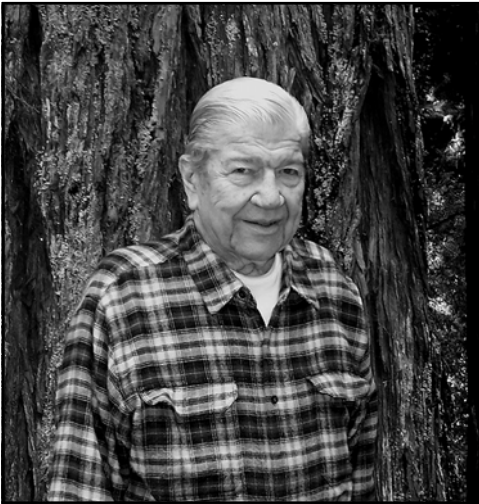




# Central Coast Forest Association



Charles Burton and his redwoods

## Introducing CCFA Founding Member Charles Burton

Born October 31, 1919 in Idaho, Charles Burton attended Stanford (Civil Engineering '41). He worked in construction of a shipyard and Naval Ordnance Plant until his marriage to Jane Miner (Stanford '42) in 1943. Projects in Brazil included engineering railroad tunnels and bridges and construction of a hydroelectric project for Rio de Janeiro with three dams and two tunnels. During these six years Jane was equally busy giving birth to their Brazilian daughter and three years later a son. Back in the States he spent three months rebuilding the Alaskan Railroad from Anchorage and then moved to Denver to design several hydroelectric projects.

In 1950 Mr. Burton established a company to market Swedish mining and construction equipment in the eleven western states while living in Menlo Park. Their son, Richard was born a year later. In 1962 the family moved to New Jersey where Charles served as President of the combined USA company. He retired in 1978 with a passport showing 61 trips to Europe and returned to modernize a Soquel mountain cabin, purchased in 1957. In 1988 he purchased the contiguous 200 acres of timberland. With his degree as a CA Licensed Timber Operator he practices sustainable forestry and has planted 1,522 redwood seedlings.

"Recognizing the hostile attitude in this county toward timber farming, I met with the initial group to form the Central Coast Forest Association. This unpaid, dedicated, non-profit organization is showing success in bringing property rights to Santa Cruz County." ■

*Submitted by Richard Burton*

## CCFA Annual Membership Meeting - June 25, 2005 BARBEQUE & POTLUCK PICNIC IN THE WOODS



Eric Moore, our chef

This Year's Annual Membership Meeting will be new, exciting and fun. We will combine business with an outing for your whole family. The important business of electing new directors and discussing our recent projects will leave plenty of time for a barbeque by chef Eric Moore, supplemented by your gourmet potluck contributions. Also on the program, for anyone interested, is a tour of the Monterey Bay Salmon & Trout Project fish hatchery at Kingfisher Flat on Big Creek, and a short rock-scrambling hike, led by Lud McCrary, to the spectacular 80' Big Creek Falls. There will be opportunities to talk with the leaders in CCFA's projects to protect our forestlands and our use and enjoyment of them.

### *Annual Membership Meeting and Picnic at-a-glance*

- WHAT..... CCFA's Annual Membership Meeting, Picnic and Fun Day
- WHEN..... Saturday, June 25th - 10:00 AM till you're too tired to keep going.
- WHERE..... Big Creek Private Picnic Grounds, Swanton, 5 miles north of Davenport
- MENU..... Meat and beverages provided by CCFA. Everyone please bring side dishes, salads, or desserts and your own table service.

***Put this fun and important day on your calendar now!***

***Please RSVP to 831-335-4764 or [cateymoore@aol.com](mailto:cateymoore@aol.com) by June 21, so we will be sure to have enough meat and beverages for everyone.***

## SIERRA CLUB COURT VICTORY OVER PRIVATE PROPERTY RIGHTS

Edited from the Santa Cruz Sentinel  
February 19, 2005

David Luers had a dream: Buy the dilapidated barn off Highway 1 in Davenport, demolish it and build a wine and cheese shop he would run with his wife. Santa Cruz County



Less threatening than a wine and cheese shop?

officials approved the plan, as did the state Coastal Commission. But nine years after Luers bought the abandoned structure at Highway 1, a San Francisco Superior Court judge agreed with Sierra Club arguments that Luers' plans for a 6,500 square-foot building encroached on environmentally sensitive San Vicente Creek, home to protected Coho salmon, steelhead trout and red-legged frogs.

"The commissioners were so off base," said Susan Young of the Sierra Club's Santa Cruz County group and a Davenport resident. The Coastal Commission was listed as a defendant in the case. Other Sierra Club members and residents of Davenport were disappointed to see the plans fall through.

After much debate and some close votes, the plans had been OKed by the County Planning Department and the Coastal Commission. It was headed for construction when the Sierra Club filed suit 18 months ago.

The Sierra Club defended its position. "The No. 1 thing that was wrong with it was it was so close to San Vicente Creek," said a spokesman for the club. "We felt very passionate about it - this is a very important suit to us."

**Ed. Note: Although this item is not forestry related, it is another example of how the Endangered Species Act often impacts private property rights. The structure would have been situated 450 feet away from the creek. ■**

## COMMENTARY: 'ESA HAS A ZERO PERCENT RATE OF SUCCESS'

By Richard Pombo, Edited from April 6, 2005 Ag Alert

After 30 years, the Endangered Species Act has given us very little to be proud of. Since its inception, nearly 1,300 species have been listed as threatened or endangered. Yet, not one single species has recovered as a result of the ESA alone. The bottom line: The ESA has a zero percent rate of success.

The Endangered Species Act, born of the best intentions, has failed to live up to its promise, and species are more threatened today because of its serious limitations. If America's health-care system was in the same abysmal condition, there would be a nationwide outcry for reform. But for the last 30 years, the ESA has remained a law that checks species in, but never checks them out. It has been a failing form of managed care. As stewards of

the species that inhabit our nation, we can and must do better.

To make matters worse, rampant environmental litigation has undermined the already-broken system at the expense of species recovery.

The shortcomings and unintended consequences of the ESA have also led to decision-making that defies common sense. The inflexibility in the treatment of endangered species sometimes gives them priority over human beings, but does nothing to actually help. In the recent case of the Klamath Basin and the endangered sucker fish, for example, it was determined that the sucker needed water more than the area's farmers needed it to irrigate their crops and feed their families. The result was a devastating loss of family farms, human life and economic vitality.

Or, consider the case of the endangered longhorn elderberry bark beetle and the Arboga levee in California. Weak levees were not able to be repaired because the work might have disturbed the habitat of the endangered beetle. The result: A huge flood broke the levee at the exact point where repairs were needed and three human beings lost their lives. The list of logic-defying horror stories continues on and on.

"California residents are a long way from Washington, making our frequent communication even more important. You have a great opportunity to be a part of the political process. I encourage you to visit with your representatives whenever you are in D.C., and don't forget about the importance of working with district offices. In addition, your calls, letters and e-mails are equally important. " ■

*(Congressman Richard Pombo, R-Tracy, is chairman of the House Resources Committee and serves on the House Agriculture Committee. He may be contacted at [www.house.gov.pombo](http://www.house.gov.pombo))*

*Permission for use is granted, however, credit must be made to the California Farm Bureau Federation when reprinting this item.*

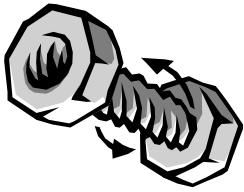
## WATER BOARD REGULATION LOOMS FOR FORESTRY

By Peter Twight, CCFA president

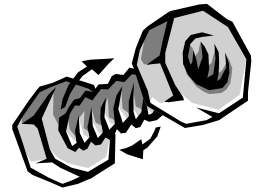
The Central Coast Regional Water Quality Control Board (CCRWQCB) is required to protect streams from non-point sources of pollution. They require Reports of Waste Discharge with fees and monitoring requirements, or the Waiver of Waste Discharge Reporting requirements if discharges are not taking place. It is well known that urbanized areas are the most critical discharge areas, but the anti-logging people have targeted the CCRWQCB to further their anti-logging agenda. The CCRWQCB is trying diligently to prepare a General Waiver of Waste Discharge Reporting (General Waiver) to do their duty in fulfilling their regulations.

When this General Waiver is in place, and you want to harvest your timber, you will be subject to a five tier rating system to be used to determine the threat your harvest poses to water quality. Threat is determined by a cumulative effects ratio, a drainage density index, and a soil disturbance factor. The devil is in the details.

See **Water Board** (Continued on page 3)



# Notes From the Nut-House



## Models Trump Reality

Last year the Ecological Society of America, the nation's primary professional organization of ecologists, argued against updating the Endangered Species Act (ESA). Specifically, they claim that including a peer review process before listing a species would be a waste of time and money. Peer review (known as refereeing in some academic fields) is a scholarly process used in the publication of manuscripts and in the awarding of funding for research. So while even the most arcane study in the most obscure journal must undergo peer review, apparently the Ecological Society of America feels this is too much to ask before inflicting a mountain of regulation on the public. The Society also claims the primary problem with the efficacy of the ESA is that the listing and recovery plan

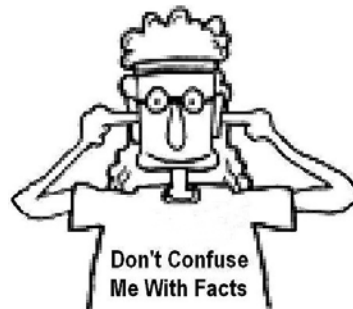


"Thank Goodness we don't have to be concerned about those trouble-making spotted owls here."

process is perpetually under-funded. The Property and Environment Research Center estimates that federal government expenditures on endangered species protection exceed \$2 billion per year (<http://www.perc.org>). In California, the state's cost for recovering coho salmon alone is \$5 billion. Still, the most comical aspect of the Ecological Society of America's recommendations is the following statement:

"There is no scientific justification for giving greater weight to empirical data over modeling results."

*In other words, if the computer model disagrees with the real world, the world is wrong.*



It seems that if you observe something in nature that contradicts an ecological model, you'd better just forget what you saw.

Sir Isaac Newton changed the world by standing on the shoulders of giants; 300 years later, the Ecological Society of America is shocking the world by stepping on the toes of the giants. ■

After eating an entire bull, a mountain lion felt so good he started roaring. He kept it up until a hunter came along and shot him. The moral: **When you're full of bull, keep your mouth shut.**

*Will Rogers (1879-1935)*

We have figured out how to predict the end of the timber harvesting business. It will happen when the paper the forester has to generate to get a THP takes more logs than the permit covers.

R.T. Adequate

## Water Board (Continued from page 2)

If your harvest has a water quality risk rating of 1, no waiver is necessary (low threat); if the water quality risk rating is a 2, you get a General Waiver (low mod. threat); if it is a 3, then you get a General Waiver (moderate threat); if it is a 4, you get a General Waiver (mod. high threat); if it is a 5, you get an Individual Waiver of Waste Discharge Requirements (high threat). The differences between these types of Waiver is the type and quantity of monitoring you will be required to do.

The monitoring activities and specifications for THPs range from less expensive to very expensive monitoring activities such as 1) visual monitoring (low cost, high return, low verifiability, no numbers); 2) turbidity monitoring (high cost, no return, no verifiability, numbers); 3) temperature monitoring (medium cost, little return, verifiable, numbers); 4) photo-point monitoring (medium cost, little return, verifiable,

number equivalent); 5) Reporting on Monitoring (medium cost, problem identification, the appearance of validity, number equivalency).

All of this monitoring and record keeping will be expensive and a pain in the neck. Because of their uselessness, we are strongly opposing Turbidity Monitoring and Temperature monitoring. Some of the others we already do, and some may be either useful or we believe unavoidable.

The Water Board clearly believes that the waiver in effect when NTMPs went into effect no longer applies.

We may need to be gearing up to 1) go to Governor Schwartznegger's California Performance Review; and 2) prepare a legal challenge under the Water Quality Regulations that require any regulation to have specified data to support their reasons and necessity for these requirements. ■

## SABOTEURS POISON BIG CREEK HATCHERY STEELHEAD

### \$5,000 Reward For Information Leading to Fish Poisoners

Reported by Fabian Alvarado

On March 17 during a bi-weekly routine inspection, Dave Streig, manager of the Monterey Bay Salmon and Trout Project, found a dozen dead steelhead trout in one of the freshwater tanks at the Monterey Bay Salmon & Trout Project fish hatchery located on the Big Creek property of Big Creek Lumber Co. Investigators with the National Oceanic and Atmospheric Administration said the tank was tainted with chlorine. "There was no source of chlorine at the hatchery that would have accidentally gotten in there," said the Federal special agent Steve Meyer.

The Monterey Bay Salmon and Trout Project has been working to bolster steelhead and coho salmon populations since 1976 when a naturally occurring 3-year drought weakened



Dave Streig and assistant, shown with dead seedstock fish

steelhead had been brought from the San Lorenzo River to the hatchery to be used as breeding stock to repopulate various streams. Although the native steelhead are much better suited to survive here than the introduced coho, this loss represents a crushing blow to hatchery efforts. "They killed everything that was in the tank," Streig said. "I just want to know why? It makes no sense." Steelhead from the San Lorenzo River are considered "threatened" under the Endangered Species Act. Harming them is punishable by up to six months in jail and a \$13,200 fine. "This is more than just a minor act of vandalism or a prank," NOAA fisheries agent Joe Giordano said in a written statement. "This is a serious federal offense and we intend to apprehend and prosecute whoever committed this crime."

Although it is hardly a lead, several residents reported seeing two suspicious white men in the vicinity of the hatchery a few days before the fish were poisoned. "One was about six feet tall with straight, long, dark brown hair. The other one was about five feet and seven inches with shorter, wavy, brown hair. They were both in their mid to late twenties and peculiarly unfriendly," said one resident. When Streig approached them with a hatchery brochure they declined, saying they're not interested in supporting Big Creek Lumber's Hatchery, preferring to give their donations to Earth First! instead. They then asked Streig which tank contained the adult steelhead broodstock. Of course, the hatchery does not belong to Big Creek Lumber but apparently

that was not important to these two "environmentalists."

NOAA Fisheries is offering a \$5,000 reward for information leading to the conviction of anyone responsible. If you have any information or would like to assist in the investigation, please call Joseph Giordano at (707) 575-6073 or the NOAA Law Enforcement Hotline at (800) 853-1964. ■

## CCFA / BIG CREEK COHO DE-LISTING PETITION REJECTED BY FISH AND GAME COMMISSION AT PUBLIC HEARING

By Bob Briggs

The winter edition of *The Log* told of our multi-year effort to correct the improper and intrusive listing of Central Coast coho salmon under the State Endangered Species Act. Dick Burton's February 8th letter to members told of the results of the hearing on our petition before the California Fish and Game Commission. The testimony by the Commission's staff was mostly fiction and indicated that they have not read nor understood it and don't care. Seven of our team testified, following which the Commission unanimously rejected our petition. Subsequent conversation with one Commissioner confirmed our conclusion that none of the Commissioners had read it either.

The Commission (with very little discussion of the testimony) unanimously approved a negative motion by Commissioner Hatoy. Hatoy (a strident liberal) said in essence, "Don't bother me with all this arcane scientific and historic stuff. The Commission has already approved a half a billion dollars to restore the Central Coast coho habitat and no matter where they came from or how they got there, the coho now present in these streams will receive State protection." One Commissioner, Michael Flores, said a few flattering words about our work, castigated the staff telling them to come up with answers to some of our questions. He urged us to not give up...then cast his negative vote. The staff's subsequent written report to the Commission totally ignored all of the facts and questions raised in our testimony.

The negative outcome was as we had expected and now we are pausing to deliberate our next move. Since, without something changing, there seems little value in re-submitting the petition, options may be legal action or some other alternative; however the cost of this bogus listing to forestland owners, farmers and all State citizens is so egregious that we will not allow the travesty to persist unchallenged.

As always, we will keep you informed. ■

## CCFA RESPONDS TO AMICUS CURIAE FILINGS IN SUPPORT OF SANTA CRUZ COUNTY

By Bob Briggs

CCFA and Big Creek Lumber have filed position papers opposing Amicus Curiae (friend-of-the-court) briefs filed by an array of environmentalist entities to oppose our State Supreme Court testimony. The list of antagonistic entities is quite familiar to Central Coast forestland owners. They include: 1) The Committee for Green Foothills, 2) Citizens for Responsible Forest Management, 3) The Planning & Conservation League, 4) The Lompico Watershed Conservancy, 5) The Sierra Club, 6) The League of California Cities, 7) The California State



**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**

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

*CCFA is a 501-(A) tax-exempt organization.  
Donations may be tax-deductible as a business expense.*



**Amicus Curiae** (Continued from page 4)

Association of Counties, and 8) San Mateo County. These opposing briefs are all similar to the argument used by Santa Cruz County, contending that a county's traditional zoning power is unimpeded by the State Forest Practice Act. In fact, the FPA very specifically circumscribes the role of local cities and counties with respect to timber operations. The judges will read all of the briefs and testimony that have been filed to date. Sometime this summer we will have one last shot with our attorneys' oral arguments. We appreciate our members' continued encouragement and financial support. ■

**FBI IDENTIFIES ECO-TERRORISM AS THE LEADING THREAT IN AMERICA**

On May 18, FBI assistant director for terrorism, John Lewis, testified to Congress that eco-terrorists, having turned to arson, bombing and other forms of violence are now the country's top internal threat. "There is nothing else going on in this country over the last several years that is racking up the high number of violent crimes and terrorist actions.," Lewis said. Organizations identified as culprits include Earth Liberation Front and Animal Liberation Front, Earth First! and other names familiar to Central Coast forestland owners. ■

**RECOMMENDED READING**

Governor Schwarzenegger tells California taxpayers their government needs to be more efficient. He says we need to eliminate duplicative regulatory processes and redundant bureaucracy.

In an article in this month's California Forests magazine, Big Creek Lumber Company spokesperson, Bob Berlage, shows how the Regional Water Quality Control Boards serve as a poster-child for regulatory dysfunction. Agencies such as the Water Boards put California businesses at an economic disadvantage compared to other states and countries. To see Bob's article, log on to <http://www.foresthealth.org> and click on the magazine cover. ■

**COUNTY'S NEW PROPOSED PARCEL TAX**

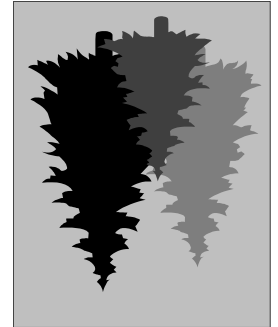
By Charles Burton

The Santa Cruz Board of Supervisors have proposed another parcel tax, this time for mosquito control. The issue has been placed before residents in Capitola, Scotts Valley and the unincorporated areas of the county. Since most timber parcels are in the hills, odds are that those of us paying the proposed assessment will probably not see this "service" up close. It may be true, in fact, that the targeted treatment areas are non-private property, such as mentioned in the Sentinel the other day, ie, Arana Gulch, Neary Lagoon, Live Oak marshes, DeLaveaga Park and Natural Bridges. The ballots are due June 21, 2005.

Remember that this is a parcel tax. Every parcel you own will be taxed, and at different rates depending on the circumstances. Please cast your vote as you see fit. ■

**NOTICE:** CDF now requires a 100 foot clearance of brush from around buildings, as opposed to the previous 30 feet.

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



Central Coast Forest Association  
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](http://www.ccfassociation.org) or by e-mail to: [ccfa@ccfassociation.org](mailto:ccfa@ccfassociation.org). We will keep it strictly confidential at all times.

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***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.*