



Central Coast Forest Association

LETTER FROM CCFA PRESIDENT, PETER TWIGHT

Dear CCFA Members and Friends,

As you can see, this is not a regular issue of the Log. It's just a note to fill you in on recent activities. We are behind on our objective of publishing the Log four times a year, but we have an excuse. The officers and directors have been over our heads in several major projects (battles). Leading the top ten list are our lawsuit against the County and the Coastal Commission and our effort to persuade the federal and state governments to de-list the "endangered" non-native coho salmon. As you know, we have no paid staff so the officers, directors and volunteers do everything by hand. Here's a quick summary and we will resume our regular publication schedule as soon as we get our deck cleared of some of the most demanding things.

Your Board and I thank you for all of your patience and support.

Sincerely,

Peter Twight

LATEST FROM THE LEGAL ARENA

On November 20, a three judge panel of the California Sixth Court of Appeals heard oral argument on our lawsuit appeal (Big Creek Lumber and CCFA vs. the County of Santa Cruz and the California Coastal Commission). This landmark lawsuit will determine the future of forest business in the County and will likely have repercussions throughout the state. Attorneys for each of the four litigants presented their position, but only 30 minutes were allowed for each side, so the comments were mostly confined to clarifications of the previously filed written arguments. We are now waiting for the court's decision that is expected within the next month or so

The presiding judge had read and understood the written arguments. His questions were direct and sharp. Queries concerning the authority of the Coastal Commission in the management of timber operations resulted in the usual claim to speak for God, and got a discrete laugh. Those of us who attended the hearing were encouraged, but with the courts, you never know. We'll put out a flash bulletin to members as soon as we receive the decision.

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.*

NMFS Misplaces CCFA's Petition to De-list Coho Salmon South of San Francisco

The comedy of "endangered" coho salmon in the streams of the Santa Cruz Mountains continues to provide a good laugh for all and a flimsy excuse for government's curtailing of logging, farming, recreation, etc. around Central Coast streams.

In the early 1990s, Santa Cruz County bureaucrat Dave Hope wrote a totally bogus petition to State and Federal governments to list Central Coast coho as an endangered species. Both the federal government (NMFS) and the State (CDF & G) went along with the charade and listed them. However, common sense (and coincidentally the law) says that to be endangered, the species must be native to the habitat and an important linkage in the genetic heritage of the species. The historical and archeological records prove conclusively that coho salmon are not native to these streams and were never present until artificially introduced in 1906 by the

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Santa Cruz County Brookdale Fish Hatchery. Thus, there is no way they can be an important genetic linkage. Furthermore, these colonies of exotic coho could not have survived except for the frequent re-stocking with hatchery fish from literally all over the world.

On the basis of their non-native origin, CCFA filed a petition with NMFS in May of 2002 to de-list coho in the Santa Cruz Mountains. NMFS promptly acknowledged receipt of our petition but then, we heard nothing. Since they legally are required to reach a decision within a year of accepting the petition and we had no news, our associates of the Pacific Legal Foundation, made an inquiry and guess what! NMFS had no record or recollection of having received our petition.

In the year since writing the petition, our continuing research has yielded additional evidence that considerably strengthens our case. We decided that rather than pursue the lost petition, the course of least chaos would be to write a brand new petition with the latest sources and data. The new petition was submitted on December 5 over the signature of CCFA member Homer T. McCrary. You can read it on the CCFA website, www.ccfassociation.org.

Using the same ammunition, we have also written a detailed letter to CDF & G that will be posted on the website soon, protesting absurd restrictions on Central Coast water and land usage proposed in their 700 page "Recovery Strategy for California Coho Salmon".

Will NMFS lose *this* petition? Well..., no, because NMFS (Probably to avoid embarrassment) has just morphed into NOAA-Fisheries. Maybe NOAA-fisheries will lose it but we and Pacific Legal Foundation will try to keep a closer eye on them this time, no matter what name the agency uses.

CCFA HAS A WEBSITE

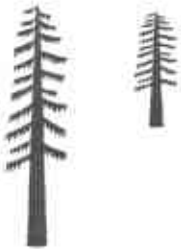
Get CCFA's news and nonsense at (www.ccfassociation.org).

It's just a start, but there is a lot of stuff there already. Most of the real news on the site today is under the heading of coho salmon because we have been putting a lot of time on that topic lately. You can read the coho de-listing petitions we sent to the NMFS, Jodi Frediani's blast in response and Bob Briggs' comments on her blast. The space for the *Log* is blank at the moment, but we'll fix that soon.

If you want a little laugh, look under "Notes" for some selections from our cartoon collection. Better still, look at Appendix D of the Dec. 5 NMFS petition and read about the comic character, "Captain Wakeman" that Frediani cites as her primary *scientific* authority for the native origin of coho salmon in Central Coast streams. (Maybe she should stick to her animal mind-reading profession.)

Have a look at the website and please give us your reactions and suggestions.

Central Coast Forest Association



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To: