



Central Coast Forest Association

Introducing Cate and Eric Moore CCFA Founding Members and Directors



Cate and Eric Moore

Two CCFA charter members who have played many vital roles since they helped found the association are Cate Moore, a member of the board of directors and the current secretary, and her husband

Eric, also a director and past president. The Moores' interest in forestry follows naturally from their longtime dream of owning forested acreage. Being children of the 60s and 70s, they were enchanted with solar power and natural living, and they are presently building a solar-powered home on the land they bought in Felton.

One of their first actions after buying the land was to secure the advice of a forester. This interaction put them in contact with the Forest Landowners of California, where they found a group of like-minded people with whom to share problems and ideas. They have worked with this group for over 10 years, and 5 years ago, becoming increasingly frustrated with Santa Cruz County's restrictive forestry laws, they helped found CCFA.

Eric is a career fire fighter, currently with the Redwood City Department. He holds academic degrees in Park Management and Fire Science and began his public service while still in high school. At that time he joined the Loma Prieta volunteers and while in college, he worked summers as a wildland firefighter for the U.S. Forest Service. Some of his professional experiences include working on the Lexington fire, the Loma Prieta earthquake, the Oakland Hills fire and the Oklahoma City bombing disaster.

Cate obtained a degree in engineering, math and statistics from U.C. Berkeley and until recently, worked as a computer programmer. She has retired from her occupation to devote more time to her family, including daughters Zelma, 13, and Muirgheal (pronounced Muriel), age 9, to her new solar home, and to CCFA.

They have harvested their forestland once, taking mostly sick and weak trees and focusing on a healthy tree population. Under their care, the forest has seen a striking increase in wildflowers, understory plants, and wildlife population. The biggest challenge of their land has been road maintenance and controlling invasive plants such as broom and thistles, which require constant monitoring and quick action. ■

The Water Board must be bored!

Peter Twight
CCFA president

The Central Coast Regional Water Quality Control Board (CCRWQCB) is in the midst of change - again. The Board is wondering why they are spending so much time regulating a low priority item like timber harvesting. They still have requirements to find out if their Basin Plan requirements are being met, but the obstacles are very difficult to surmount. For instance, 1) if their Basin Plan allow for a 10% increase in turbidity above a naturally low number of turbidity units of measure, what does that mean? Is the naturally low number of turbidity units a daily average number? Is it a peak storm flow number? How is it, or was it established? Is it an average over a number of years? We will be asking them those questions. 2) Timber usage makes up 1-2% of watershed activities per acre per year. Separating the effects of that use from the other 98% of uses requires a level of instrumentation and scientific analysis that is extraordinarily expensive.

Farmers, too, are being required to monitor their activities. They are being required to establish 50 monitoring stations for about 600,000 acres, take four samples per year to detect impacts from pesticides, nitrates, sediment, and water temperature changes. Some 2,000+ operators are in a cooperative to hire out their monitoring. Their disturbance level and soil exposure is substantially greater than for timber harvesting. We generally expect exposed soils to be 6-13% of the timber harvest area every 10+ years, with 3,694 acres per year logged on average.

The CCRWQCB would like to get timber owners to contribute to overall watershed studies in proportion to their numbers and acreage. We don't know what level of contribution they are seeking. They are permitted to set a fee to cover monitoring, but "the burden, including costs, of these reports shall bear a reasonable relationship to the need for the report and the benefits to be obtained from the reports." In addition they must consider costs borne by operators pursuant to state and federal water quality regulations. We believe they must consider the costs of obtaining and implementing a THP, which is the basis for the Best Management Practices (BMPs) that are relied upon for protect water quality. As you all are aware, THPs are expensive to obtain, to implement, and to close and maintain the THP area for the required three years. It is a cost already borne by timberland owners that is not being borne by the other 98% of the watershed users.

A new CCRWQCB person is taking over and has met with local foresters and our Board of Directors representative Dick Burton to figure out how the CCRWQCB can verify that the forest industry is meeting their Basin Plan requirements so they can

See **Water Board** (Continued on page 4)

Recent CCFA Board Activity

CCFA continues its efforts to protect our land and our freedom to use forestland for its intended purpose. Here are some of the activities that have been keeping the CCFA officers and directors busy lately:

TPZ Rezoning Application Foot Dragging

With the help of our attorney, Bob Bosso, we came to the rescue of members whose TPZ rezoning applications were about to be arbitrarily terminated by the County Planning Department. All members have been notified of this and several have accepted our recommendations and help.

County Dump Recommendations

Santa Cruz County, not content to just interfere in forest management decisions, proposed putting a county dump on timber production land. On behalf of our members, we have filed a protest. (See Notes from the Nuthouse, page 3, for more information.)

New Lawsuit Against NMFS

Your Board of Directors is considering a new legal action in response to NMFS decisions to ignore a recent court order that demands responsibility in managing west coast Coho salmon. We will be one of a dozen or more plaintiffs in this action, but our expenses will increase should we proceed. We will give you the full story in the January issue of The Log.

Response to County Brief in Supreme Court Case

As you may know, our lawsuit against Santa Cruz County is now before the State Supreme Court. The County has filed a 72-page brief, and our attorneys are evaluating it and preparing our response. Our brief will be submitted in early November. We will probably have an opportunity to present oral arguments some time early next year. In the meantime, unfortunately, the County is still flagrantly violating State forestry law.

Water Board Action

CCFA's President Peter Twight and our Water Board Committee chair, Dick Burton, have been keeping an eye on the Water Board's efforts to intrude on our property rights. More on this, see pages 1 and 3.

Forestry Board Recommendation

CCFA was asked to make recommendations to the Governor regarding appointments to the State Board of Forestry. Updates in a future issue. ■

Marbled Murrelet Listing to be Re-examined

Interesting News for Central Coast Forest Folks

Responding to the urging by the American Forest Resources Council, the U.S. Department of the Interior has taken first, tiny steps that could eventually result in delisting west coast Marbled Murrelets as a threatened species under the Federal Endangered Species Act. If it comes to pass, this would be great news to local forestland owners and forest businesses, because protecting the murrelet and the plethora of other questionable listed species limits the productivity of our valuable resources.

The original listing of west coast murrelets assumed that

those of Oregon, Washington and Northern California are different from those of Canada and Alaska, where murrelets are flourishing. Recent studies suggest that they are probably not physically, behaviorally or ecologically different from Canadian and Alaskan birds, thus the species is not in danger of extinction. The U.S. Fish and Wildlife Service has been directed by the Department of the Interior to conduct a status review that could result in their delisting. This will be a lengthy effort, but the thought is very welcome.

Since their listing as endangered, central coast murrelets have been under intense study by several investigators including noted wildlife biologists/researchers David Suddjian and John Bulger, but these researchers still acknowledge many mysteries. Independent studies are being conducted by Yale-bred biologists Zack Peery, Dr. Ben Becker, and Dr. Steven Beysinger, now of U.C. Berkeley. As early as 1992, lifetime north coast resident and forestland owner, H. T. McCrary, noting the discrepancy between the number of adult and young birds, hypothesized that they may be migratory and do most of their reproduction farther north. Evidence is difficult to obtain and is still being sought.

Local forester Peter Twight reports from his own and others' observations that Marbled Murrelet numbers appear to be diminishing, but states that scientists such as Suddjian have put their finger on a probable cause. Twight states that most known murrelets here on the central coast choose nesting sites in old-growth trees in the local State Parks. These locations also host large numbers of humans....picnickers, campers and hikers, whose garbage attracts ravens and jays, who in turn prey on the unprotected murrelet eggs and chicks.

The opening of the Marbled Murrelet listing status has naturally put the full might and voice of environmental activists in high gear. Some of these organizations have threatened to sue the U.S. Fish and Wildlife Service if the latter does de-list the Marbled Murrelet.

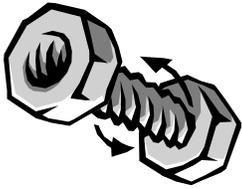
We will keep our readers informed. ■

CCFA Vice President Dave Smelt

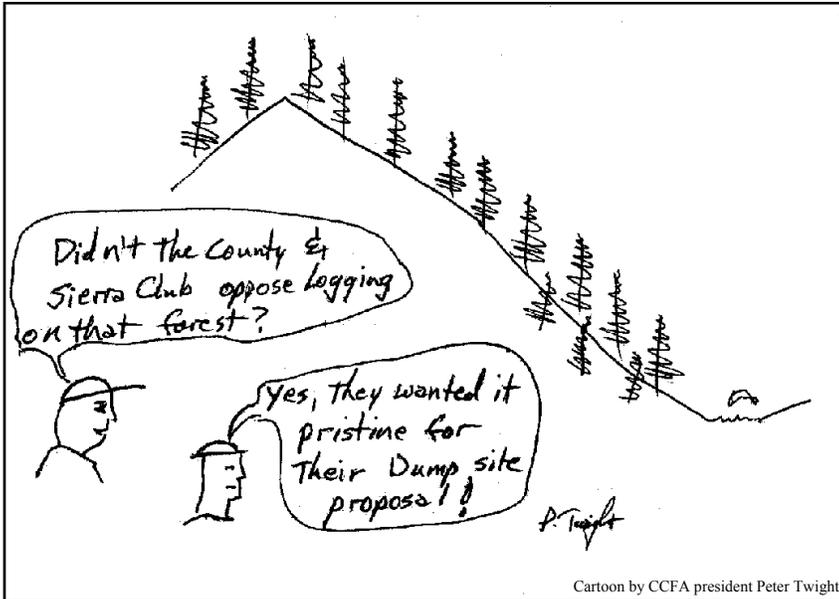
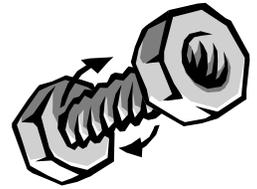
Died October 29, 2004

Dave Smelt, CCFA charter director and vice president, died October 29, 2004 from complications of a farming accident that had left him physically incapacitated for the past two years. To the end of his life, Dave was an untiring advocate of property rights, forest conservation and environmental truth, and he remained active on the CCFA Board of Directors until his death. He and his wife Cheryl have lived on and worked to improve their beautiful Corralitos forestland and stream since making it their home in 1981.

We will miss him sorely. We thank God that he is now at peace.



Notes From the Nut-House



Cartoon by CCFA president Peter Twilight

Santa Cruz County Proposes to Dump on Forestland

Dick Burton
CCFA Director

When the Santa Cruz County Grand Jury directed the County to find a future garbage/trash dumpsite, a selection committee consisting of Public Works, the farming community and the local Sierra Club was convened, without inclusion of forest interests. Of the 24 sites this committee recommended as candidates for a new County dump, 16 were on land zoned for timber production (TPZ), including lands of two CCFA Directors.

This is the same County Government that mourns every fallen tree, obstructs every timber harvest plan and labors to shut down the timber industry in order to save "our" irreplaceable natural wonders. Someone on the committee must have known that the State Forest Practice Act prohibits any use of TPZ land that conflicts with its primary purpose of timber production. With all of the gently sloped, easily accessible, un-forested land to choose from, the concentration of timberland among the potential dumpsites seems odd.

Possibly it is intended just to guarantee that none of the sites will be accepted and thus assure selection of a predetermined decision, for example, to expand the Buena Vista dump.

There was so much protest (including CCFA's) that the entire site selection process has been shelved...for now. ■

Not So Greenpeace

Opinion
The Wall Street Journal
September 15, 2004

Environmental regulations are notoriously difficult to keep up with, what with all the paperwork and communication required. Just ask Greenpeace.

The radical environmental group and habitual filer of lawsuits is learning how the other side feels after prosecutors in Alaska filed criminal charges against it for violating state environmental laws. It seems a Greenpeace boat, the Arctic Sunrise, entered Alaskan waters without the required oil spill prevention plan and proof of financial responsibility should a spill occur. The vessel, which can carry 128,000 gallons of fuel and lubricants (Exxon Valdez, anyone?), was sailing near Ketchikan to protest logging activities.

The state charges that when the environmental group was notified of the violations on July 14, the ship's agent agreed to remain anchored until the situation was fixed. Instead, the Arctic Sunrise left port that very morning and went journeying in "environmentally sensitive areas during peak salmon runs, without care or consideration for the catastrophic impacts that would occur from failure to have the necessary resources to initiate a response." The case goes to trial in October.

As for Greenpeace, it sounds, well positively corporate in its explanations. The organization pleaded not guilty at its arraignment. But it has also blamed its decision to go sailing on a communications mishap and noted that a "clerical error" was behind its lack of proper documentation. According to the Washington Legal Foundation, a lawyer for Greenpeace was also quoted as saying that environmental regulations are "getting to be more complicated in this day and age."

(As if we didn't know this already.....) ■

SEMPERVIRENS FUND FLIPS, PUSHES PLASTIC

One of the Central Coast's oldest and most influential environmental organizations, the Sempervirens Fund, has forsaken the traditional environmental mantra and is now recommending the previously ecologically hostile synthetic....*plastic*....a product of the petroleum industry. Their website suggests forsaking those knotty, warped, splintery wooden boards in favor of any one of nine different neat, clean plastic substitutes for your next deck project. See <http://www.sempervirens.org/synthetics.htm>

Frivolous Environmental Lawsuits Hurt Economy, Environment, and Taxpayer

Committee on Resources
U.S. House of Representatives
October 1, 2004

Excerpts:

Today the House of Representatives passed H.R. 4571, the Lawsuit Abuse Reduction Act (LARA). While this legislation largely targets baseless tort lawsuits, it will also make great strides in stemming the tide of frivolous litigation initiated by environmental fundraising organizations.

"Frivolous lawsuits filed under the guise of environmentalism actually hurt the environment and hinder economic growth at the same time," said House Resources Committee Chairman Richard W. Pombo (R-CA). "Because the environmental organizations that file these suits are entitled to recover taxpayer-funded attorney's fees and court awards - win or lose - environmental litigation has become big business in America. The American taxpayer should not foot the bill for this, nor should our economy have to suffer the dampening effects these suits cause. These and other frivolous actions prevent the creation of good jobs, which is why I was pleased to support this legislation today."

Frivolous Lawsuits Hinder the Recovery of Endangered Species

The flood of environmental litigations became so great that it bankrupted the Fish and Wildlife Service's (FWS) fund for critical habitat in May of 2003 (U. S. Dept. of Interior). The entire ESA budget runs the risk of being consumed by the bottomless pit of litigation-driven listing and designations. As soon as the FWS makes a decision driven by a court-imposed deadline, it is being sued on the merits of that decision." (16 *Tulane Environmental Law Journal* 257)

Frivolous Lawsuits Jeopardize Vital Forest Health and Fire Prevention Projects

In October 2003, the U.S. General Accounting Office (GAO) found that 59% of forest fuels reduction projects - performed to reduce the incidence of catastrophic wildfire - were appealed by environmental organizations in FY (fire year) 2001 and 2002. They were found to be overwhelmingly without merit, as 161 of 180 challenges were thrown out. The appeals delayed thinning projects by at least 120 days in FY2001 and FY2002.

Frivolous Lawsuits Imperil Needed Energy Production and Jobs

In February of this year, seven environmental groups filed suit to stop the federal government from producing much-needed petroleum in a National Petroleum Reserve. The area was set aside in 1923 for that exact purpose. Likewise, environmental groups have even sued to halt "green" energy projects, including windmill farms and clean hydroelectric power.

These frivolous lawsuits drive up the cost of energy for the American taxpayer and threaten the very jobs America needs for

a strong economy. A recent National Association of Manufacturers study found that, on average, U.S. manufacturers spend more than 22% more on external non-labor costs than do their competitors in other leading industrialized nations. Costs for health care, taxes, regulatory compliance, energy, and out-of-control litigation are considerably higher in the U.S. than in countries where manufacturing is growing.

Taxpayers Foot the Bill for Frivolous Lawsuits

According to the *Sacramento Bee*: "Subsidized by federal tax dollars, environmental groups are filing a blizzard of lawsuits that no longer yield significant gain for the environment and sometimes infuriate federal judges and the Justice Department. During the 1990s, the U.S. Treasury paid \$31.6 million in legal fees for environmental cases filed against the government."

The Capital Research Center also found that environmental fundraising groups have robbed the American taxpayers. For instance, a review of the Natural Resources Defense Council's (NRDC) financial and court records reveal that "a large percentage of its cases against the government agencies eventually are thrown out of court." These lawsuits drain the resources of the federal agencies and rob the taxpayers at the same time. Taxpayers bear the court costs when the government is sued and if the organization wins, the groups are rewarded financial judgments and court costs - all paid for by the taxpayer. And to add insult to injury, many of these organizations operate on taxpayer-funded grants to begin with.

CCFA encourages any effort to curtail the avalanche of counterproductive, frivolous lawsuits that have, in some instances, led to the destruction of millions of acres of valuable forestlands. ■

Water Board (Continued from page 1)

justify providing us with a General Waiver for timber harvesting. Dick has responded with some reminders to the Water Board.

Letter from Dick Burton to Roger Briggs, Executive Officer, Regional Water Quality Control Board

Dear Mr. Briggs,

Our Board of Directors (CCFA) understands that the RWQCB is reconsidering waivers and costs of full watershed studies to meet its water quality assessment obligations. We favor such studies. One is going on in the Little Creek, Santa Cruz County, drainage and it is very expensive, yet does not even consider separating its sediment and turbidity values from other uses that make up 98% of most watersheds.

In considering the share of monitoring or studies you may ask us to participate in, please consider three things:

See **Burton** (Continued on page 5)

Burton (Continued from page 4)

1. We are the only watershed use that has a complete set of Best Management Practices (BMPs) complete with permits, inspections, professional supervision and enforcement. A timber harvesting plan alone costs \$30,000 to \$50,000. Having a Registered Professional Forester involved is expensive, three years of maintenance can result in additional costs, and monitoring programs may be added to those costs.

2. The waivers you have given the farming community cover 600,000 acres with 50 monitoring points for areas that probably are 95% exposed soils every year, with little in the way of BMPs. Our operations (granted on steeper terrain) average 3,694 acres per year with 6% (on the steepest ground) to 13% soil exposure once every 10 years. This means our proportionate share compared to farming should be a good deal less, just as our proportionate share of impacts must be a good deal less.

3. Contrary to what many believe, our profits generally do not produce the 3% to 10% considered to be a good investment. We love our lands as forests and do not wish to begin alternative uses; however, we cannot support costs in addition to the BMPs and other costs not entirely necessary to protecting water quality. We pay taxes for those in the business of providing scientific studies.

Sincerely,

Dick Burton

Forest Bill Vetoed

Reprinted from Ag Alert, September 22, 2004
A California Farm Bureau publication

Governor Schwarzenegger has vetoed a bill that would have changed management methods for the state's largest "demonstration forest." The governor said last week that the bill would have compromised the mission and purpose of state-held properties, including the Jackson State Demonstration Forest in Mendocino County. Farm and timber groups had asked the governor to veto the bill, saying that changes it proposed would have minimized the forest's value for forestry-management research. ■

The learned fool writes his nonsense in better language than the unlearned, but it is still nonsense.
Benjamin Franklin (1706-90)



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:

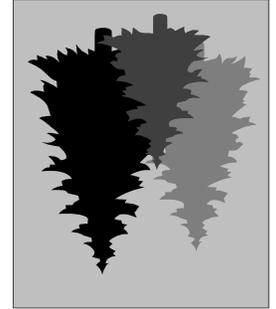
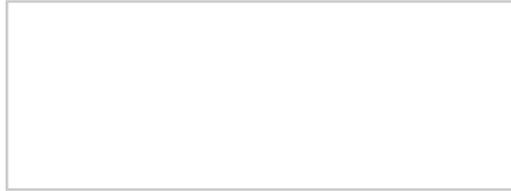
Central Coast Forest Association P.O. Box 1670 Capitola, CA 95010

<u>Membership Category</u>	<u>Dues</u>
Individual - - - - -	\$ 50
Business - - - - -	\$500

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

Dues may be deductible as an ordinary and necessary business expense. Please consult your tax advisor.

We're on the web!
www.ccfaassociation.org



Central Coast Forest Association
 P.O. Box 1670
 Capitola, CA 95010
 Phone: 831-469-6016

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.

Quote, Unquote

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

INSIDE THIS ISSUE

Introducing Cate and Eric Moore	1
Water Board Bored?	1
Recent CCFA Board Activity	2
Marbled Murrelet Listing	2
Dave Smelt Dies	2
Notes From the Nuthouse	3
County Dump on Forestland?	3
Frivolous Lawsuits	4
Forest Bill Vetoed	5