



The Log

of the
Central Coast Forest Association

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CCFA HOLDS ITS 12TH ANNUAL MEMBERSHIP MEETING AND BBQ

On June 18th, about 35-40 CCFA members gathered at the Friendship Garden picnic site in Harvey West Park to enjoy a delicious tri-tip BBQ, augmented by potluck dishes they brought.



L to R: Brian Campbell & Ron DiBenedetti did the honors at the BBQ. Foresters Gary Paul and Jim Hildreth stand by.

Members were brought up to date on CCFA's several accomplishments in supporting the members during the year. These are shown on page 10.

The CCFA Forestry excellence Award was presented to Swanton Pacific Ranch, located in the northern part of Santa Cruz County. On hand to receive the award was the ranch director, Brian Diatterick. Barbara McCrary gave a brief biography of Brian, followed by his telling the audience about SP Ranch's goals and hands-on classes for students enrolled in forestry and hydrology studies.

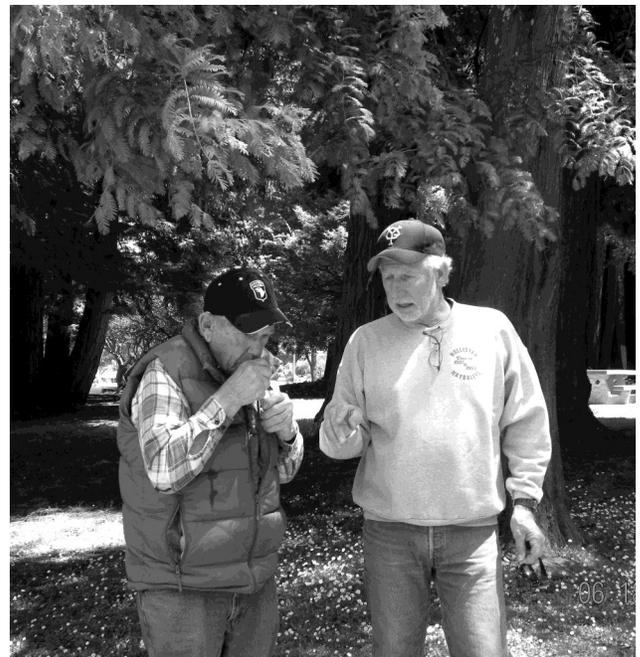
The award was a beautiful plaque, hand-crafted by board member Brian Campbell out of natural local wood and bearing an engraved plate.

Keynote speaker was, once again, our favorite—historian Sandy Lydon—giving an historical perspective of railroads in the Santa Cruz Mountains, how they were built, and how they related to the timber industry in the late 19th and early 20th centuries.

After the event was over, Lud and Barbara McCrary and Sandy strolled down the park to examine a small group of Dawn Redwoods, originally native to China. It is one of three species of redwoods, the others being Sequoia Semperviron (the coastal redwood) and Sequoia Gigantea (the Sierra redwood). ■



L to R: Lud McCrary, Sandy Lydon, and CCFA board member, Eric Moore (recovering from knee surgery.)



Lud McCrary smells the leaves of the Dawn Redwood to make a comparison to the smell of the coast redwood. Sandy Lydon tells of its history.

FOREST ROADS DECISION CONFIRMED—PERMITS REQUIRED IN NINTH DISTRICT

From Vol. 8 NO. 10 Forest Landowners Assn. newsletter

On May 17, the Ninth Circuit denied reconsideration of its forest roads decision in NEDC v. Brown, confirming their earlier decision that 1) logging is an industrial activity under EPA's stormwater regulations and 2) that roads are point sources rather than non-point as stated in the Silvicultural Exemption. Since 1976, EPA has not required permits for forestry activity—allowing the states to regulate the forest industry through Best Management Practices (BMPs).

Issuance could be stayed on a motion if a party seeks Supreme Court review. The petition would have to be filed within 90 days of the May 17 decision.

Without the stay, the Court will close the case within days, and permits will be required for discharges on forest roads inside the Ninth District (AK, AZ, CA, ID, MT, NV, OR, and WA). Most of these states already have strenuous forest practices acts and the bureaucratic infrastructures to better handle the changes. A major concern is that these existing state bureaucracies could influence institution of stringent management mandates in all states; perhaps followed by additional federal requirements.

As we stated last week, FLA supports the Silvicultural Exemption and state regulation of forest activity. Landowners and the forest products industry have a proven record of complying with state and federal regulations and providing clean water as a non-timber resource benefitting all of society.

We'll keep a close eye on this one and work with our allies when appropriate. To see the Court decision, visit www.ca9.uscourts.gov and click on "opinions."

To learn about these and other issues affecting private forest landowners, please contact Frank Stewart (FMS@Washington-Resource.com) or call (703) 549-0347. ■

FORESTRY LEGISLATION UPDATE

By Catherine Moore

The field of active forestry-related bills is thinning. As of the end of May, two bills remain active, both of which are helpful to the forestry community as currently written.

AB 380 and AB 1414 have both made their way through the Assembly and are now currently in the Senate. The gist of the bills can be found below. For more information, use these links:

AB 380: http://www.leginfo.ca.gov/cgi-bin/postquery?bill_number=ab_380&sess=CUR&house=B&search_type=email

AB 1414: http://www.leginfo.ca.gov/cgi-bin/postquery?bill_number=ab_1414&sess=CUR&house=B&search_type=email

AB 380 - Chesbro:

This bill would require the California Department of Forestry and Fire Protection and the Board of Forestry, when implementing a pilot project to protect and restore the riparian zone in watersheds with listed anadromous salmonids, among other things, to provide the industry, agencies, and the public with the opportunity to participate in the development of the pilot project in a transparent manner and to ensure that the pilot project has certain goals. The bill would also require all documents that form the basis for the pilot projects to be posted on the department's Internet Web site.

AB 1414 - Assembly Natural Resources Committee:

This bill makes a number of clean-up modifications to the Z'berg-Nejedly Forest Practice Act of 1973, including:

- delete the January 1, 1988, date limitation on the definition of "timber operations." The bill would also delete the January 1, 1988, date limitation with respect to rules and regulations relating the site preparation work.
- repeal and delete provisions relating to the district technical advisory committees.
- repeal the definition of, and delete the reference to, cutover land.
- delete and repeal outdated stocking requirements relating to transition period of original act's enactment.
- delete the requirement that the board adopt rules relating to minimizing the effects of erosion on watercourses and lakes by maintenance of installed drainage facilities and soil stabilization treatments on skid trails, roads, and landings, as provided.
- delete authorization of the board to exempt from the act a person engaged in forest management whose activities are limited to certain things, including the cutting, removal, or sale of timber or other solid wood forest products from the species *Taxus brevifolia* (Pacific Yew). ■

UPDATE: As of July 14th, both of these bills are suspended.

LOSS OF SILVICULTURAL EXEMPTION FOR FOREST ROADS PROGRESSES

FLA Seeks Answers and Considers Options

From Forest Landowners Association newsletter

On May 26, Forest Landowners Association CEO Scott Jones heard from Robert M. Sussman, Senior Policy Counsel to EPA Administrator, Lisa Jackson. Jones participated with a select group of forest products executives representing the National Alliance of Forest Owners.

The group was seeking clarity on the Ninth Circuit Court of Appeals decision that effectively nullifies the 1976 Silvicultural Exemption for permitting forest roads under the Clean Water Act.

The answer they received from Sussman was emphatic, "This is going to happen". That is, permitting of forest roads will definitely be put into place in the 9th District, nullifying the Silvicultural Exemption for forestry management operations in AK, AZ, CA, ID, MT, NV, OR, and WA.

Speculation remains that "bureaucratic creep" will lead to nation-wide application of the decision through a gradual move towards the more strenuous forest management practice requirements already established in the 9th District states.

If some landowners, not in the affected states, take preemptive action by meeting the permitting requirements before they are actually required, then the new requirements could be accelerated nationwide. Contract Lobbyist Frank Stewart and Jones questioned White House staff how EPA will define forest roads as this process evolves. Would roads with sophisticated collection systems be the target? Or, would regulation go beyond those highly engineered roads to include seldom-used logging roads, trails, etc.? White House staff acknowledged that the question would be the key within the 9th District and throughout the US, if the changes eventually become national.

See **Exemptions** (Continued on page 3)

Exemptions (Continued from page 2)

FLA is working to help organize forestry community allies about this issue in preparation for an issue that could be as continuous as the TMDL issue a decade ago. ■

To learn more about these issues, or others affecting private forest landowners, please contact Frank Stewart or call (703) 549-0347.

UPDATED INFORMATION FROM FLC

As you've probably seen in the news, the legislature passed and the Governor has signed a new state budget. I have been told by "reliable sources" that the proposed \$10 M in THP fees was removed. That's the good news, and very good news indeed as what we were looking at was the very real possibility of huge new fees on THPs and NTMPs.

The bad news isn't as bad (for most of you) but the budget did include \$50 M in fire protection fees on inhabited dwellings in the SRA—areas where CAL FIRE provides primary fire protection. It is envisioned as a \$150 fee per qualifying dwelling. If you are already covered by a LRA—a local fire agency—this should not effect you. Only SRA, and only occupied dwellings.

Although the SRA fee is a bummer, our organizations should be gratified that we lobbied heavily on the THP fee issue, and were successful in having them pulled.

We live to fight another day.

The new SRA fees are addressed in AB1X 29,

http://www.leginfo.ca.gov/pub/11-12/bill/asm/ab_0001-0050/abx1_29_bill_20110614_amended_sen_v98.html

William W. Keye, RPF #2417

California Licensed Foresters Association

Forest Landowners of California

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THE IMPACT OF CARB'S DIESEL REGULATIONS ON THE LOGGING INDUSTRY

By Cate Moore

CCFA has been concerned about CARB's diesel regulations ever since we got wind of them. In the extract below, we can see how they are beginning to play out in the logging industry. This is going to add even more the cost of harvesting timber in California.

TimberWest - November/December 2010

Associated California Loggers: Executive Director Eric Carleson says the big issue for the ACL has been the California Air Resources Board regulations requiring the retrofit, repowering, and replacement of diesel trucks and "off-road" equipment. The immediate problem remains with the "On Road Truck Rule", which passed in December 2008 and targets diesel trucks. The rule requires all California businesses to get rid of perfectly usable trucks years before they were to go out of service. The rule, he said, is particularly burdensome on the logging industry because loggers have older trucks, work short seasons, and work in clean air environments. The ACL is working hard on a "Logging Truck Provision." ■

"STATE RESPONSIBILITY AREA" FEE UPDATE

From Fire Districts Association of California

FDAC Legislative Committee Chair Chief Mike McMurry (Scotts Valley Fire Protection District) represents the FDAC on the SRA Fee Working Group.

The first meeting of the working group was held July 28, 2011 in Sacramento.

FDAC has the following position on SRA fees:

1. Seek legislation to repeal ABX1 29 since it is bad public policy.
2. If repeal is not possible, seek an exemption of the fee for property owners via the Board of Forestry regulatory process for all areas that have local fire protection that overlaps SRA.
3. If not possible, all funds generated by the fees in SRA that overlap a local agency are returned to the local agency for uses as designated in the law.

FDAC's position was communicated at the meeting among other points regarding the impact to fire districts and property tax, the number of SRA fires extinguished by local fire districts, the relationship of state/local fire protection and more.

All of the fire service organizations offered similar positions.

None of the fire service organizations supported the bill. We saw the bill move as part of the budget trailer bill process, but were ineffective at defeating it since the train was already down the tracks as part of the State's broken budget process.

FDAC is working with other fire service organizations to sponsor legislation to repeal the SRA fees. Politically, at this point, there does not seem to be the political will by the Legislature and the Governor to repeal the law, especially since we are coming to the close of this legislative session, but we are trying anyway. Contact your Assembly and Senate representatives and let them know your district's position.

We do expect lawsuits to be filed. Interestingly, the lawsuits cannot be filed until such time that an invoice for a fee is generated by the State and received by a property owner in SRA.

Cal Fire has been forced to expend a significant amount of unbudgeted funds (\$500,000) to implement the law and develop the list of SRA parcel owners with habitable structures. If a lawsuit challenging the SRA fee is successful, those funds will be lost and Cal Fire will have a bigger hole in an already insufficient budget, not to mention the reliance on \$50 million generated by SRA fees to balance this year's budget.

We will also be working with the Board of Forestry on a regulatory exemption from the SRA fee for property owners who also have overlapping local jurisdiction (fire districts). The Board will meet on August 9 and 10 to discuss the matter with a final decision on the emergency regulations expected to happen at their August 22, 2011 meeting. Note that the establishment of emergency regulations does not include a process for public input. Once they are on the books, the Board of Forestry will have 180 days to promulgate the permanent regulations. During that time, there will be a 45-day public comment period. We will send email notices out with notifications of the timeline should the regulation process proceed that far.

A key issue for the State's Department of Finance staff is the structure of the law to use the "fees" specifically for fire

SRA (Continued from page 3)

prevention purposes so that the fees can stand with a majority vote. The bill was passed as a fee by a majority vote of the Legislature (a tax requires a 2/3 vote). The Finance Department is concerned that if the use of these funds is for general fire protection, they will have a problem with maintaining "fee" status and it will be determined to be a "tax" for general fire protection purposes and thus require a 2/3 vote, which is unlikely to pass. Suffice to say that there are conflicts between what would be considered good public policy and the debate over alternative funding sources for fire protection. Depending on which State agency was asked, the answer changed from targeting good public policy to seeking revenue to balance the State budget.

We support our allies at Cal Fire and their staff was as surprised as any of us when the bill came about. It's important that we all recognize that the fire service organizations must continue to work cooperatively and not allow the legislative rhetoric get in the way of those relationships.

The next steps will be to work with the Board of Forestry on exemptions of the fees for residents in fire districts. We will continue to work toward repeal legislation on a parallel track. ■

THE GLOBAL FOREST INDUSTRY THIS QUARTER

Source – www.woodprices.com

Forest Business Network, May 21, 2011, [http://](http://www.woodprices.com)

www.woodprices.com/3082/the-global-forest-industry-this-quarter/

Higher lumber production, increased log trade and a weak US dollar were three factors that pushed sawlog prices up in dollar terms worldwide in the 1Q/11. In many regions, prices reached their highest levels since WRQ started tracking log prices in 1995. The Global Sawlog Price Index (GSPI) increased for the eighth consecutive quarter to an all-time high of US\$88.14/m3. In two years, the GSPI has gone up by 33 percent, which is substantially more than the increase in global pulpwood prices.

Global pulpwood price

Wood fiber costs for pulp mills worldwide rose for the third consecutive quarter in the 1Q/11. The Softwood Wood Fiber Price Index (SFPI) increased 1.9 percent in the 1Q, reaching US\$105.60/odmt, the highest level since 3Q/08.

The US Northwest, European markets, Chile, Australia and New Zealand saw the biggest wood fiber price increases this quarter. The Hardwood Wood Fiber Price Index (HFPI) was also up 1.9 percent from the 4Q/10, and is now close to an all-time high of US\$110.33/odmt. Fiber prices were up in most markets, with the highest increases in Europe, Australia and Chile, as Canada and Russia saw smaller price increases, and hardwood fiber costs even declined in the US South.

Global pulp markets

Global pulp markets have not quite developed as many analysts forecasted a year ago. Rather than the predicted retraction in market pulp prices this spring, prices stayed strong and actually increased to record-high levels in the month of April. The NBSK price in Europe in early May was US \$1008/ton, according to FOEX. During the first two months of 2011, production of market pulp was up five percent compared to last year. The biggest increase was in Western Europe, which produced nine percent more pulp in 2011 than in 2010.

Global lumber markets

Global demand for softwood lumber increased by about 18 percent in 2010. This came after a year when wood consumption worldwide was the lowest it had been in almost 50 years. This upward trend in consumption has continued thus far in 2011, with the total volume consumed being around 20 percent higher than the same period in early 2010. Not surprisingly, it is China that has been the major driver in the higher demand for lumber. The country's sawmills are far from being able to meet the increased demand, and as a result there has been a substantial increase in import volumes the past five year.

Lumber imports to Japan were up 21 percent in the first quarter as compared to the same quarter last year. The biggest increases were in shipments from Sweden, Finland and Russia.

During the first two months of 2011, lumber production was up in most provinces of Canada. Ontario (28%), Alberta (16%) and Southern BC (16%) saw the greatest increases.

The housing market in the US South has fared relatively better than the rest of the country, with higher lumber consumption than in other regions of the US.

The weak building and construction market in Europe late last year resulted in lower lumber demand and, as a result, also lower lumber prices.

Global biomass markets

While the U.S. and Canadian domestic pellet industry struggled through another year of weak domestic market demand and overcapacity, pellet export shipments to Europe continued to rise, up 21 percent in 2010. Prices for wood pellets in the three major markets in Europe, Sweden, Germany and Austria have gone up the past two years. ■

HOPEFULS SEEK GREEN IN CARBON OFFSETS

By Mike Lee

San Diego Union Tribune, May 21, 2011, <http://www.signonsandiego.com/news/2011/may/21/hopefuls-look-green-in-carbon-offsets/>

Replanting efforts at Cuyamaca Rancho State Park are among the projects that backers hope will attract investment by companies seeking to "offset" their emissions of greenhouse gases.

As California's climate regulators scramble to launch the state's landmark "cap-and-trade" program, Cuyamaca Rancho State Park is in the enviable position of being one of the few spots in Southern California ready to get financing from climate polluters trying to offset their emissions.

Cap-and-trade

California is setting up a system that combines regulation and market forces to reduce greenhouse gas emissions to 1990 levels by 2020.

- Starting in 2012 it covers electricity and large industrial facilities.
- Starting in 2015 it expands to include distributors of transportation fuels, natural gas and other fuels.
- Includes approximately 350 businesses, representing 600 facilities.
- Emissions cap declines approximately 2 percent per year in from 2012 through 2014; then cap declines approximately 3 percent per year.
- Cumulative reductions needed from 2012 through 2020 are equivalent to 273 million metric tons of carbon dioxide.

Source: Air Resources Board

The park and a dairy in Imperial County stand to benefit from increased spending by utilities, industrial companies and others that face limits on releases of carbon dioxide and similar byproducts linked to global warming. Urban treescapes in places such as Chula Vista eventually may draw investment, as could a landfill gas extraction project in Ensenada if international efforts are approved for California.

"We know that this market is about ready to take off," said Gary Gero, president of the Climate Action Reserve, a Los Angeles-based nonprofit and the only carbon offset registry whose protocols have been adopted by the state. "It sort of feels like the Silicon Valley startup phase, where you are at the beginning of something that is going to become very big and you have to hope that you have the system in place to accommodate it."

Starting Jan. 1, emissions will be capped for about 600 of California's major emitters of greenhouse gases, including a few dozen sites in San Diego County. Owners will be allowed to finance approved carbon-reduction projects for the right to discharge up to certain amounts. Critics challenge the effectiveness of the scheme and the potential for gaming the system but state leaders expressed confidence that "cap-and-trade" will move ahead despite at least one lawsuit.

It's all part of California's landmark Assembly Bill 32 of 2006, which was designed to reduce releases of greenhouse gases to 1990 levels by 2020. Scientists link gases such as carbon dioxide and methane to global warming, and California is among the most aggressive governments in the world when it comes to cracking down on them. Last year, state voters rejected an attempt to suspend the bill.

State officials are finalizing the details of "cap-and-trade," and the head of California's Environmental Protection Agency recently told a San Diego audience that the effort will come down the wire.

"We always assumed we would be pre-empted by a federal act," said Linda Adams, secretary of Cal EPA. "But we kept working and thought we better get this done just in case and now it looks like we will actually launch this carbon market ... after the efforts fell apart in Congress."

Polluters would be able to exceed certain limits by financing projects that decrease carbon emissions in some other spot, such as a forest or farm. Trees soak up carbon dioxide and methane-capture projects turn gas from cows or landfills into energy instead of letting it escape into the atmosphere.

To count, those efforts must go beyond what is required by law and must be verified by a third party to make sure that they are credible and measurable.

Uncertainties about the final offset rules have kept companies such as San Diego Gas & Electric from buying offsets but they haven't stopped potential recipients of corporate money from proposing carbon-reduction strategies. Today, offsets sell for about \$10 per metric ton of carbon dioxide removed, giving projects the potential to generate millions of dollars.

Nationwide, more than 400 offset projects have applied for certification under the Climate Action Reserve, with landfill gas and forestry projects being the most common.

All but two of the reserve's projects in California are in the northern part of the state, which Gero linked to the preponderance of dairies and forests in that region. He expects

more offset options to emerge in Southern California.

"There is money to be made in this market and people are going to find those opportunities," he said. "They are going to come to San Diego."

California has approved standards for four types of offsets — forestry, urban forests, livestock methane digesters and reduction of ozone-depleting substances. Under state rules, offsets can be purchased at certified projects anywhere in the country but some carbon emitters are likely to look close to home as a marketing tool.

Forestry advocates said their projects have appeal because they involve 100-year management commitments and offer investors something tangible to show customers. But they also can involve a long wait before trees take up substantial amounts of carbon dioxide.

Cuyamaca Rancho State Park has been working toward certification since 2008 and already has attracted \$2.8 million from ConocoPhillips even though it likely won't get final signoffs by the Climate Action Reserve for months. The early money helped to plant more than 200,000 trees across roughly 1,000 acres burned in the 2003 Cedar Fire.

Parks officials hope additional offset payments can finance trees across 1,500 more acres and lead to reductions of atmospheric carbon dioxide by up to 700,000 tons over 100 years.

"There is a lot of interest because it's a compelling reforestation story," said Nancy Budge, a consultant for California State Parks. "It's a well thought-out project as far as the design and making sure that it's going to replace a forest, not just some trees."

In Imperial County, the lone offset project being assessed by the Climate Action Reserve, is at Bullfrog Farms, a dairy with 4,000 cows. The owner is seeking to enter the carbon market by collecting methane from the manure lagoon and producing energy for the electrical grid rather than letting the gas escape into the atmosphere.

The project in Ensenada is similar. It's designed to capture gas from decaying waste in a major landfill and burn it off, reducing the site's impact on the climate. While such operations are common in the U.S., Gero's group determined they weren't in Mexico, making the project a candidate for offsets.

Gero said he's encouraging Chula Vista to consider an urban forestry offset program and set a national standard for how it's done. He said the trend is for cities not to replace trees that die even though they have a positive effect on the climate.

Chula Vista leaders said their budget for trees has been trimmed by budget cuts and they are looking for money.

"Offsets could be an opportunity in the future to leverage the new carbon market to support the maintenance and expansion of the city's urban forests, including street trees," said Brendan Reed, environmental resources manager for the city. ■

JOHN WALKER WILLOTT

John Walker Willott, a longtime member of CCFA and a founding board member, died on July 28th in Santa Cruz at the age of 91. He is survived by his wife of 67 years, Valeria ("Brownie"), brother James, son John A., two daughters-in-law, four grandchildren and three great grandchildren.

He was remembered by members of CCFA as a very good and very kind man.

CRITICS SAY OBAMA ABANDONS SCIENCE IN FOREST RULE

By JEFF BARNARD AP Environmental Writer

Contra Costa Times, Posted: 05/16/2011 12:31:33 PM PDT, http://www.contracostatimes.com/ci_18073894?IADID=Search-www.contracostatimes.com-www.contracostatimes.com&nlick_check=1

GRANTS PASS, Ore.—The Obama administration's proposed new rules for protecting clean water and wildlife on the United States' nearly 200 million acres of national forests goes against the president's pledge to let science be the guide, conservation groups and two former Clinton administration officials said Monday.

The administration made a "clear commitment" to make conservation policy based on sound science when it took office, said Jane Danowitz of the Pew Environment Group.

"One of the things we are asking for today is simple: Use science to set clear standards," Danowitz said. "Make sure water and wildlife are protected for generations to come."

The comments came in a teleconference from Washington, D.C., making the end of a 90-day public comment period on new rules governing administration of the National Forest Management Act. The U.S. Forest Service expects to come out with final rules by the end of the year.

Also participating was Jamie Rappaport Clark, former U.S. Fish and Wildlife Service director and now a Defenders of Wildlife executive. Clark said forest supervisors being given unprecedented discretion under the new rules need strong standards and guidelines to resist the political pressure they regularly face in making decisions on managing their lands.

Jim Furnish, a former deputy chief of the Forest Service, said the proposed rules tell local forest supervisors to consider science but leave them room to ignore the rules when making decisions on protecting clean water resources, fish and wildlife habitat, and endangered species.

The proposed rules represent another shift to the right on environmental issues for the Obama administration, which recently stood aside as Congress lifted Endangered Species Act protections for wolves in the Rocky Mountains and took steps to ramp up domestic oil production by extending drilling leases in the Gulf of Mexico and off the coast of Alaska.

The 155 national forests and grasslands managed by the Forest Service cover 193 million acres in 42 states and Puerto Rico. They provide about 40 percent of the nation's clean water and threatened and endangered species habitat.

Balance between industry and conservation in those areas has been tough to find since the existing rules took effect in 1982. The existing rules were the basis for lawsuits that cut logging by more than 80 percent to protect salmon, the northern spotted owl and other fish and wildlife.

There was no immediate comment from the Obama administration, which came into office supporting protection of undeveloped areas of national forests known as roadless areas and payments to rural counties hurt by the loss of national forest logging revenues.

Earlier this year Agriculture Secretary Tom Vilsack said he wanted to break through the logjam of political conflict over forest management by using science to do what is best for the forests.

More than 400 scientists and a bipartisan group of congressmen wrote letters also urging Vilsack to include more

specific protections for clean water and wildlife habitat in the rules.

"This policy is probably one of the most important conservation measures I think this administration will ever undertake," said U.S. Rep. Martin Heinrich, D-N.M. ■

NATIONAL FOREST RULES FACE CONTROVERSIAL OVERHAUL

Los Angeles Times, May 16, 2011, <http://latimesblogs.latimes.com/greenspace/2011/05/national-forest-system-planning-rules.html>

What would be the first major overhaul since the Reagan administration of rules for planning the nation's 193 million acres of national forests and grasslands is entering the homestretch -- comments are now in, and the U.S. Department of Agriculture is promising a final rule by the end of the year.

Yet considerable disagreement persists over how thoroughly the U.S. Forest Service should be planning to protect viable wildlife populations and watersheds that, originating deep in federal forests, provide half the water supply to residents of the West.

The Forest Service in its proposed new rules aims at an "adaptive land management" strategy that will allow managers of the nation's 155 national forests to adjust for impacts such as climate change and the need to use forests as resources for not only timber but recreation, water supply, wildlife habitat, mining, wilderness and as building blocks of entire ecosystems. The rules focus not just on timber harvest, but forest restoration.

"It's a positive framework that will allow the Forest Service to more effectively restore our natural resources, support the economy and adapt to changing conditions," Harris Sherman, undersecretary of agriculture for natural resources and environment, said in announcing the proposed new rule in February.

Hundreds of conservationists, scientists and federal lawmakers have called the proposed new rules a big improvement but say it's crucial that the Forest Service go several steps further in spelling out protections for watersheds and wildlife to ensure that the national forest system remains a bulwark to guarantee healthy wildlife populations and clean water.

"We have always maintained that our federal lands, our public lands, should be the front lines of healthy landscapes. They should be the front line of species conservation," Jamie Rappaport Clark, former U.S. Fish and Wildlife Service director, now with the Defenders of Wildlife, told reporters in a briefing organized by the Pew Environment Group. "But the rule is actually far weaker than the almost 30-year-old rule it would replace."

Timber industry representatives, on the other hand, along with several local officials and a group of former Forest Service employees, say the proposed new rules amount to micromanaging from Washington, D.C., instead of giving forest managers across the country the room they need to effectively manage forests in their own communities.

Wildlife protection should be left up to the Fish and Wildlife Service, and instead the Forest Service should focus as it always has on maintaining healthy wildlife habitat, the National Assn. of Forest Service retirees said in its comments on the rules.

"Please install some safeguards in the rule to allow the forest

managers to complete their tasks without being held up or eliminated by frivolous lawsuits by a small number of environmental groups," urged one timber company official, Ryan Hadley of Sierra Pacific Industries. "Please consider the use of local on-the-ground knowledge. A broad-brush approach will not work for individual areas," he added.

Lawsuits have held up most previous attempts to update the forest planning rules, and as a result the original rules drafted in 1982 are still the main principles guiding national forest planning—even though nearly everyone admits that much has changed in what is known about the science of forest conservation and how federal lands can best be managed.

Getting the new rules adopted is crucial in order to provide nimble and scientifically up-to-date planning, federal officials say. At least 68 of the national forest system's 127 land management plans are due for revision, most of them adopted before 1993—a lifetime ago in terms of conservation and timber harvest science.

In a down-to-the-wire push to try to strengthen the new rules before they take final effect, conservationists are hoping to build in guarantees to require decision-making to "conform" to the best available science, rather than merely "take into account" the best (and sometimes conflicting) advice of scientists.

The advice came in a letter from the nation's 13 biggest environmental organizations, another letter from 67 congressmen—Democrats and a few Republicans—and a letter from 405 scientists, who warned that it is a mistake to place too much decision-making authority in the hands of local forest managers without clear national standards.

"While some tangible benefits may derive from planning at the local level, history shows that lack of national standards has resulted in significant losses to natural resource values important to the nation," the scientists' letter cautioned.

At the conservationists' briefing, Clark was joined by another ex-Clinton administration official, Jim Furnish, who was formerly deputy Forest Service chief. "I would say my reflection on a career spent with the Forest Service is resource extraction, primarily logging, drove practice for far too long," said Furnish, who said the new rules need to put a clear, mandatory emphasis on resource protection and restoration.

"Commercial production needs no advocacy from the Forest Service. The public expects the Forest Service to advocate for environmental resources entrusted to their care," he said. "Trust is reinforced with firm commitments, yet in this regulation, the Forest Service has opted for discretion."

One crucial perceived shortcoming identified by conservationists is the rules' failure to establish mandatory minimum buffers of at least 100 feet around streams and waterways. Without them, they say, logging, mining and other activities can clog streams, foul water and kill fish.

James Karr, professor emeritus of biology and fisheries at the University of Washington, who co-signed the scientists' letter, said the rules need clear standards for protecting and restoring watersheds, not just "lip service."

The new rules appear to roll back the existing 1982 provisions for wildlife, he added, which require the Forest Service to maintain viable and well-distributed populations of native species. The proposed new rules do require viable populations of species, but scientists said they weaken the definition of distribution and limits the target in some cases to

"species of concern."

"It could result in significant constrictions to a species' range and even yield local extirpations," the scientists warned. ■

FISH AND WILDLIFE SERVICE ANNOUNCES PLAN TO RESTORE BIOLOGICAL PRIORITIES TO ENDANGERED SPECIES LISTING PROCESS

Erosion Control, May 10, 2011, <http://www.erosioncontrol.com/the-latest/endangered-species-act.aspx>

Washington, DC – The Department of the Interior's U.S. Fish and Wildlife Service today unveiled a work plan that will allow the agency to focus its resources on the species most in need of protection under the Endangered Species Act (ESA).

The Service is filing the work plan today in a consolidated case in the U.S. District Court for the District of Columbia as part of a proposed agreement with one of the agency's most frequent plaintiffs. The work plan, if approved by the Court, will enable the agency to systematically, over a period of six years, review and address the needs of more than 250 species now on the list of candidates for protection under the ESA to determine if they should be added to the Federal Lists of Endangered and Threatened Wildlife and Plants.

"In the more than 35 years since its passage, the Endangered Species Act has proved to be a critical safety net for America's imperiled fish, wildlife, and plants," said Deputy Secretary of the Interior David J. Hayes. "For the first time in years, this work plan will give the wildlife professionals of the Fish and Wildlife Service the opportunity to put the needs of species first and extend that safety net to those truly in need of protection, rather than having our workload driven by the courts. It will also give states, stakeholders, and the public much-needed certainty."

Under the work plan announced today, the Service has laid out a schedule for making listing determinations for species that have been identified as candidates for listing, as well as for a number of species that have been petitioned for protection under the ESA. If agreed to by the Court, this plan will enable the Service to again prioritize its workload based on the needs of candidate species, while also providing state wildlife agencies, stakeholders, and other partners clarity and certainty about when listing determinations will be made.

"This work plan will serve as a catalyst to move past the gridlock and acrimony of the past several years, enabling us to be more efficient and effective in both getting species on the list and working with our partners to recover those species and get them off the list as soon as possible," said Acting Service Director Rowan Gould. "This is just the first step in our efforts to actively engage conservation partners and the public in the search for improved and innovative ways to conserve and recover imperiled species."

The Service's highest priority is to make implementation of the ESA less complex, less contentious, and more effective. Gould noted that at the direction of Secretary of the Interior Ken Salazar, the Service has begun a review of its implementation of the ESA designed to identify ways to eliminate unnecessary procedural requirements; improve the clarity and consistency of regulations; engage the states, tribes, conservation organizations, and private landowners as more effective conservation partners; encourage greater creativity in the implementation of the Act;

See **FWS** (Continued on page 10)

GOVERNMENT LITIGATION SAVINGS ACT

From Stewards of Sequoia website

Here is a great way to reduce government spending. No matter what political party you are, I think most of you understand that paying for someone to sue the US Government is a tremendous waste of taxpayer dollars in these hard economic times. 4.7 Billion, yes Billion!

Many of these are from so called environmental groups who file many frivolous law suits designed to prevent, stall and increase the cost of many Natural Resource Management activities. These law suits filed by so called environmental organizations do not meet the original intent of Equal Access to Justice Act Law. These suits are used to stop thinning the forest and control burns to prevent catastrophic wildfires and even, logging operations to remove dead and dying trees. They file law suits to stop work on trails, road improvements and access. They filed law suits to stop game management and endangered species de-listing for species that have exceeded the recovery goals. For example they filed law suits to stop de-listing of wolves that have more than doubled populations goals that were agree on by these groups and USFWS in the recovery plan. The overpopulation of wolves is now wiping out deer, elk and moose in many areas. Go to <http://fishandgame.idaho.gov> to read wolf facts

The groups lose most of these law suits and knew they would from the start. If these groups had to pay their own costs when they lose they would only file justifiable law suits. With the government paying for law suit these groups do not have anything to lose. The government has to pay for both sides of the law suit which makes many projects too costly to proceed. When it comes to salvage sales in burned or disease areas these groups know that by stalling operations the dead & dying timber would have no value and would not sell. I have seen many good projects in our area that would increase the health of the forest and prevent catastrophic wildfires stopped with these tactics. Such as filing a law suit because the forest service did not study the environmental effect of rotor wash (wind) from helicopters.

Changing this law would save greatly reduce the cost of most government projects.

Please contact your Congressman and Senators.

Natural Resource Report considers the \$4.7 Billion of your tax dollars which has paid for Enviro Lawsuits <http://naturalresourcereport.com/2009/11/taxpayers-foot-the-bill-for-environmental-lawsuits/>

ENVIRO GRAVY TRAIN MAY GET DERAILED- Congressional Western Caucus sends letter to US Attorney General signed by 23 Congressman and Senators requesting an accounting of all money paid under the Equal Justice Act, which channeled billions of tax dollars to private Enviro law firms to sue the federal government. <http://robbishop.house.gov/WesternCaucus/News/?postid=152444>

LEGISLATION TO STOP THE ABUSE- This led to introduction of the "Government Litigation Savings Act." bills H.R. 1996 & S.1061, to help prevent further abuses of the Equal Access Justice Act, such as where anti-access groups

have been paid about \$1 billion of your tax dollars a year to file lawsuits against the forest service and other agencies that you also pay with your tax dollars to manage your public lands. That is correct—we are paying people to sue ourselves. More to the point, the availability of a billion dollars a year has actually created large organizations whose sole purpose is to file shotgun lawsuits on just about every project, regardless of whether the project would benefit the environment or the public. These lawsuits are not only wasting your tax dollars, but also harming the environment by blocking needed forest health and recreation projects.

Government Litigation Savings Act Bill # H.R.1996

Original Sponsor:
Cynthia Lummis (R-WY At-Large)

Cosponsor Total: 42
(last sponsor added 06/24/2011)
39 Republicans
3 Democrats

About This Legislation:

According to Rep. Cynthia Lummis' press release, H.R. 1996 will reduce the taxpayer's burden to pay for attorney's fees. The legislation also returns the (EAJA) to its original intent by instituting targeted reforms on who is eligible to receive EAJA reimbursements, limiting repeated lawsuits, and reinstating tracking and reporting requirements to make EAJA more transparent. Under the Government Litigation Savings Act, veterans, social security claimants, individuals and small businesses will still enjoy full access to EAJA funds.

Government Litigation Savings Act Bill # S. 1061

Original Sponsor:
John Barrasso (R-WY)

Cosponsor Total: 9
(last sponsor added 06/27/2011)
9 Republicans

About This Legislation:

A bill to amend title 5 and 28, United States Code, with respect to the award of fees and other expenses in cases brought against agencies of the United States, to require the Administrative Conference of the United States to compile, and make publicly available, certain data relating to the Equal Access to Justice Act, and for other purposes.

Detailed, up-to-date bill status information on S. 1061

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CALIFORNIA'S GREEN JIHAD

By Joel Kotkin, New Geographer
Forbes, June 7, 2011

Ideas matter, particularly when colored by religious fanaticism, wreaking havoc even in the most favored of places. Take, for instance, Iran, a country blessed with a rich heritage and enormous physical and human resources, but which, thanks to its theocratic regime, is largely an economic basket case and rogue state.

Then there's California, rich in everything from oil and food to international trade and technology, but still skimming along the bottom of the national economy. The state's unemployment rate is now worse than Michigan's and ahead only of neighboring Nevada. Among the nation's 20 largest metropolitan regions, four of the six with the highest unemployment numbers are located in the Golden State: Riverside, Los Angeles, San Diego and San Francisco. In a recent Forbes survey, California was home to six of the ten regions where the economy is poised to get worse.

One would think, given these gory details, California officials would be focused on reversing the state's performance. But here, as in Iran, officialdom focuses more on theology than on actuality. Of course, California's religion rests not on conventional divinity but on a secular environmental faith that nevertheless exhibits the intrusive and unbending character of radical religion.

As with its Iranian counterpart, California's green theology often leads to illogical economic and political decisions. California has decided, for example, to impose a rigid regime of state-directed planning related to global warming, making a difficult approval process for new development even more onerous. It has doubled-down on climate change as other surrounding western states — such as Nevada, Utah and Arizona — have opted out of regional greenhouse gas agreements.

The notion that a state economy — particularly one that has lost over 1.15 million jobs in the past decade — can impose draconian regulations beyond those of their more affluent neighbors, or the country, would seem almost absurd.

Californians are learning what ideological extremism can do to an economy. In the Islamic Republic, crazy theology leads to misallocating resources to support repression at home and terrorism abroad. In California, green zealots compel companies to shift their operations to states that are still interested in growing their economy — like Texas. The green regime is one reason why CEO Magazine has ranked California the worst business climate in the nation.

Some of these green policies often offer dubious benefits for the environment. For one thing, forcing California businesses to move to less energy-efficient states, or to developing countries like China, could have a negative impact overall since shifting production to Texas or China might lead to higher greenhouse gas production given California's generally milder climate. A depressed economy also threatens many worthy environmental programs, delaying necessary purchases of open space and forcing the closure of parks. These programs enhance life for the middle and working classes without damaging the overall economy.

But people involved in the tangible, directly carbon-consuming parts of the economy — manufacturing, warehousing, energy and, most important, agriculture — are those who bear

the brunt of the green jihad. Farming has long been a field dominated by California, yet environmentalist pressures for cutbacks in agricultural water supplies have turned a quarter million acres of prime Central Valley farmland fallow, creating mass unemployment in many communities.

"California cannot have it both ways, a desire for economic growth yet still overregulating in the areas of labor, water, environment", notes Dennis Donahue, a Democrat and mayor of Salinas, a large agricultural community south of San Jose. Himself a grower, Donahue sees agriculture in California being undermined by ever-tightening regulations, which have led some to expand their operations to other sections of the country, Mexico and even further afield.

Other key blue collar industries are also threatened, from international trade to manufacturing. Since before the recession California manufacturing has been on a decline. Los Angeles, still the nation's largest industrial area, has lost a remarkable one-fifth of its manufacturing employment since 2005.

California's ultra-aggressive greenhouse gas laws will further the industrial exodus out of the state and further impoverish Californians. Grandiose plans to increase the percentage of renewable energy in the state from the current unworkable 20% to 33% by 2020 will boost the state's electricity costs, already among the highest in the nation, and could push the average Californian's bill up a additional 20%.

Ironically California, still the nation's third largest oil producer, should be riding the rise in commodity prices, but the state's green politicians seem determined to drive this sector out of the state. In Richmond, east of San Francisco, onerous regulations pushed by a new Green-led city administration may drive a huge Chevron refinery, a major employer for blue collar workers, out of the city entirely. Roughly a thousand jobs are at stake, according to Chevron's CEO, who also questioned whether the company would continue to make other investments inside the state.

Being essentially a religion, the green regime answers its critics with a well-developed mythology about how these policies can be implemented without economic distress. One common delusion in Sacramento holds that the state's vaunted "creative" economy — evidenced by the current bubble over surrounding social media firms — will make up for any green-generated job losses.

In reality the creative economy simply cannot make up for losses in more tangible industries. Over the past decade, as the world digitized, the San Jose area experienced one of the stiffest drops in employment of any of the 50 largest regions of the country; its 18% decline was second only to Detroit. Much of the decline was in manufacturing and services, but tech employment has generally suffered. Over the past decade California's number of workers in science, technology, engineering and math-related fields actually shrank. In contrast, the country's ranks of such workers expanded 2.3% and prime competitors such as Texas, Washington and Virginia enjoyed double-digit growth.

So who really benefits from the green jihad? To date, the primary winners have been crony capitalists, like President Obama's newly proposed commerce secretary, John Bryson, who built a fantastically lucrative career (he was once named Forbes' "worst valued chief executive") while running the regulated

Green Jihad (Continued on page 11)

FWS (Continued from page 7)

and reduce the frequency and intensity of conflicts as much as possible.

A candidate species is one for which the agency has determined that a proposal to list is warranted. The Service maintains a Candidate List that is reviewed annually.

The Endangered Species Act was enacted in 1973 to protect plants and animal species facing extinction. The ESA currently protects more than 1,300 species in the U.S. and about 570 species abroad. The law allows citizens, groups, and government agencies to petition for species to be protected under the ESA, and sets specific statutory timelines for responding to those petitions. Unlike many other federal laws, the ESA contains a broad "citizen suit" provision enabling groups and individuals to sue to enforce these deadlines established under the ESA.

The Candidate List was originally envisioned as an administrative tool that would identify species for which the Service would shortly make listing determinations. But as the Listing Program became inundated with petitions and lawsuits, species began to accumulate on the list. The sheer volume and mandatory nature of court orders, settlement-agreement obligations, and statutory deadlines related to petition findings and other listing-related litigation has threatened to consume most of the Service's available funding and staff. In the last four years, the Service has been petitioned to list more than 1,230 species, nearly as many species as have been listed during the previous 30 years of administering the ESA. After numerous lawsuits were filed with respect to these petitions, the Service initiated the consolidation and transfer of pending lawsuits from a number of different district courts to the U.S. District Court for the District of Columbia. This consolidation allowed us to have a single forum in which to resolve comprehensively and efficiently the conflicting demands on the listing program.

The Service's ability to address the backlog of more than 250 candidate species and ensure the orderly and timely listing of species under the Endangered Species Act is in direct proportion to the agency's ability to balance that work load with other Listing Program duties. The agreement, reached with WildEarth Guardians, would enable the Service to restore that balance if approved by the court.

If the Service determines that listing is warranted for a species, the agency will propose that species for listing and allow the public to review and comment on the proposal before making a final determination. A list of these candidate species is available at http://www.fws.gov/endangered/improving_ESA/listing_workplan.html.

Ensuring that threatened and endangered species continue to be protected and recovered requires effective implementation of the ESA that is responsive to both the needs of imperiled resources and the concerns of citizens. The Service has developed a variety of tools and programs to help landowners fashion a conservation strategy for listed and candidate species that is consistent with their land-management objectives and needs. These tools include Habitat Conservation Plans and Candidate Conservation Agreements that provide regulatory assurance, technical assistance, and a grants program that funds conservation projects by private landowners, states, and territories.

America's fish, wildlife and plant resources belong to all of us, and ensuring the health of imperiled species is a shared

responsibility. To learn more about the Service's Endangered Species program and tools available to landowners, go to <http://www.fws.gov/endangered/>. ■

WHAT CCFA HAS DONE IN 2010-2011

Over the last year, the Central Coast Forest Association has worked hard on several issues. This is what the CCFA Board of Directors has been doing for you:

- CCFA proposed a change in the Forest Practice Rules to the Board of Forestry. This change was to allow log hauling on Columbus Day. This holiday occurs at the end of the logging season when operators are frantically trying to complete their operations. CCFA was successful in getting this rule change approved. Perhaps more importantly, CCFA has developed a good relationship with the Board of Forestry and is now familiar with the process. This experience will be helpful as we support or oppose future regulations.
- CCFA members conducted a letter writing campaign to oppose AB 1005. This proposed regulation may be the worst attack on timberland owners to date. This bill would additionally require the Department of Fish and Game, the regional water quality control board, the California Geological Survey, and, where applicable, the California Coastal Commission to conduct a separate review of a timber harvesting plan to determine environmental issues and mitigation measures. If the environmental issues and mitigation measures suggested by the reviewing entities are not deemed necessary by CALFIRE, the bill would require the Secretary for Natural Resources to review the plan for final determination. This bill would require the department to establish a charge to cover the reasonable cost of these reviews to be paid by the person submitting a timber harvesting plan for approval. This bill is on hold for now.
- CCFA supported industry and private landowner attempts to increase the allowable size for a Non-Industrial Timber Management Plan. Currently, NTMPs are limited to ownerships of less than 2,500 acres that are not primarily engaged in the manufacture of forest products. CCFA agrees that this maximum acreage requirement is too restrictive, and that this maximum size unnecessarily eliminates the use of NTMPs for large landowners such as farmers and ranchers.
- CCFA, in a public relations effort, met with the new Santa Cruz County Supervisor, Greg Caput. The environmentally sensitive methods of forest management used in the Santa Cruz Mountains and our membership's role in this effort was discussed. CCFA hopes to maintain a good working relationship with the County Supervisors.
- CCFA has kept our membership informed of changes in timber harvest regulations. Over the last year CCFA has monitored regulatory changes that will affect our membership. This includes the new rules for diesel emissions and the new Road Rules under consideration by the Board of Forestry.
- The CCFA Board has spent many hours over the last year writing articles and publishing the CCFA newsletter. "The Log" is the best place for our members to stay informed of issues that affect the management of their forest lands. ■

Central Coast Forest Association
Membership / Renewal / Contribution

Name _____ Date _____
Enclosed is \$ _____ for: New Membership Membership Renewal Legal Fund
Home phone _____ Work phone _____
Address _____ City _____ ST _____ Zip _____
Signature _____ E-mail _____

Please make checks payable to:

Central Coast Forest Association P.O. Box 66868 Scotts Valley, CA 95066

<u>Membership Category</u>	<u>Dues</u>
Individual - - - - -	\$50
Business - - - - -	\$500

CCFA appreciates your support



Green Jihad (Continued from page 9)

utility Edison International. A lawyer by training, Bryson helped found the green powerhouse National Resources Defense Council. He's been keen to promote strict renewable energy standards that also happen to benefit solar power and electric car companies in which he holds large financial stakes.

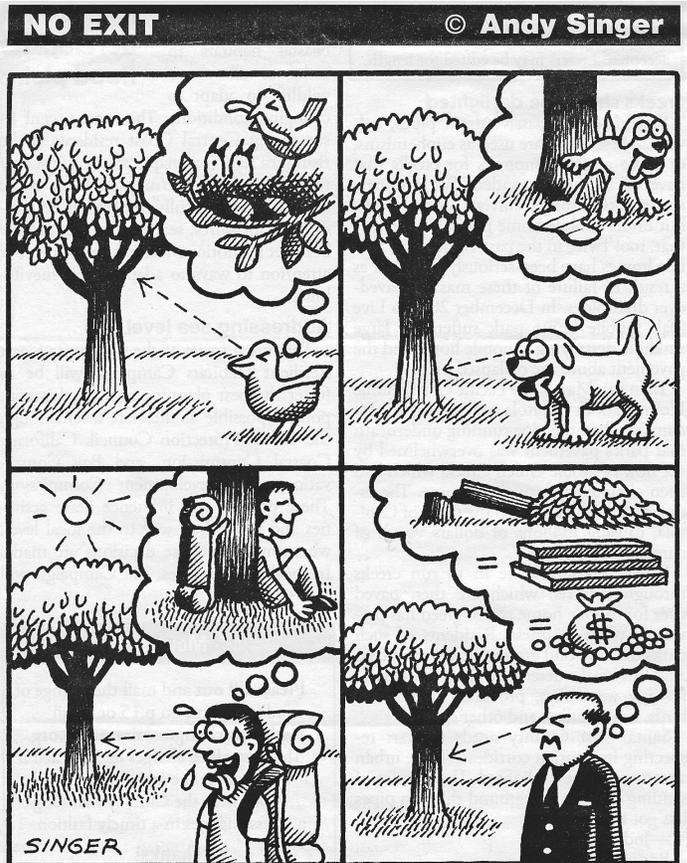
Other putative winners would be large international companies, like Siemens, that hope to build California's proposed high-speed rail line, the one big state construction project favored by the green-crony capitalist alliance. Fortunately, the states dismal fiscal situation and rising cost estimates for the project, from \$42 to as high as \$67 billion, as well as cuts in federal subsidies, are undermining support for this project, even among some liberal Democrats. Even in a theocracy, reality does, at times, intrude.

Finally, there are the lawyers — lots of them. A hyper-regulatory state requires legal services just like a theocracy needs mobs of mullahs and bare knuckled religious enforcers. No surprise the number of lawyers in California increased by almost a quarter last decade, notes Sara Randazzo of the Daily Journal. That's two and a half times the rate of population growth.

The legal boom has been most exuberant along the affluent coast. Over the past decade, the epicenter of the green jihad, San Francisco, the number of practicing attorneys increased by 17%, five times the rate of the city's population increase. In the Silicon Valley, Santa Clara and San Mateo counties boosted their number of lawyers at a similar rate. In contrast, lawyer growth rate in interior counties has generally been far slower, often a small fraction of their overall population growth.

If California is to work again for those outside the yammering classes, some sort of realignment with economic reality needs to take place. Unlike Iran, California does not need a regime change, just a shift in mindset that would jibe with the realities of global competition and the needs of the middle class.

But at least with California we won't have to worry too much about national security: Given the greens anti-nuke proclivities, it's unlikely the state will be developing a bomb in the near future. ■



Taken from the Sierra Club's publication, "Ventana."

We're on the web!
www.ccfaassociation.org

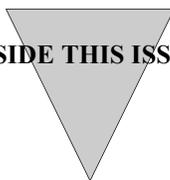
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 Scotts Valley, CA 95066



IMPORTANT NOTICE: HELP US COMMUNICATE!

Occasionally we need to rally the membership to respond to abrupt government actions. We must be able to contact you in a hurry in such circumstances. Please submit your current e-mail address to us via our website, www.ccfaassociation.org or by e-mail to: ccfa@ccfaassociation.org. We will keep it strictly confidential at all times.

INSIDE THIS ISSUE:



CCFA Annual Membership Meeting	1
Various Articles of Forestry Legislation Various Articles of Interest	2-8
CCFA member John Walker Willott Dies	5
California's Green Jihad	9
What CCFA Has Accomplished in 2010-2011	10
Notes From the Nuthouse Green Jihad (cont.)	11
CCFA's Mission	12

The forests must be, and will be, not only preserved but used, and the experience of all civilized countries that have faced and solved the question show that the forests, like perennial fountains, may be made to yield a sure harvest of timber while at the same time all their far-reaching beneficent uses may be maintained unimpaired.

John Muir

CCFA's Mission

The Central Coast Forest Association is a non-profit alliance of small forestland owners, forestry professionals and forest-oriented businesses with close affinity to the woods, mountains, streams and wildlife of the Central Coast. Our purpose is to uphold and preserve our values, our property rights and our way of life. To advance this objective, CCFA will:

- *Interact with community, political and environmental interests as a voice for forestland owners.*
- *Understand the news, law and technology of forestry and apply this knowledge for the benefit and protection of forestland owners.*
- *Inform members of matters affecting their lands and forests.*
- *Take political and legal action to defend the rights and property of all Central Coast forestland owners.*