



Central Coast Forest Association

Forester Dale Holderman Receives Forestry Excellence Award

By Dick Burton

Central Coast forester Dale Holderman was selected by the Board of Directors to receive the CCFA "Forestry Excellence Award." At the June 27 annual membership meeting, Director Charles Burton presented Dale the handsome brass on walnut award plaque that reads:

The Central Coast Forest Association

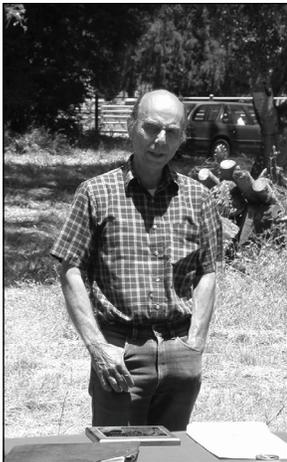
Forest Excellence Award

Presented to

DALE HOLDERMAN

June 27, 2005

IN RECOGNITION OF HIS LIFETIME OF ACHIEVEMENT IN
APPLYING SOUND LAW, SCIENCE AND MANAGEMENT
TO CENTRAL COAST FORESTRY



Dale Holderman tells CCFA barbeque attendees about his career as a forester

Burton cited Holderman's drafting of sound forest legislation, his scientific and legal contributions to the Big Creek/CCFA lawsuit against the County and the State Coastal Commission and his efforts in the development and adoption of Central Coast forest practice rules that have been cited statewide as examples of proper forestry.

Dale graciously accepted the award and gave a humorous description of his recent efforts leading to the present political status of local forestry. We found out, for instance, that Dale was personally, perhaps solely, responsible for the recall of Gov. Grey Davis, an important event in recent forestry politics. The award was accompanied by a certificate of lifetime CCFA membership. ■



CCFA members dig in to a great BBQ

CCFA Annual Meeting and BBQ

By Dick Burton

CCFA members, families and friends who attended the June 27th annual meeting and picnic on the banks of Big Creek in Swanton were rewarded with a feast, sightseeing hikes, an informative program and a humorous talk by award recipient Dale Holderman.

The event was kicked off with a short hike to the Big Creek fish hatchery where Monterey Bay Salmon and Trout Project board chairman, Allen Smith, conducted a tour and described the project's coho salmon and steelhead rearing program.

CCFA directors Cate and Eric Moore were chefs-for-the-day and presented a grand feast with BBQ chicken, a pot of baked beans, fruit platter, salads and an array of deserts including delectable strawberry-rhubarb pie. Later, over coffee and dessert, President Peter Twight conducted the formal membership meeting. The program included updates on several of CCFA's projects (lawsuits, delisting petitions, etc.) and election of CCFA directors for the upcoming year, affirming the slate of candidates proposed by the Nominating Committee.

The high point of the event was the presentation, to forester Dale Holderman, of the first annual Forester-of-the-Year award (see article at left.) Few people we know could keep the audience rolling in laughter while detailing the serious subject of the Big Creek/CCFA lawsuit against Santa Cruz County and the State Coastal Commission. We're sorry that anyone interested in local forestry missed this. If the bottom falls out of the forest products industry, we believe that Dale can survive very well as a standup comic.

For those who still had the energy after the memorable feast, Lud McCrary conducted a hike to one of the more spectacular sights in the Santa Cruz Mountains, the 80-foot Big Creek Falls, and along the way engrossed the hikers with personal anecdotes and historical vignettes. The hike was a real treat, and it concluded a perfect day. ■

Forester Jim Hildreth Elected to CCFA Board

CCFA President Peter Twight announced that Jim Hildreth, a Registered Professional Forester with a broad background in forestry research and timber management, has joined the CCFA Board of Directors.

Jim was raised in Redwood City, graduated from Cal Berkeley in 1983 and practiced forestry in Oregon and California since 1988. His business, Hildreth Forestry Consulting, LLC is based in Capitola and manages timber operations throughout the Santa Cruz Mountains. We will have more information about Jim in a future issue of "The Log."

Attorney James L. Buchal Now Working With CCFA and Big Creek

By Bob Briggs

CCFA and Big Creek have retained the services of Portland, Oregon attorney James L. Buchal to spearhead the next round in our legal battles against eco-extremists and bureaucrats who use the "endangered" Coho salmon myth and the Endangered Species Act as their bludgeon.



James L. Buchal,
Attorney, Physicist, Author

You may recognize Mr. Buchal as the author of the forthright book, *"The Great Salmon Hoax"* in which he exposes the environmentalist scam against power companies, farmers, timber folks and others who use and depend on surface water.

Mr. Buchal has an unusual grasp of our issues and comprehension of our antagonists. His direct thinking and hard-hitting style are quite refreshing.

After receiving a degree in physics from Harvard, Mr. Buchal earned advanced degrees in law and management from Yale and with this unusual preparation, he has pursued an exceptional career in litigation. He spent 5 years at the prestigious New York City law firm, Cravath, Swaine & Moore, serving in such enormous cases as *Republic of the Philippines v. Westinghouse* and *Pennzoil v. Texaco*.

Mr. Buchal moved to Oregon in 1991, where he has championed clients in cases arising under the Endangered Species Act, the National Environmental Policy Act, and other Federal, State and local statutes. His office is in Portland and he lives on his farm in nearby Hubbard, Oregon.

In 1998, with some of his achievements freshly in mind, Mr. Buchal was moved to write a book about his experiences called *"The Great Salmon Hoax"*, subtitled: *"An Eyewitness Account of the Collapse of Science and Law and the Triumph of Politics in Salmon Recovery"*. The book is reviewed in the article to the right.

Mr. Buchal says of himself: *"I am by nature a libertarian and particularly enjoy representing those who struggle against government bureaucrats abusing their discretion, even though the deck is stacked against them."* (That sounds like CCFA.)

We are fortunate to have Mr. Buchal on our side in our mismatched disputes with federal, state and local governments. The odds are now a little more even. ■

"It's not the size of the dog in the fight that counts, it's the size of the fight in the dog."

Dwight D. Eisenhower



The Great Salmon Hoax

Reviewed by Michael R. Fox, Ph.D.

Edited by Dick Burton

The Great Salmon Hoax: An Eyewitness Account of the Collapse of Science and Law and the Triumph of Politics in Salmon Recovery

By James L. Buchal, Published by Iconoclast Publishing Company, P.O. Box 677, Aurora, OR 97002-0677

Jim Buchal has produced a monumental contribution to the understanding of the myriad bureaucracies, bad science, bad law, bad media analyses and reporting of these of these issues. His book is heavily referenced, an appealing feature to those wishing to verify his findings.

He knows how to ask the hard questions, which has not endeared him to the bureaucracies nor to the federal judiciaries. The general public has no inkling of these salmon problems, even though they pay for the billion-dollar waste. After nearly two decades the salmon have not benefited.

The overwhelming biases of the fisheries agencies are that the dams on the Columbia and Snake Rivers are the sole cause of the declines of adult salmon returns. It needs saying that these fish bureaucracies have never produced the defining document establishing this simple hypothesis. Instead, they continue to say without any scientific support that the dams kill 80% of the salmon.

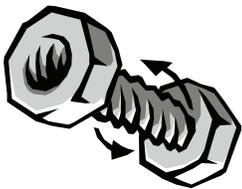
There are much larger threats than dams to salmon, both for young smolts and returning adults. These include over-fishing and a major explosion in predator populations. None of these are given adequate consideration in salmon life cycle problems. Without considering these sources of salmon killing, the dams by default are blamed for these losses.

The predator increases include squaw fish, walleye, young steelhead, mackerel, Caspian terns, cormorants, seals, Northern sea lions, California sea lions, to name a few. The Caspian terns on one island (man-made, by the way) in the Columbia River were estimated to consume between 6 million to 20 million salmon smolt annually.

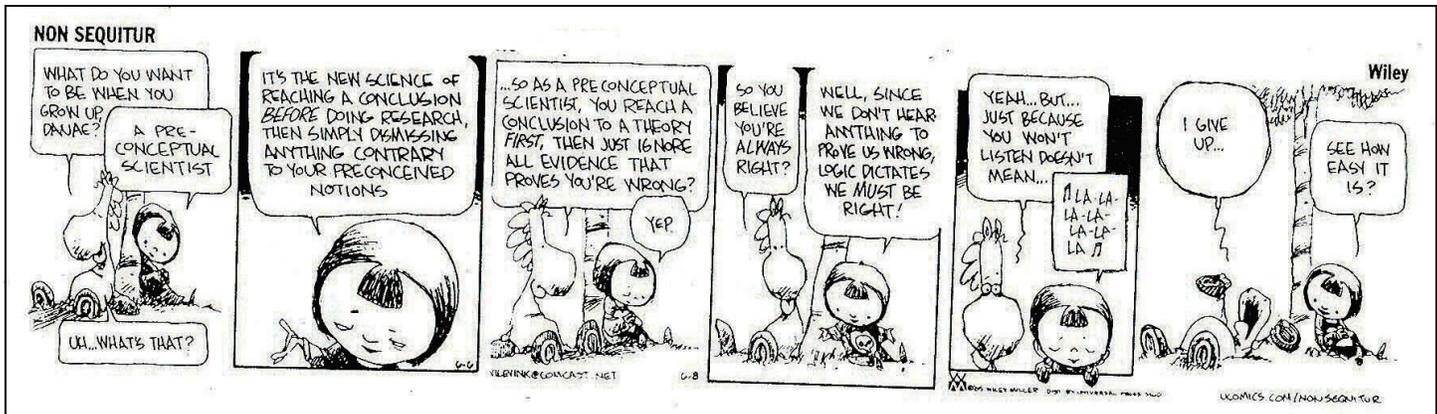
The seals and sea lion populations protected since the 1972 by the Marine Mammals Protection Act have increased 30-fold from 6,000 to 170,000. Each taking 15 to 25 lbs of fish per day, they are efficient salmon killers. Further, in 1994 40% of the salmon going through Bonneville Dam had seal bites or scars on them.

The endangered salmon is the only known animal which has been authorized for killing by the federal judiciaries and fishing agencies.

Nearly every page of Buchal's 384-page book is an indictment of current salmon policy, because of the wide practice of junk science and junk law, and the arrogance of power in the fisheries organizations. Unless good science is employed, and fisheries managers required to conform their conduct to law, government cannot protect, let alone increase the return of memorable salmon runs to the Northwest streams. The book's price of \$15.95 is well worth the monumental effort of research it represents. ■



Notes From the Nut-House



YUMMMM.....

Lost in the woods, a hiker spends two days wandering around with no food. A park ranger stumbles on the scene and arrests the man for killing an endangered species.

In court, the hiker explains that he was on the edge of starvation and had no choice.

"Considering the circumstances, I find you not guilty," says the judge. "But I have to ask----what did the eagle taste like?"

"Well, Your Honor," the hiker replies, "it tasted like a cross between a Great Blue Heron and a Spotted Owl."

The real art of conversation is not only to say the right thing at the right time, but also to leave unsaid the wrong thing at the tempting moment.

Historic ESA Overhaul

By Christine Souza
Edited from Ag Alert

In what could be the most significant legislation for the protection of threatened and endangered species, as well as the rights of property owners, the U.S. House of Representatives recently passed the Threatened and Endangered Species Recovery Act of 2005 by a vote of 229-193.

Under the leadership of Representative Richard Pombo, the House took an historic step in making endangered species law more protective of species and more workable for private landowners who help protect those species. The ESA revisions update a law that was in serious need of modernization. Instead of penalizing landowners, this law makes partners of private landowners who want to help with species recovery.

H.R. 3824 was introduced by House Resources Committee Chairman Pombo, R-Tracy and Rep. Dennis Cardoza, D-Atwater. It tallied more than 96 co-sponsors from 30 states. The issue now moves to the U.S. Senate.

The failure of the ESA to recover endangered species was noted by Pombo, who cited figures from the U.S. Fish and Wildlife Service. Agency data indicates that the ESA has achieved a less-than 1 percent success rate for species recovery. In addition, the ESA has only recovered 10 of the roughly 1,300 species on the list.

Pombo's legislation fixes the long-outstanding problems of the ESA by focusing on species recovery, providing incentives, increasing openness and accountability, strengthening scientific standards, creating bigger roles for state and local governments, protecting private property owners and eliminating dysfunctional critical habitat designations.

"Pombo's legislation is absolutely necessary. Little by little, inch by inch, it gets ridiculous enough that the pendulum has to come back. When it comes to the ESA, we need to be in the gray area where neither side is completely happy. If one side is happy all of the time, then there is something wrong," said a Santa Barbara County cattlegwoman.

The modernized ESA legislation would mean that agencies would spend less time fighting lawsuits and more time in the field recovering species. ■

Note: It will be interesting to see if H.R. 3824 becomes twisted into an ineffective bill by the time it emerges from the Senate, providing it passes there.

CCFA Works to Protect Private Forestland

By Peter Twight, CCFA President

A primary threat to private property rights today is being perpetrated under the guise of bogus, endangered or threatened species listings. CCFA is leading several efforts to counter the multi-front attack from environmental activists and their government fellow-travelers bent on depriving forestland owners of the right to use and enjoy their property. It is natural to take our long-held liberties for granted, but it is dangerous to do so.

Our response takes the form of petitions and legal actions challenging government abuse of authority. The effort is expensive and time consuming for an all volunteer team and its also very slow.

Here is a snapshot of some of our current efforts.

Lawsuit against Santa Cruz County and the State Coastal Commission

CCFA was formed in 1998 to respond to predation on forestland owners by environmental activists using the Santa Cruz County government as their foil to enact ordinances to disable and eventually to kill the local timber harvest businesses. Two years of negotiation and political effort were fruitless so CCFA joined Big Creek Lumber in a lawsuit against the County and their accomplice, the State Coastal Commission. Those who have followed this action know that we won our major points at trial, in the circuit court, and scored a resounding win in the 6th Appellate Court; our case is now before the State Supreme Court. It is interesting to note that the State Coastal Commission dropped out of the action after their loss in the appellate court.

Both parties have filed all legal briefs and we are waiting ... and waiting...and waiting for the Supreme Court to schedule our case. We expected to present oral arguments this summer but we have no indication as to when the court will get around to our case. We have received calls from members believing they have missed some news, but there just is no news. We will publish a bulletin to our members immediately when we have any new news on this case. Thanks for all the support and interest. Stay tuned.

Bogus endangered coho salmon listing

Why has CCFA put so much effort into research and conflict over coho salmon? What do fish have to do with forests? Well, environmental activists (the Sierra Club, Earth First, The Wildlife Fund, Citizens for Responsible Forest Management, etc.) and their political and bureaucratic co-conspirators are using these fish as an excuse to deprive central California forestland owners of the right to use their timber, just as spotted owls were used to decimate timber activity in Oregon, Washington and northern California. Our research strongly indicates that coho salmon never inhabited streams south of San Francisco until they were artificially planted in 1906 to provide recreational opportunities for sport anglers, and they would soon disappear from these waters except for frequent hatchery replenishment. The local "native coho" are a myth. Coho are incapable of long-term survival in any stream south of San Francisco. Our investigations and actions are reported in detail on the CCFA website, www.ccfassociation.org.

Both the federal and state governments have jumped on the "endangered" coho bandwagon as an excuse to curtail Central Coast timber activity. Based on the results of our research, we have petitioned the National Marine Fisheries Service and the California Fish and Game Commission to correct their errors and remove our streams and forests from the restrictions imposed by the bogus listing of these non-native fish. Although both state and federal law provides for an orderly, timely evaluation of, and response to petitions, these agencies have done nothing but delay, obfuscate and jerk us around. As you will see, we have come to the end of our patience.

Petitions to California Fish and Game Commission

CCFA submitted its first petition to the State Fish and Game Commission in Dec 2003. The law requires that the State complete a preliminary evaluation the petition within 90 days and if deemed worthy of further review, a full study and final decision by the agency is legally mandated within one year. We received neither of these responses. Our petition was "stiffed".

While we were kidding ourselves with the hope that State Fish and Game would obey the law and respond to our petition, we continued our research, significantly strengthening our arguments. Using this strength we wrote a new, stronger petition and followed up with sufficient persistence to prevent being "stiffed" again. The second petition to de-list local coho was filed by Big Creek and CCFA on June 17, 2004 and after 7-1/2 months, CDF&G complied with the 90 day legal requirement and scheduled a hearing in San Diego on Feb. 3, 2005. The CDF&G staff "scientist" presented a totally fraudulent rebuttal to our petition and the Commission unanimously went along, but it was obvious that none of the five Commissioners had even read the petition or made any attempt to understand it.

The listing by the State of Central Coast coho will have drastic consequences on forestland owners if it is allowed to stand and we cannot sit idly by. In consultation with attorney James Buchal, (see article elsewhere) and the Pacific Legal Foundation, we are studying our options and will announce our next plan of attack in the near future.

Petition to National Marine Fisheries Service

On November 3, 2003, a petition similar to the State one was filed with the National Marine Fisheries Service (NMFS) to de-list coho south of San Francisco. NMFS has prepared several, infantile rebuttals to the petition and we have responded with facts. Now, 23 months after petitioning, they have not complied with the legal requirement to respond within three months.

In their most recent comments, NMFS claimed that new genetic research proves that the present (hatchery) coho stocks are native and thus need protection. We know that this is another baseless claim, so recently, CCFA filed a Federal Freedom of Information Act demand for the documentation behind the claim. We eventually received a fragment of an unpublished NMFS paper that says no such thing. We are evaluating our legal options, and we are about out of patience.

Legal action to enforce the Alsea Decision re: salmon

Pacific Legal Foundation is preparing a legal action to force compliance with the 2001 Alsea decision ordering NMFS to

See CCFA Works (Continued on page 5)

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.*

CCFA Works.... (Continued from page 4)

consider hatchery together with naturally spawned fish in determining their endangered status. CCFA is one of seventeen plaintiffs in this action.

About Steelhead and Marbled Murrelets

Two of a growing array of creatures that are used as excuses to impede timber activity are "endangered" steelhead and "endangered" marbled murrelets. Both of these species have been listed by defective scientific reasoning and action to bring truth to bear on the listings is overdue but budget and time limitations so far have prevented action. Here are a few facts.

Murrelet Over the past decade, Big Creek Lumber Co. has sponsored several major, expensive scientific studies of murrelets. They have sufficient information to challenge listing but so far have not had the resources to pursue it further. Last month, PLF took initial steps toward a legal action with CCFA and Coos County Oregon as plaintiffs however, Coos County has decided to attempt to negotiate a settlement of their issue and we are on the sidelines waiting to see what happens.

Steelhead Competent scientists report that steelhead colonies throughout the State are robust and stable or increasing. A thrust will be made to delist them as soon as the resources can be freed up from other projects.

Conclusion

We feel like the little Dutch boy with his finger in the dyke.

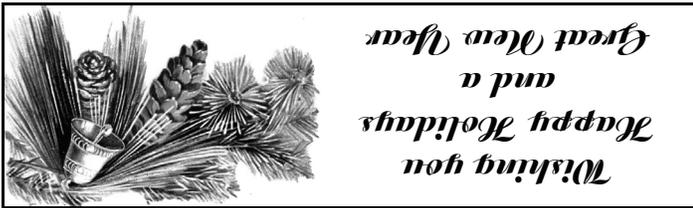
We have only private contributions and volunteer workers to carry out our mission and we are badly outgunned by the billion dollar environmental industry and the tax consuming bureaus. We do what we are able with what we have and can do no more nor less. We can only hope that the public will awaken to the economic, social and political cost to the country and that the climate will change soon.

We are grateful for all of the moral and financial support from our members and friends and for the professional help and advice from the Pacific Legal Foundation, the California Farm Bureau and the California Forestry Association. We will try to keep our members and friends up to date. Remember too that our website, www.ccfassociation.org is a good place to keep abreast of these actions. ■

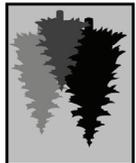
AOL Reports of Sediment Myth

Timber West, September/October 2005

Rex Storm in the August issue of the Associated Oregon Loggers' Mainline reported on the sediment myth - the longstanding idea that logging-caused sediment harms forest streams. A study by the U.S. Forest Service Rocky Mountain Research Station was recently published concluding that logging isn't as detrimental to streams as other "natural" causes, including wildfires and prescribed burnings. In fact, one acre of a forest killed by wildfire has the same impact as 70 acres of commercial thinning. ■



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 or by e-mail to: 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.*