

Theft of the Woodlands Park

Introduction

Imagine that San Francisco bureaucrats arranged to transfer Golden Gate Park to a development agency that then used the land for heavy industry. The park would no longer provide people with recreation and a respite in nature. Instead, it would make money for the city, while degrading the environment. What would you think? How would you feel?

This seems an absurd fantasy, but something very similar happened in the redwood forests of Mendocino County, only 150 miles from San Francisco.

In the 1930s, as part of the New Deal, the federal government created the 5,246-acre *Woodlands Recreational Demonstration Area* to provide outdoor recreation experiences for low-income families, especially children, living in the San Francisco area. It was envisioned as a place where the forest would be allowed to grow undisturbed except for recreation trails.

In the 1940s, bureaucrats in California and Washington cooperated to steal the Woodlands from the people for whom it was created. They turned it over to the California Department of Forestry, which made it part of Jackson State Forest.



The Department of Forestry has industrially logged Jackson Forest since its inception in the late 1940s. Rather than allowing the Woodlands to be the forest preserve that the federal government intended, the Department of Forestry has logged much of it. The camp buildings and immediately surrounding land have been spared, but the remaining 4,500 acres have been or are threatened to be industrially logged.

The logging of the Woodlands directly violates the terms under which it was transferred to the state.

The Department of Forestry is now planning three large logging operations close to the Woodlands camp buildings. If carried out, the Woodlands recreation experience will be seriously degraded.

The logging plans are in areas that haven't been logged since the virgin redwoods were cut. The stands of second-growth redwoods planned for logging are among the oldest in existence, with great biological and ecological value.

The Department of Forestry has been able to get away with logging the Woodlands because few have known the history. This is about to change.

Detailed here are the history of the creation of the Woodlands, the creators' goals, their determination to ensure that the Woodlands would be used in perpetuity solely for parks, recreation and conservation purposes—and how California was able to subvert these purposes.

The Woodlands Recreational Demonstration Area

In the 1930s, the federal government acquired 5,246 acres in Mendocino County, California for the Woodlands Recreational Demonstration Area. It was one of 48 similar Recreational Demonstration Areas acquired and developed by the National Park Service.



Camp 1 Dining Hall 1940

The philosophy behind the recreational demonstration projects was to provide outdoor recreation for low-income groups. As such, they embodied the social ideas of the New Dealers. They not only exemplified the ideals of scenic preservationists and landscape architects, they also embodied the aspirations of "group camp" advocates, who for decades had sought to make

Three permanent camps were built in the Woodlands by the Civilian Conservation Corp. The camps have been maintained by a private non-profit organization and continue to be used to this day.



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

Transfer of the Woodlands to the California Department of Forestry

The intent of the federal government was always to transfer the completed Recreational Demonstration Areas to the states park systems when they were completed. An act authorizing such transfers was passed in 1942. The majority of these areas did become state, county, or city parks, with a few considered for retention by the federal government.^{iv} What happened to the Mendocino Woodlands is unique.

In 1947, the Mendocino Woodlands Recreational Demonstration Area was transferred to California – but not to State Parks. Instead, it was transferred to the California Department of Forestry and made part of Jackson Demonstration State Forest.

The creators of the Recreational Demonstration Areas gave a high priority to scenic and wilderness preservation. They also distrusted the states' adherence to these values.^v Therefore, they crafted the act authorizing transfers of Recreational Demonstration Areas to ensure that states continued to use of the properties for their original purposes.

The Act of Congress stated that the transferred land was to be used *exclusively* for public park, recreational, and conservation

purposes.^{vi} Note the conjunction *and*. This conjunction has a clear legal meaning: All three of the purposes must be served by any activity carried out in the Recreational Demonstration Areas transferred to the states.

In the mid-1940s, the California Department of Forestry began negotiating to purchase the Caspar Lumber Company timberlands for a state forest. At about the same time, it also began to negotiate the acquisition of the Woodlands Recreational Demonstration Area. This was an attractive addition to Jackson Forest because it adjoined the Caspar timberlands and contained relatively mature second-growth redwood.

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On its face, use of the Woodlands for timber harvesting was prohibited by the act of Congress that authorized transfer of the land. Undeterred by the terms of the Act of Congress, members of the California Division of Forestry met with the Director of the National Park Service, Newton Drury, on August 9, 1946 in San Francisco. They pressed their case for transfer of the Woodlands. They told the Director that the "Division of Beaches and Parks of the Department of the Interior does not feel that it can appropriately administer the area," and proposed instead that it be transferred "to the State for administration by the Division of Forestry of the same Department [of Natural Resources] for recreational and forestry purposes . . ." ^{vii} They "asked" the US Department of the Interior to clarify whether terms of the Act of Congress governing the Woodlands Transfer would allow timber harvesting. ^{viii}

I put "asked" in quotes because the Interior Department's response suggests that this meeting was part of an orchestrated show. California got exactly what it wanted in a letter of October

31, 1946 from C. Gerard Davidson, an Assistant Secretary of the Interior. He wrote: ^{ix}



1. Must all three purposes stated in the act and the deed executed pursuant thereto—"public parks, recreational and conservation"—be observed in the administration of the area by the State in the same general manner as it now being handled by the National Park Service or may any one or two of the purposes only be carried out? . . .
2. Is it the intent and will [sic] the Department of the Interior recognize that the harvesting of forest products in accordance with conservation principles and practices, and the conduct of forest experiments and demonstrations on the area as complying with the term "conservation purposes."?

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

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

The California Department of Forestry had found the perfect circumstances in Washington:

- Harold Ickes, who had directed the Department of the Interior when the Woodlands was created, would never have allowed it to be logged. He resigned in 1945 and was replaced with someone who had no familiarity with of the project.

- Newton Drury, Director of the National Park Service in 1946 came into the government at the beginning of WWII with no prior government service. He was immediately caught up in the war effort. He had to move the National Park Service to Chicago for the duration. WWII had devastated the National Park Service: Its budget decreased from \$34 million in 1940 to only \$5 million in 1945. In 1946, matters other than the fate of the Woodlands were far more pressing.^x
- C. Girard Davidson, who wrote the key opinion letter relied upon by the California Department of Forestry to justify logging in the Woodlands Transfer, was appointed to be an Assistant Secretary of the Interior on June 18, 1946. He had not previously worked for the Department of the Interior and had held office for only four months before writing his opinion letter. He arguably had no basis in fact for his opinion on the meaning of "conservation" in the terms of transfer.

Assistant Secretary Davidson's career after leaving the government suggests why he would be sympathetic to considering logging as "conservation." He founded Alaska Pacific Lumber Company in 1957. Later, he defended U.S. Plywood Champion Papers against the Sierra Club in a dispute over its purchase of 8.75 billion board feet of timber in the Tongass National Forest in southeast Alaska.^{xi}

- Hiram Johnson, California's long-standing progressive senator died in 1945 and was replaced by William Knowland, a conservative, pro-business Republican. He joined Senator Sheridan Downey, who started as a liberal Democrat but by 1946 was conservative and pro-business.

Why the Interior Department Opinion Did Not Make Logging in the Woodlands Legal

The Department of Forestry has used the opinion of the Assistant Secretary Davidson to justify its logging in the Woodlands Area, but his opinion is contrary to the Act of Congress and provides no justification. The reason why is spelled out in a 1998 letter from Attorney Paul Carroll to the California Resources Agency.^{xii}

The Assistant Secretary's interpretation—that the land could be used as a public park *or* for recreational purposes *or* for conservation purposes—is contrary to the plain language of the Act. Congress did *not* provide that the land could be used for “public park, [or] recreational, [or] conservation purposes.” To the contrary, it provided that the land was to be used for “public park, recreational, *and* conservation purposes.”

The Assistant Secretary's substitution of the disjunctive “or” for the conjunctive “and” was a serious legal error. In the construction of a statute, such as the Act at issue, the terms “and” and “or” have well defined legal meanings, which often determine the larger meaning of the statute. Congress's use of the conjunctive “and” means that all three uses—public park, recreational, and conservation—must be honored by the State. (*Lusardi Construction Co. v. Oubry* (1992) 1 Cal.4th 976, 988 [construing statute according to Legislature's use of the disjunctive “or”]; *People v. Skinner* (1985) 39 Cal.3d 765, 775 [Legislature's use of “and” to be construed conjunctively unless it appears clear that the word has been erroneously used]; *Melamed v. City of Long Beach* (1993) 15 Cal.App.4th 70, 79 [“and” should be interpreted to connote a conjunctive meaning].)

This interpretation is further bolstered by the three stated purposes for which the land was to be used—*public park, recreation, and conservation*. These terms and the ideas they embody are mutually inclusive and reinforcing: they all point to a conservationist ethic.

The History of the Word "Conservation" and How Davidson Misinterpreted It

In his letter, Assistant Secretary Davidson interpreted "conservation" to include logging. There is a long history to this meaning of conservation. It originated with Gifford Pinchot, the architect of the US Forest Service. In the 1890s, he saw the

devastation that unregulated private timber enterprises were creating. He saw this as wanton waste of a valuable resource that should be "conserved" so that its full economic potential could be realized over the future.

When Teddy Roosevelt became president in 1905, he gave Pinchot free reign to set up the US Forest Service (appropriately as part of the Agriculture Department). He got Roosevelt to transfer all of the timberland owned by the government to the Forest Service. His vision for protecting forests for long-term timber production was relatively new. He and his colleagues searched for a name and came up with "conservation movement."

Making it absolutely clear that his meaning of conservation did not include preservation of unspoiled wilderness, Pinchot said:^{xiii}

"The object of our forest policy is not to preserve the forests because they are beautiful . . . or because they are refuges for the wild creatures of the wilderness," he said. "The forests are to be used by man. Every other consideration comes secondary."

Pinchot's view of conservation for utilitarian purposes informs the Forest Service to this day.

In the same era that Pinchot was promoting exploitation of natural resources for human benefit, John Muir was championing preservation of the natural qualities of unspoiled wilderness for spiritual benefit. Over the coming decades, those who favored Muir's vision of preservation also came to be called conservationists. This is the meaning of conservation held by nearly all environmental organizations today, e.g. Nature Conservancy.

We thus have the confusing legacy of two opposing views both using the term conservation. What is indisputable, though, is that those in charge of creating the Woodlands were preservation conservationists. The supporters of conservation as preservation gained control of the National Park Service by the second decade of the 1900s and were in control of the entire Department of the Interior during FDR's New Deal.^{xiv} The Recreational

Demonstration Area projects were part of the Emergency Conservation Works program started in 1933. The projects were managed by the National Park Service (NPS).

"Conservation" in "Emergency Conservation Works" was the conservation of John Muir. This is clear from guidance the Director of the National Park Service gave to state parks that were getting resources from Emergency Conservation Works (ECW):^{xv}

In May 1933 Director Albright issued a warning to the superintendents and state park officials that the ECW work should keep certain restrictions in mind. The removal of underbrush and ground cover should be done only to the extent that the habitat of small birds and mammals was not destroyed. Also, no exotic vegetation was to be introduced in the parks and no artificial landscaping was to be done in natural areas. Director Albright further stressed that any fire truck roads or trails should not be built if these actions would damage wilderness areas. He admitted that the emergency conservation work could prove harmful to wildlife and suggested that if the park officials had any questions on the matter they should contact the NPS Wildlife Division for guidance.

Secretary of the Interior Harold Ickes felt that he needed to emphasize the need to preserve the National Parks, responding to remarks made by the new director of the National Park Service, Arno Cammerer (who also was a strong conservation preservationist):^{xvi}

As Mr. Cammerer so well said, our National Parks, so far as possible, ought to be kept in their natural state. There were inferences in his remarks which perhaps you did not get. I am not in favor of building any more roads in the National Parks than we have to build; I am not in favor of doing anything along the lines of so-called improvements that we do not have to do. This is an automobile age. But I do not have a great deal of patience with people whose idea of enjoying nature is dashing along the hard road at fifty or sixty miles an hour. I am not willing that our beautiful areas should be opened up to people who are either too old to walk, as I am, or too lazy to walk, as a great many young people are who ought to be ashamed of themselves. I do not happen to favor the scarring of the wonderful mountainside just so that we can say we have a skyline drive. It sounds poetical, but it may be creating a natural atrocity... So long as I am Secretary of the Interior and have anything to say about the

parks, I am going to use all of the influence I have to keep parks just as far as possible in their natural state.

A strong preservationist ethic was held by those who created and administered the Recreational Demonstration Areas. The history of this New Deal project repeatedly emphasizes that a primary goal of these Areas was preservation of natural scenery.

The legislation authorizing transfer of Recreational Demonstration Areas to states was originally passed by congress in 1939, when the conservation preservationists were in full control of Interior and the NPS.^{xvii} Given the history of the Emergency Conservation Works program and the principles of those in charge, there can be no reasonable doubt of the meaning of the word "conservation" in the clause "the grantee or lessee shall use the property exclusively for public park, recreational, and conservation purposes."

Theft of the Woodlands

Looking back to 1946 from the present, the motivations of those involved in transferring the Woodlands to the Department of Forestry are difficult to know, obscured by the passage of time.

What we do know is that bureaucrats and politicians in California and Washington cooperated to steal 5,246 acres of park land and recreation facilities from those for whom it was created and intended--low-income city dwellers, especially children.

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

The Woodlands Previously Threatened

Currently, three large logging operations are planned close to the Woodlands historic camps. They are not the first.

A submission requesting designation of the Woodlands as a National Historic Landmark stated:

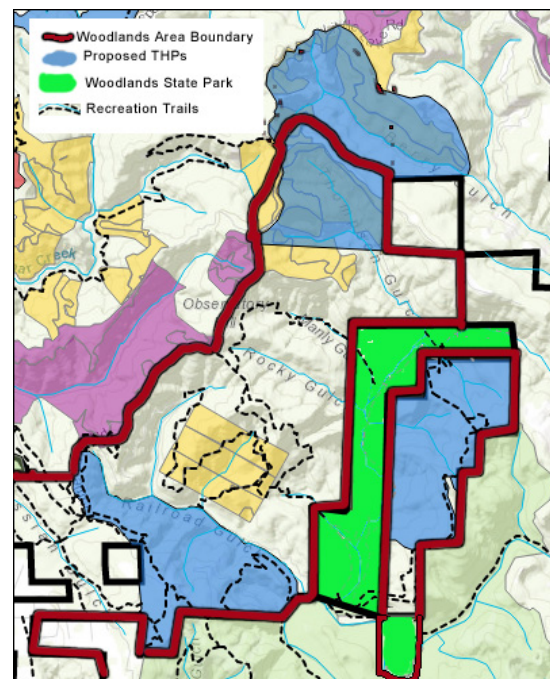
1976: Rather than budget moneys to repair the 40-year-old buildings, the Department of Forestry made plans to raze the facility and harvest the

timber. To resolve the controversy that erupted from this announcement, Senate Bill 1063 transferred the 720 acres containing the buildings of the Woodlands to the Department of Parks & Recreation, and designated a 2550 acre Special Treatment Area (STA) buffer around the facility to protect the historic hiking trails, domestic and waste water systems. Harvest plans were canceled in the STA, though jurisdiction remained with Forestry.^{xviii}

The California Department of Forestry has chosen to forget the past. It is returning once again to threaten the Woodlands' forests, outdoor center, camps, and nature programs.

Woodlands Now Threatened

After exhausting supplies of old growth in Jackson Demonstration State Forest, the California Department of Forestry has been steadily but surely harvesting in all areas of second growth untouched since the original logging. At the present time, no large unlogged second-growth stands remain in Jackson Forest outside of the 2550-acre Woodlands Special Treatment Area that surrounds the Woodlands State Park. To date, no logging has occurred within the Special Treatment area, except for a 260-acre experimental plot



near the State Park harvested in 1983 and a smaller area south of this plot.

The California Department of Forestry is proposing three large timber harvest plans (THPs) in the Woodlands Special Treatment Area. All three would irreparably damage the recreational experiences offered by the Woodlands Park and degrade the ecological, historical, and biological values contained in the stands of old second-growth stands so far undisturbed.

Logging in the Woodlands is illegal and unethical.

One of the proposed timber harvests adjoins almost the entire eastern side of the Woodlands State Park. The harvest area contains undisturbed stands of second-growth trees and hiking trails that are integral to the outdoors experience offered at the Woodlands outdoor camps.

Where Do We Go from Here?

The federal government intended that the Woodlands would continue in perpetuity to provide park and recreation experiences in a conserved/preserved natural environment.

California state and federal bureaucrats circumvented the clear language of the Act of Congress that authorized the Woodlands Transfer. Rather than honoring the New Deal legacy embodied in the Woodlands, the state has shamefully disregarded it.

Not so long ago, news that the state had destroyed something rightfully belonging to others could have been brushed aside. Nothing would have happened. Times have changed.

The state is now making amends to those harmed or killed in the historical past. Included in those amends should be righting the wrongs done to Woodlands and its intended beneficiaries.

The first step is obvious, simple, and can be done by executive order: Immediately withdraw all Woodlands' harvest plans.

The second step: Transfer the entire Woodlands Recreational Demonstration Area to State Parks, its intended recipient.

If the state had allowed the Woodlands to be a nature preserve, as intended, it would now be filled with 100 to 150 year-old redwoods of immense value. It would be criss-crossed with trails for hiking, biking, and horse riding in undisturbed redwood forest.

There is no way that the state can restore the damage done by logging, but it can partially compensate. Records of the Department of Forestry detail the logging revenue from every timber sale. At the very least, all of this revenue should be used to benefit the Woodlands.

All of the revenue from logging in the Woodlands Area, together with interest from the date of harvest to the present, should be repatriated to State Parks. Parks would use the funds to repair past damages and enhance the future nature experiences of those using the Woodlands.

Some may object that the state will lose logging revenue. This ignores the value of the carbon that will be captured in the Woodlands preserve. The state is now paying private timber holders for carbon capture, and carbon captured Woodlands is just as valuable as that by private timber holders. Valuing carbon emissions at the social cost set by Biden's Interagency Task Force,^{xix} trees growing in the Woodlands preserve would generate more value than their logging.^{xx}

The history of the Woodlands is a sorry tale of bureaucracy stealing from the people to benefit the timber industry. The state can easily set the matter right.

ⁱ [National Historic Landmark Nomination for the Mendocino Woodlands Recreational Demonstration Area](#), p.40.

ⁱⁱ [Ibid](#), p. 36

ⁱⁱⁱ Resettlement Administration, Division of Information, *Press Release*, December 16, 1935. Entry 47, RDA Program Files, 1934-1937, RG 79, National Archives, Washington, DC; cited in [National Historic Landmark Nomination.](#), op. cit., p. 48.

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- ^{iv} Page, John [*The Civilian Conservation Corps and the National Park Service, 1933-1942: An Administrative History*](#), National Park Service, 1985.
- ^v [Davidson, C. Girard Federal Assistant Secretary of the Interior 1946-10-31, letter to Warren T. Hannum, Director, Department of Natural Resources, State of California](#)
- ^{vi} U.S. Congress, [An Act to authorize the disposition of recreational demonstration projects](#), June 6, 1942.
- ^{vii} [Ibid.](#)
- ^{viii} [Ibid.](#)
- ^{ix} [Ibid.](#)
- ^x [Wirth, Conrad Parks, Politics, and People - Chapter 8 War](#)
- ^{xi} All information in this paragraph is from [C. Girard Davidson papers, 1934-1980, University of Oregon Libraries, Special Collections and University Archives](#).
- ^{xii} [Carroll, Paul 1998-07-31 letter on behalf of the Big River Watershed Council to Douglas Wheeler, Director of Resources and James Branham, Chief Deputy Director of Resources](#)
- ^{xiii} Graham, Frank, [Man's Dominion; the story of conservation in America](#) (1971), p. 109.
- ^{xiv} Swain, Donald C. [The National Park Service and the New Deal, 1933-1940](#), Pacific Historical Review (1972)
- ^{xv} Page, John [op.cit](#)
- ^{xvi} [Ibid.](#)
- ^{xvii} [House of Representatives 1941-03-13 Report No. 248, Authorizing the Disposition of Recreational Demonstration Projects](#). Roosevelt vetoed the 1939 bill, but the only changes made from the initial bill in the version passed in 1942 related to ensuring the federal government would have no continuing responsibilities or liabilities and that the transfers would need Presidential approval.
- ^{xviii} [A Brief History of the Mendocino Woodlands Outdoor Center](#), undated
- ^{xix} \$51/tonne value from Interagency Working Group on Social Cost of Greenhouse Gases, “Technical support document: Social cost of carbon, methane, and nitrous oxide, interim estimates under executive order 13990” (US government, February 2021).
- ^{xx} Taylor, Vince [Letter to CNR on 30x30 initiative v1](#), 2021-08-30