



# 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 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.*

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## CCFA AND BIG CREEK LUMBER PREVAIL ON ALL COUNTS IN SIXTH APPELLATE COURT RULING OF LAWSUIT AGAINST SANTA CRUZ COUNTY AND STATE COASTAL COMMISSION

### County Supervisors Seek to Take Appellate Court Ruling to the Supreme Court

On February 18, when I wrote to CCFA members and friends, I was quite optimistic since we had just won a total victory in the Sixth Appellate Court on all counts of the appeal of our lawsuit against the County and the Coastal Commission. I did, however, throttle my enthusiasm somewhat by cautioning that the County and Commission might decide to take us to the Supreme Court to challenge the decision. The other shoe has just dropped.

In a closed session on March 9, 2004, the Santa Cruz County Board of Supervisors decided to appeal the Big Creek, CCFA vs. S. C. County and State Coastal Commission lawsuit decision to the State Supreme Court rather than accept the verdict of the Sixth Appellate Court. Their minds are obviously set and an appeal to the Supreme Court is certain.

If the Supreme Court accepts the case, it will introduce a nine-month to two year delay in eliminating the County's illegal, anti-forest-management ordinances. The delay will cause more expense and inconvenience to small forestland owners, cost taxpayers hundreds of thousands of dollars, and reduce the County tax income. On the other hand, a Supreme Court review could clear up legal ambiguities that would beneficially affect forestland owners in counties other than Santa Cruz. We will know within a few weeks whether the Supreme Court will agree to hear the appeal.

Our legal effort to date, the trial in the superior court and the hearing by the Sixth Appellate Court, has been expensive and time consuming. We do not relish more legal hassle and expenses but we have no choice but to continue. So far our legal costs have been met by contributions from CCFA members and generous friends. The trip to the Supreme Court will be expensive. We will explore possibilities of institutional help, but we will probably continue to depend on members and friends to keep up the effort.

The legal battle is on the agenda for the CCFA Annual Membership Meeting on April 14. (For specifics, see page 6.) This is an opportunity to get the latest information, make suggestions and help shape CCFA policy for the next round in the legal battle to protect our members' property rights.

*Peter Twilight*  
President, CCFA

### Editor's note:

The Appellate Court decision is as well written a legal document as we can remember seeing. Besides the very positive message, it's just plain enjoyable reading. The full text is on the CCFA website: [www.ccfassociation.org](http://www.ccfassociation.org)

**Read "Don't Waste Money" on page 3**

**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

<u>Membership Category</u>	<u>Dues</u>
Individual .....	\$ 50
Professional .....	\$250
Business .....	\$500

**CCFA needs your support,  
so we can fight for YOUR property rights.**

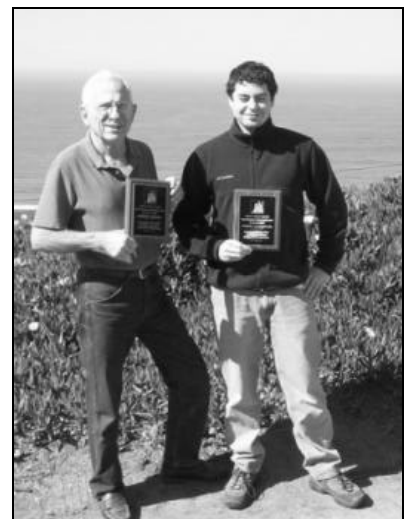
**Bob Briggs and Fabian Alvarado show off their Science Achievement awards**

**CCFA'S BOB BRIGGS AND FABIAN ALVARADO HONORED BY  
CALIFORNIA'S FOREST INDUSTRY FOR FOREST RESEARCH ACHIEVEMENT**

At a dinner ceremony held at the Monterey Bay Aquarium on January 29, 2004, CCFA researchers Fabian Alvarado and Bob Briggs were recognized for their contributions to forest science. Mark Rentz, Vice President of the Sacramento-based California Forestry Association, presented our two investigators with the *California Forestry Association Forest Research Achievement Award*.

Alvarado, a graduate of UCSC with degrees in Environmental Studies and Anthropology has recently joined Big Creek Lumber Co. as a researcher, and in a short time made several valuable discoveries concerning Central Coast ecology. Briggs, an Engineer and Physicist has studied Central Coast forests and streams for many years. The two have collaborated recently on technical studies related to CCFA's petition to delist local Coho salmon, having shown that Coho cannot sustain a significant permanent natural population in Central Coast streams. This information has important consequences to forestry, farming, recreation and most other activities on or near Central Coast Streams.

The elegant plaque presented to each of the recipients reads in part:



*Ken McCrary photo*

***"In Recognition of Your Efforts To Promote Sound Science in Forest Policy Decision-making"***

Both recipients expressed sincere gratitude for the recognition.

## News Notes from Here and There

### Court Victory Upholding the rights of Private Timberland Owners!

From Pacific Legal Foundation's Action Report March 2004

*Big Creek v. County of Santa Cruz.* PLF won a big victory for private property rights in the Sixth district Court of Appeal on February 17. Santa Cruz County had passed an ordinance regulating timber operations virtually out of existence in the county. PLF filed briefs in the trial court and the Court of Appeal arguing that the county did not have the legal authority to regulate either where or how timber harvesting activities may take place because such regulation is preempted by the state's Forest Practice Act.

An earlier decision out of San Mateo County and the First District Court of Appeal had ruled several years earlier that a county can regulate where harvesting takes place, just not how. That decision was petitioned for review, but unfortunately the California Supreme Court declined to hear that case. Now we have a strong decision from Santa Cruz County that directly conflicts with the San Mateo case which creates a strong likelihood the Supreme Court will take a look at this important issue. A number of Coastal counties, including Napa and Mendocino, have proposed ordinances like the one in Santa Cruz, so this recent victory gives PLF a good opportunity to stop them from destroying many small timberland owners' investments.

(Ed. Note: While it's obvious that PLF contributed extremely valuable support toward winning this case, it's unfortunate that they didn't mention that CCFA was one of the two plaintiffs.)

### Don't waste money

Alfred Carlson

As submitted to the Santa Cruz Sentinel - March 16, 2004  
Reprinted with permission of the author

I was appalled to read the recent article reporting that the county Board of Supervisors is going to continue its lawsuit and try to get the state Supreme Court to overrule the recent appellate court decision on local zoning for logging.

How can the board claim to have a budget shortfall and be cutting service to the most needy citizens of our county, then spend a half-million dollars on a frivolous lawsuit to take local landowners' property rights away?

If board members feel so strongly about the logging issue, they should set up an assessment district to have a tax like the Peninsula Open Space District did and buy the development or logging rights from the property owners.

The board members don't seem to have an understanding of private property rights. Why don't they pass an ordinance that does not allow homeowners to prune and thin their rose bushes? This is a good horticulture practice, just as selective cutting and thinning trees is a good logging practice that make for a healthier forest and less fire danger.

The board seems to have a vendetta against Big Creek Lumber, which is a major, environmentally responsive local employer. It has already spent a million dollars trying to protect their logging rights. From my observation, Big Creek does a much better job managing its forests than the local parks and open space districts do. Supervisors need to be held accountable for their spending when they are cutting much-needed public services and laying off county employees.

### GUEST EDITORIAL

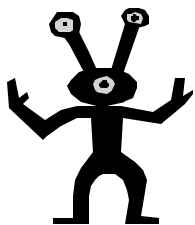
By Bob Briggs

#### TRUTH VS. "FACTOIDS" IN PUBLIC DECISION-MAKING

The truth seeker is at a serious disadvantage in dialog with those who can make up their factoids as they go along. (A factoid is a falsehood presented so convincingly that it resembles truth.) It is sometimes difficult, even for a competent scientist, to distinguish between facts and contrived factoids. Yet, decision-makers who have little or no scientific background are regularly inundated by spurious information from agenda-serving, well-financed, public relations practitioners. The discourse leading to enviro-political decisions is clouded by these diversions from truth. The research necessary to find, test and document a truth that will stand scientific scrutiny is time consuming and tedious whereas a factoid can be created on the spur of the moment. In the time it takes to investigate, document and refute one factoid, less rigorous persons can come up with a dozen more. Once a factoid is circulated and published, it takes on a life of its own and is accepted as truth by those without the incentive or resources to examine it thoroughly.

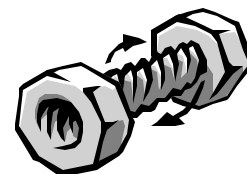
This is a serious problem to property owners whose use of their lands is under siege from every direction by groups who don't believe in private property and can create and sell myths such as: the country is running out of timber or the Santa Cruz Mountains fish habitats have been destroyed by farming or timber harvesting.

A penetrating examination of this syndrome is presented on the CCFA website ([www.ccfassociation.org](http://www.ccfassociation.org)) in an essay, **Jodi Frediani, the Environmental Movement and Critical Thinking** by researcher Fabian Alvarado. For those of us on the firing line, it provides valuable insight.



## Notes from the Nut-House

Or, why I feel like an alien around here.



*Sometimes you just have to wonder about ulterior motives*



*Bob Briggs will no longer be with us as editor of The Log*

### Regional Water Quality Control Board regulations will place an onerous burden on all forestland owners

#### Peter Twight

Regional Water Quality Control Board (RWQCB) regulations are still evolving, but not favorable for us.

1. The recent demands for 5-year monitoring are listed below:
  - a. Visual monitoring of all roads, watercourse crossings, landings, skid trails, water diversions, water course confluences, and all mitigation sites within 24 hours of each storm event of 2" or greater.
  - b. Photo-point monitoring above and below all landslides, road and skid trail crossings of any watercourse, including Class III, all mitigation points and watercourse confluences.
  - c. Up and down stream turbidity monitoring of all Class I and Class II watercourse crossings within 24 hours of each storm event of 2" or more.
  - d. Up and downstream temperature and turbidity monitoring within 24 hours of each storm event of 2" or more.
  - e. Keep a logbook of all visual, photo-point, and water analysis data listed above.
  - f. Report a summary of each inspection within 30 days of each storm event of 2" or more.
  - g. If one cu. yard of soil is released into a waterway

from any cause (bank erosion, landslide, culvert washout), it is to be reported to the RWQCB within 48 hours.

- h. Any violation of Forest Practice rules shall be reported within 24 hours.
- i. An annual report shall be made to the RWQCB by August 15 that summarizes harvest activities, wet weather problems, erosion control practices, wet weather recommendations for the next year, water quality monitoring performed and recommendations for improving monitoring and reporting. All reports are public.

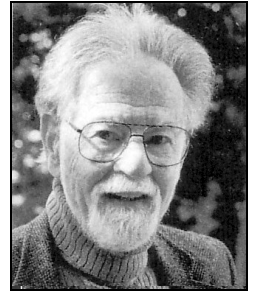
2. The March RWQCB meeting should shed some light on where they are going with this. These reports provide **NO SCIENTIFIC OR FACTUAL** information, only political cover.

We do not consider that timber harvesting creates waste discharges, and no one has produced evidence to demonstrate it does.

We believe this program will be modified once the Water Board is faced with the enormous cost they are proposing to lay on us. We have yet to persuade them that they are required by law to provide evidence of the need and value of these expenses. They need to hear from us!! We may want to ask our attorney to demand that they produce evidence of need as required by the RWQCB laws.



Bob Briggs



Jack M. Hollander

**THE REAL ENVIRONMENTAL CRISIS**  
**Why Poverty, Not Affluence, is the Environment's Number One Enemy**

**THE REAL ENVIRONMENTAL CRISIS**

**Why Poverty, Not Affluence, is the Environment's Number One Enemy**

By: **Jack M. Hollander**, Professor Emeritus, Energy and Resources, U. C. Berkeley  
 Publisher: University of California Press, Berkeley, CA  
 ISBN 0-520-23788-9

This book is guaranteed to dismay the green crowd who want to equalize the world economy and technology to the lowest common denominator, that of the poverty stricken third world, in order to *save* the environment. Jack Hollander has written a timely and valuable book showing that affluence,

science, technology, and markets are the friends of the environment, not its enemy. He successfully challenges the widely held belief that economic development and affluence pose a major threat to the world's environment and resources. Pointing to the great strides made toward improving and protecting the environment in the affluent democracies, Hollander argues that the essential prerequisite for sustainability is a global transformation from poverty to affluence, coupled with a transition to freedom and democracy.

Hollander makes his case using hard, scientific and demographic facts, not conjectures and hysteria as do some of the Chicken-Little enthusiasts. He presents his case in clear language illustrated by graphs and figures that reflect total authenticity.

**HISTORICAL NOTE: In August 1899 1,047 rail car loads of forest products were shipped out of Boulder Creek.**

Source: Mountain Echo- 1899

Your new CCFA  
 Newsletter  
 Editor

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Introducing  
 Barbara McCrary

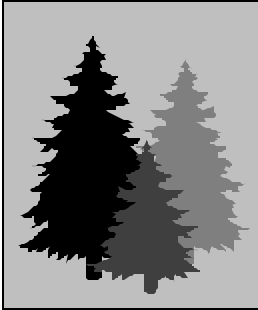
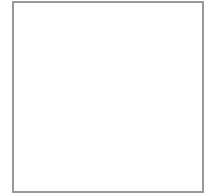


When I married Lud McCrary in 1950, I moved only 25 miles, from Soquel to Swanton. I had grown up on a poultry farm and had helped with chores - feeding chickens, gathering eggs and helping plant vegetable gardens. Lud and I now live on a 290-acre ranch, part of which has been in his family since 1869. We lease extra pasture and maintain a herd of three bulls, 60 beef cows and their annual crop of calves. We also have two dogs, three cats, and five horses. Riding was the common interest, along with ranching, that brought us together. Between 1954 and 1960, we increased our family by three daughters, all of whom are vitally interested in nature, the land, horses, and our business, Big Creek Lumber. All the girls are now married. Susan, the eldest, put up lumber loads and drove truck before she became a mother and decided to home-school her two daughters. Ellen, the second, is Human Resources manager for our company, and Janet, the youngest, has a son and daughter, is a California registered professional forester and runs the gamut between the Forestry Dept. and the Wholesale Dept.

Our family has had membership in the CCFA since its beginning and we have always read the CCFA newsletter as each issue came to us. In the last one, President Peter Twight apologized for the issue being late, as the officers and directors had been "over our heads in several major projects (battles)." It immediately came to mind that I might be of some help, as I had been publishing a McCrary family newsletter for six years and had become not only familiar with the procedure, but had been enjoying myself immensely while doing it. I offered my services to Peter Twight and Bob Briggs, who seemed delighted to off-load the responsibility onto someone else, so they could continue fighting battles. The plan is to continue with quarterly issues, and I hope there will always be something of interest to everyone who picks up and reads each issue. Contributions, opinions and comments are always welcome.

Contact me at bigcreekbranch@cruzio.com or phone 831-423-4572.

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P.O. Box 1670  
Capitola, CA 95010  
Phone: 831-469-6016



We're on the web!  
[www.ccfassociation.org](http://www.ccfassociation.org)

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## Annual Membership Meeting

April 14, 2004, 7:00 PM  
Soquel Grange Hall  
2800 Porter Street, Soquel

**ELECTION OF DIRECTORS**

If you can't make the meeting, please send in your proxy ballot and a check for your annual dues.

The Annual Membership Meeting is the time for election of Directors for the forthcoming year, and a review of the activities of the Association. You can hear three informative presentations and discussions on areas of primary interest affecting all Central Coast forestland owners:

- S.C. County's Supreme Court appeal of our Lawsuit  
Bob Briggs
- CCFA petition to delist Coho Salmon  
Fabian Alvarado
- Water Resources Board Problems  
Dave Van Lennep

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The meeting is a chance to meet and chat with some old friends and find out what CCFA has been doing for the past year. We have covered a lot of ground. We like to talk about it and we need to hear your thoughts.

For more information about the meeting, call Cate or Eric Moore at 335-4764 or Peter Twight at 464-8788