



Central Coast Forest Association

CCFA FINISHES INTERVIEWS WITH SANTA CRUZ COUNTY SUPERVISORS

By Doug White, CCFA Director

CCFA Board member Cate Moore and I first spoke with the new Supervisor of District 1, John Leopold, whose interview was featured in the Spring issue of *The Log*. Ellen Pirie and Tony Campos were featured in the Summer issue. We finish with interviews of Neal Coonerty and Mark Stone, Districts 3 and 5.

INTERVIEW WITH NEAL COONERTY

Edited from a taped interview, June 11, 2009

CCFA: What do you consider to be Santa Cruz County's most pressing problems?

NC: Lack of funds to run the county, budgets cuts, need for new retailers to replace the ones that have gone out of business. Property taxes provide most of the income for the County.

CCFA: Is there an Economic Development Department funded by the county? If there is, why does it have such a low profile?

NC: The County's main revenue comes out of property taxes, which are controlled by Prop.13. Sales tax and motel tax are another source. I come from a business background and am a believer in economic development. Right now our main hope is the Redevelopment Agency which has a very healthy reserve in it and the ability to finance things. The Third District has a little slice of it, but John Leopold's district has the most. Twenty-five percent goes to housing, the balance is typically used for infrastructure and economic development. John and I are more interested in using the revenue for creating jobs and revenue for the general fund. We are going through the area to develop a five-year plan. We've cut our budget by \$25 million this year. The State is going to "borrow" our property tax for three years. Supposedly they will pay us back with interest, but in the meanwhile we are out the money. I'm interested in us developing the areas of economic development that can create funding for the general fund.

The Redevelopment Agency staff is planning to double its size. We're going to have someone go to the outside and encourage retailers to come into the County.

CCFA: In your opinion, how important is the tax revenue income generated by the lumber industry within Santa Cruz County?

NC: It's pretty important. (Timber harvesting) is part of the Farm Bureau. Each Supervisor, except for Tony (Campos), has some timber in their district. Timber is in the top ten of agricultural income. The forest industry is affected by the inability to borrow money. Santa Cruz County was founded on three industries: limestone, leather, and lumber. They are the iconic industries that started our County.

Ed. Note: Tony Campos' district actually has a considerable amount of timber in the mountains north of Watsonville. And the forest industry is most affected by severe environmental restrictions, excessive regulations, time-consuming paperwork to fill out, and costly permits, not inability to borrow money.

CCFA: To what extent should the Santa Cruz County Board of Supervisors, exercising its authority over land use issues, be allowed to prevent a landowner from cutting and selling trees growing on his property? How would you rationalize the taking of a citizen's right to cut down and sell trees growing on his property? What was the rationale for voting to raise the minimum acreage for allowing harvesting?

NC: A lot of people wanted to vote for much higher acreage; ten acres is pretty small. (*Actually, it was five acres.*) We feel even though we made it difficult to harvest smaller parcels, we allowed people to re-zone into TPZ. For people who wanted to slow growth, by allowing people to timber harvest they could realize some income from their property so they wouldn't be inclined to develop their land. This benefits the environment as well as the timber industry. Because of the acquisition of Coast Dairies and Wilder Ranch, the need for this rationale sort of melted away.

CCFA: What effect should the elimination of potential logging activities on a real estate parcel have on the County's assessment of the parcel, for property tax purposes?

NC: Property is assessed without taking into consideration the value of the trees, but when timber is harvested, then the timber is taxed.

The North Coast has a several industries that provide a number of blue color jobs: limestone quarrying, sand quarrying, timber harvesting, cement manufacturing. The County has a number of advocates that are skeptical about the timber industry and are concerned about clear-cutting and whether the practices are fair and ecologically sensitive. There is always going to be that tension there. ■

INTERVIEW WITH MARK STONE

Edited from a taped interview, August 19, 2009

CCFA: What do you consider to be Santa Cruz County's most pressing problems? What is your general idea of increasing revenue or reducing expenditures?

MS: Santa Cruz County - generally our budget would be OK, except for the State taking funds away from us. The State tax structure is archaic, doesn't represent the modern economic realities, and needs re-vamping. Prop 13 put all the fiscal policy authority at the state level and counties lost their ability for self-determination. There are a number of things that make the State level dysfunctional, and without those pressures, we'd be in much, much better shape.

See Stone (Continued on page 2)

Stone (Continued from page 1)

CCFA: Is there an Economic Development Department funded by the county? If there is, why does it have such a low profile?

M.S. A lot of people talk about bringing the tech industry back; that's not going to happen. Santa Cruz had some tech industry, when the growth of the tech industry from Silicon Valley overflowed into Santa Cruz. When the bubble burst in the Silicon Valley, it all contracted back over the hill. We have a lot of small companies, sole proprietorships, tourist and health related industry here. For the first time we're starting to talk about redevelopment. The County talks about attracting industry, but what does it mean? It's meaningless. It sounds good, but nobody has any concrete ideas or explanation of what that means. Santa Cruz has always been a bedroom community. It has a tourist economy. I don't see us bringing in big industry, because where are they going to put it, especially in the unincorporated areas?

CCFA: What about the lumber industry? When this county first started, it was THE industry in the community. It hasn't kept up with the growth of the community. Is there any importance in your mind to the taxes that are created by the lumber industry?

M.S. I'm not sure how much tax revenue the county sees from the lumber industry, so I'm unable to answer that.

CCFA: A couple of years ago, there was an issue regarding increasing the number of acres that a person must own to be able to harvest his timber.

M.S. The minimum parcel size for zoning property TPZ was five acres but was raised to 40 acres. Property must be zoned TPZ before it can be harvested. Under state laws, people with property zoned TPZ have an automatic right to harvest that land. I resent the State having such control over local jurisdiction regarding zoning determinations. By increasing the parcel size, our board has a little bit more flexibility. In my district there are a lot of people who live in forested areas and having neighbors harvesting on 5-acre parcels would cause no end of conflict.

The question for us is where must we re-zone, and where do we have discretion to re-zone? The larger parcels tend to be the more remote ones. Two thirds of timber acreage in this county is already in TPZ, so there is plenty of harvesting that happens and will continue to happen in Santa Cruz County.

Mark assures us that as long as our land is zoned TPZ, we landowners have to right to harvest timber. We also have the right to remove hazard trees upon application for a permit to do so.

CCFA's Cate Moore informed Mark that if timber harvesting is not permitted, for whatever reason, there isn't the income from those logs to offset the management of the land...culverts, erosion control, stream enhancement, et al. ■

LOCKHEED FIRE GIVES SWANTON PACIFIC RANCH OPPORTUNITIES FOR HYDROLOGY STUDIES

By Barbara McCrary

Brian Dietterick, director of Swanton Pacific Ranch north of Davenport, and a hydrology specialist, is excited about the

See **Dietterick** (Continued on page 6)

REVISION TO WATER QUALITY MONITORING

From a letter by Roger Briggs, Executive Officer
California Regional Water Quality Control Board-Central Coast Region

Monitoring and Reporting Program # R3-2005-0066 (MRP) was revised by the CCRWQ Control Board (Water Board) on July 10, 2009. The revised MRP applies to all Timber Harvest Plans (THP) and Non-industrial Timber Management Plans (NTMP) enrolled under an Individual or General Waiver for timber harvest activities in the Central Coast Region prior to July 10, 2009 and all future THPs and NTMPs eligible for enrollment under the General Waiver. The revised changes to the MRP include:

- Modification to the visual monitoring frequency and criteria for storm-events that trigger visual monitoring.
- The "Road Management Program" requirements are eliminated. Monitoring of roads and other timber harvest infrastructure during monitoring Years Two through Five are now included as part of the visual monitoring requirements.
- Photo, storm-event based turbidity and temperature monitoring are no longer categorically required. If you MRP requires this type of monitoring, you may suspend such monitoring effective July 10, 2009.
- Transition from Year One to Year Two monitoring is now automatic.
- You must submit a "Notice of Termination" at the end of monitoring Year Five.
- Forensic monitoring and violation reporting requirements now require you to report to the Water Board any significant change in site requirements.
- The annual reporting period is now October 1 through September 30 of the following year.

The following requirements in the MRP have **not** changed:

- Photo and turbidity monitoring as triggered by forensic monitoring.
- Annual reports are due on November 15 of each year.

The revised MRP may be downloaded from the Water Board's website:

http://www.waterboards.ca.gov/centralcoast/water_issues/programs/timber_harvest/index.shtml

You are required to comply with all requirements of the revised MRP effective July 10, 2009.

Your next annual report is due on November 15, 2009 and must include all photo, turbidity, and temperature monitoring data required by your respective MRP(s) prior to July 10, 2009. Failure to submit this monitoring data may result in a Notice of Violation or additional enforcement action.

Although the revised MRP relies on visual monitoring, the Water Board's Executive Officer retains the authority to strengthen your MRP to include photo, turbidity, and/or temperature monitoring based on site specific conditions.

If you have any questions or require additional clarification, please contact **Mike Higgins** at:

mhiggins@waterboards.ca.gov or (805) 542-4649 or Lisa McCann at: lmccann@waterboards.ca.gov or (805) 542-3132. ■

CCFA URGES MEMBERS TO BOYCOTT FPP

CCFA Editorial

CCFA urges all members to boycott the Forest Practice Protocol (FPP) in its current form and suggests those who wish to sell carbon credits investigate other means of doing so. There are out of state and international carbon markets, but CCFA has not investigated them.

Revision 3 of FPP, which claims to address carbon sequestration, has recently been released. After an extensive review of the document, we find it remains harmful to forest landowners and advocate a **boycott** of the program.

The claim that protocol addresses the extraction of carbon dioxide from the atmosphere is specious. The document fails to propose any performance standards like metric tons of carbon dioxide extracted per hectare per year. Nothing suggests or even allows experimentation to take place to determine what sort of landscape maximizes carbon dioxide extraction from the atmosphere. The document waves airily over the tradeoffs of using wood products instead of concrete or steel in construction and is reluctant to discuss the effects of wood in the carbon cycle after it has been removed from the land. Instead, the document carries on extensively about the nature of the forest management to be used, employing only "Natural Forest Management", which advocates only uneven-aged management of native species and includes specifications for the amount of dead snags and fallen timber that must be present. This is a blatant attempt to usurp the landowner's management options and replace them with the edict of an outside agency.

The playing field is not level for all landowners. The rules of the contract require that the landowners demonstrate a concept called "additionality", which translates to performing above the locally recognized "business as usual" standards. For some localities, this is simple; for others, such as the Southern sub-district of the North Coast District of California, it is virtually impossible. Essentially, the better your past forest practices, the less carbon you are eligible to sell.

The landowner is penalized for actions of others beyond his control. The FPP also employs a concept they call "leakage." "Leakage" occurs when land use is changed "detrimentally" to lands of other owners due to the sequestration action of the primary landowner. For instance: Owner A enters into an FPP contract with CAR to reforest some land previously used for grazing. Owner B cuts some of his forest to open up land for grazing services that used to be provided by Owner A. Owner A has incurred "leakage" and the amount of carbon on his project that is available for carbon credits becomes reduced.

The Project contract is complexly one-sided, in the favor of the Reserve over the landowner. The Project Implementation Agreement (PIA) stipulates the obligations of the landowner and the right and remedies of the Reserve in the event of the landowner's failure to meet his obligations. Nothing mentions the Reserve's obligations to the landowner or the landowner's right and remedies if the Reserve fails to meet its obligations. The landowner could be left holding the bag for up to 100 years.

A project contract locks up land use options for 100 years. This contract will last well beyond the life span of the original landowner and will affect the options of his heirs for 100 years, even if circumstances cause the reserve or the purchaser of the carbon credits to default. If an owner wants out, he must buy back all of his credits at the Reserve's set price, not the current

market price.

The landowner is required to provide the financial pool for project insurance. In most contractual arrangements, after a "product" is purchased, the purchaser is responsible for insuring his acquisition. In the FPP, the landowner is responsible for providing the assets for insuring the project, by providing CAR with the right to 20% of his available carbon credits.

The monitoring requirements could cause the cost of managing your land to increase ten-fold. A timber cruise is the most expensive part of getting a timber harvest permit (THP). As business is normally conducted, a landowner runs a timber cruise only when he is applying for a THP, which happens perhaps once every ten years or more on a tract of land, and the only vegetation counted is merchantable timber species. An FPP requires a timber cruise of all vegetation on his land, and he must repeat this exercise annually to update all of his measurements, unless his timber stays within 90% of the projections of a handful of approved growth models, which he must prove with spot checks of his cruise sites. How well do these models predict growth if there's a drought or an unusually rainy period? There is a high chance these common events can put a year's growth outside the allowable 10% deviation, forcing the owners back to annual cruises.

The reporting requirements cause excessive burdens for the payback received. The prices of carbon/ton being bandied about are somewhere in the \$3 to \$7 per ton range right now, with optimistic projections of \$7 to \$10 per ton. In comparison, selling redwood by the tone from a timber harvest reaps \$56 per ton or more. To qualify for the paltry payment of a carbon credit, the owner must:

- * **Estimate baseline onsite carbon stocks:** i.e. estimate the carbon history that would have occurred on the land without the proposed Forest Project.
- * **Estimate baseline carbon in harvested wood:** forecast the amount of wood harvested that would have occurred without the Forest Project.
- * **Annually determine actual onsite carbon stocks:** timber cruise and calculation of data to translate to tons of carbon. This includes fudge factors for confidence deductions.
- * **Annually determine actual harvest carbon:** report any harvest and translate data to long term storage in wood products. This includes fudge factors for wastage by purchaser of the wood products. Once again, after the wood leaves our lands, wastage is out of our control, but we're still the ones who get to pay for it.
- * **Annually calculate the project's Primary Effect:** essentially calculates actual carbon minus baseline carbon, then subtracts out last year's carbon to calculate the difference between having a project and having no project for the current year.
- * **Annually calculate the project's Secondary Effects or unintended consequences of the project**
- * **Annually calculate the net carbon change:** this is basically the Primary Effect minus the Secondary Effects.

This is a tremendous amount of busywork. It must be overseen by a Professional Forester. It must be verified by an external auditor. The land owner is the one who gets to pay for all of this.

Furthermore, there are a lot of devils lying in the details. Computer simulations must be run to get the growth projections,

See **Carbon** (Continued on page 4)

Carbon *(Continued from page 3)*

which must reflect all legal and financial constraints. Legal constraints have been a moving target for decades: how are we supposed to model this? The owner can only claim credit for 80% of his harvested wood because the protocol assumes "for every ton of reduced harvesting caused by the Project, 0.2 tons will be harvested elsewhere." Somehow, for "avoided conversion" projects, the risk of land use conversion is the same over the entire state. We have a hard time seeing Santa Clara County and Modoc County in the same conversion risk class. This is hardly a complete list of the devils.

Given these features of the FPP, we believe one would have to be desperate or crazy to enter into a contract with CAR, and given that we will not see any real resolutions of these problems, we urge all forest landowners to avoid these contracts like the bad deal they are. ■

THE LOCKHEED FIRE A Personal Experience

By Barbara McCrary

It was Wednesday, and I always go to town on Wednesday...for groceries, hardware, errands, and sometimes a meeting. I arrived home at 5:00 PM, August 12th, put away groceries, fed horses, and prepared dinner. My husband, Lud, and I ate dinner and about 7:00 the phone rang. Our daughter, Janet, phoned to say that a neighbor had called her about a fire he saw up on the ridge to the north of her home, three miles away from us. We went outside to look, and the glow in the sky was ominous. Lud said we'd better go out on the upper part of the ranch and gather our 17 cows and the bull and get them in closer to our house. We drove out in the Gator, called the cows, and finally located them. Then we led them a half-mile and into a small green pasture in front of the house. We kept them there for three weeks, and I fed out a bale of hay twice a day. In afterthought, I cannot imagine what would have happened to them had we left them out that night, as the fire burned hot and fast and touched almost all of the ranch. There were only a few portions of pasture left unburned..

After dark, one of our company employees arrived with our D7 Cat and planned to drive it up onto the chalk ridges a mile away to open up an old fire break built during the last fire in 1948. He said he wasn't sure just how to get there, so I jumped into the Gator and led him up to the base of the ridge. We were a few hundred yards up the ridge when I looked to the northeast and saw the mountainside afire; the flames had already jumped the old break. We turned around and left as quickly as possible. The fire had burned about two miles from its source in a couple of hours, and it was fierce. Wind was blowing at about 20 mph...hot and dry.

Lud and I both refused to evacuate. Our house is well situated and defensible, sitting on an open hilltop, about 100 yards from the nearest forest. We had 10,000 gallons of water in our redwood tank and another 33,000 in our pool.

Cal Fire established a command center in our yard and driveway and we were up until about 3:00 AM, being useful. Lud took incident commanders out to strategic locations and access roads. I offered cool beverages and, later, breakfast for the fire fighters.

Helicopters, four of them, made repeated trips from Scotts Creek lagoon to the mountains around us, dumping their loads of water. These water dumps were all that saved us from losing

everything around us. They saved our barn and a cabin, both situated at the edge of the forest. Our phone line burned up early on, and we were out of service for three weeks, but we found my cell phone worked just fine from the house, so we had communication. Our power line stayed with it all through the fire. All of our water lines, PVC pipe laid on top of the ground, up and down mountains and through the forest, were burned up. Although our redwood water tank caught afire one late afternoon, we were able to put it out before permanent damage was done. Replacing the water lines, more than two miles of them, was a first priority after the fire was completely out.

As it was, we lost most of our timber, pasture, and gates. The latter were too narrow for the bulldozers to pass through without tearing them down. We lost numerous stretches of fence, as well, the posts burned right out of the ground.

Active fire fighting went on for at least three weeks, and mop-ups continued for as long as two months. With grass burned off and heavy equipment trampling the land, the ranch looks rather battered, but we have reseeded with one-half ton of annual ryegrass provided by Cal Fire, and recent generous rains and warm weather have brought on green grass.

I learned a good deal about fire behavior, as I had never experienced a fire of this magnitude before. The fire burned into standing trees, gutted the trunks near ground level, and left them weakened. They either fell on their own or were taken down by Cal Fire crews. Pitch-bearing pines and fir kept burning down into the roots. There are holes, several feet deep in places, where the fire consumed the roots and left hollows in the soil.

On the day after the fire started, the media were in full presence at our home. A TV crew found me driving the Gator around to check things and approached me for an interview. They asked me how I felt, and I replied, "How would you feel if your property was burning up?" Then they asked me if I was nervous, and I said "not particularly" in a perfectly calm tone of voice. I was asked why I hadn't evacuated when ordered to do so, and I told them I had the cattle to care for. This rather astounded them. "You mean you're staying here to take care of your cows?" to which I answered, "You're darn right I am!" I'm afraid I was rude and uncooperative, not showing the frightened and tearful woman they had expected or wanted. We had little control over the fire, and I rarely get upset about things over which I have no control.

Currently, our water line is restored, seeding is done, and fence restoration is underway after rain has softened the ground and postholes are easier to dig. We have great opportunity to increase our pastureland, because so much brush burned up. The community is very fortunate; no active residences were burned, only a couple of summer cabins. A few historic landmarks of the old Big Creek Power Co. burned, but concrete portions remain. A woodsman's cabin, built by Lud's uncle in 1918, escaped the 1948 fire, but could not escape this one.

Cal Fire's techniques are different than those of 60 years ago. Aircraft are heavily relied upon to control fire, whereas in 1948, Lud and the neighbors were out digging fire lines by hand, day and night. Nowadays, Cal Fire seems to prefer the landowner leave and let them do their job. It was unthinkable for us to leave, and we stayed involved throughout. Lud provided a lot of valuable guidance for access to various locations.

In the sixty-one years since the last big fire in the North County, a massive fuel load had built up - pitchy knobcone pines and flammable manzanita. This created a very fast-moving and

hot-burning fire. Since most of the area in the early stages of the fire is remote and unpopulated, with little access, there was not much that could be done to stop it there. Helicopter dumps were not made in the dark, and the fire advanced miles during that first night. This kind of natural vegetation is not the sort people control by thinning or removal.

Lud, with his experiences of fire, had deliberately built our house in the open, away from the forest and the rim of the canyon. He keeps the grass surrounding it green, year around. His vision proved very wise and our house was not threatened. ■



Although redwoods, these are "chalk ridge" redwoods that never gain much size. The light-colored stuff is ash.



Knobcone pines stand burned on a ridge of Lockheed property

NEW RULES ARE ADOPTED FOR PROTECTION OF WATERCOURSES

By Gary Paul

The Board of Forestry has adopted a new rules package addressing watercourse protection for Coho salmon and steelhead trout. This discussion will focus on how these rules affect operations in the Southern Sub-district of the Coast Forest District, which includes Santa Cruz, San Mateo and Santa Clara Counties, and will be somewhat simplified for the sake of brevity. Only Class I and II watercourses are addressed. Class III watercourse requirements are not significantly changed.

Class I (fish bearing streams)

Standards vary depending upon whether the watercourse has a confined channel or a migrating channel/flood plain. A migrating channel changes location over time, and the old channels become part of the flood plain. Confined channels do not change location. If the watercourse has a confined channel and is outside the coastal anadromy zone (watersheds with runs of Coho or steelhead), then different standards apply.

Confined channel in the coastal anadromy zone:

Channel Zone-no timber operations.

Core Zone (0-30 feet from watercourse transition line)-no timber operations.

Inner Zone (31-100 feet from watercourse transition line)-80% canopy required. Thinning from below required to increase average diameter of trees. Retain 13 largest conifer trees/acre.

Outer Zone (101-150 feet from watershed transition line)-not required in Southern Sub-district since single tree selection is the only silviculture permitted.

Migrating channel or flood plain in the coastal anadromy zone:

Channel Migrating Zone-no timber operations.

Core Zone (0-30 feet from watercourse transition line)-no timber operations.

Inner Zone A (31-100 feet from watercourse transition line, can be up to 150 feet from watercourse transition line on wider flood plains)-80% canopy required. Thinning from below required to increase average diameter of trees. Retain 13 largest trees/acre.

Inner Zone B (applicable to very wide flood plains, goes to edge of flood plain)-50% canopy required. Retain 13 largest conifer trees/acre.

Outer Zone (50 feet from edge of flood plain)-not required in Southern Sub-district, since single tree selection is only silviculture permitted.

Confined channel outside coastal anadromy zone:

Channel Zone-no timber operations.

Core Zone (0-30 feet from watercourse transition line)-no timber operations.

Inner Zone (31-70 feet from watercourse transition line)-70% canopy required. Thinning from below required to increase average diameter of trees. Retain 7 largest conifer trees/acre.

Outer Zone (71-100 feet from watercourse transition line)-50% canopy required.

Class II (Non-fish aquatic species)

In the Southern Sub-district, less restrictive requirements are applied than in other areas of the Coast Forest District. This was largely due to the efforts of local foresters, and the membership of the CCFA, who wrote letters and attended meetings regarding the adoption of the new rules. These letters asked that the new rules reflect the restrictive harvesting methods practiced locally, and be based upon scientific research specific to this region.

New requirements are as follows: No harvesting in the channel zone, including trees whose stems overlap the edge of the channel zone, or whose live roots permeate the stream bank, except that 1/3 of those redwoods with live roots which permeate the bank may be harvested. Spacing of retained redwoods, which

See **Watercourses** (Continued on page 6)

TAXES FUND ENVIRONMENTAL SUITS

Environmental law firms reap billions in fee to fund lawsuits

By Mitch Lies - Capital Press

The federal government has paid out billions of dollars to environmental groups for attorney fees and costs, according to data assembled by a Cheyenne, Wyo., lawyer.

Karen Budd-Falen of Budd-Falen Law Offices said the government between 2003 and 2007 paid more than \$4.7 billion in taxpayer money to environmental law firms -- and that's just in the lawsuits she tracked. The actual figure, she said, is far greater.

"I think we only found that the iceberg exists," she said. "I don't think we have any idea how much money is being spent. But I think it's huge."

In some cases, Budd-Falen said, intervening ranchers and farmers are paying for the defense of their farm and ranch practices, and through their taxes, paying for the opposing lawyers' attorney fees. "That money is not going into programs to protect people, wildlife, plants and animals," Budd-Falen said, "but to fund more lawsuits."

Budd-Falen, whose firm regularly represents farms and ranches, for years was aware that nonprofit, tax-exempt environmental law firms were generating sizable revenue from attorney fees paid by the federal government. In June, she submitted a formal request asking the Department of Justice for information on just how much was being spent.

"They said they don't track that information," she said. After the response, Budd-Falen sat down with a paralegal and started what she said was a time-consuming process of uncovering and compiling the data. "The numbers were just shocking," she said. "Somewhere this has to stop, and the government has to be held accountable for the money it's spending," she said.

Budd-Falen documented that between 2000 and 2009, three tax-exempt, non-profit environmental groups -- Western Watersheds Project, Forest Guardians and Center for Biological Diversity -- filed more than 700 cases against the federal government.

"Ranchers and other citizens are being forced to expend millions of their own money to intervene or participate in these lawsuits to protect their way of life when they have no chance of the same attorney-fee recovery if they prevail," Budd-Falen said.

Budd-Falen found in one 15-month-long case that Earthjustice Legal Foundation and the Western Environmental Law Center filed for \$479,242 in attorneys' fees. Brian Smith, a spokesman for Earthjustice, said the foundation counts on those fees in part because it represents groups free of charge. He said the foundation bases its fees on the going rates for attorneys.

Also, he said, if the government was doing its job, the foundation wouldn't be so active. "If the government had been enforcing the laws during the Bush administration," he said, "there would be no jobs for nonprofit environmental lawyers. "The environmental movement would love to retire and know that everything is safe, but that is not happening," he said.

Smith said he is confident President Barack Obama's administration will reduce the need for environmental lawsuits. "The (Environmental Protection Agency) has been very active in the new administration," he said. "That has been encouraging to see how they are stepping in and enforcing the laws."

Budd-Falen, however, said she doubts the steady stream of

lawsuits will stop, or even slow. "Why would you stop filing litigation when you can get that kind of money?" she asked.

"They are not filing these suits to try and protect the environment," she said. "They are filing these suits to make money." Environmental groups, she said, are eligible for government funds under the Equal Access to Justice Act, which provides for the award of attorney fees to "prevailing parties" in cases against the government.

In order to prevail, under the act, all a group has to do is show a government body changed some policy or program as a result of the suit. The firms also are accessing government funds through the Judgment Fund, Budd-Falen said. The fund is a line-item appropriation in the federal budget used for paying claims against the government. Much of the funds to pay the attorney fees, she said, are being pulled from the budgets of cash-strapped regional offices of natural resource agencies. "Those budget items ought to be used for range improvement projects, trails or campgrounds, whatever the agency is supposed to be doing," she said.

Budd-Falen, in her research, also documented salaries paid to top environmental executives. On top of that list was the \$446,072 salary paid the president of the Environmental Defense Fund. Second was the \$439,327 salary paid the president of the World Wildlife Fund.

Budd-Falen said it is important to bring to light the cost of environmental litigation in the hope Congress might scale it back. Also, she said, it is important for the public to realize just how much taxpayer money is being spent on these cases.

"We are going to get back to this again and track some more of these dollars," she said, "because I think we ought to know (how much we're spending on this). And if Congress or the Justice Department won't do it, I think somebody has to."

■

Watercourses *(Continued from page 5)*

are 12" in diameter or larger, is not to be more than 25 feet apart. At least 80% canopy must be maintained over the channel zone. No more than 1/3 of conifers, which are 18" in diameter or larger, may be harvested.

Clearly, the effect of these rules is to devote more timberland to the protection of fish. The thrust of the new rules is to restore and enhance fish habitat. Timber production is a secondary use in the Watercourse Protection Zones.

Besides the positive move regarding the less restrictive rules for Class II watercourses for the Southern Sub-district, another positive note is found in new Rule 916.9(c)(5), which provides that practices which meet the objective of restoring and enhancing fish habitat include "thinning for increased conifer growth" and "fuel hazard reduction activities that will reduce fire hazards and stand replacing wildfires which would result in significant adverse effects to salmonid species or riparian habitat". So, the Board of Forestry recognizes that fire is destructive to fish, and that thinning forests helps prevent fires. ■

Dietterick *(Continued from page 2)*

learning possibilities the Lockheed fire has presented to him and his students. They will be monitoring the responses of Little Creek to the timber loss on their land and to the responses of the salmon and steelhead population relating to the creek. We should be able to print information in forthcoming issues. ■

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 1670 Capitola, CA 95010

Membership Category	Dues
Individual	\$50
Business	\$500

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Notes From the Nut-House



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www.ccfassociation.org



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P.O. Box 1670
Capitola, CA 95010



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.ccfassociation.org or by e-mail to: ccfa@ccfassociation.org. We will keep it strictly confidential at all times.

INSIDE THIS ISSUE:

CCFA Interviews S.C. County Supervisors Interview with Neal Coonerty Interview with Mark Stone	1
Interview with Mark Stone (cont.) Lockheed Fire Gives S P Ranch Opportunities Revision to Water Quality Monitoring	2
CCFA Urges Members to Boycott FPP	3
CCFA Urges Members to Boycott FPP (cont.) The Lockheed Fire	4
The Lockheed Fire (cont.) New Rules Adapted for Protection of Watercourses	5
Taxes Fund Environmental Lawsuits Watercourse Rules (cont.) S P Ranch Opportunities (cont.)	6
Membership Application Form Notes from the Nuthouse	7
CCFA's Mission	8

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.*