



The Log of the Central Coast Forest Association

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WILDFIRE PREVENTION AND RESTORATION ISSUE

LAWMAKERS, ACTIVISTS RATCHET UP PRESSURE ON GOP LEADERS FOR FULL 'DEATH TAX' REPEAL

From Forest Landowners Association

By: Alex Ayers
Policy Analyst
Schoening Strategies

As "taxmageddon" approaches with the scheduled expiration of the Bush tax cuts in January, a coalition of non-profit groups and conservative Republican lawmakers is pushing for permanent repeal of the estate tax, and putting politicians of both parties on the record as to whether they support full repeal.

Republican leadership has seemed hesitant to focus on any particular aspect of the tax-cut extension battle, favoring a simple extension of the tax cuts, which would hold the estate tax rate at its current 35 percent. If the tax cuts are allowed to expire in January, the rate would skyrocket to 55 percent — putting the United States' rate among the highest in the world economy.

In a July 17 letter to Speaker of the House John Boehner obtained by The Daily Caller, the Family Business Coalition — which includes The 60 Plus Association, Americans for Tax Reform, Americans for Prosperity, The Club for Growth, the National Taxpayers Union, the American Conservative Union and others, including a number of industry groups — voiced support for the Death Tax Repeal Permanency Act, which currently has 217 cosponsors, including Democrats and 19 members of the 22 Republicans on the Ways and Means Committee. The act, sponsored by Republican Rep. Kevin Brady, was introduced in late March 2011 and will likely have 218 co-sponsors by the end of this week.

In a July 13 letter to House leadership, Republican Rep. Austin Scott, president of the freshman class, vocalized the class' support for the Death Tax Repeal Permanency Act. In the letter, Scott recognized "that current policy may need to be extended temporarily," but insisted that the vote be brought to the floor to show voters that the GOP is serious about the repealing the unpopular tax and to "lay the groundwork for future tax discussions."

"It is important to us, and to our constituents to show that we stand for full repeal of the death tax," Scott added.

The estate tax is a tax on the property of Americans who have died. It has become a favorite villain for supply-side economists, who maintain that taxing Americans' savings after they die amounts to double taxation, and removes incentives for saving instead of spending.

Sole proprietorships and other small businesses, they say, lack the tools to protect their assets like their bigger competitors can.

Proponents of the federal estate tax argue that it is an important source of government revenue and a barrier against the development of an American ruling class. ■

FOREST ROADS ISSUE CONTINUES TO MOVE

From the Forest Landowners Association

Even though Congress is in recess, the Forest Roads issue continues to be debated in the administration and in the courts. As reported in the last FLA E-Newsletter, HR 2541, the Silvicultural Regulatory Consistency Act, passed the House Transportation and Infrastructure Committee. This was a positive sign of Congressional support of the issue and the forestry community. Unfortunately with less than 30 days of Congressional activity remaining it is doubtful that the legislation will be sent to the floor of the House for a vote.

On the regulatory front, the EPA is still moving forward with their Notice of Intent (NOI) to issue guidelines for water runoff from logging roads despite the fact that the Supreme Court announced they will hear the case.

The question the Court will address is whether rainwater running off forest roads must be regulated as point source pollution. The Ninth Circuit held that forest roads should be regulated under the federal National Pollution Discharge Elimination System. Putting the forest road runoff under this permitting regime goes against the EPA's practice exempting such stormwater, and would impose

Forest Roads (Continued on page 10)

BEFORE THE FIRE: ASSESSING YOUR LAND'S VULNERABILITY

Information consolidated from a lecture by
 Carl Skinner, U. S. Forest Service P.S.W Exp. Station
 Jerry Hurley, Plumas County Fire Safe Council
 Ron Berryman, Consulting Forester & Tree Farm Owner

Before beginning to assess your land, it is helpful to understand the terminology of risk management as it applies to land management.

Risk is simply the probability that a fire will occur on your land. In California, with its annual summer drought period, the risk will always be high. Risk is not the factor we need to worry about.

Hazard is the threat of damage or resistance to control that accompanies the fire when it does occur. Hazard is based on a stand's fuel complex: its kind of vegetation (grassland, brush, forest), its physical arrangement (evenly distributed, clumped), its volume, its condition (healthy, stressed, diseased, dead) and its location (on a slope, in a watercourse, north or south face of a hill).

You must assess risk and hazard together to understand your land's vulnerability profile.

Terminology

fire risk: the probability of a fire.

fire hazard: The threat of damage or resistance to control.

intensity: measure of heat released by fire

severity: degree of change to the landscape after a fire event.

it does, there is a very high chance of a crown fire with complete destruction of the stand.

High risk/low hazard: open landscape with grasses and forbs. Trees are scattered in clumps with a great deal of open space around the clumps. Grass fires sweep through frequently and the land regenerates in a year or less.

High risk/high hazard: a relatively dense forest with a lot of downed wood and ladder fuels. A ground fire can easily work its way into the crowns.

We want to manage for low hazard/high risk forest with frequent ground fires producing widely spaced large trees and sparse brush. The fires that pass through are low intensity and serve to keep the forest floor clear.

To assess your forest for its hazard rating: work from the ground up.

1. What are the surface fuels? Look for duff, downed wood, grass, forbs, low-lying brush, and young trees. This is the initial fuel. Fires start here and build energy based on the fuel load.
2. What are the ladder fuels? Look for smaller trees, low branches on big trees. Worry more about the lower green growing branches since the fire climbs by toasting the needles until they ignite. They are the lightest fuel on the

live tree. This is how the fire gets into the crowns of the mature trees.

3. What about the crowns of the mature trees? Check the spacing. Large gaps between trees reduce the chance to tree-to-tree transfers. You really want to avoid crown fires, since they generate the embers that travel for miles and start other spot fires.
4. What about the landscape context? Where is the stand in relation to the landscape?

*Is it at the side of a lake surrounded by a rock field?
 Low risk of spread despite the stand condition.

*Is it halfway up the south slope of a draw with brush above it? Very high risk of spreading the fire.

Concentrate your efforts on the stands that are most likely to cause significant damage if they burn.

The overall goal is to manage the land for FIRE-RESILIENCE. The fires ARE going to happen. By assessing your hazards and managing the most vulnerable zones, you can help your land survive gracefully. ■

AFTER THE FIRE: SALVAGE AND REFORESTATION

Information consolidated from lectures by

Jim Chapin, Consulting Forester

Ron Berryman, Consulting Forester & Tree Farm Owner

It is coming to all of us. It might be ten years from now, it might be tomorrow. Perhaps you had the time and resources to perform pre-fire mitigation, perhaps you did not. All you know is that fire has swept through your land and now you are arriving on the scene post-fire to inspect the damages and plan your next steps.

In fire-killed trees, especially pine and fir trees, the wood goes bad quickly, so time is of the essence. There is a set of steps that must be done and no time to lose. Missed steps will cost you.

1. Get the assistance of a forester who is experienced in salvage logging and reforestation. Do a quick visual assessment of your land. Is it even worth salvage logging?
2. Apply for a THP with an emergency notice (it helps if you have an NTMP)
3. Get the permit. Note: even though you got emergency expedited processing, all forest practice rules still apply.
4. Relocate and reflag your corners, property lines, landings, WLPZ zones and other sensitive areas, and any other essential landmarks.
5. Rock roads and crossings. Mark leave trees. You may need an estimate of leave trees by diameter class for reforestation planning.
6. Financial considerations for the salvage logging: Stumpage or delivered log sale, go to bid or negotiate a contract, minimum tree or long spec?
7. Decide your retention criteria: species choice, degree of damage to tree stand, price and economies of scale, reforestation needs.
8. Track down seed and a nursery to grow them. Track down and reserve a cooler for your seedlings. You need to plan one year ahead to get the seedlings in time for planting, so get the contract in place early. Reforestation seedling considerations include: species, elevation, zone for seeds. The seed needs to get to the nursery by November for cold

curing (Sierra species).

When putting your roads to bed after salvage logging, remember to allow access for the replanting and herbicide crews.

Spray out the sprouts as soon as they appear (poison oak, oak, brush) to kill out the big root systems until you plant your yearling trees. The last spray should happen shortly before planting.

Your may need or want mechanical site preparation (ripping the soil to loosen compaction). There is no real need if the soil is sandy loam. Cost consideration: it is expensive to bring in the dozer.

Broadcast spray a pre-emergent herbicide for 2 years for brush reduction so your seedlings don't get retarded. It will take about 5 years for visible growth to appear on seedlings; in the early years, the seedlings develop their root systems.

Seedlings MUST be planted immediately upon delivery or put in a cooler. Seedlings do not do well with even one day out in the sun. Plant extra sacrificial test trees to monitor root growth. Pull and check a test tree at 2 weeks, 5 weeks, and later. Pay for a trained planting crew, because they will micro-locate the seedlings in their best locations. After planting, you must control competing foliage. Annual grasses are especially bad for sucking all the moisture out of the soil.

The tax implications in a fire and reforestation project:

- * You can deduct \$10K in reforestation expenses in the current year.
- * You have 2 years to recapitalize salvage income back into timber via: reforestation, new timberland purchase, or timber company stock.

Post-fire reforestation is also an excellent candidate for government cost-share programs like EQUIP and CFP, so don't hesitate to explore those options when planning your reforestation project. ■

SETTLEMENT OF THE MOONLIGHT FIRE DAMAGES

David Bischel
July 17, 2012

Today, the US Attorney Wagner announced the settlement of the Moonlight wildfire damages case for \$55 million plus 22,500 acres, a total amount far less than the alleged \$791 million in wildfire damage costs initially demanded. It is believed Wagner settled due to the deeply flawed investigation conducted by an unqualified investigator and the Forest Service failure to properly conduct fire lookout responsibilities. Sierra Pacific Industries held a excellent follow-up media conference call to clarify the key points of the settlement and respond to misrepresentations by the U.S. Attorney's office. Attached are press releases from the U.S. Attorney and SPI.

A precedent-setting last minute ruling by the federal trial judge, that the defendants could be liable for any fire that started on their land regardless how it was ignited, ultimately led the private landowner/businesses defendants to settle at a fraction of what the government was demanding. In the case of the Moonlight Fire, no one could conclude how the fire was actually started on that Labor Day in 2007.

Nonetheless, the damages are not insignificant and this ruling could have a huge potential impact on how all private landowners conduct any activities on their land including public recreational use. All private landowners should be very

concerned about the potential legal risks they are taking by allowing any use on their land. We will be contacting our members about your individual access policies, and potential changes in light of this decision.

Recreational use of private forestland is not the only impact to the public regarding the new federal ruling. Rates for insurance, utilities and other goods and services will continue to increase as the costs and risks of wildfire liability keeps skyrocketing.

The lack of clarity in California law has enabled the federal government to seek grossly excessive claims that are six to seven times the actual value of the land. Our proposed Timber Harvest Reform package, which was pro-offered in the Governor's *May Budget Revise*, includes a reasonable methodology to quantify forest fire damages, which is designed to make the federal government whole but not rich off our California forest businesses and families. We continue to work the legislature on this issue. ■

David Bischel
President
California Forestry Association
Phone 916-444-6592
www.foresthealth.org

THE MOONLIGHT FIRE AND DFPZs

Material taken from the Internet

The Moonlight fire may have been much smaller and caused less damage if appeals and lawsuits were not stalling the implementation of the Herger-Feinstein Quincy Library Group Forest Recovery Act.

The Moonlight fire burned about 65,000 acres of forest in September of 2007. Remarkably the forests burned in the Moonlight fire match up almost precisely with the strategic fuel break and fuel reduction treatments proposed in the Diamond Project.

The Diamond Project proposed 5,532 acres of defensible fuel profile zones (DFPZs). Additionally there were 8,820 acres of area treatments using single tree selection outside of the DFPZs and 1,128 acres of group selection. There were also riparian and watershed treatments as well as road system improvements.

Scoping for the Diamond Project was conducted in the summer of 2005. A draft Environmental Impact Statement was released in 2006. Implementation was to have begun in 2007.

BUT, the Moonlight and Wild projects which were combined to become the Diamond Project were initially identified in the 2002 Plan of Work (http://qlg.org/pub/act/rpt2congr/fy00/AppC_imp_plan.pdf). Were it not for the appeals and litigation attempting to stop the Meadow Valley Project and Empire Projects on the Mount Hough Ranger District, the proposed Moonlight fuel breaks would likely have been in place and could have been a key suppression resource.

In light of the effectiveness of DFPZs demonstrated in the Wheeler Fire it is highly possible that the Moonlight fire could have been much smaller and caused much less damage. ■

The Moonlight fire took place in Plumas County, east of Greenville and Westwood. It burned a total of just over 66,000 acres, with 45,000 acres of it on National Forest forestland.

AB 1492—THE TIMBER HARVEST/ WILDFIRE LIABILITY REFORM PACKAGE

By Eric Moore

AB 1492 is being supported by CCFA; the benefits to our members being:

-Curb excessive wildfire liability awards being sought by public agencies after wildfires that originate on private lands.

The Moonlight Fire in Plumas County is a good {bad} example. A fire that started on private land burned into Forest Service Land, so the Federal Government took the landowner to court seeking at least a hundred million dollars more than the land would have been worth if it had been purchased outright. The landowner had to give some of their land to the government in the settlement. The scariest part was that the judge ruled that even if the landowner did not cause the fire, they were still responsible for it. **In other words, if a trespasser on your land starts a fire, you are financially responsible for all costs.** California is the only state that has laws allowing this. AB 1492 attempts to curb this outrageous law.

-Extend the length of a Timber Harvest Plan (THP) to a minimum of five years with one two-year extension available.

Given the extreme costs of THP's and the current poor market for timber this is a welcome relief.

-Fully fund the state's forest practice regulatory program with a new 1% retail assessment on lumber products.

This includes imported products. The intent is for the elimination of all current and proposed THP fees and all fees associated with them, including Fish and Game fees. It is only right that the public, who demands "viewshed", "airshed" and "watershed" values from you, on your land, foot the bill.

Because AB1492 includes a small tax supported by the regulated industry, a 2/3 vote is necessary in the Legislature. There appears to be no problem getting Democrats to vote for a tax, however it cannot pass without some Republican votes. Senator Doug La Malfa and Senator Ted Gaines are two of the most critical votes needed. They both have strong anti-tax ideals and will take a lot of convincing.

If the Package fails, THP submitters are likely to be facing even higher fees and landowners will be looking at higher insurance premiums to cover out-of-control liability claims.

Please contact the Senators and ask them to support the reform package. In addition, remind them that unfortunately this package does not address many of the issues facing small forest landowners and it does not resolve the state's overall anti-forestry climate. While this legislation addresses several critical regulatory inequities, much more needs to be done to protect the small, family owned working forestlands in California. These lands have such an undue regulatory burden, landowners are forced to consider land conversion or other alternative land uses.

■ ■ ■

AIR BOARD BEGINS WORK ON LOGGING EQUIPMENT DIESEL RULES

July 30, 2012 - Associated California Loggers

The good news is that it has been six years - since 2006 --- since the California Air Resources Board (CARB) first tried to enact diesel regulations affecting logging equipment. ACL was instrumental in having logging equipment removed from the proposed "Off-road construction equipment rule" (passed in 2007), and identified as "agricultural equipment" instead. So with regard to state-level diesel regulations, you did not have to make changes to your equipment - or buy new equipment -- from 2007 through today.

The bad news is that CARB is finally starting work on rules for agricultural off-road equipment - which indeed includes logging equipment. CARB has announced first "workshops" to discuss the proposed rule for Thursday, September 6 (Fresno) and Tuesday September 18 (in Sacramento.) ACL will be at one or both of these hearings, and you may wish to attend as well:

FRESNO

Thursday, September 6, 2012

1:30 pm - 3:30 pm

San Joaquin Valley Air Pollution Control District HQ
1990 E. Gettysburg Avenue
Fresno, CA 93726

SACRAMENTO

Tuesday, September 18, 2012

3:00 pm - 5:00 pm

Cal/EPA Headquarters Building
Sierra Hearing Room
1001 "I" Street
Sacramento, CA 95814

The official Air Board announcement reads in part:

"(CARB) invites you to participate in the first set of public workshops to discuss developing a strategy for reducing emissions from in-use off-road diesel mobile agricultural equipment with engines greater than 25 horsepower (mobile ag regulation.) The mobile ag regulation includes in-use self-propelled off-road equipment used in agricultural operations or forestry."

At this early point, Associated California Loggers does not believe that "all is lost." ACL and other associations have fought and negotiated on previous diesel regulations and what CARB wants to call the "mobile ag regulation" will be another, different kind of fight. The facts are different, the equipment is different, the economic times are different.

Information at this time is limited on what CARB is looking to do to logging equipment—and when. September 2012 workshops would suggest that CARB staff wants to get its "mobile ag regulation" up for a vote by the full Aire Board sometime in 2013, but nothing is guaranteed until the discussions begin. Consider them begun. We will keep you informed in 2012 and 2013 on the "mobile ag regulation." ■

SYNOPSIS OF LEGISLATION OF INTEREST

CCFA supports the following legislation:

AB 1492 Timber Reform Package: This bill was recently gutted and replaced to create a package of THP and wildfire liability reforms. It features longer THPs, limits on wildfire damage liability, and creates a tax on lumber to finance agency reviews of THPs. See our larger article (page 5) on this bill for more details. Since there is a tax involved, this bill must pass the legislature by 2/3 majority, and the Republicans are very leery of any new tax. It was heard in the Senate Budget Committee August 15, and as of this writing, CCFA does not know the results of the committee vote.

AB 1506 State Responsibility Area Fire Prevention

Fee: Completely repeals the SRA fee passed last year. It has been stalled in the Assembly Appropriations Committee since late May.

AB 1635 Extends the exemption from requiring a full THP for thinning land for fire safety: No action this year

AB 2474 Fire prevention fee: state responsibility areas: redefines the parameters of the SRA fire prevention fee to incorporate local fire districts and local fire histories into the formula. requires breakdown report of fire prevention and response in urban vs rural areas. This bill has been stalled in the Assembly Appropriations Committee since late May.

SB 1541 Extension of the THP exemption for fuel load reduction projects: This bill was uncontroversial and passed through the legislature without fuss. It is currently sitting on the Assembly Consent Calendar.

CCFA opposes the following legislation:

AB 1961 Coho Habitat Restoration: Provides a mechanism for expedited approval of small Coho habitat restoration projects. CCFA does not oppose Coho salmon recovery per se, but this bill has a couple of major flaws, especially as it concerns any projects in the Central Coast area. First, there is no assurance that the Coho-bearing streams are going to be kept open at the mouth during breeding season, so any amount of work put into the spawning and rearing beds may well be useless. Second, the paperwork required to get this "expedited" permit is still daunting, and we don't see any small landowners wanting to put themselves through all that. The bill is being heard in the Assembly Appropriations Committee August 16.

SB 455 Timberland Conversion Mitigation: This bill started its life as a concept bill for watershed-wide THPs, but got gutted and replaced to require anyone who converts more than 3 acres out of timberland to mitigate the "damages." These mitigations include loss of habitat, effects on watershed, loss of sequestered carbon (above and below ground) and loss of greenhouse gas conversion. Needless to say, the costs on the converting party are going to be considerable. This deterrent does nothing to address the reasons forcing people to convert their land out of timber, such as lack of profitability and generational transfer issues. This bill was amended (for the worse) most recently on August 13, and will be heard by the Appropriations Committee on August 16. The previous committee votes have been on party lines, and it is moving along

the chain.

SB 1221 Prohibits Dogs from Pursuing Bears and Bobcats: This highly emotional and very silly bill prohibits the use of dogs to pursue bears and bobcats. This is theoretically an anti-hunting bill that declares the Legislature's displeasure with Dan Richards and his Idaho mountain lion hunt, but the use of the word "pursue" instead of "hunt" and the complete lack of mention of hunting licenses opens the prohibited activities to using dogs to chase off bobcats and bears from your farms and yards, and makes you liable if the dog you took hiking or working in the woods with you decides to chase the local wildlife. This has been galloping through the Legislature and, as of August 15, is in the Assembly Appropriation Committee.

CCFA is tracking the following legislation:

AB 1532 California Global Warming Solutions Act of 2006: Greenhouse Gas Reduction Account: This bill defines how the money collected from fees and cap-and-trade transactions are to be gathered and what projects they may be used to finance. I expect this is not going to generate as much revenue as they are anticipating, given that just about everyone outside of California has figured out cap-and-trade is a non-starter and bailed out. The bill is to be heard in the Senate Appropriations Committee August 16.

AB 2063 Prohibits Ex Parte Communication for Regional Water Quality Control Boards: Defines the rules concerning off-the-record one on one discussions between water board members and outside parties. Stalled in Senate Environmental Quality Committee since early July

AB 2404 California Global Warming Solutions Act of 2006: Local Emission Reduction Program: Creates and defines a Local Emission Reduction Fund within the State Treasury, seeks to ensure use of the funds include smaller local greenhouse gas emission reduction projects. The State is convinced it's sitting on a gold mine with the carbon credits, and this bill defines how the funds should be allocated. CCFA thinks they are in for a very rude shock when they start it in earnest. So far, there is nothing requiring forestry to participate, and we really want to keep it that way. This bill has been stalled in the Assembly Appropriations Committee since late May.

SB 965 Ex Parte Communication in Water Resources Control Boards: Defines the rules concerning off-the-record one-on-one discussions between water board members and outside parties. ■

We find it very interesting that the supporters of AB 2063 and SB 965 include a very long list of industry organizations covering many aspects of agriculture and manufacturing, and local government entities including mayors, city councils and county boards of supervisors, water and sewer districts, and the opposition is a handful of environmental organizations including California Coastkeeper Alliance, Clean Water Action, Environment California, Seventh Generation Advisors, Sierra Club California, Natural Resource Defense Council. We wonder if the environmental organizations are in collusion with the water boards and don't want to lose their unfair advantage.

FURTHER DETAILS SOUGHT ON COSTS OF HUNDREDS OF ENDANGERED SPECIES ACT LAWSUITS AND SETTLEMENTS

Chairman Hastings asks Obama Administration for more information

House Natural Resources Committee Press Release, Thursday, May 31, 2012, <http://naturalresources.house.gov/News/DocumentSingle.aspx?DocumentID=297790>

WASHINGTON, D.C. – Today, House Natural Resources Committee Chairman Doc Hastings (WA-04) sent a series of letters to the Obama Administration requesting further information on how much the federal government spends on Endangered Species Act (ESA)-related litigation and settlement costs.

The ESA has become increasingly driven by litigation and is used by special interest groups as a way to bring hundreds of lawsuits against the government. The Department of the Interior and the National Oceanic and Atmospheric Administration are actively involved in more than 200 lawsuits and legal actions concerning the ESA. This forces federal agencies to spend time, money and resources addressing these lawsuits instead of focusing on species recovery. These lawsuits often result in settlements that cost millions of taxpayer dollars.

"The Endangered Species Act has been overtaken by lawyers and become a tool for litigation and unending lawsuits. The government then agrees to costly, closed-door settlement agreements and the American people deserve to know how much of their taxpayer dollars are going towards attorney fees instead of actual species recovery," said Chairman Hastings. "As part of the Committee's work to improve the ESA, this is an effort to discover whether these payments represent a prudent use of the taxpayers' money and whether there are ways to avoid costly and debilitating lawsuits in the future so that both species and the American people are better protected under the law."

The first letter, sent to the Department of the Interior and the U.S. Fish and Wildlife Service, requests information on the total cost of the recent settlements between WildEarth Guardians, the Center for Biological Diversity, and the U.S. Fish and Wildlife Service as well as information on how the settlements were reached.

The second set of letters relates to the settlement between the Department of Justice, National Oceanic and Atmospheric Administration, and Bonneville Power Administration that resulted in payment of close to \$2 million in attorney and legal fees to plaintiffs. These letters seek information and supporting documents on how the large payment was agreed to, as well as information about other cases where large sums of attorney fees were reported as being paid.

All letters request a response by June 14, 2012.

Background:

In May and July 2011, the Obama Administration agreed to two separate litigation settlements involving petitions to list 779 species under the ESA through more than 85 lawsuits and legal actions. These settlements mandate that over 250 candidate species must be reviewed for final listing as either threatened or endangered under the ESA by 2016. This could result in a 16 percent increase in the number of species listed by 2016.

The U.S. Fish and Wildlife Service's FY 2013 budget

request includes an increase in funding that could result in 88 more species being listed and critical habitat being designated in just this year alone.

On March 19, 2012 Chairman Hastings sent a letter to U.S. Department of Justice Assistant Attorney General Ignacia Moreno asking for detailed information on how much taxpayer money is being spent on Endangered Species Act-related litigation and settlements involving the Department of Justice's Environment and Natural Resources Department. The letter raised concerns over the disproportionate amount of ESA appropriated funds that are spent on legal actions and responding to petitions—and the lack of transparency on how these funds are being spent. In response, the Department of Justice provided a list of all cases from the Environment and Natural Resources Division's case management system that include a cause of action under the ESA or in which the Division is enforcing alleged violations of the ESA. This list shows that nearly \$13 million in taxpayer dollars was spent in attorney fees since January 2009 with at least \$1.6 million still owed in open cases. Chairman Hastings' letter today outlines some specific cases where additional information is requested.

CONTACT: Crystal Feldman, Spencer Pederson or Jill Strait, 202-226-9019

THE FOLLOWING LETTER HAS BEEN SENT TO ASSEMBLYMAN MONNING BY THE CCFA

To: Assemblyman William Monning
 From: Catherine Moore
 Central Coast Forest Association
 Re: Please oppose SB 1221: Dogs prohibited from chasing bears or bobcats

Dear Mr. Monning,

Please oppose SB 1221. It completely oversteps the bounds of its intent and makes criminals of ordinary rural citizens who are doing their every-day tasks.

If SB 1221 passes, the farmer who allows his dog to chase a bobcat away from his chickens become a criminal. The farmer who sends his dog after a bear that is destroying his bee hives or orchard becomes a criminal. The forester who brings his dog into the woods to protect himself from bears become a criminal. The hiker whose dog chases a bear or bobcat become a criminal, regardless of the surrounding circumstances.

People have the right to protect themselves and their property and dogs have been used for thousands of years for this purpose. A dog who chases off a bobcat or a bear is much less likely to do harm to the animal than a farmer with a shotgun. The bobcats and bears learn to be wary of human habitations, and the chances of an unfortunate encounter decreases.

This bill fails to consider the normal realities of rural living and unfairly penalizes those who live on the edge of the wilderness.

Please oppose this bill.

Sincerely,

Catherine Moore

Central Coast Forest Association

RENEWABLE POWER ISN'T GREEN ENOUGH FOR ENVIRO GROUP

Staff Reports

Thursday, June 14, 2012

The close study of the carbon-dioxide emissions of every industrial process is still a new science and one that will surely evolve, but both common sense and most studies support the idea that burning waste wood — slash and sawdust — for energy is far friendlier for the climate than, say, tapping fossil fuels.

Turning scraps into electricity is just another way of recycling, of squeezing every bit of use out of a scarce resource. The CO₂ from burning wood is quickly recaptured by new tree growth — unlike fossil fuels, where carbon millions of years old is dug up and released. And in California, at least, wildfires would put much of this carbon dioxide in the atmosphere anyway; capturing that fire in a boiler harnesses a force of nature much like windmills and solar panels do to generate renewable power.

This isn't just the newspaper talking. The California Legislature, when it drafted the state's Renewable Portfolio Standard, endorsed biomass electricity to reduce the state's reliance on fossil fuels. The state's Public Utility Commission has found that burning forestry wastes for energy actually reduces greenhouse-gas emissions. The California Air Resources Board, which sets and enforces the standards for reducing the state's "carbon footprint," also backs biomass electricity.

Yet none of that is good enough for the Center for Biological Diversity, an environmental group that is fighting Sierra Pacific Industries' expansion of a biomass power plant at its mill outside Anderson. The center argues that the boilers' greenhouse gas emissions would violate state law and will help cook the planet. Its lawyers point to studies that show forestry-based biomass plants are not, in fact, "carbon neutral," and thus conclude that Shasta County — whose Planning Commission is set to consider a permit for the plant expansion today — is downplaying its impacts.

Have biologists and climatologists settled this issue, nailing down the dynamics of forest carbon cycles with laser precision? Nope. But the Shasta County planners are the wrong people to mediate cutting-edge scientific disputes.

California's air-quality regulators, on the other hand, intensely study the ins and outs of greenhouse gases as part of their rule-making. They're not necessarily always right, but it is their job. And re-litigating every scientific question when a company wants to build a power plant that state laws already encourage is no way to build a green economy.

Of course, litigating is exactly what the Center for Biological Diversity does best — and this isn't the first time it has tangled with Sierra Pacific. In fact, though, its larger goals are protecting species and stopping clear-cutting. Meanwhile, a separate Sacramento law firm representing several trades' unions has also criticized the county's greenhouse-gas analysis. Have the boilermakers and electrical workers suddenly gotten the climate-change religion? Or is it just a pretext to whipsaw Sierra Pacific with an eye toward organizing the project?

Curbing greenhouse-gas emissions is an important long-term goal — even though it seems futile for California to do it alone. But if slowing global warming turns into just another pretext for lawyers with a side agenda to go to court against

developments, the public will only grow more skeptical about the need to curb carbon dioxide.



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SUPPORT RURAL CALIFORNIA

By B. Wayne Hughes Jr.

California businessman and philanthropist

Thursday, August 2nd, 2012

Most Californians live in big cities and sprawling suburbs, and are increasingly familiar with nanny state and local government bureaucracies that ban everything from foam food containers to plastic bags, indoor tanning by minors to donated clothing drop boxes, and prevent restaurants from giving out toys to kids or selling fois gras to diners.

But the nation's largest producing state is also home to many rural ranchers, family farmers, and local fishermen, miners, loggers, and fellow citizens who produce and provide food, goods, and services to our economy, and protect the environment through experienced resource management.

These rural Californians live in an excess of new regulations that have a far more reaching effect than what urban and suburbanites experience. With the accumulation of all these laws and regulations, they are getting pounded by big government, drying up jobs and pushing formerly successful California counties into economic wastelands. We see other consequences of this economic despair — growing social costs of drug and alcohol addiction, domestic and child abuse, welfare, and crime.

State and federal agencies, so bent on controlling private property that they would offend the local autonomy of rural California communities, have over-reached and over-regulated in the name of environmental protection. We see more than centralized government control; it is remote and out-of-touch. Each bureaucrat is like a robot following rules and procedures and consumed with process.

Often organized behind closed doors, and implemented without appropriate coordination with local government, bureaucratic rulers and regulators comprise an unelected class never contemplated by our founders. In contrast, these bureaucrats trample on the spirit and legal tradition of local control.

Totally lost is the seemingly antiquated but truly relevant doctrine of subsidiarity — that no higher level of government should undertake a task that could be done at a lower level. It's almost the opposite — people automatically turn to the Federal government for problems that can and should be resolved locally.

Questions are also being raised about crony capitalists and special interest lobbying with access to elected officials who push public policies that favor ideological comrades and campaign donors.

When certain energy resources are shut down, for example, competing producers and providers gain. For every permit denied—think hydro-electric power—there are ambitious in- or out-of-state promoters of alternative energy solutions happy to

ANNUAL MEMBERSHIP MEETING

By Patricia Driscoll

This year's annual meeting was held on a Friday, (June 22, 2012) instead of our usual weekend time, so that we might see an operating lumber mill—BigCreek Lumber generously donated the use of their Davenport area mill, both for the tour and the meeting area.

About 30 people made the drive up the coast on a bright sunny morning and took part in a tour led by head forester Janet Webb. First we toured the production lines, then met in one of the offices while she told us more about the operations and answered questions about the mill. Because of the current economic conditions, the mill is running about 25% less production than back in 2000. While we were touring, the mill's sawmill superintendent and barbecue expert, Jesus Castillo, got busy, lit a great fire, and grilled Tri-tip roasts, to be augmented with salads and desserts, brought by the members. While we were eating, Lud McCrary gave a demonstration on the splitting of old-fashioned California barn shakes, and the special type of wood that is needed to create them. The standard barn shake is 3' long, 6" wide, and 1/4" thick. It takes a large log, with good sound wood around the outside perimeter to be able to create the shakes. He also showed us some "curly redwood", which many of us had never seen before.

After the mill tour and enjoying the good meal, we all gathered in the conference room to have the business part of the meeting and hear CalFire spokesman, Scott Bullock, talk about Forestland Stewardship. This is an educational program that encourages timberland owners, through cost-sharing programs, to have management plans for maintaining the forest areas with proper firebreaks, waterbars, and replanting, and to identify objectives for the future. Many of our large timberland owners keep their land through several generations, and a good management plan continues the wishes of the original owners while working in the present. This is both a State- and Federal-funded program. Many of the members had questions, which Scott answered after his program.

The final item on the agenda was the naming of this year's honorees for the Forestry Excellence Award. In an unusual move, the Board unanimously agreed to give the award to Cate and Eric Moore. Both are founding members and have been very active in bringing forestry issues and information to the board, attending meetings all over the state, and writing articles about bills and laws that help us understand what was going on in the government. Cate is membership secretary, the main organizer of the annual meetings, and both are officers of the board of directors.

Annual meetings are open to all the membership and it's always hard to plan a meeting when we don't know how many are coming, but all who attended agreed it was a great day! ■



Janet Webb begins the tour by explaining the procedures of turning logs into lumber that we all use



Lumber on the "green chain" ready to be sorted and stacked



Barn shales (right) and a picket of curly redwood

Rural California (*Continued from page 7*)

produce or transport energy to California's large market. Small, rural producers cannot compete with big business or well-funded activists for the attention of legislators or state agencies.

Public safety and the common good are not always the result. Continuing rules against brush clearing and public grazing have long led to dangerous wildfires that have killed Californians and devastated homeowners and communities. This illustrates another key point: do-gooders embrace policies that may have unintended consequences – indeed, sometimes, as the saying goes, "the cure is worse than the disease."

Private forests that once provided timber and jobs are virtually off limits due to spotted owl protection. Protecting our environment, endangered species, or any species for that matter, is worthy and important, but why must it come at the almost exclusive expense of rural communities? Almost all of the two dozen mills in rural Siskiyou County have now been shut down, resulting in severe unemployment and depressed local communities. Meanwhile, consider outside California—for example Georgia, Tennessee and Alabama—are experiencing growth in these industries. I don't see these states running out of forests.

Why must regulatory actions supposedly meant to benefit all of us so cruelly crush the livelihoods of the few? Many rural Californians now own land of severely diminished value, due to regulation, yet they remain liable for the maintenance of their private property. Although courts seem to defer to government, the fact is that diminution of value is a kind of "taking" of private property for public use, without just compensation – a violation of the Fifth Amendment.

A far better solution would be to organize logging, for example, that will protect species, to thin fuel build-up, and to encourage the kind of re-forestation that the timber industry itself most needs to generate continuing income and industry stability.

The North State counties will witness further loss of economic activity due to the threatened Klamath River dam removal.

Rural ranchers and farmers have seen fees (taxes) per acre rise, and face the threat of taxes on the well water under their own properties. Do we really understand and appreciate that the US citizen is the only citizen in the world that is allowed to own minerals and water underneath lands? That the mineral or water resource is his given property right, unique to this country alone?

The heavy hand of the state will not grow our food, produce our timber, or provide our rural jobs. State regulators have damaged the competitiveness of California's important dairy industry, made farming a tangled web of regulation and ranching a business for the big guys only. Has the typical Californian experienced the planting, growing, harvesting, selling and transportation of a rural product to market?

Rural Californians contribute to ecological infrastructure of local and regional system by preserving riparian corridors, wetlands, and wild lands, and providing for ecotourism and enjoyment of our open spaces. Our rural farms offer consumers local diet options, an alternative to factory food, and a sense of tradition and place. Many of our wisest conservationists are the ones who work the land! That's because it's in their self interest to develop our resources with great care and professionalism. No one knows the lands they occupy as well as they. Why dictate to

them?

Our nation's founders were mostly farmers and ranchers. Over nearly two and a half centuries, they remain what America is all about—good, hard-working, decent people who form the backbone of our country. ■

You may contact the author at Wayne@servingcalifornia.org

Editor's note: This is one of the wisest opinions I've ever seen in print. It reflects what most of us small timberland owners have felt for a long time, but this man has put it into eloquent words. We all ought to copy his words and send them to our congressmen! And write to Wayne and thank him for this. We could all add our experiences and opinions, too.

JULY WATER BOARD MEETING REPORT

By Cate Moore

CCFA Board members Ron De Benedetti, Marty McCormick and Cate and Eric Moore, attended the Central Coast Regional Water Quality Control Board meeting on July to testify about the renewal of the General Conditional Waiver of Waste Discharge each THP must have in order to proceed with harvest.

After making the decision in the last renewal to lessen the reporting requirements due to good overall forest landowner compliance and good records of effectiveness, they are doing a partial about-face and are seeking a return to photo monitoring as part of their post-harvest reporting.

Institutional memory appears to be short. The Board does not remember that staff had originally endorsed dropping photo monitoring because it really did not document what they wanted to track. Several foresters from across the region testified that it was time consuming and expensive and the landowners remarked they were more likely to fix their erosion problems than run around with a camera taking pictures.

Professor Brian Dietterick of Cal Poly discussed his paired watershed study, where it was found that local timber practices do not cause increased erosion, and CalFIRE was queried about their post harvest inspection practices, where it was revealed that they inspected far more heavily than the Water Board was capable of doing with their limited staff and that they were inspecting for the same things.

The Board renewed the Waiver as proposed but added a return to discussing post-harvest inspection practices into their February 2013 meeting to be held in Salinas.

CCFA will keep the members posted as the meeting approaches. ■

**LOG AND LUMBER
MARKET REPORT**

The market price for redwood logs was up slightly for the 2012 season over 2011. Redwood lumber prices softened during the spring and early summer of 2012, dropping below those for the same time period last year in the face of slightly higher statewide production and lackluster demand. The month of July has shown some improvement in demand and builders are beginning to sound more optimistic. The composite pricing of framing lumber has improved nationwide. The local fir log market remains depressed with little interest or demand for local fir logs. ■

RESULTS OF THIS WEEK'S HEARINGS:

By Cate Moore

AB 1492 Timber Harvest/Wildfire Liability Reform Package

Passed Senate Budget and Financial Review. Republicans declined to vote, allowing the bill to proceed. It is now on the Senate Floor, where the recorded opposition is the Republican Assembly because it imposes a new tax. *

AB 1532 California Global Warming Solutions Act of 2006: Greenhouse Gas Reduction Account

Passed Senate Appropriations Committee

AB 1961 Coho Salmon: Habitat

Passed Senate Appropriations Committee

SB 1221 Mammals: use of dogs to pursue bears and bobcats

Passed Assembly Appropriations Committee and is heading to the Assembly floor.

SB 1541 Timber harvesting plans

Passed through the Assembly Consent Calendar and is now on the Senate floor for engrossing and enrolling

SB 455 Forestry: timberlands: conversion mitigation.

Passed Assembly Appropriations Committee. Moving to Assembly Second Reading.

SB 965 State Water Resources Control Board and California regional water quality control boards: ex parte communications.

Moving to third reading on Assembly Floor

■ ■ ■

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FLASH! LATEST BREAKING NEWS AUGUST 16, 2012

AB 1492, the Timber Harvest/Wildfire Liability Reform Package has passed the Senate Budget and Fiscal Review committee 11-0. The critical senators, La Malfa and Gaines, as well as several other committee members, did not vote.

This preserves their "do not vote for taxes" pledge for now, while allowing the bill to proceed.

It now proceeds to the Senate floor for a second reading.

Cate Moore, CCFA Board

Forest Roads (*Continued from page 1*)

unnecessary and enormous costs on 3 million forest landowners with little, if any, environmental benefit.

EPA's decision to move forward with their NOI is due in large part to the Administration's position on the issue that was clearly stated in the Solicitor General's recommendation to the Supreme Court not to hear the case but rather allow the EPA to handle the issue. FLA submitted comments in June to the EPA on the NOI citing the high level of private landowner compliance with the Clean Water Act through the application of state BMP's. The next step will be a 30 day comment period after the Office of Management and Budget has completed their review of the EPA's recommendations.

The Supreme Court is scheduled to hear oral arguments in early December and will issue a decision as early as February or as late as June, 2013.

FLA CEO Scott Jones was recently quoted on the forest roads issue in the Society of American Forester's August issue of *The Forestry Source* as saying, "In order to sustain the forest, the forest landowner must be sustained as well. The erroneous ruling by the Ninth Circuit Court of Appeals would do just the opposite. The decision flies in the face of the solid science inherent in best management practices, their 35 years of success, and a very high compliance rate in every state. The ruling, if left to stand, would cause financial, legal, and environmental problems further burdening all US forest landowners, private and public, large and small. We are encouraged that the Court will hear this case." ■

FROM THE BOARD OF DIRECTORS

We've had some fast-moving issues lately, both local and state-wide. We're doing our best to contact our members so you can submit your comments to your representatives in government, and so you are forewarned about upcoming meetings that will affect you as CCFA members. We do not have e-mail addresses for all of you, yet this is so important, as it allows us to contact you on short notice. Please submit your current e-mail address ASAP to Cate Moore, our membership secretary and communicator—par excellence.

She can be reached at cateymoore@mac.com

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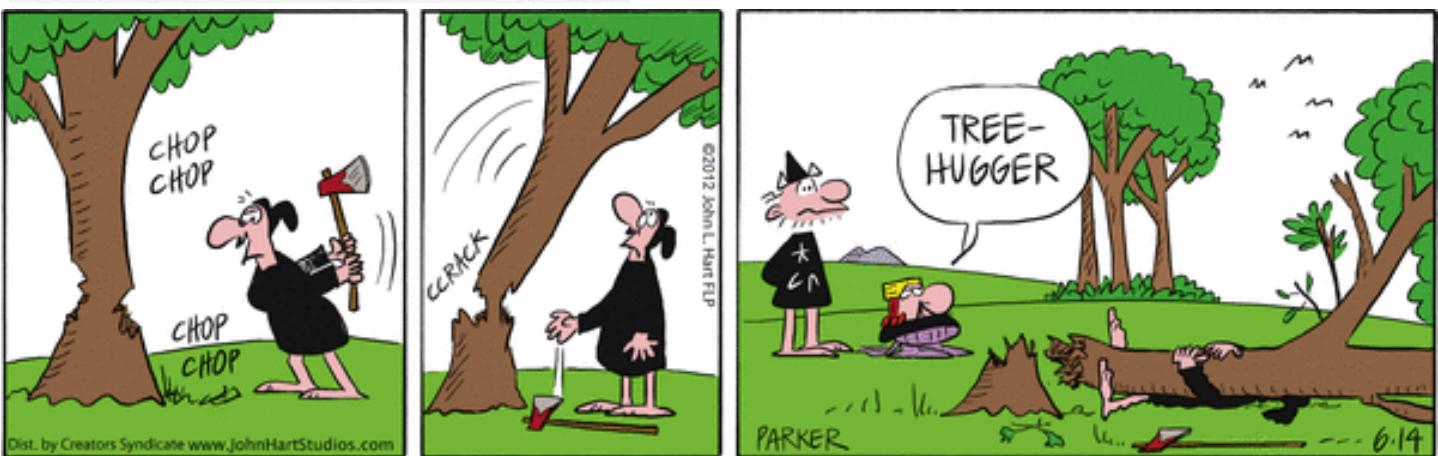
CCFA is a 501-(c) 4 tax-exempt organization. Donations may be tax-deductible as a business expense.



Shoe by Chris Cassatt and Gary Brookins



Wizard of Id by Parker and Hart



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



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.

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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
Founder of the Sierra Club in 1895

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.*