



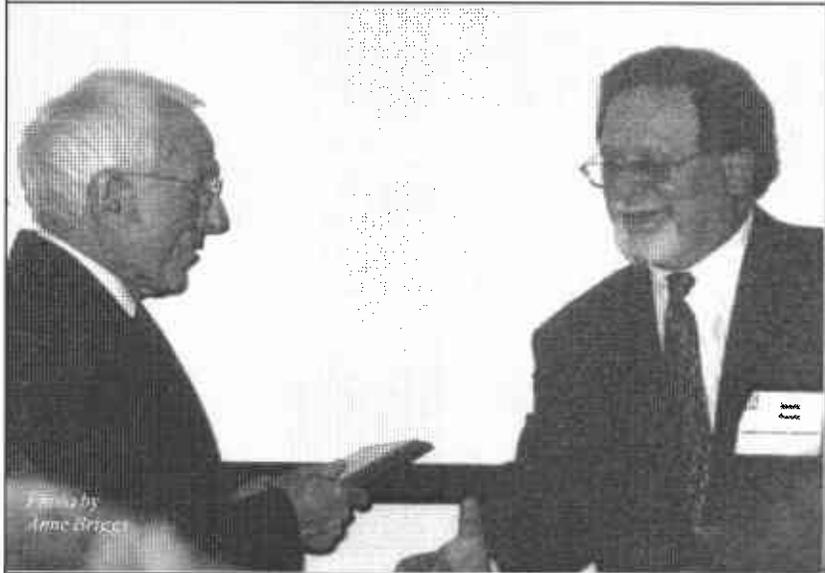
Central Coast Forest Association

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 wild-life 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.

CCFA HONORED FOR SUSTAINABLE FORESTRY AND FORESTLAND PROPERTY RIGHTS ACHIEVEMENTS



Bob Briggs representing CCFA accepts Achievement Award from Mark Rentz, CFA Vice President

January 16, 2003

CCFA was recognized and honored by the California Forestry Association for achievements in upholding sustainable forestry and defending landowner's rights. California Forestry Association Vice President, Mark Rentz presented the award before a group of distinguished State government and industry leaders who were participating in two days of policy and technical discussions at CFA's annual gathering. CCFA director Bob Briggs accepted the award on behalf of the Association.

In making the presentation, Rentz complimented CCFA for its persistent advocacy of sound forest practices while standing up for small forestland owners right to hold, use and enjoy their lands.

The elegant black and gold plaque memorializing the award reads:

California Forestry Association
 Grassroots Achievement Award
 January 16, 2003
 Central Coast Forest Association

In Recognition Of CCFA's Efforts
 to Promote Sustainable
 Forestry and Defend
 Forestland Owner's Property Rights

Inside this Issue

CCFA Receives award.....1
 Coho delist petition.....2
 Notes from the Nut-house....3
 Friends of the Court.....4
 Introducing Bob Berlage.....4
 CCFA Membership.....5
 Water Quality decision.....5
 Unconstitutional agency.....5
 Unclean hands.....5
 Editorial.....6

Coho are probably not indigenous to this locale

CCFA Petitions Federal Government to Remove Central Coast Streams from Coho Salmon ESU

By: Bob Briggs

Since October 31, 1996, NMFS listing of Central Coast coho salmon as a threatened species under the Federal Endangered Species Act has justified many incursions on private property and personal freedom. CCFA believes in real environmental protection but a preponderance of multi-disciplinary evidence indicates that coho salmon are not native to Santa Cruz Mountains streams. Restoration of native coho salmon habitat is therefore not a valid reason for abridging property rights of farmers, fishermen, builders, timber growers and others using or enjoying Central Coast natural resources.

On September 11, 2002, with the advice and help of the Pacific Legal Foundation, CCFA filed a petition (based on solid, local, scientific and historic findings) to redraw the southern boundary of the Central Coast Coho ESU to San Francisco Bay rather than the Pajaro River. This petition lays out facts showing that coho salmon are not native to the Santa Cruz Mountains streams and hence, could not be "*an important component in the evolutionary legacy of the species*" as required by the Endangered Species Act.

History Contradicts anecdotal stories

Contrary to the large body of stories and anecdotes, early scientific fish surveys in the Central Coast report no coho salmon south of San Francisco prior to heavy hatchery stocking beginning a century ago. Stanford Scientist, David Starr Jordan, in 1898, identifies the habitat range as from San Francisco north. A second scientific study in 1912 confirms the absence of coho from Santa Cruz Mountains streams at that time. No credible scientific or historic evidence refutes this record.

Hatchery fish "swamp" native coho census

Massive numbers of hatchery coho have been continuously planted in Santa Cruz Mountains streams since the early 1900s making subsequent population reports meaningless and contributing to the myth of large, native populations. The laymen's difficulty in distinguishing between steelhead and coho also probably contributed to misinformation.

Coho colonies are vulnerable to natural catastrophes

Geomorphologists, climatologists, and hydrologists believe that Santa Cruz Mountains streams are very hostile to permanent colonies of coho salmon. Due to their rigid life cycle (unlike steelhead and other salmonids), coho cannot interbreed between generations. This, and the lack of other adaptive options make the survival of each generation essential for permanent populations. Stochastic events related to the climate and geography - droughts, floods, sand bar opening failure and other natural events frequently extirpate a generation and make permanent colonies of coho, with their very limited survival options, improbable.

Since coho occasionally stray to non-natal streams, it is possible that occasional transient coho colonies existed prior to recent artificial stocking but the high probability of extirpation by frequent, natural, stochastic events makes permanent colonies unlikely.

Archeological findings are consistent with the conclusion

An extensive survey of archeological excavations of Central Coast Native American kitchen middens (refuse dumps) spanning the period from 6000 BC to the time of European settlement produced tens of thousands of fish remains, but no coho salmon remains appear in the Native's dietary refuse. Steelhead remains are plentiful in the middens south of San Francisco and coho remains are found in middens from Contra Costa County northward. The archeologists and fish fossil experts conclude that coho were probably not present in these streams prior to recent artificial introduction.

Only permanent population can support a genetic legacy

History, archeology and physical sciences support the conclusion that coho are not native to the Santa Cruz Mountains streams and could not survive unless they were continuously restocked by artificial methods (as has been the case for nearly a century).

The Federal Endangered Species Act (ESA) sets two criteria for listing a species as threatened.

- 1) It must be substantially reproductively isolated from other conspecific* population units.
- 2) *It must represent an important component in the evolutionary legacy of the species.*

Our petition concludes: The best available scientific information shows that Santa Cruz Mountains streams have never supported and are incapable of supporting permanent, natural populations of coho salmon and that hatchery coho that are and/or have been present could not comprise *an important component in the evolutionary legacy of the species*. We therefore request that the California Coast from San Francisco Bay south be withdrawn from the Central Coast Coho ESU. Our petition has been deemed to be of sufficient scientific merit to warrant study by NMFS and we await their final analysis.

* **conspecific** = of or pertaining to the same species



Notes from the Nut-house

Or: Why I feel like an alien around here.

One business at a time (it's not about the economy, stupid)

The enviro-amplified wildfires last summer that burned the entirety of the Kamioposis Wilderness area and an enormous amount of adjoining forest, (see fall 2002 Log) caused the loss of 1 billion board feet of timber and the closure of the last lumber mill in this major forest area of Southern Oregon. Now, the Rough and Ready lumber mill has announced it will close after 59 years of serving its community because it cannot get logs.

Meanwhile, next door to Rough and Ready, the burned trees contain more than \$500 million dollars worth of wood that will be destroyed by insects and decay within about two years. This destruction has been assured by the same agencies and enviros whose policies promoted the fires last year and now have created a lengthy planning and legal process which assures that the dead trees will be worthless before they can be logged.

Facts about Rough and Ready Lumber Co.

Ownership Family owned and operated
Years of operation 59 years
Employees 145 employees
Production volume 50 million board feet/year
Plant Modern, hi-tech

...Reminds me of another last-survivor lumber mill I know .

How to save steelhead

hint, dry up their in-stream habitat

Throughout the Central Coast, misplaced efforts to "restore" endangered fish are depriving farmers of their traditional irrigation water sources. We know of two victims in San Mateo County and seven in Santa Cruz County within the past six months.

One of the San Mateo victims, the Aldo Giusti family, has farmed their land for over 100 years using water collected in on-stream reservoirs during the rainy season. The source is usually dry by mid-summer, and the Giusti's irrigate using the water stored behind their dams. Incidentally, steelhead also spawn and rear in the reservoirs.

Since evaporation and withdrawal of water reduce the habitat area within the reservoirs during the summer, the



CDF&G has declared that this may constitute a "take" of steelhead...verry bad..

Noted fisheries biologist, Dr. Jerry Smith, having studied this situation for two years, concluded that the only possibility for steelhead to live on the ephemeral stream is the water stored behind the dams. CDF&G, nevertheless, in order to prevent a possible "take", ordered the abandonment of both dams.

Here's the punch line: Ex-farmer Giusti reports that, for the first time in his lifetime of farming and living on this land, there are no steelhead in the now dry stream bed and reservoirs.

Here at the nut-house we hear the speculation that this action by CDF&G may have nothing to do with fish. ???

Nut house research report

Why are there no coho bones in ancient, local, native middens?

(We always thought it was because there were no coho present then. Read on)

The Sierra Club and the other usual suspects have taken on CCFA's petition to delist local coho salmon. One of their arguments against the archeological data indicating steelhead but not coho remains in the ancient local native's diet (hence their trash dumps) is that coho salmon probably had religious significance to the natives so they ceremoniously returned all coho remains to their ocean home.

Here is a transcript of an ancient, after-dinner, family conversation that mysteriously came into the possession of the nut-house correspondent.

Father: Now son, take these remains of our sacred coho dinner, walk the five miles down to the sea, wait till the moon is directly overhead and solemnly return them to their home in the ocean. Then the coho god will be pleased.

Son: Yes father. Oh...and father, what should I do with these steelhead bones?

Father: Throw 'em on the trash heap, ya dummy!

PACIFIC LEGAL FOUNDATION LEADS FOUR STATEWIDE RESOURCE ORGANIZATIONS IN SUPPORT OF CCFA LAWSUIT APPEAL

On a subject usually devoid of much encouragement, we have some very good news. The Pacific Legal Foundation, on behalf of Four leading California resource organizations has filed with the Sixth Appellate Court, a friend-of-the-court (amicus curiae) brief in support of our legal action to protect the rights of Santa Cruz County forestland owners. The 41 page amicus brief that has been accepted as court testimony, supports our position and introduces some valuable new arguments.

The four loyal friends who have stood up for us are: the Forest Landowners of California, the California Forestry Association, the California Farm Bureau and the California Cattlemen's Association. All of these organizations are engaged in major battles of their own to protect their lands and rights but they have given their time and resources to support CCFA and Big Creek in our dispute with Santa Cruz County and the State Coastal Commission. We owe them a big debt of gratitude.

State Board of Forestry still dithering on amicus position In another encouraging bit of news the court has responded to a request by the State Board of Forestry to extend the time for filing an amicus curiae brief on our position. We have urged them to join the fray from the

beginning since the thrust of our case is to keep S.C. County and the Coastal Commission from usurping the Board's regulatory authority. Without this authority, the Board cannot perform its assigned function, and thus, serves no important purpose, so in a sense, we are fighting their battle.

We cannot explain their reluctance since the bureaucratic and political logic are convoluted beyond our comprehension but we hope that this time, they will step up and help us by defending themselves. The fact that they have requested an extension of filing time from January 15 to Feb. 12 is encouraging.

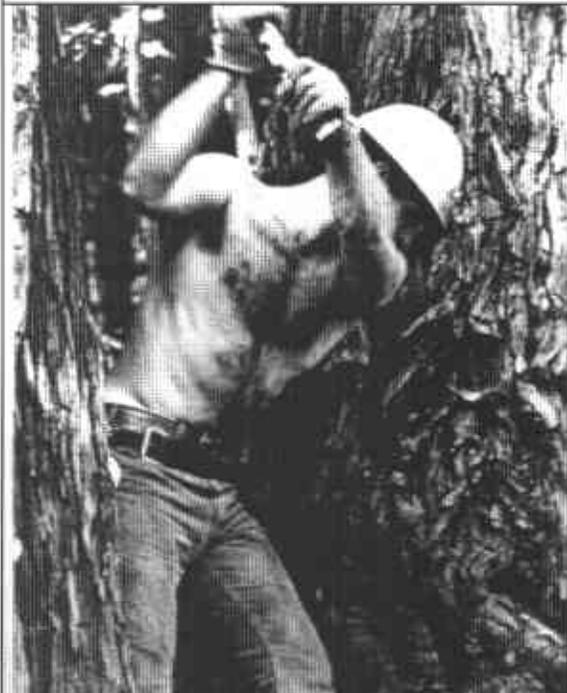
Additional 58 day extension of filing time requested by S. C. County and Coastal Commission In keeping with the tradition of the legal system, attorneys for Santa Cruz County have requested an extension of the date for filing their final brief from Feb. 12 until April 12. Since the Court will probably automatically grant it regardless, we have reluctantly agreed to go along. We know that to our members who are waiting to get on with plans for their timberlands, time is of the essence, but we have not found a way to hurry the legal profession or the court.

By: Bob Briggs

CCFA Legal Correspondent

Continued to next column

INTRODUCING CCFA'S BOB BERLAGE; SCHOLAR, WOODSMAN, COMMUNICATOR, COMMUNITY LEADER, CALENDAR MODEL



So that you, dear readers, will recognize CCFA's principle "ball carriers", we occasionally present an introduction and easily recognized photo of them in their natural habitats. Bob Berlage, pictured on the left, is one of the founders and charter directors of CCFA, served a term as president, helps edit "The Log" and earns his present living in "communications" for a local forest products firm.

Bob earned his B.S. degree in English Lit from Utah State U. in 1973, followed by three years of graduate study at the University of Utah in cultural anthropology, but finally went to work when the realities of life set in. For the next 21 years (back when he worked for a living) Bob was a timber faller. (see photo)

Bob's volunteer, community service has recently led to his vice chairmanship of the Republican party of Santa Cruz County. In his spare time, he fishes, boats, shoots, and sometimes relaxes.

Mr. Berlage says that he is proud of his career and accomplishments in the forest products industry and takes great satisfaction in working with the many other conscientious, industry professionals to provide, quality forest products to the community.

CCFA founding director and past president, Bob Berlage driving his point the old fashioned way (~1984)

Central Coast Forest Owners Dodge Another Bullet at CCRWQCB Hearing

February 7, 2003

The Central Coast Regional Water Quality Control Board delayed action on its staff's recommendation for a change in waste discharge requirements for timber harvest activities that would have added one more layer of bureaucracy to the already tedious process of obtaining a harvest permit. Just as has Santa Cruz County and the California Coastal Commission, the CCRWQC staff seems to want to usurp board of forestry control of timber harvests on the Central Coast.

According to forester Eric Huff, the Board expressed dissatisfaction with its staff for advocating a "cookie cutter" or one-size-fits-all set of regulations for the Central Coast where conditions are much different from other areas such as the Central Valley. The Board agreed to take no action on the change until it conducts a hands on field trip in May to learn for themselves the actual local conditions before taking further action.

Thanks are due to CCFA members, Eric Huff, CDF staff, and many other concerned citizens who testified to the Board and told it like it is. Mr. Huff urges CCFA members to be prepared for the May inspection.

California Coastal Commission is unconstitutional says appellate Court

Having taken them to court to contest intrusions on forestland owners' freedom, CCFA knows that the California Coastal Commission is a high-handed regulatory power with no accountability to voters. Now, this is about to change, thanks to a California Court of Appeal ruling on Dec. 30 declaring the Coastal Commission unconstitutional.

This good news is another reason to be grateful to the Pacific Legal Foundation who have been pursuing this matter for several years and are prepared to follow it to the Supreme Court if that is necessary.

Judge Declares that Santa Cruz Earth First boss has "unclean hands"

By Bob Berlage

Just when we thought the law-breaking anarchist group, Earth First, had sunk about as low possible, they have managed to surprise us yet again. On the heels of the accidental, fatal fall of a hired tree-sitter near Corallitos in south Santa Cruz County, the local Earth First leader seems more concerned with his tree-climbing paraphernalia than with the young man to whose death he contributed. Dennis Davie, self-described leader of Earth First Santa Cruz, had the audacity to file a court action to retake possession of items left at the scene by the deceased, tree-sitter.

The judge could barely hide his disdain for Mr. Davie. When asked whether Earth First had permission to enter the private prop-

Is your membership current? CCFA needs your help!

Central Coast Forest Association

Membership / Renewal / Contribution

Name _____ Date _____

Enclosed is \$ _____ for: New Membership , Membership Renewal , Legal Fund

I am not a member but I wish to receive future issues of the "Log"

Home phone _____ Work Phone _____

Address _____ E-mail _____

MEMBERSHIP CATEGORY

DUES

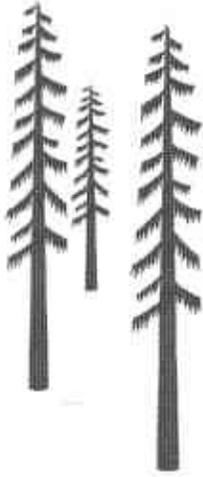
Individual
.....\$50

Signature _____

Please make checks payable to Central Coast Forest Association, -OR- CCFA Legal Fund
P.O. Box 1670 - Capitola, CA 95010



Central Coast Forest Association



P. O. Box 1670, Capitola, CA 95010 (831) 469-6016

EDITORIAL

MAYBE THERE'S A BETTER WAY TO PRESERVE FORESTS

The environmental activists assert that in order to preserve our forest for future generations and protect the pristine watersheds and wildlife habitat we must eliminate roads, logging, mining, recreation and all other human activity and use. The government tried this program and last year we burned up 7.1 million acres of forests with the following results:

- Environmental loss to watersheds from erosion and silt in streams from now barren hillsides.
- Death and lost habitat for fish, frogs, birds and animals.
- Homes and structures destroyed with millions of dollars of lifetime investment.
- Fighting the fires cost \$1,400,000,000 , 22 lives, thousands of injuries and vast amounts of non-productive man and equipment days.

Now compare the effect of responsible forest timber farming:

- Controlled, sustainable thinning of timber and brush minimizes the wild forest fires.
- Sales of timber from our national forests returned millions of dollars to the country roads and schools.
- The employment in mills and forests supported many communities with taxable income.
- Timber, wood, is a plentiful renewable building and paper resource.

By: Charles Burton,
Director, CCFA

A Government big enough to give you all you want is big enough to take it all away.

Barry Goldwater