 and Placer County in 1944—predated the State law, and another was adopted later by Riverside County in 1953.

As this idea began to spread (some of which was promoted by local Division employees without clearance from headquarters), more ordinances were tried. One in Alpine County was rejected in

1953 after Deputy State Forester Fred Dunow and this writer were dispatched by State Forester Nelson to oppose the proposal before the Board of Supervisors, because of growing criticism of such ordinances. In 1956 there were unsuccessful attempts to promote logging ordinances in Santa Cruz and San Mateo counties. Then in the latter year a proposal in Nevada County caused the Forest Practice Committees to jointly criticize this development at a Board of Forestry meeting in March, and to suggest that legal clarification be sought. The Board agreed to this, but it was necessary for William Schofield to remind the Board about the need to request a legal opinion at the June session.

Resultingly, the Attorney-General issued a formal opinion (56-103) in 1956 to the effect that general regulation of forest practice, other than for fire prevention and protection, had been preempted by the State under the Forest Practice Act. To be certain that this matter would be clarified completely, when the Act received a whosesale revision in 1957, Section 4953 was added to declare that "rules...are prima facie presumed valid, are special provisions for, and exclusively regulate timber operations."

All was fairly quiet until 1969 when a favorable log export market made young-growth timber in the Bay Area attractive to operators. Logging in Marin and San Mateo counties irritated the surrounding urban population, and this led to a clamor for zoning and ordinances to control these seeming nuisances. Like demands arose that year in the Lake Tahoe Basin, where a California-Tahoe Regional Planning Agency had been established by state law, which later evolved into a bi-state compact and the Tahoe Regional Planning Agency. State Forester Raymond alerted the Board to these developments in July 1969.

At the following meeting, Deputy Attorney-General Robert H. Connett reported on an opinion (69/26) rendered by his office on the validity of a proposed zoning ordinance in Marin County that would regulate logging. It stated that counties could, in specific cases, prohibit logging by zoning, so the issue again became clouded. Nonetheless, in accordance with past thinking of the Board, the Division continued to oppose county and local control, but these attempts only exacerbated the situation as local officials in Marin, San Mateo, and at Tahoe insisted on moving into the field.

In early 1970 the Board recognized that the demands for local regulation were a serious threat to the State Forest Practice Act and could no longer be merely opposed. Therefore, to try a constructive approach the Board requested the Forest Practice Committees of the Redwood and South Sierra Forest Districts to review the rules to see how they could accomodate these local needs. Sensing that the problem in the Bay Areas was acute, the Redwood Committee went hastily to work, and, after two committee hearings, special rules were adopted for the southern end of that district on an emergency basis by the Board in April. Then after more hearings and additional changes by the committee, these special rules were made permanent by the Board in June. While this was being done, the local forces, with the support of the entire State Administration, had A.B. 1143 (Chapter 37) by Carl Britschgi of San Mateo quickly enacted into law (Sec. 4580.5 Pub. Res. Code) to allow the Board to adopt emergency rules on its own motion, but requiring subsequent committee approval to make them permanent.

Although the special regulations for the southern redwood area were an improvement over the regular rules, they were far from being satisfactory to local officials and the citizens immersed in the issue in Marin and San Mateo counties. They still wanted local control, so they promoted two similar bills in 1970 (A.B. 1143 and S.B. 507 by Carl Britschgi and Richard J. Dolwig, respectively) to add Section 4582 to the Public Resources Code, authorizing certain counties to have forest practice ordinances. The latter bill passed (Chapter 712) despite opposition by the Board of Forestry and the industry. This legislation led to the enactment of strict ordinances in Marin and San Mateo, the explanation of which was sadly received by the Board in March 1971. As a crowning blow, Napa County was added to Marin, San Mateo, and Santa Clara during the 1971 Session by A.B. 3087 (Chapter 1090) by John F. Dunlap of Napa.

The issue over county ordinances was a hard fought battle. It generated a lot of publicity, most of which was very critical of timber harvesting, at a time when the public concern over protection of the environment and ecology was beginning to emerge. Groups organized to fight for the cause and publications of various kinds were prepared. One by a graduate student was severely criticized by John Callaghan at the May 1970 Board session. This later became a report[32] about

logging in urban counties published by Stanford University, and which was jointly authored by the student and a professor.

The 1970 request of the Board for the South Sierra Forest Practice Committee to work on the Tahoe problem did not generate near as much rule amendment activity as in the redwood region. After holding a meeting at Tahoe in April, the matter was referred to a local advisory group of the California-Tahoe Regional Planning Agency, which was already engaged in developing recommended logging practices. This was reported to the Board at the May session. There was virtually no progress after that because the local agency had to quickly enact an ordinance, despite opposition by the Division, to regulate a sensitive operation by Fibreboard Corporation near Tahoe City. The operator was willing to tolerate the ordinance, much to the displeasure of the organized timber industry.

Secretary for Resources N. B. Livermore, Jr., who also served as a member of the Tahoe Agency, appeared before the Board in May to favor local regulation at Tahoe. This bad news simmered for a time among Board members and the issue flared up again in January, at which time the Board made a request for a legal opinion. Nothing happened soon, so the Board reiterated its request in July. An opinion (71/30) by the Attorney-General, which was reported to the Board in October, put the matter to rest by ruling that the Tahoe Agency did have the power to regulate forest practices separately from the State Forest Practice Act.

Thereafter, the Division's role in this controversy changed because the Resources Secretary instructed Lewis A. Moran, newly selected State Forester, to take on the administration of the Tahoe ordinance. Also, Herman P. Meyer, had been assigned by Moran to work with the bi-state Tahoe Regional Planning Agency and other organizations there in 1970 on a two-year project financed by the U.S. Forest Service in the development of a general plan. He served on a committee to develop forest resource data and a logging ordinance proposal. After a lot of trials and tribulations the ordinance was adopted by the Tahoe Agency in April 1973, but by that time the matter was almost moot, because through USFS, private exchanges and TRPA land zoning, only 17,000 acres of 200,000 acres of private and public timber in the Tahoe Basin were left for commercial harvesting.

A Judicial Blow

A cancerous product of the quarrel over local regulation was the development of a judicial controversy in 1971 that culminated in a crisis of extraordinary importance. This was the most serious event that occurred during the life of the original Forest Practice Act up to that time, and handicapped the program for a couple of painful years. The essential elements of this story are related in the following paragraphs.

One of the operators in San Mateo County was the Bayside Timber Co. of Redwood City, which had migrated from Humboldt County to take advantage of the timber that was handy for export to Japan. Its original principals consisted of George Barnes, a former logging superintendent of the old Northern Redwood Lumber Co. at Korbel, and Jack Fairhurst* whose family was among the first to operate small tie and portable mills to cut Douglas fir timber on ranch lands in Humboldt after World War II.

In order to operate the timber it purchased, the Bayside Company had to apply for a permit from the San Mateo County Planning Commission in May 1969. A permit was granted but it included 28 tough provisions, not only regulating forestry and road practices, but also log haul routes and other conditions of concern to the public. Although this regulation by the county was inimical to the timber industry, because of the supposed preemption of this authority by the State Forest Practice Act, the company acceded to these requirements, believing this to be easier than fighting a legal battle. However, this was not prevented, because a local citizen committee led by a couple of spirited women filed an appeal within a month, and the County Board of Supervisors reversed the planners and revoked the permit.

Bayside Timber Co. then went to court to seek relief. Much to its satisfaction and the timber industry generally, the local Superior Court ruled (No. 148093) in January 1970 that the county had erred. The court held that the State had preempted the field and ordered the county to issue the permit. While the District Attorney at first agreed with the decision, his mind about appealing was changed by the arguments of his Deputy, Henry Dietz, and the Board of Supervisors, who were faced with an expensive suit for damages filed by Bayside for costly delays in their operations caused by the county.

*The elder H. J. Fairhurst was a member of the Coast Range Pine and Fir Forest Practice Committee from late 1958 until mid-1960.

The county appealed (1 Civil No. 28,244) to the State Court of Appeal, First Appellate District, in 1970, saying in essence that the State Forest Practice Act was unconstitutional and therefore could not preempt regulation of logging. A landmark decision in the matter was rendered by the Appellate Court on September 16, 1971 wherein it ruled in favor of the County of San Mateo and reversed the findings of the Superior Court. The court noted that "few, if any industries adversely affect the rights of others, and the public generally, as do timber and logging operations." The reasoning behind the ruling was that the forest practice regulations are "decreed exclusively by persons pecuniarily interested in the timber industry."

Having 90 days before the order went into effect, the Bayside Timber Co., assisted by organized industry, immediately requested a rehearing by the Appellate Court. Because of the potential impact of the decision on the regulation of forest practices all over the state, at request of the Department of Conservation, Attorney General Evelle J. Younger also petitioned for a rehearing. These attempts were of no avail, for on October 15 the rehearing was denied.

The next recourse was to appeal to the State Supreme Court. Again the State joined the battle and filed a petition for hearing by *amicus curiae* (friend of the court action) within two weeks. But that again was unproductive because the hearing before the highest state court was denied on November 18, which meant that on December 16, 1971 the Forest Practice Rules were dead. Effective that date Director James G. Stearns, fearing an unlawful expenditure of funds, ordered State Forester Moran to divert all special forest practice personnel to other duties, and for all practical purposes there no longer were any controls on private timber operations—a sad state of affairs after a quarter of a century of hard work to improve the system.

1972 Legislative Battle

This judicial setback was of grave concern to the Board and the Division. Before the final court decision was rendered, the Board discussed the problem at length at three successive meetings starting in October 1971. At the December 15 session, a committee of the Board headed by Howard Nakae reported that no satisfactory clarification of the matter had yet been received from the Attorney-General in answer to a letter Director Stearns had written on November 22.

However, a letter to the Board from Stearns was read which indicated that the best course of action was to seek urgency interim legislation when the Legislature convened in January.

Contrary to the cautious approach that seemed to be forming between the Director and the Attorney-General's office, the Division of Forestry staff and the Board strongly felt that a more positive posture should be taken to solve the dilemma, such as using the emergency process of the Board to adopt temporary rules under Section 4580.5 of the Forest Practice Act, which had been adopted in 1972. But Deputy Attorney-General Robert H. Connett did not agree with this at the December meeting. Because of a growing rift between the Board and the Director, who was present at this strained meeting, about their respective powers, Stearns was more than willing to accept this most conservative legal advice, if not to actually encourage this position. It was even suggested by the Board that the Director try to use some of his general powers to issue emergency rules, but he didn't want any part of that. He insisted that the only way to go was to try for new legislation. That being the case the Board then adopted two resolutions, one to urge early interim legislation and the other stating that it was the policy of the Board for all timber operators to comply with the rules as they existed before the fateful Bayside court decision.

A related matter, which heated the friction at the December meeting, was Assembly Concurrent Resolution 27 by John Knox of Richmond adopted prior to the Bayside decision. This resolution had been prompted by some Bay Area foresters. It requested the Director, in cooperation with the Board of Forestry, the State Forester, and the Director of Fish and Game, to recommend legislation necessary to control logging operations so as to mimimize their adverse effect on the environment. Because this meeting was the first time the Board had officially heard about the resolution, some members were visibly irked, and Deputy Director A. Alan Hill had to respond to this and offer to have the Board get involved. A mild "don't-rock-the-boat" report prepared by this writer, centering on the legal crisis of the Forest Practice Act, was presented by Hill to the Board at the February session, where it was endorsed without further trouble. The final product was transmitted by the Director to the Legislature on February 29, thirty days after the due date.

While the stated intentions of Director Stearns and his staff appeared to favor quick and decisive action to prepare something for the Legislature to consider immediately at the beginning of the 1972 Session in January, progress was slow and not too visible. No demands were made on the Division staff to develop a bill draft and the consultations that went on were primarily restricted to the Director's Office, higher officials, and the Legislative Counsel. The State Forester's Office was pretty much left out of these high-level deliberations, and the Director's staff was almost unilaterally calling the shots. A rather disappointing review of the situation was given to the Board on January 11 by Deputy Director Hill, which indicated that legal difficulties, bureaucracy, and confusion had compounded the problem. The apparent course of action of the Director's Office was to obtain a bill that would restore a regulatory program on a temporary basis for a year, pending the development of more comprehensive legislation. But positive leadership to do this was lacking and the project was slow to get rolling.

A parallel development of great influence was also in the making. During the crucial latter part of 1971, Assemblyman Edwin L. Z'berg, Chairman of the Assembly Natural Resources and Conservation Committee, decided that this was an opportune time for his committee to again get into in the subject of forest practices. He announced a field trip and hearing of his committee to be held in Humboldt County for mid-December 1971, but due to a Special Session call the affair was postponed until January 13-14. The field trip showed some of the worst—recent clear-cuts and the storm damage to watersheds in the northern part of the county. Deputy Director Hill testified at the hearing, but he only revealed general principles and plans for new legislation, because nothing had been solidified yet. Z'berg held two more hearings —one at Lake Tahoe on September 5-6 and at Yosemite on October 2-3. Deputy Director Edward N. Gladish, who had succeeded Hill, testified at the Tahoe hearing.

Finally, on February 3, S.B. 183 by Senator Fred W. Marler, Jr. of Redding and others was introduced as an urgency measure to provide for an interim Forest Practice Act until January 31, 1973. It was primarily a product of the California Forest Protective Association working with the senators and the Legislative Counsel's Office, with only moderate influence by the Department of Conservation. A com-

panion bill S.B. 182 by the same authors to add two more public members to the Board of Forestry was also submitted, but it was later dropped because the plan for the two bills was upset by the opposition, consisting mainly of Z'berg, the Sierra Club, and other allies, who were suspicious of such legislation and wanted something stronger.

The going for S.B. 183 was slow and rough. It passed the Senate after three amendments, but only by being steered through the Governmental Organization Committee to avoid the Senate Natural Resources and Wildlife Committee chaired by John A. Nejedly of Walnut Creek, who had leanings toward far better environmental controls. The crux of the battle was in the Assembly before Z'berg's committee, the majority of which was fearful of this joint industry-Administration proposal. Most members of the legislative commitee favored Z'berg's pending plans for a strong and permanent bill. After much delay and two amendments, which almost emasculated the bill, S.B. 183 passed the Assembly and was approved as Chapter 202 by Governor Reagan on June 30, 1972. Not only was the law slow in coming, it also merely added Section 4580.5 to the Public Resources Code to give the Board the authority to adopt emergency rules for a 180-day period!

Because no Forest Practice Rules had been in existence since December 15, 1971, the Board hurriedly met on the same day of the Govenor's signature and readopted the old rules and alternate plans as its own emergency rules. In order to make them good beyond 120 days (the general legal time limit for emergency regulations) the Board later published a legal notice and held a hearing in September as required by the Government Code. Fortunately, no serious problems in poor forest practices occurred during the six months lapse of the rules, because the organized industry had publicly announced willingness to conform to the previous regulations, and because of the general apprehension that prevailed among timber operators about what was coming next during this period of great public concern about the environment.

In the meantime, Senators Nejedly and Alfred E. Alquist of San Jose, working jointly but independently of anyone else, quietly dropped their progressive bill S.B. 361 into the hopper on February 28. Also, Senator Alquist introduced one (S.B. 595) by himself on March

13, but this bill never was pursued. Sensing that Marler's S.B. 183 could become unmanageable or encounter trouble, the California Forest Protective Association worked with Senator Randolph Collier and another more conservative bill, S.B. 1326, was introduced on March 15. Then the situation was further complicated when Z'berg and 31 co-authors introduced A.B. 2346, which was a product of a study* and report[33] by the University of California at Davis Institute of Ecology, financed by Z'berg's committee. There were two more reports emanating from UCD and Stanford University that supported Z'berg's efforts. The Sierra Club, mainly through its forester Gordon Robinson and legislative advocate John Zierold, also were principal advisers to the Z'berg committee staff.**

The original position of the Administration was to favor only Marler's S.B. 183, but when that measure got stalled and drastically weakened, another choice had to be made. At first the Director's Office, along with the industry, opposed Nejedly's S.B. 361. However, as it was amended after the virtual demise of S.B. 183, both the Administration and industry decided to support S.B. 361. The Department's position on Collier's S.B. 1326 was neutral and that bill wasn't really pushed by anyone after passage in the Senate, as long as satisfactory changes could be made to Nejedly's proposal.

While all this was going on, Attorney-General Evelle J. Younger personally became interested in the issue. He had established an environmental unit in San Francisco, and appeared to want to get more into forest practice legislation. He arranged to become better informed on it by consulting the U.C. Forestry school faculty. However, Younger's staff did invite the Division of Forestry to participate in a field trip for the Attorney-General to look at woods operations in Humboldt County in June, which this author attended. Younger's aids had planned to just look at clear-cuts, but they were persuaded to examine selective logging also by this writer in order to get more balance in the observations.

*The study team included three foresters: a forest economist, a forest physiologist, and a research administrator. The four remaining members were other resource and legal experts, and had little or no knowledge of forestry.

**The Sacramento office of the Sierra Club had also issued a report in 1972, "Forest Practices and the Forest Practice Act," which was primarily done by John Everingham, an intern from UCD.

The Stanford Environmental Law Society also showed interest in forest practices. A study and report[34] was made by five law students, with financial support from three foundations to develop recommendations on new legislation.

As things developed in the last half of 1972, the main event was between Nejedly's and Z'berg's bills. The former (S.B. 361) was successful in the Senate, but it got stalled in Z'berg's committee in the lower house. Z'berg's A.B. 2346 passed his committee fine but the opposition stopped it in the more conservative Assembly Ways and Means Committee. During the last few weeks of the regular Session and the Special Session that followed in December, there were many compromises made between the two bills, but they were of no avail and 1972 ended in a bust.

The emergency rules adopted by the Board in late June 1972 were scheduled to expire on December 26, 1972, and because no legislation had been successful to replace the old Forest Practice Rules, the Board that month acted to recycle the emergency rules for another 180 days. The Board in doing this had the benefit of a supporting legal opinion (#17499) issued by the Legislative Counsel on October 4 in response to a request from Senator Nejedly. This was later confirmed by the Attorney-General, as reported by Director of Conservation Ray B. Hunter to the Board at the February 1973 meeting.

At Last: Legislative Success

A rematch of the 1972 legislative fight but with fewer contenders started early the following year. In fact, consultant Robert Testa of the Senate Natural Resources and Wildlife Committee had a new bill draft ready at the close of 1972, which after critique by the Department of Conservation, CDF staff, industry, and others was introduced by Senator Nejedly as S.B. 5 on February 6, 1973.

The Administration decided in this new round to take a more positive stand on forest practice legislation. Newly appointed Conservation Director Ray B. Hunter announced this to the Board at its first session of the year, and shortly thereafter launched a public information campaign for support of S.B. 5. Hunter and State Forester Moran, with help from the Division staff and field personnel, arranged many news and television releases to promote Nejedly's new

bill. This certainly was a marked reversal of the passive role played in 1972 by the previous Conservation Director. A closer liaison was also implemented within the Department and with Nejedly's office, other legislators, the Board of Forestry, and industry spokesmen.

Assemblyman Z'berg, along with 18 co-authors, introduced his measure A.B. 227 on March 15, and Director Hunter immediately voiced the objections of the Administration to this bill. Although the differences between the two legislative proposals were not nearly as many and as sharp as those of the two authors in 1972, there were still some serious points of contention. After amendments to both bills these differences were narrowed down considerably by early April; the main ones pertained to rather specific stocking standards in A.B. 227 and compulsory liens in the same bill to guarantee compliance with the logging regulations, both of which were still quite unrealistic.

S.B. 5 quickly passed the Senate first, and shortly after A.B. 227 did likewise in the lower house, where Z'berg made good advantage of another UCD study [35] that had been supported by a National Science Foundation grant*. This fast action was expected, because both principal authors headed the policy committees that their bills had to first clear in their respective houses. It was not until Z'berg got his measure fully passed by the Assembly that he finally scheduled a hearing on S.B. 5 the first part of April. Although the Senator had the support of the Administration, industry, labor, and a number of conservation groups, the opposition by Z'berg and his supporters, assisted by the Sierra Club, was too much, and S.B. 5 failed to get clearance of the Assembly committee.

Fortunately, Senator Nejedly had earlier put in S.B. 529, which would have made certain amendments to the Forest Practice Act**. Upon the demise of S.B. 5, Nejedly transformed S.B. 529 into another major Forest Practice Act bill and the scrap was on again. His new measure was approved by the Senate by mid-June, so another deadlock was born.

*Forest practices became a popular subject for study. One example was a report, "Forest Practices in the Legislative Process" done in 1973 by two UCD students, Linda Proaps and Larry Tjoelker, a student intern in Z'berg's office.

**Nejedly in cooperation with the Department had also introduced another bill (S.B. 1286) about State Forest timber sales in case he had to convert that into another forest practice proposal in his contest with Z'berg.

Assemblyman Edwin L. Z'berg, senior author of new Forest Practice Act, 1973

Senator John A. Nejedly, joint author with Z'berg of 1973 Forest Practice Act

This situation caused the various forces to enter into some hard bargaining. Led by the industry and Sierra Club lobbies, with the Director's Office participating, many concessions were arrived at in late June, and agreement was reached on a much revised A.B. 227. In fact, Z'berg even offered to have the law named jointly after himself and Nejedly. This new amiability led to the passage of the measure two months later by the Legisalture; it was signed by Governor Reagan on September 26, 1973 as Chapter 880. The forepart of the chaptered bill (Sec. 630 - 648 Pub. Res. Code) established a much different Board of Forestry, and the latter part became a brand new Forest Practice Act.

The success of this legislation produced a sigh of relief in the Administration, for it ended the turmoil for awhile at least and showed promise that a stable regulatory program could now proceed. Conservation organizations like the Sierra Club, which had worked diligently for the successful bill, hailed its approval, but the Planning and Conservation League and other conservationists were less enthusiastic[36].

Reconstruction

The Z'berg-Nejedly Forest Practice Act of 1973 did not carry an urgency clause, so existing logging rules were expected to continue well into the next year under the old law. However, pending appointment of a new Board of Forestry and adoption of necessary rules and regulations by that body, the State Forester's Office had to prepare a form and procedures for the Timber Harvesting Plans that were to be required of operators on and after January 1, 1974. This was cautiously done by keeping within the bounds of Section 4582 of the Act, because only the new Board could expand on those requirements. A total of 2,500 plans were filed during the course of year.

After some agonizing delay because of the tight timing allowed to effect the new law, Governor Reagan appointed the Board of Forestry on February 5. Fortunately, he designated former member Howard K. Nakae of Newcastle as chairman. The other appointees were as follows:

Public Members (besides Nakae)
Phillip S. Berry, Oakland
Thomas A. Lipman, El Monte

Markham E. Salsbury, Altadena (former member)
Leo Tamanian, Fullerton
Range Livestock Industry
Robert L. Flournoy, Likely
Forest Products Industry
William M. Beaty, Redding
William H. Holmes, Strawberry Valley
Henry K. Trobitz, Arcata

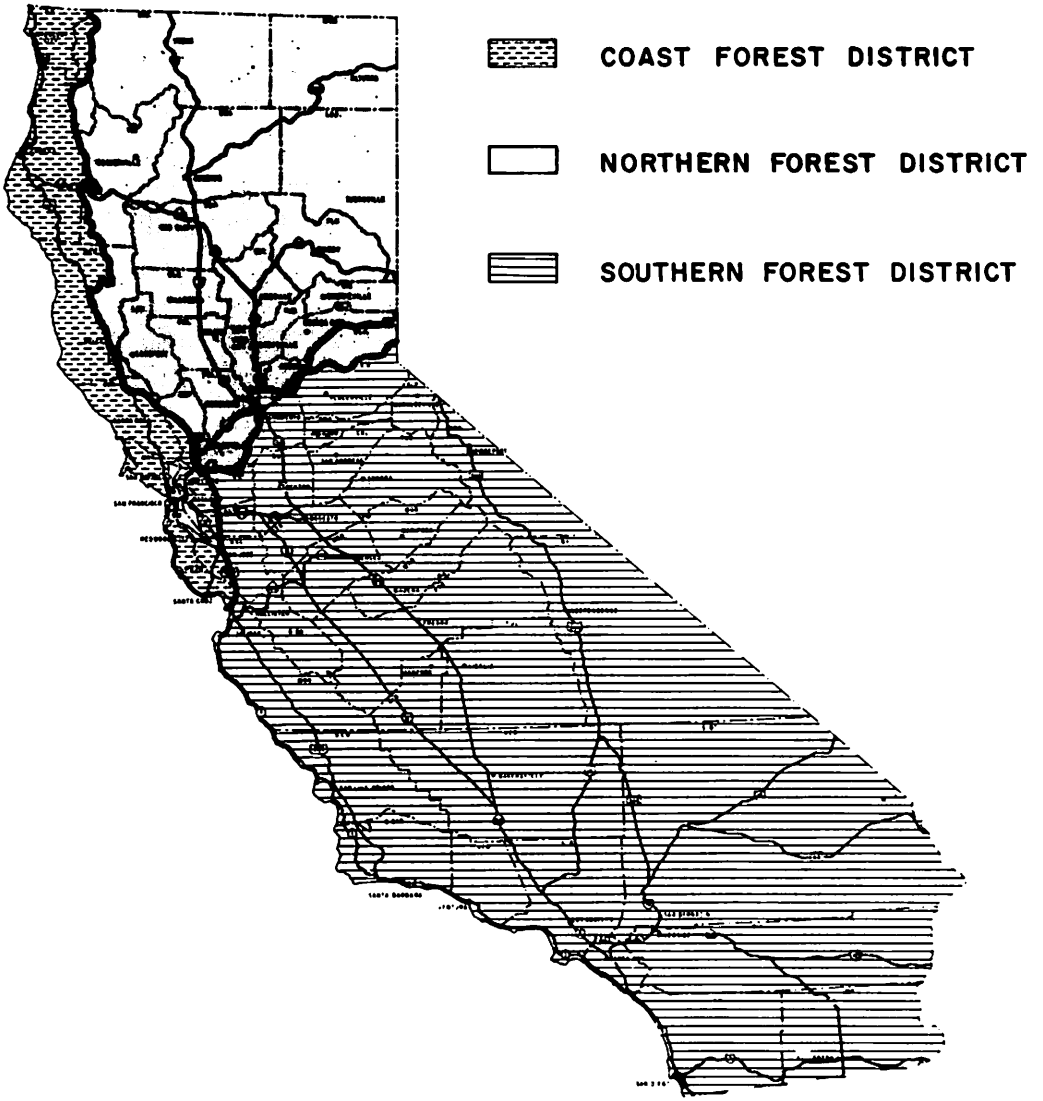
Starting at the first meeting on February 25, 1974, the Board and the CDF staff undertook a rigorous schedule to put the new Act into full effect. Because of the large volume of work this entailed and the time constraints the Board had to face, 23 sessions were held the first year. In March the Board conducted a public hearing to divide the state into three Forest Districts: Coast, Northern, and Southern (Sec. 1000-1004, Title 14, CAC), but only after a CDF debate with industry representatives who advocated six districts. The following month the Board appointed nine members to each District Technical Advisory Committee (DTAC). These committees went to work in early May to write recommended Forest Practice Rules.

In an attempt to assist the committees the Division staff had been engaged since the previous fall on some suggested rules. These suggestions were not too well received by the committees and timbermen, but the CDF ideas did provide a helpful horizon to aim for in the rule development process. The committees held 25 public meetings in all from May though July, and at a three-day meeting in early August the Board publically received and discussed the recommendations of the committees, along with comments from the staff. This was followed by a field trip to observe timber operations in northern California and two more public discussions of the proposed rules. Finally, after a hearing on September 25-27, the Board adopted the new Forest Practice Rules, which became effective on November 9, 1974. All the meetings and hearings were contentious affairs with a lot of spirited participation by the industry, conservation organizations, the Department of Fish and Game, and the State and Regional Water Quality Control Boards.

While it was generally recognized that the new rules were somewhat stronger than existed before, many conservationists argued that

FOREST DISTRICTS

(Approved by Board of Forestry 3-29-74)



the requirements were not stiff enough. Board member Phillip Berry had pretty much fought a lone battle on the Board to obtain more protection of non-timber values. Attorney-forester David Pesonen of San Francisco complained of "weasely" language of the rules[37]. The rule on disposal of snags especially was not satisfactorily resolved because of the disparate views of foresters, who want them down for fire protection and safety reasons, and bird lovers, who advocate the saving of dead trees for nesting sites. The Board agreed to take up this question again later by a special committee.

In addition to this huge task within a crowded calendar, the Board with much staff help had to consider and adopt the following regulations in 1974:

Regulation Subject	Cal. Adm. Code Sec.	Date
Timberland Conversion	1100-1108	Feb. 25*, May 23
Emergency Operations	1050-1052	Feb. 25*, May 23
Site Classification	1060	August 6
Timber Harvest. Plan	1032	October 16
Stocking Survey	1070-1076	December 2
Stds. for Understocked Areas	1081-1081.1	December 2

If all of this was not enough*,** the Board in establishing timber operator permit fees for 1975 et seq faced an unanticipated crisis caused by the Governor's Budget for fiscal year 1974-1975. To provide the addiitonal $1,350,000*** needed to carry out the Act, the Reagan Administration expected this expenditure to be reimbursed from the permit fees. This matter was deliberated by the Board in February and March, and then the proposal was rejected at a public hearing in April when the Board adopted Sections 1020-1030.1 of Title 14 of the California Administrative Code setting forth reasonable filing fees at a level about 50 percent higher than in 1974. The

*First adopted on an emergency basis

** Simultaneously with these developments two more crises occurred in early 1974 that compounded the work of the Board and the Division. One was an unsuccessful attempt by Director Hunter to fire State Forester Moran, and the other was due to separate bills by Nejedly and Z'berg to transform the Division into a Department.

***This money was necessary to provide for hiring of 48 foresters, 15 clerks, and other expenses of a greatly expanded Forest Practice Act program.

revenue expected from the fees was $65,000. By law the permit fees established under the old law continued through 1974. As will be seen later this action by the Board did not settle the issue for good.

Before closing out the busiest year of record, the Board had a few other items to handle. In November it had to approve a staff report[38] on behalf of the Board that is required to be submitted to the Legislature by Section 4515 of the Forest Practice Act. Plans were also made at the last meeting in 1974 to develop stocking standards for areas hit by some catastrophe (Sec. 4561.6 Pub. Res. Code) and for a soil erosion study mandated by Section 4562.5 of the Act, both to be accomplished in 1975. At that time it looked like 1975 might be a relatively peaceful year, and this author said so to the Board at the conclusion of presenting the above plans, but as it turned out he didn't know what he was talking about!

There was no legislation on forest practices during this very busy year of 1974. Assemblyman Z'berg introduced one bill (A.B. 2909) that would have made an incidental change in the Forest Practice Act, but it was not passed.

1975: A Climactic Year

Many unexpected new problems arose in 1975 to cause it to be the most hectic year yet for the Board of Forestry, the Division, and all others having a part in the Forest Practice Act. The fact that this situation coincided with a new State Administration having more concern about protection of the environment than at any previous time brought more people into the scene and resultingly wider differences on how to cope with the various issues. While a lot of progress was to be made in this crucial year of 1975, not all problems could be settled and some solutions had to be deferred until 1976 and even later years, as the reader shall see.

The first major crisis in 1975 was precipitated by another judicial decision. As a delayed aftermath of the dissatisfaction with the size of the Redwood National Park and the ongoing logging adjacent to it in the Redwood Creek watershed, the Natural Resources Defense Council, Inc. (NRDC)* in April 1974 had requested the State Forester to

*A national organization with a branch office in Palo Alto, which had succeeded in a number of legal actions about environmental issues throughout the country.

stop the logging there because of alleged damage to the park. This demand was based mainly on an informal opinion rendered by the Attorney-General's Office in a letter to State Senator Anthony Beilinson to the effect that timber operations required an Environmental Impact Report (EIR) under the California Environmental Quality Act of 1970 (CEQA). The request was denied because the Board and the Reagan Administration did not agree with the Attorney-General, and moreover no formal opinion had been issued. Consequently, NRDC and a few incidental plaintiffs in Humboldt County filed a suit (No. 54212) in the local Superior Court on May 7, 1974 against the Arcata National Corporation (owner of the Arcata Redwood Company), Louisiana-Pacific Corp., Simpson Timber Co., which companies were the principal operators in the basin, and the State Forester. Because the Attorney-General in a sense had already become an advocate in the issue, Director Hunter arranged for State Forester Moran to be represented by the Pacific Legal Foundation of Sacramento, an organization that enters legal contests about environmental matters as a counter to such bodies as NRDC.

Before the NRDC case could be heard, Attorney-General Evelle Younger filed a complaint* for injunctive relief on October 30, pursuant to Government Code Section 12607, against the same three companies. He followed this by issuing a formal opinion (No. SO 74/48) on November 22, which confirmed his previous view that Timber Harvesting Plans are subject to CEQA. The industry was stunned and unhappy. The Associated California Loggers, through its executive director David Snodderly, publically accused the Attorney-General of deliberately trying to influence the outcome of the NRDC test case. Despite this intervention by the State's chief legal officer, the lawyers for the defendants were confident that the NRDC and the Attorney-General were clearly wrong and they expected to win the contest.

A shock wave hit the defendants, the timber industry, the Board, and the Division on January 14, 1975 when Judge Arthur B. Broaddus ruled that the provisions and procedure of the Forest Practice Act came under the requirements of CEQA and that EIRs would be needed for timber operations. The initial court decision was some-

*This suit was kept pending into 1976 in order to prompt the companies to improve their forest practices in Redwood Creek.

what confusing, but it was all cleared up without any basic change when the judge issued his summary judgement on February 19, which provided for a stay if the decision was appealed. The three company defendants did appeal*, but not the State Forester, because by this time the new Edmund G. Brown Jr. Administration had taken over the reins of State government. It included Dr. Claire T. Dedrick as Secretary for Resources and Larry E. Moss as her deputy, both of whom had served as high officials in the Sierra Club. The Administration elected to not take advantage of the stay offered by the court because of the appeal filed by the companies.

The crisis produced by the court decision was acerbated by the fact that all Timber Harvesting Plans processed in 1974 expired on January 1, 1975, because that's when the Board's first regulations on the subject could become effective. Therefore, the January court ruling meant that only the 31 plans that had been cleared before the judge's order were in effect, and that all plans thereafter would need EIRs. Fortunately however, operations were at a low level then due to the most serious economic slump since the Great Depression and an abnormally severe winter. Nonetheless, the industry and the Division had a problem. About 250 plans were placed in limbo by the court, and there were ten times that figure to come as the year progressed.

At first there was a desperate attempt by the new State Administration to apply the full requirements of CEQA, which would have required the filing of EIRs or negative declarations, and periods as long as 90 days or more for public review and comment. There was a tremendous amount of resistance to this from operators and labor, so it was soon evident that these cumbersome procedures could not work. The Governor hurriedly called a meeting to evaluate the emergency with Resources Secretary Dedrick, Board Chairman Nakae, Acting Director of Conservation Lewis Moran, and Chief Deputy State Forester Larry E. Richey** and others on the afternoon and night of Sunday, February 16. As a followup, Governor Brown issued Executive Order No. B 3-75 the next day directing the Resources Agency to institute a more streamlined process that would

*This appeal could not be scheduled in 1975 and was held over into 1976.

**To replace Moran, Chief Deputy Richey had been moved to head the Division without change in civil service title.

be the functional equivalent of the EIR procedure. This was done by Mrs. Dedrick adopting two sets of emergency regulations, one on February 18 and the second on the 29th, to amend certain sections of Division 6, Title 14, California Administrative Code regarding CEQA procedures. Then to provide for the Functional Equivalent Process, Acting Director Moran on March 3 approved emergency regulations (Chapt. 1.5, Div. 2, Title 14, CAC).

This arrangement still was not an ideal system, and many on the outside thought it illegal. It authorized environmental addendums to harvesting plans, public notice of plans, opportunity for comments from interested parties, teams composed of representatives of the Department of Fish and Game, Regional Water Quality Control Boards, and other agencies as needed to review plans with Forestry. Also, there were provisions for appeals by the public as well as for operators, and generally much more complicated procedures than those in the Forest Practice Act.

About the time this Functional Equivalent Process was initiated 1,300 loggers in woods regalia stormed the Capitol on March 3 to protest what they contended was a bureaucratic log jam. The legality of the new system was also questioned by the industry, and this was supported by the Legislative Counsel (Opinions No. 4564, 4526, 5032, 5962). On the other hand, the staff of the environmental section of the Attorney-General's Office in San Francisco had wanted the Administration to go full-bore on CEQA, but their advice was not accepted by the Secretary as being practical to fit the timber harvesting situation. The legal justification for the Functional Process was given by Norman E. Hill, legal assistant to Dedrick, in a letter of April 4 to Deputy Attorney-General Robert H. Connett (also the Forestry Board's legal adviser), and it was never officially challenged.

This controversy sparked more publicity about state forestry and over a longer period of time than ever before in the history of the Division. All the media were reporting on the happenings—newspapers, magazines, radio, and television. Two notable examples of a national nature were articles in the April Journal of Forestry (p. 238-239) and the June issue of American Forests (p. 13-14). The Western Annual of the Federation of Western Outdoor Clubs put out a special forest practice issue[39] in the spring of 1975 in order to promote more logging controls. And Governor Brown and Secretary

Dedrick were besieged with thousands of letters and numerous telephone calls.

The Governor, his personal staff, and the Resources Secretary were spending an inordinate amount of time wrestling with the problem. At the peak of the hassle, on March 12 with only nine minutes advance notice Governor Brown paid a surprise visit to a Board of Forestry meeting. Essentially, he told the members in plain words that as he understood the law the Board of Forestry had both the authority and responsibility to clean up the mess. This direct approach with the Board was an unusual experience in state governmental circles. but very typical of Brown's tradition-breaking style.

The Board responded to this challenge by setting up a special committee to study proposed changes in the Forest Practice Rules and the regulations on Timber Harvesting Plans (THP) to provide for more environmental protection. This project entailed months of polarized dialogue among the various forces, with the extremes on one side being industry spokesmen and on the other staffers of the Secretary's Office, Department of Fish and Game, and the State and Regional Water Resources Control Boards.

The CDF staff found itself pretty much in the middle. Just how far the rules should go to protect non-timber values was a fiercely debated question within the Board's ad hoc committee on forest practices and environmental protection, which was composed of balanced representation from the Board itself and also from the outside. The central argument was about the interpretation of some ambiguous sections (4512, 4513, 4551) of the Forest Practice Act—whether the rules should just consider environmental factors or directly and specifically protect the entire environment. In an attempt to settle the dispute, Fish and Game requested and received an Attorney-General's Opinion (SO 74/68), Apr. 30, 1975); it stated in effect that the rules and regulations of the Board must protect the soil, air, fish and wildlife, and water resources. However, this legal opinion did not bring agreement between the contentious factions.

An interesting case in this regard was an action (No. 690-006) filed on May 8 in the San Francisco Superior Court by the Mendocino County Environmental Protection Center against the State Forester and the Georgia-Pacific Corp. to keep the firm from logging 155 acres of virgin redwood in Mendocino County. The court granted a

Loggers demonstration, Sacramento, March 3, 1975 Del Norte Triplicate photo

Governor Brown (with hand raised) paying surprise visit to Forestry Board meeting, March 12, 1975. Others in view, left to right, member Raymond K. Nelson, recording secretary Mary Nenno, Chairman Nakae, and members M. E. Salsbury and Phillip Berry.

temporary restraining order against the company. The case was later moved to the home county for trial, at which the plaintiff lost. The citizen-environmentalists who pressed the suit had a strong but mistaken belief that the State for environmental reasons had the power to prohibit a private owner from cutting his timber. In this instance, the protaganists wanted to save some of the little remaining old-growth redwood in the county.

Another point of dissension arose about the inclusion of administrative discretion in applying Forest Practice Rules on-the-ground and in the processing of Timber Harvesting Plans by the Division. The exercise of discretion had been built into the Functional Equivalent Process by the Resources Agency, and this discretionary power was something the Agency wished to retain, in order to have flexibility in the regulation of logging and to cover critical situations. The legal advisers of the State endorsed this authority. This concept was opposed by the industry, and in fact, by the majority of the Board, who feared that without some sideboards the use of discretion could become regulation by fiat.

By May 1975 the Board was ready to look at the results of the ad hoc committee's efforts to make the Forest Practice Rules environmentally stronger. The Board squeezed in three crucial meetings that month. At the first session it started a preliminary review of the committee's recommendations. The Board also reviewed a letter from Mrs. Dedrick, which Chairman Nakae had solicited in order to obtain her reactions on the Board's progress to date on improvement of its rules and regulations. This three-day session could not complete the study of the proposed rule changes, so another meeting for two days was held the following week, with the final hearing on amendment of the rules scheduled for May 28-30.

Meanwhile, to try to solve the problem, Nakae, Dedrick, and Richey met with representatives of the Governor on May 20, and that led to another consultation with Dedrick and Governor Brown. This happened on the 27th (another late night affair), just prior to the Board's three-day hearing that week. Nakae urged and received general committments from the Governor and Resources Secretary as to what they expected from the Board, which Dedrick was to put into writing for the Board.

The three-day hearing at the close of May was a real ordeal.* The Board began a detailed review of proposed revision of the rules and heard a great deal of conflicting testimony. During the course of the hearing Secretary Dedrick appeared and presented a letter explaining the Administration wants, which still stressed tighter controls, especially regarding clear-cutting, stream protection, the use of discretion, and saving more snags. The Board could not settle the matter at this long meeting, so most of the decisions were deferred to yet another continued hearing on June 23. It was necessary for the Board's ad hoc committee to also go back to the drawing board during the interim. When the Board met next a number of compromises were made to resolve the differences with the Administration, but final action was postponed until a meeting on June 30-July 1.

Finally, after all this hard work the Board of Forestry on June 30 adopted environmentally stronger Forest Practice Rules, and on the next day it approved stiffer regulations on Timber Harvesting Plans. Both contained a compromised dosage of discretion. The Board could not resolve the question of better protection of streams and lakes in the Coast District, and this matter had to be continued until the fall. The new Forest Practice rules and THP regulations could not go into effect until August and September, respectively. In the meantime, S.B. 476 (Collier) passed and it invalidated the Functional Equivalent Process as of July 1. Therefore, to cover the gap until the Board's revised rules and regulations could take effect, Acting Director Moran had to quickly adopt on July 2 some temporary emergency regulations (Sec. 891-898, Title 14, CAC), which were a hybrid between the expired Functional Equivalent Process and the upcoming new rules and regulations of the Forestry Board.

More Problems to Clear

The Coast District Technical Advisory Committee went back to work about the unresolved question about stream protection requirements. By the August Board meeting the committee's proposal for a stronger rule was ready to be submitted, but it did not satisfy fish and water interests, and the proposed revision did not seem to do the job

*During this Board session, Chairman Nakae shocked everybody by announcing that he was resigning as of July 1. Fortunately, the Governor did not accept this and Nakae faithfully continued to serve well into 1976.

as far as the Division was concerned. The issue appeared to be again stalemated at the August hearing. One of the last official acts of the writer *, who saw that something had to be done to get off dead center, was to suggest some compromises in the rule language. Neither side was entirely pleased about this change, but it was fortunately accepted in order to decide the matter, at least for the time being.

Some other business that was carried over from the fall of 1974 was the snag disposal rule. The Board approved the establishment of a study committee on snags at the July 1975 session. Its members included representatives from the Board, the DTACs, and seven public and private organizations concerned with wildlife and forestry. The group commenced its deliberations in September, but it was not able to conclude recommendations on snag disposal rules until 1976.

The times were certainly difficult. It seemed that very few, if any, problems could be solved conclusively. Old issues or variations of them kept coming up and still the settlement of them eluded the Board.

Governor Brown in his first budget proposed that the costs of the Forest Practice Act in the amount of $2,018,841 be reimbursed from timber operator fees. The Legislature didn't accept this, but when the Governor signed the budget he cut the Division's appropriation by $250,000, with the explanation that this was a reasonable amount to recover in fees in the last half of the 1975-76 fiscal year. But again, using its powers under Section 4572 of the Act to require only "reasonable filing fees", the Board of Forestry objected to changing its previous position. The issue was discussed at the July meeting, and also the following month when it received an analysis requested of the CDF about the costs of the program. This study revealed questions in the minds of some Board members and industry representatives as to whether all the 48 new inspectors for forest practices were needed by the Division. The Board tried to conclude the subject after a public hearing in September, when a motion was adopted to leave the fees alone, but, knowing full well that the problem was not completely resolved, the Board in November recommended that the Legislature decide the controversy for good by enacting the extant fees into law. Meanwhile, the Division was bound by the Governor's budget cut, so as positions in the program were vacated they could not be filled and

*The writer left CDF employment for health reasons the beginning of September.

other savings had to be imposed. To aggravate this financial dilemma, the Department of Fish and Game requested funds for three positions to participate in the checking of THPs. Director Moran later approved the request that CDF provide the $90,000 required, despite opposition expressed by the Board at its August 1975 session. This finally resulted in some reduction in the number of forest practice inspectors employed by the Division.

The interagency THP review teams came into the picture when the Functional Equivalent Process started in February. The teams were a seat of friction at times, especially in the North Coast region, with the CDF foresters often disagreeing with conditions that Fish and Game and the Regional Water Quality Control Board wanted to place on the timber operator plans. The problem concerned the justifications for additional protective measures they prescribed and the fact that only the State Forester could be held accountable by the Board of Forestry or the courts. Occasionally, some THPs had to be forwarded to the State Forester to settle interagency differences. Mrs. Dedrick even personally became interested in some of the more critical plans, particularly those in lower Redwood Creek, which were receiving a great deal of public criticism; and the State Forester's Office had to review such plans with the Secretary and top officials of interested Departments.

One notable case elsewhere was a plan submitted by the Louisiana-Pacific Corp. for an operation near Hoxie Crossing in the North Fork of Eel River in southwestern Trinity County. The THP received a lot of notoriety because it was near a summer steelhead fishery and a Wilderness Area. More protests, especially from California Trout, Inc. and its members and friends, were submitted about this plan than any other single THP. Before the plan could be approved in July 1975 it took months of negotiations, and also three helicopter trips to bring in experts to check the plan on-the-ground. Secretary Dedrick and Fish and Game Director Charles Fullerton were escorted to the scene by CDF Chief Deputy Richey on one flight to allay their concerns and to have first-hand knowledge of the final plan requirements. Then before the year was out, the company wanted to enlarge the plan and this renewed the arguments, which extended into 1976.

With the demise of the Functional Equivalent Process, the Board and timber operators expected that the review teams would be dis-

continued, but this did not happen. Believing that the team approach was more effective, it was decided within the Resources Agency that this system should continue. The Division of Forestry was therefore instructed to retain the interagency review team. This did not set too well with some Forestry Board members, and at the August session Acting Director Moran was queried about this arrangement. Mrs. Dedrick then created an interagency task force to look at the whole process and determine what improvements could be developed, but the heavy workload weighing on the Division was such that the study could not be finished until 1976.

Other difficulties arose about Timber Harvesting Plans in 1975. The first appeal from an operator for a plan rejected by the CDF was made by Raffco Inc. to the Board in July. This operation was violently opposed by local conservationists and the Bureau of Land Management because the logging would be near the Kings Range National Conservation Area in Humboldt County. After a lot of testimony, the Board overruled the Division and approved the plan because it conformed to the Forest Practice Act and the rules and regulations. This action later led to steps for BLM to acquire the tract. To formalize the THP appeal process the Board had adopted Sections 1053-1059, Title 14, CAC on an emergency basis in May. Following the Raffco appeal, those regulations were amended in September and again the last meeting in 1975 to better spell out the procedures.

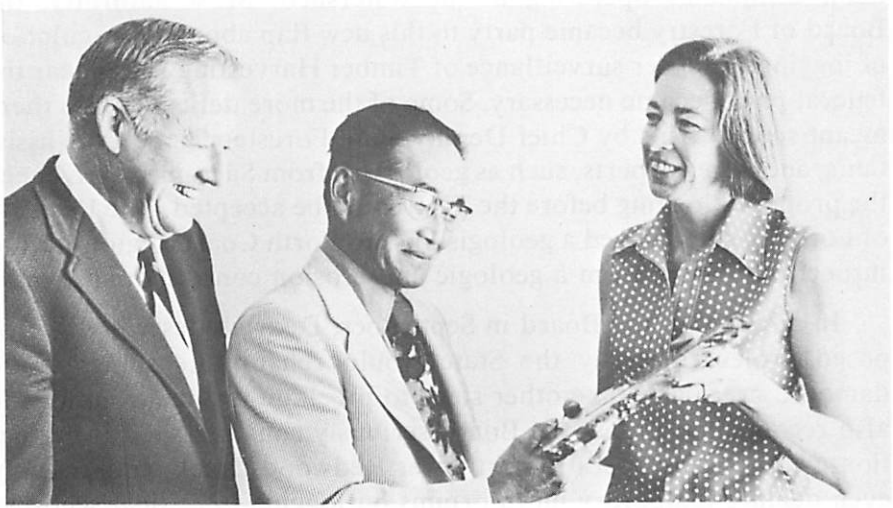
Upon the advice of the Attorney-General's Office, the Board of Forestry in August had to rescind on an emergency basis the regulation (Sec. 1039.1, Title 14) adopted too hurriedly in June 1975 regarding extension of THPs. The issue at stake was whether operators could request extension of previously approved plans, and whether those extensions needed CDF endorsement. The industry wanted little or no control of such extensions by the Division. The problem was created mostly by some uncertain language in Section 4582(g), 4590, and 4591 of the Act. The Board conducted a public hearing on the question in November, but all it could do was to ratify the repeal of the regulation made in August. Because of more pressing business, the Board could not solve the problem in December, so this was another matter that had to be postponed until 1976.

A persistent thorn in the side of the Division from the time that

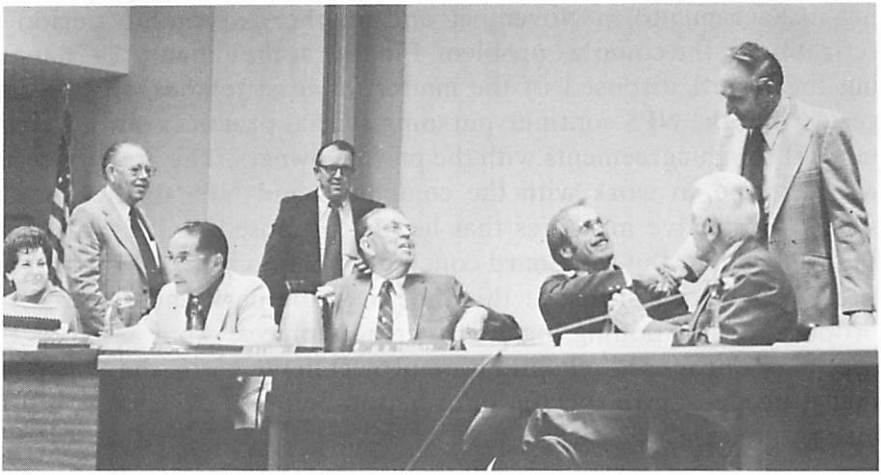
the first THP regulations were adopted in the fall of 1974 was an argument about exempting small incidental operations from filing plans. The Associated California Loggers kept insisting that operations up to at least 10 acres, instead of the three-acre exemption in the regulations, should not need a Timber Harvesting Plan as such. In addition, ACL advocated an exemption based on a minimum volume of timber being cut, e.g. 75,000 board feet. These ideas were also pushed by a new organization formed in 1975—the Forest Landowners of California, which represented so-called small forest owners. When the THP regulations were amended first in mid-1975 the pressure on the Board to enlarge the exemption increased. The topic was discussed at the August, October, and the last 1975 meetings, but the settlement of the issue had to be delayed until the next year.

To further add to the burdens of the Board and the Division, another court decision unexpectedly disturbed the scenario in 1975. On July 16 U.S. District Judge W.T. Sweigert of San Francisco ruled in a case (No. C-73-0163 WTS) of the Sierra Club versus the Department of Interior that the defendant had failed to protect the Redwood National Park in accordance with the acquisition act (16 USC 79a). The judge concluded that the private logging operations in the area were causing damage to park lands, and he ordered the Interior Department to come up with a viable plan to more adequately safeguard the park. Although this was primarily a federal matter, Resources Secretary Dedrick decided that the State also had an interest, because after all the timbering adjacent to the Redwood National Park was supposedly controlled by the Forest Practice Act. Moreover, the court's decision supported the constantly growing public criticsm about logging in Redwood Creek as reflected in a new round of publicity[40].

First off, Mrs. Dedrick started an interdepartmental investigation of present and threatened damages in the basin. Besides specialists from her various departments, she included representation from the National Park Service and Dr. Richard Janda of the U.S. Geological Survey, who had been studying the situation there since the park was created. Janda believed that past logging in the area had damaged the park and that further operations could do likewise. Those views were countered to some extent by another study[41]/by Winzler and Kelly, consulting engineers from Eureka, who had been engaged by the three



Acting Director Moran (left) and Secretary Dedrick (right) presenting an award to Forestry Board Chairman Nakae, July 24, 1975 from the Redwood Region Conservation Council.



Larry E. Richey (standing at right) being congratulated by Board members upon his nomination to State Forester, November 17, 1975. Others from left to right: recording secretary Arlene Heningsen, Board members Nelson, Nakae, Robert L. Flournoy, Salsbury, Berry, Henry K. Trobitz.

main companies operating in the watershed. Most naturally, the Board of Forestry became party to this new flap about the regulation of logging. A closer surveillance of Timber Harvesting Plans near the federal park became necessary. Some of the more delicate plans there meant special trips by Chief Deputy State Forester Richey, his assistants, and other experts, such as geologists, from Sacramento to check the proposed logging before the THP could be accepted. The Division of Forestry even placed a geologist on the North Coast Region staff to inspect plan areas from a geologic and erosion control standpoint.

In a report to the Board in September, Dedrick described a proposed project whereby the State would rehabilitate some of the damaged areas and take other steps to preclude further trouble. She also recommended that the Board seriously consider special mitigation measures for operations in lower Redwood Creek, and possibly even declare temporary moratoriums on logging in critical sections. As a result, the Forestry Board went on a two-day field trip to Redwood Creek in October and devoted almost the entire meeting in Eureka after the trip to hear differing viewpoints on this explosive subject.

This thorough examination was followed by a formal public hearing in Sacramento in November and another two-month period of reflection of the complex problem. Finally, at the January 1976 meeting the Board disposed of the matter, at least temporarily. It suggested that the NPS continue pursuing special practices on bordering lands through agreements with the private owners. The State Forester was directed to work with the companies and NPS to incorporate special protective measures that he had proposed at the November Board meeting. But the Board concluded that no special Forest Practice Rules were justified at this time near the park and rejected the proposal of postponing logging in critical places. And, as far as the Secretary's proposed rehabilitation project in the basin, the Board felt that it needed more specific information before a decision could be made.

Of course, the Legislature played a heavy part in the hectic deliberations of 1975, especially with respect to the clash between the Forest Practice Act and CEQA, because of the Broaddus court decision in January. There were nine bills introduced to try to relieve the

conflict between the two laws—A.B. 328 (Z'berg)*, A.B. 655, A.B. 762, A.B. 838, S.B. 476, S.B. 477, S.B. 531, S.B. 707, S.B. 1122. Senator Nejedly, in addition to S.B. 707, put in S.B. 208 as a clean-up bill for the Forest Practice Act before the legal fracas to take care of a few non-controversial technicalities; this bill passed readily. The only other successful measures were S.B. 476 by Randolph Collier and S.B. 707, both of which had repercussions on the Forest Practice Act.

Senate Bill 476 was signed into law on June 30, 1975 as Chapter 174. As explained earlier this statute clearly exempted Timber Harvesting Plans from CEQA, but only until January 1, 1976, and provided that all plans approved during the last half of 1975 would terminate no later than May 31, 1976. This emergency law also meant that EIRs would be necessary for THPs submitted after December 31, 1975. The bill's author and the industry wanted a more complete and lasting exemption, but this was not polically attainable because the Administration was uneasy about an unqualified exception without more environmental safeguards.

With A.B. 328 virtually dead and only limited relief from EIRs being offered by S.B. 476, there was a great concern on the part of the industry that more legislation was vital. The problem was discussed at the Forestry Board meeting in August, and a resolution was adopted urging the Governor, the Legislature, and the Secretary for Resources to expeditiously develop a legislative measure to clearly exempt the Forest Practice Act, and to extend THPs being terminated by S.B. 476. Despite this plea and a lot of sparring no new law other than S.B. 707 emerged to relieve the critical situation in 1975.

Working with Senator Nejedly, the Administration decided that his S.B. 707 could be the answer that was badly needed. The bill was not directed specifically at the Forest Practice Act; instead it would amend CEQA to exempt any regulatory programs of state agencies such as the Forest Practice Act where a written plan containing specified environmental information was required, so that costly duplication of EIRs could be avoided. The key feature of S.B. 707 was that the Secretary for Resources would have to certify whether there was sufficient environmental protection in such regulatory

*A.B. 328 appeared to have a lot of promise, but it failed to please the Administration or industry, so the bill languished and finally lost out with the sudden death of Assemblyman Z'berg on August 26.

programs to qualify for the exemption from CEQA.

For obvious reasons the forest industry was apprehensive about this kind of a bill, because the Resources Secretary alone would have the power to decide whether the Forest Practice Act could deserve the exemption. The Board of Forestry also became immersed in S.B. 707, first discussing it at the September meeting, at which it resolved to request Senator Nejedly to amend his bill so that the Forest Practice Act would clearly be exempted from CEQA by statute without administrative controls. This attempt was not successful. Instead, at the opposite side there was a mounting fear that the bill would result in a relaxation of environmental protection, and to clear the Assembly policy committee* S.B. 707 was amended to be effective only though 1977. The bill then was passed and signed as Chapter 1187 before the Board could convene again.

The passage of S.B. 707 meant new negotiations between the Board of Forestry and the Administration, because the Secretary now had a new law that could be used. After review of the new situation at the November session, the Board decided to have a public hearing in early December in order to bring out reasons why an exemption from CEQA under the new law was still justified. Before the hearing could take place there was skepticism about the proposition among the various interests, and another summit meeting was arranged for December 4 with Governor Brown to try to resolve the sharp differences of opinions. This conference brought opposing sides closer together and it looked as if agreement could be reached.

Yet at the December 10 hearing of the Board, industry leaders definitely objected to going the S.B. 707 route, and pushed strongly for a special exemption for the Forest Practice Act from CEQA and S.B. 707 by urgency legislation. Because of lengthly argument and testimony the hearing had to be continued until December 17. In the meantime representatives of the various groups interested in the issue met with key legislators Nejedly and Warren the day before the continued hearing to sound out the possibilities of such emergency legislation. Warren was especially reluctant about a bill of that kind. Yet, in spite of this failure to obtain some legislative support, representatives of the industry chose to still press for a special bill at the

*Assemblyman Charles Warren replaced Z'berg as chairman and the committee was renamed the Resources, Land Use, and Energy.

December 17 Board meeting and ignore S.B. 707. Finally, a motion was offered to adopt some amended regulations that had been drafted by the Administration as a qualification for the S.B. 707 exemption, and it barely passed by a 4 to 3 vote.

These requirements (Sec. 1037.7, 1037.8, 1059 of Title 14, CAC) were not especially difficult for the timber operators, and they were somewhat less demanding than those the Resources Agency first proposed. They dealt primarily with public notice of Timber Harvesting Plans conformed by the State Forester, analysis of the plans by the State Forester, rights of public inspection of plans, and notice of CDF rejected plans approved by the Board on appeal. After deciding these regulations, the Board on the same day agreed to explore the idea of a more permanent legislative solution than S.B. 707. On January 6, 1976, Mrs. Dedrick declared an emergency certification that the rules and regulations of the Board of Forestry met the conditions of the exemption; final adoption took place after a public hearing on February 10.

During the course of these events, the Board had to consider, in accordance with Section 4561.6 of the Forest Practice Act, some regulations on stocking standards for timberlands that had been substantially damaged by fire, pests, and other disasters. As suggested by the CDF staff to the Board in December 1974, the District Technical Advisory Commitees were asked to develop some proposals. In turn the Division furnished some ideas to the DTACs, but these were rejected as demanding too much from forest owners. The Board discussed the committees' proposed regulations at the November and December 10, 1975 meetings, where differences between the DTACs and CDF where aired. At request of the Board, the opposing views were compromised by the DTAC chairmen confering with staff, and the results were adopted by the Board at the last 1975 session on December 17 (Sec. 1085-1085.6, Title 14, CAC).

By law the Board also had to file its second annual (fiscal year) report to the Legislature by December 1, 1975. A CDF prepared draft was presented to the Board in November; it was put into final form by Chairman Nakae and the staff after receiving comments from the members.

The last major accomplishment of the Forestry Board in 1975 concerned the erosion study required by Section 4562.5 of the Forest

Practice Act. Plans for the investigation were outlined to the Board in December 1974, which was followed by more discussion of it at the January 1975 meeting. A Division team, composed of Dr. L.T. Burcham and Dr. J. Marvin Dodge, assisted by some part-time help of graduate students, conducted the study during much of 1975. It consisted of a comprehensive literature survey, some field observations of erosion on timberlands, and a preliminary check of the erosion hazard ratings used in the Forest Practice Rules. The rating system in the Coast Forest District was being severely criticized by timbermen as being unworkable. There also was some apprehension by industrial interests about the study itself and this writer had to ameliorate this concern at a Board meeting in July. Burcham presented preliminary reports on the results of the survey at both December sessions, and it was discussed in depth at the first meeting in 1976, where new Board member Wahrhaftig, a UC geology professor, especially had many suggestions, because of his special interest in the long controversy about erosion surrounding timber operations.

As the year closed, all the exciting events and problems of 1975 certainly augered a continuance of busy and even difficult times for the future. It was quite evident that the management of private timberlands in California, as well as public forests, would receive constant scrutiny from many quarters besides that of professional foresters, forest owners, and operators—in the long-run a healthy development for the state and nation as a whole.

Epilogue

All the unfinished business left over from 1975 gives a clear indication that the regulation of forest practices will keep on changing in the coming years, much as it has in an accelerated way in the recent past. Most assuredly, the alterations to come soon will be directed more at protection of the forest environment, rather than towards practices for the growing of wood. The reason for this is that the general public, both nationally and at the state level, is expressing a keener interest in commercial forest lands, and how the management of them affects the many non-wood values, which have an unusually high emotional appeal to lay citizens, compared to their ideas of timber production.

The scene in this state is destined to vary more than in late years,

and probably at a faster pace. Although the forest regulatory program here is the strictest in the nation, it still is largely a product of rather conservative forces—that is, for California. This is true even though the original framers of the Z'berg-Nejedly Forest Practice Act had something else in mind, as reflected in the broader composition of the Board of Forestry and the District Technical Advisory Committees. Yet the majorities of those influential bodies so far have leaned more to the industrial views than to the pleadings of environmentaltists. But axiomatically, as terms of offices on the Board and DTACs expire, new faces and voices will appear, and most likely, they will be less inclined to maintain the old order.

Therefore, rehtoric between the competing interests will pick up in pace, and this will no doubt bring further revisions to bolster controls on logging. Like in the case of having regulations too slanted towards producing timber, there can be some danger in modifying forest practice standards to overly favor the amenities of the forests. Hopefully, a sense of balance, brought about by reasonable governmental leadership and the democractic process, will prevail so that the important commercial timberlands of California will be managed for the multiple benefits they offer to society, and not disparately for single purpose uses. The commercial timberlands of this Golden State are a tremendous renewable asset from all aspects and they justify management for all the potential they possess.

Taking a longer look, one natural factor that will probably ameliorate the situation henceforth is that the remaining old-growth stands here will be mostly harvested by the end of the century. This will mean that succeeding tree crops will be made up of younger and smaller timber, which when logged will have far less impact on the land, because not such large machinery as is used today will be employed. Moreover, technology will continue to produce better machines and methods for timber removal that will do more in the husbandry of the forest and related resources. Consequently, the pressures for increasing governmental constraints on logging may well diminish in the future.

Accompanying the above developments is the increasing trend towards a more favorable climate for long-term management of forest lands. During past history of this state an almost boundless supply of timber was available for exploitation. The need for and opportunities

of managing timberland for continuous crops were not readily appreciated by most forest owners. Now fortunately, conditions are much more motivating; virgin stands have been virtually exhausted and the next supplies must come from tree farms that are managed to provide successive crops, and the means for doing this are rapidly improving. Wood is one of few renewable natural resources available to mankind, and it requires less energy to convert to usable products. The demand for the many forest products will unquestionably increase markedly; this constitutes a big incentive for more intensive care of all forest lands.

While the short outlook is for tougher legal controls on forest practices in California, and particularly in other states where less has been accomplished along these lines, this writer is optimistic, and forecasts that the above developments will bring about a situation where the pressures for forest practice regulation will eventually relax to a considerable degree. Forests converted to young-growth, more attractive economics, and a mounting dependence on commercial forests to satisfy the demand for forest products will by themselves be important factors in enhancing good forest management, so much so that governmental compulsion should be needed only in a minimum way. This should be the ideal, because really good management of anything cannot be attained by dictated practices; instead there must be the incentive for the forest manager to reach the fullest potential of the resource entrusted to him, including the opportunity to obtain that through the application of diverse professional and scientific skills to fit the particular conditions at hand.

APPENDIX

Board of Forestry Members (post 1944)

Roderick McArthur	Range Livestock Industry	1939-1945
Frank W. Reynolds	Redwood Industry	1939-1955
William S. Rosecrans*	General Public	1944-1958
Wendell T. Robie*	Forest Ownership	1937-1938,1944-1959
Jeffrey J. Prendergast	Water	1944-1961
Kenneth R. Walker*	Pine Industry	1944-1953,1956-1961
E. Domingo Hardison*	Agriculture	1944-1960
Allen T. Spencer	Range Livestock Industry	1945-1956
Richard S. Kearns	Pine Industry	1953-1956
Robert W. Matthews	Redwood Industry	1955-1956
Russell H. Ells	Redwood Industry	1956-1959
John Baumgartner	Range Livestock Industry	1956-1960
Whitford B. Carter*	General Public	1958-1973
Edward P. Ivory	Forest Ownership	1959-1967
Kelly B. McGuire	Redwood Industry	1959-1971
Frank C. Myers	Agriculture	1960-1968
Paul Aurignac	Range Livestock Industry	1960-1970
Peter J. Cormack	Water	1961-1965
Leslie O. Cody	Pine Industry	1961-1969
Philip Abrams	Water	1965-1969
H. R. Crane, Jr.	Forest Ownership	1967-1973
Howard K. Nakae*	Agriculture, General Public	1968-
Waller H. Reed	Pine Industry	1969-1973
Markham E. Salsbury	Water and General Public	1969-
Franklin L. Barnes	Public	1971-1973
E. Lamar Johnston	Range Livestock Industry	1971-1973
C. Robert Barnum	Redwood Industry	1971-1973
John T. Lowe	Pine Industry	1973
William H. Holmes	Forest Industry	1974
Thomas A. Lipman	General Public	1974-1975
Robert L. Flournoy	Range Livestock Industry	1974-
Phillip S. Berry	General Public	1974-
William M. Beaty	Forest Industry	1974-
Henry K. Trobitz	Forest Industry	1974-
Leo Tamanian	General Public	1974-
Clyde A. Wahrhaftig	General Public	1975-
Nell Weldon	Recording Secretary**	1944-1971
Ruth Hunter	Recording Secretary	1971-1975
Arlene Henningsen	Recording Secretary	1975-

*Chairman at one time or another

**The State Forester traditionally was appointed by the Board to serve as its Executive Secretary.

Redwood Forest Practice Committee

Gordon J. Manary*	Owner-Operator	Scotia	1945-1960
Dana Gray	Owner-Operator	Fort Bragg	1945-1948
E. E. Carriger	Owner-Operator	Santa Cruz	1948-1973
John G. Miles	Owner-Operator	Eureka	1960-1964
Alfred H. Merrill*	Owner-Operator	Trinidad	1964-1973
Charles R. Barnum	Timber Owner	Eureka	1945-1953
Frank J. Hyman, Jr.*	Timber Owner	Fort Bragg	1953-1965
Bernard Z. Agrons	Timber Owner	Rockport	1966-1967
Norman L. Richardson	Timber Owner	Cazadero	1970-1973
Harold Prior	Farmer and/or Timber Owner	Eureka	1945-1967
James W. Timmons	Farmer and Timber Owner	Blue Lake	1967-1973
Norman F. Aye	General Public	Santa Rosa	1971-1973
Conrad L. Cox	General Public	Ukiah	1971-1973
Arnold F. Wallen	Secretary	Santa Rosa	1945-1948
Francis H. Raymond	Secretary	Santa Rosa	1949-1953
Charles W. Fairbank	Secretary	Santa Rosa	1953-1973
George R. Grogan	Secretary	Santa Rosa	1973

North Sierra Forest Practice Committee

Thomas K. Oliver*	Owner-Operator	Susanville	1945-1951
Elmer E. Hall*	Owner-Operator	McCloud	1945-1953
Lem Hastings*	Owner-Operator	Redding	1945-1960
Delbert R. Schiffner	Owner-Operator	Nevada City	1951-1960
Elmer D. Zimmerman*	Owner-Operator	Weed	1953-1972
William H. Holmes	Owner and/or Owner-Operator	Strawberry Vly.	1960-1973
William M. Beaty	Timber Owner	Redding	1971-1973
Alvin R. Haynes	Farmer Timber Owner	Burney	1945-1960
William L. Gray	Farmer Timber Owner	Bieber	1960-1967
Sidney D. Haynes	Farmer Timber Owner	Burney	1967-1973
Robert E. Eiler, Jr.	General Public	Gazelle	1971-1973
John B. Rice, Jr.	General Public	Alturas	1971-1973
Melvin M. Pomponio	Secretary	Redding	1945-1946
John Callaghan	Secretary	Redding	1946-1955
George R. Grogan	Secretary	Redding	1955-1973
Charles W. Fairbank	Secretary	Redding	1973

*Chairman at one time or another

South Sierra Forest Practice Committee

Swift Berry*	Owner-Operator	Camino	1945-1948
Walter S. Johnson	Owner-Operator	San Francisco	1945-1953
Carl Walker	Owner-Operator	Martell	1948-1951
Richard S. Kearns	Owner-Operator	Martell	1951-1953
Cecil Wetsel*	Owner-Operator	Sacramento	1953-1973
Charles L. Morey*	Owner-Operator	Antioch	1953-1956
Alfred T. Hildman	Owner-Operator	Camino	1957-1960
Seth Beach	Owner-Operator	Placerville	1960-1967
William H. Kuphaldt	Owner-Operator	Martell	1967-1973
Frank Solinsky, Jr.*	Timber-Owner	Mokulmne Hill	1945-1951
Roy Cullers	Timber-Owner	Tuolumne City	1951-1960
Charles R. Tayles	Timber-Owner	Big Bear Lake	1960-1966
Gordon K. Van Vleck	Timber-Owner	Sloughhouse	1966-1967
Byron W. Bacchi	Timber Owner	Lotus	1967-1973
George H. Volz*	Farmer Timber Owner	Placerville	1945-1973
David Rodriquez	General Public	Roseville	1971-1973
Willis L. Kimball	General Public	Ontario	1971-1973
DeWitt Nelson	Secretary	Sacramento	1945-1953
Fred M. Dunow	Secretary	Sacramento	1954-1970
George O. Phibbs	Secretary	Sacramento	1970
Donald E. Knowlton	Secretary	Fresno	1971-1972
Howard E. Moore	Secretary	Fresno	1972-1973

Coast Range Pine and Fir Forest Practice Committee

Pat H. Jackson	Owner-Operator	Yreka	1945-1950
Louis Ohlson*	Owner-Operator	Castella	1945-1953
Harold R. Crane	Owner-Operator	Corning	1950-1958
Larry Marshall*	Owner-Operator	Arcata	1953-1966
C. J. Fairhurst	Owner-Operator	San Rafael	1958-1960
H. R. Crane, Jr.*	Owner-Operator	Corning	1960-1967
Robert H. Barrett*	Owner-Operator	Arcata	1966-1968
David M. Williams*	Owner-Operator	Redding	1967-1970
Herbert A. Petersen, Jr.*	Owner-Operator	Arcata	1968-1973
Leonard E. Lindberg	Owner-Operator	Redding	1970-1973
D. G. Christen	Timber Owner	San Francisco	1945-1950
Louis Fransden	Timber Owner	San Francisco	1950-1965
Jas. P. Van Loben Sels	Timber Owner	San Francisco	1965-1972
Kermit A. Cuff	Timber Owner	Redding	1972-1973
Edwin J. Regan*	Farmer Timber Owner	Weaverville	1945-1951
Stewart W. Ralson	Farmer Timber Owner	Minersville	1951-1960
Albert L. Fearrien*	Farmer Timber Owner	Hydesville	1960-1973
David M. Dillon	General Public	Arcata	1971-1973
Floyd A. Ross	General Public	Ukiah	1971-1973
Melvin M. Pomponio	Secretary	Redding	1945-1946
John Callaghan	Secretary	Redding	1946-1955
George R. Grogan	Secretary	Redding	1955-1973
Charles W. Fairbank	Secretary	Redding	1973

*Chairman at one time or another

Coast District Technical Advisory Committee 1974-1975

Homer T. McCrary	Forest Industry	Davenport
Alfred H. Merrill*	Forest Industry	Trinidad
John P. Sweely	Forest Industry	Ukiah
James W. Timmons	Range Livestock Industry	Blue Lake
Harry W. Camp	General Public	Orinda
David M. Dillon	General Public	Arcata
Hans Jenny	General Public	Berkeley
Peter C. Passof	General Public	Ukiah
Everitt Watkins	General Public	Eureka
George R. Grogan	Secretary	Santa Rosa

Northern District Technical Advisory Committee 1974-1975

Kermit A. Cuff	Forest Industry	Redding
Albert W. Herbert	Forest Industry	Foresthill
Robert F. Brooks	General Public	Alturas
Shannon O. Patterson	General Public	Gerber
John Perez	General Public	Anderson
Buryl A. Pricer	General Public	Meadow Valley
Norman A. Wagoner	General Public	Millville
Charles W. Fairbank	Secretary	Redding
William G. Todd (vice above)	Secretary	Redding

Southern District Technical Advisory Committee 1974-1975

Robert L. Maben*	Forest Industry	Martell
Richard H. Pland	Forest Industry	Standard
Robert L. Ray	Forest Industry	Camino
E. Lamar Johnston	Range Livestock Industry	New Cuyama
Jean E. Atkinson	General Public	Pasadena
Franklin L. Barnes, Jr.	General Public	Julian
James W. Bruner, Jr.	General Public	South Lake Tahoe
Joe Fontaine	General Public	Tehachapi
Harvey C. McGee	General Public	Sonora
Howard E. Moore	Secretary	Fresno
Gervice Nash (vice above)	Secretary	Fresno

*Chairman at one time or another.

APPENDIX

Secretary of Resources Agency

William Warne	1961-1962
Hugo Fisher	1964-1966
Norman B. Livermore, Jr.	1967-1975
Claire T. Dedrick	1975-

Director of (Natural Resources or) Conservation

Warren T. Hannum	1944-1953
DeWitt Nelson	1953-1966
Ian Campbell	1966-1967
James G. Stearns	1967-1972
Ray B. Hunter	1972-1975
Lewis A. Moran	1975-

State Forester

DeWitt Nelson	1945-1953
Francis H. Raymond	1954-1970
Lewis A. Moran	1971-1975
Larry E. Richey	1975-

Chief Deputy State Forester

C. Raymond Clar	1941-1953
Francis H. Raymond	1953
John Callaghan	1955-1959
Lewis A. Moran	1959-1970
Larry E. Richey	1971-1975

Deputy State Forester for Resource Management

Preston H. McCanlies	1946-1948
Toivo F. Arvola	1949-1975
James C. Denny	1975-

Regional (ex-District) Deputy State Foresters

Francis H. Raymond	North Coast	1943-1953
Charles W. Fairbank	North Coast	1953-1973
George R. Grogan	North Coast	1973-
James K. Mace	Sierra-Cascade	1943-1945
Melvin M. Pomponio	Sierra-Cascade	1945-1946
John Callaghan	Sierra-Cascade	1946-1955
George R. Grogan	Sierra-Cascade	1955-1973
Charles W. Fairbank	Sierra-Cascade	1973-1975
Wiliam G. Todd	Sierra-Cascade	1975-
Fred M. Dunow	Central Sierra*	1943-1970
Cecil E. Metcalf	San Joaquin	1943-1962
John H. Hastings	San Joaquin	1962
Donald E. Knowlton	San Joaquin	1962-1972
Howard E. Moore	San Joaquin	1973-1975
Gervice Nash	San Joaquin	1975-
Chester G. Strickland	Central Coast	1943-1953
Lewis A. Moran	Central Coast	1953-1959
Emery A. Sloat, Jr.	Central Coast	1959-1974
Leonidas T. Petersen	Central Coast	1974-1975
John H. Hastings	Central Coast	1975-
Walter H. Coupe	Southern California	1943-1944
James K. Mace	Southern California	1945-1965
Michael O. Schori	Southern California	1965-1974
John H. Hastings	Southern California	1974-1975
Joseph C. Springer	Southern California	1975-

*Central Sierra District was abolished by end of 1970 by order of Director of Conservation Stearns.

Lead Staffers in Forest Practices

George A. Craig	Sacramento	1947-1948
Edwin E. Sechrist	Sacramento	1949-
Robert M. Maclean	Sacramento	1966-
Brian R. Barrette	Sacramento	1974-
Mildred Morgan (Chief Steno)	Sacramento	1947-1965
Marjorie Blair (Chief Steno)	Sacramento	1965-
Arnold F. Wallen	North Coast	1945-1948
Robert Grundman	North Coast	1949
Herbert B. Kaufner	North Coast	1949-1951
George R. Grogan	North Coast	1951-1955
Robert M. Maclean	North Coast	1955-1966
Verne R. Osburn	North Coast	1966-
Paul Sischo	Sierra-Cascade	1945-1949
George R. Grogan	Sierra-Cascade	1949-1951
Herbert B. Kaufner	Sierra-Cascade	1951-1955
Larry E. Richey	Sierra-Cascade	1955-1959
James C. Denny	Sierra-Cascade	1960-1962
Robert J. Malain	Sierra-Cascade	1962-1975
Charles W. Fairbank	Central Sierra	1945-1946
Herman P. Meyer	Central Sierra	1947-1970
Dean F. Schlobohm	San Joaquin	1946-
John C. Dowdakin	Central Coast	1947-1973
Raymond E. Jackman	Central Coast	1973-
Paul Sischo	Southern California	1951-1956
Robert H. Blanford	Southern California	1957-1964
Edward F. Martin	Southern California	1964-1973
Robert E. Rappleye	Southern California	1973-1974
David S. Gearhart	Southern California	1974-

Literature Cited

1. Clar, C. Raymond. 1959. California Government and Forestry. CDF. 623 p.
2. _____. 1969. California Government and Forestry-II. CDF. 319 p.
3. Society of American Foresters. 1975. Final Report of the Task Force on Forest Practices. Journal of Forestry 73:12:803-807.
4. California Legislature. 1945. The Forest Situation in California. 200 p.
5. Fry, Amelia R. 1968. William R. Schofield: Forestry, Lobbying, and Resource Legislation; 1931-1961. University of California. 137 p. (plus appendices)
6. Wieslander A. E. and Herbert A. Jensen. 1946. Forest Areas, Timber Volumes and Vegetation Types in California. California Forest and Range Experiment Station. 66 p.
7. California Department of Natural Resources. 1952. The Status of Sequoia Gigantea in the Sierra Nevada. 77 p.
8. California Senate Interim Committee on Public Lands. 1953. Section 1 - Forestry Problems. 105 p.
9. California Assembly Interim Committee on Agriculture. 1953. Public Lands, Grazing and Forest Practices. 191 p.
10. Nelson, DeWitt. 1952. The Forest and Range Program for California. CDF. 32 p. (also published as a separate of Interim Report of the Assembly Interim Committee on Conservation, Planning, and Public Works; March 1952).
11. California Senate Interim Committee on Public Lands. 1957. Public Lands and Resource Development. 41 p.
12. California Legislature. 1959. Joint Report of the Senate Interim Committee on Forest Practices and the Senate Interim Committee on Economic Redevelopment of Cutover Timber Areas and Brushlands. 83 p.
13. Berry, Phillip S. 1961. The Need to Revise California's Forest Practice Act. Sierra Club Bulletin 46:3:44-51.
14. California Assembly Interim Committee on Natural Resources, Planning, and Public Works. 1962. Interim Report: 1961-1962. 86 p.
15. Zahl, Paul A. 1964. Finding Mt. Everest of All Living Things. National Geographic 120:1:10-51.
16. Berry, Phillip S. 1964. California Forest Practices: A Progress Report. Sierra Club Bulletin 49:9:65-66.
17. California Assembly. 1966. Transcript of Proceedings; Assembly Committee on Natural Resources, Planning, and Public Works - Forest Practices and Watershed Management - August 17, 1966. 532 p.

18. California Assembly Committee on Natural Resources, Planning, and Public Works. 1967. Man's Effect on California Watersheds (two separates: Section 1-2, and Section 3). 509 p.
19. _____. 1967. Conflict in the Redwoods. 50 p.
20. Society of American Foresters, Northern California Section. 1969. Evaluation of California Forest Practice Act. Journal of Forestry 67:2:139-141.
21. Rosecrans, W. S. 1957. Logging in Recreational Forests. American Forests, May 1957.
22. Hodges, Ralph D. 1958. Logging in Recreational Areas. Proceedings of Annual Meeting; Society of American Foresters, Salt Lake City, 1958.
23. California Division of Forestry. 1957. Production of California Timber Operators - 1955. 5 p.
24. Arvola, T. F. 1962. Forest Practice Regulation in California. Journal of Forestry 60:12:872-876.
25. Sindel, Jean E. 1960. Jackson State Forest Pilot Study in Stream Clearance; 1952 - 1959. CDF. 21 p.
26. Calhoun, Alex. 1963. Logging Damage to California Streams - 1962; Administrative Report No. 63-2. Department of Fish and Game. 15 p.
27. _____. 1962. Must Logging Destroy Streams. Sierra Club Bul. 47:9:60-67.
28. _____. 1966. Bulldozer Delinquents. Sierra Club Bulletin 51:7:15-17.
29. California Resources Agency. 1970. Sediment Problems in the Trinity River Near Lewiston. 32 p.
30. California Division of Forestry. 1966. The State Forester's 1965 Report. 23 p.
31. Arvola, T. F. 1970. State vs. Local Forest Practice Regulation in California. Journal of Forestry 68:11:688-691.
32. Cox, Allan and Davison Soper. 1970. Logging in Urban Counties. Stanford U. 89 p.
33. Institute of Ecology, University of California at Davis. 1972. Public Policy for California Forest Lands. 122 p.
34. Johnson, Craig et al. 1972. California's Private Timberlands: Regulation, Taxation, Preservation. Stanford University. 83 p.
35. Burwell, Brian et al. 1973. A survey of California's Timber Resources. University of California at Davis. 42 p.
36. Lundmark, Thomas. 1975. Regulation of Private Logging in California. Ecology Law Review (UC Berkeley) 5:1:139-188.

37. Fradkin, Philip. Weakening of Rules on Timber Cutting Feared. Los Angeles Times, Oct. 11, 1974.
38. California Board of Forestry. 1974. Report to the Legislature: Z'berg-Nejedly Forest Practice Act of 1973. Processed CDF. 95 p.
39. Federation of Western Outdoor Clubs. 1975. Special State Forest Report. Western Outdoor Annual, Vol. 42, No. 1.
40. Jones, Robert A. Logging Practices Still Ravaging State's Forests. Los Angeles Times, Aug. 24-25, 1975.
41. Winzler & Kelly Water Laboratory, Eureka. 1975. Redwood Creek Sediment Study. 38 p.