

The Log of the **Central Coast Forest Association**

CCFA President Peter Twilight Retires; Cate Moore Elected President

By Fabian Alvarado



Cate Moore

a real talent for fly-fishing, backpacking, and relaxing. We are very sorry to have Peter leave us but we're also a bit jealous.

We are pleased to have CCFA founding member Cate Moore serve as president until our next annual elections this spring. Cate, a retired engineer, appends her duties as president to her current responsibilities as CCFA secretary, homebuilder, and mother of two very active daughters, Velma and Muirgeal. Cate's husband, Eric, is a professional firefighter and tree farmer and is also on the CCFA Board of Directors. ■

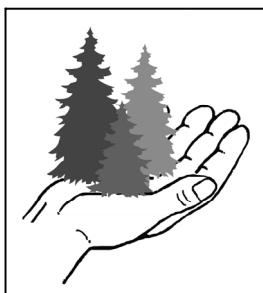
CCFA (Finally) Has a New Logo!

By Cate Moore

After countless rejects, dozens of misfires and endless debate, the CCFA Board of Directors, at its January 9th regular meeting, adopted this graphic as the official CCFA logo. We wanted a forest in the graphic but we looked at other logos and found that every forest organization in the country uses a picture of trees. Our logo, however is not just a "me-too" generic forest. It has deeper significance to CCFA because it symbolizes our members who own, work in, and cherish forestland with hands-on dedication and care.

This issue of the Log is the first public debut of the new logo. We are re-designing our stationery and other forms and we hope that from now on our logo will identify CCFA to anyone who catches sight of it.

The Board (being a bargain-basement operation) did all of innovation and artwork themselves. This final design was created by Director and Log Editor, Barbara McCrary, with lots of kibitzing from the other eight directors. It wasn't easy, so we hope you like it. ■



Introducing CCFA Board Member Jim Hildreth

By Cate Moore

We are very fortunate to have Jim Hildreth on the CCFA Board of Directors.

Jim is a registered professional forester with over 23 years of forest management experience in California and the Pacific Northwest.

He has extensive experience in the development and implementation of timber harvest plans in the Santa Cruz Mountains. This experience includes harvest planning, sale layout, logging supervision, timber marketing, sale administration, and timber inventory and valuation. He has a diverse group of clients including small landowners, large non-industrial and industrial landowners, and private organizations.

Born and raised in nearby Redwood City, he has been exploring and working in the Santa Cruz Mountains for much of his life. He graduated from UC Berkeley in 1983 with a degree in Forestry and Resource Management. After graduation, he worked for a large industrial sawmill owner near Mt. Lassen. He then moved to Portland, Oregon and worked with the PNW Research Station for several years. Since 1988 Jim has been a consulting forester. In 1997 he returned to California after twelve years of working in Oregon and Washington. Today he owns and operates Hildreth Forestry Consulting, LLC.

Jim has also served as vice president of the Community Action Committee over the last 5 years. The CAC is a group of parents and educators that provide input regarding education issues to all the school districts in the Santa Cruz area.

In his free time, Jim enjoys riding motorcycles, bow-hunting for elk, and spending time with his family. His family includes his wife Joanne, who is also a Cal forester, and two children. They live in Capitola. ■

Who Needs Obstacles When You've Got The Water Board?

CCFA Editorial

The last time most of you harvested timber you were probably taken aback by the excessive time and paperwork involved. Prepare to be stunned. The latest addition to the many hoops you will have to jump through for your next timber

Water Board (*Continued on page 2*)

Water Board (*Continued from page 1*)

harvest plan (THP) is brought to you by the Central Coast Regional Water Quality Control Board (CCRWQCB) and it's a doozy.

Since California's Porter-Cologne Water Quality Act of 1969 the state regulates water quality through nine regional water boards, which adopt basin plans, enforce water quality laws, and issue permits and waste discharge requirements (WDRs). Historically, the regional water boards have always had the authority to issue WDRs to persons who harvest timber on private or state lands. However, in addition to being extremely expensive and labor intensive, it is generally agreed that the scope of WDRs is excessive for the type of timber harvesting that occurs on the Central Coast. Certainly, some monitoring is warranted for road infrastructure on a harvest, but the mountain of required monitoring associated with WDRs goes far beyond what is justifiable here. Besides, other state agencies, such as the Board of Forestry and the Department of Forestry (CDF), already regulate timber harvesting extensively. Furthermore, the regional water board is explicitly included in CDF's comprehensive THP review process and may bring up any concerns at that time. To avoid redundancy, in 1988 the CCRWQCB formally waived issuance of WDRs for THPs that were approved by CDF. Nevertheless, towards the end of the Davis administration, the state legislature (with the help of the Sierra Club et al.) amended the California Water Code such that all waivers expired on January 1, 2003. All THPs can now be subject to individual waivers, a general waiver or even WDRs. After more than two years the CCRWQCB finally approved a new general waiver that must be renewed every five years.

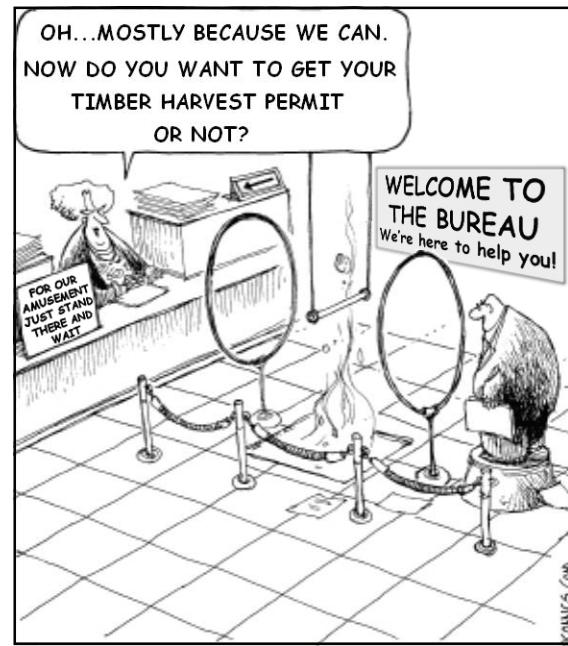
To begin with, the new general waiver requires an inordinate amount of "water quality monitoring" that has little land management or scientific value. This monitoring costs landowners thousands of dollars and may open the door to steep penalties. The general waiver usually requires visual monitoring, photo documentation, stream temperature monitoring and/or turbidity monitoring. The landowner pays for the inspections, the data collection, the temperature monitoring equipment and the lab work. Also, the landowner must submit an annual report to the CCRWQCB and, if any information is missing or incomplete, the landowner may be penalized.

None of this costly monitoring actually serves to protect water quality nor are there any specific plans to integrate these records into scientifically coherent conclusions about your forest management. In fact, time and resources may be drawn away from more beneficial property improvements and maintenance. Road infrastructure upgrades including road realignment and reshaping to facilitate free drainage, road rocking, and crossing improvements are long-term maintenance projects that have the greatest impact on enhancing water quality. Resources spent on making and maintaining such improvements are worthwhile property upgrades that every responsible forestland owner should make. However, with the exorbitant expenses associated with the general waiver, limited resources are diverted to useless monitoring and reporting.

For instance, the general waiver requires that you collect stream temperatures even though there are no temperature-impaired streams on the Central Coast. If yours is a vernal stream, the CCRWQCB still requires you record temperatures until the stream runs dry. In some instances landowners have

been instructed to take temperature data elsewhere in the watercourse and in one case the landowner was required to move the temperature monitoring device off the property. Unfortunately, moving the device to another location compromises any possible scientific integrity of the data and may involve trespassing on your neighbor's property. Supposedly, the whole point of collecting these data is to record elevated stream temperatures during late summer. Recording these data every spring for five years on a vernal stream is a colossal waste of your time and money. Most importantly, stream temperature data do not necessarily reflect the quality or impact of your timber harvest, and without the proper baseline records, they are essentially meaningless anyway.

In addition, turbidity (suspended sediment) monitoring may be included in all harvesting jobs that propose winter operations. However, "winter operations" does not mean that your property actually has enough water (Class I or II streams) for turbidity monitoring. The CCRWQCB has yet to correct this inconsistency. In order to avoid a violation from the CCRWQCB, landowners have been instructed to take turbidity samples elsewhere. Until the current general waiver is modified to address these inherent problems, landowners are obligated to collect the data regardless of their validity. In testimony before the board, scientists have refuted the validity of these stream turbidity data. Again, the board has no baseline data with which to compare your painstaking records. Moreover, turbidity "snapshots" do not take into consideration other unmeasured land use activities or natural events within the watershed that may affect your turbidity samples.



But wait, there's more!

Some of these waivers have been in processing for over four months. The CCRWQCB has only one person working on THP waivers 60% of the time. Forest landowners cannot assume that their project will be approved in a timely manner. For example, the CCRWQCB staff must make a field inspection of every harvest area before a waiver can be issued. However the staff has been known miss pre-harvest inspections,

Water board (*Continued on page 3*)

Water board (*Continued from page 2*)

necessitating a separate visit at their convenience.

The CDF-led THP review alone can take upwards of six months. As a member of the review team, the CCRWQCB has every opportunity to make recommendations during this multi-agency process. Not only do they miss some of these meetings, they will not accept a waiver application until the THP is approved. After waiting six months for your approved THP, you now get to wait up to 4 months for CCRWQCB approval.

Frankly, it appears Central Coast timber harvest operations are being singled out for regulatory scrutiny when in fact, timber harvesting occurs on less than 0.6% of forested watershed acreage in the Santa Cruz Mountains. Ironically, since the 1973 Forest Practice Act there has not been a single peer-reviewed scientific study that associates legally conducted selective timber harvesting on the Central Coast with any environmental harm.

The fundamental problem with the current general waiver is the flawed nature of the monitoring requirements. It can be reasonably argued that none of this data will have any statistical relevance until it has been collected for decades or more. However, as pointed out by a number of water quality experts, it is even questionable whether decades of data collection will be meaningful. There is no way to differentiate the potential effects of timber harvesting from the myriad of non-forestry related watershed activities and natural elements.. The vast majority of these activities remain unmonitored and unregulated.

Forest landowners also need to be aware that monitoring data submitted to the CCRWQCB becomes public information. There is nothing to prevent local anti-logging extremists from acquiring these data for their own purposes. Recent history demonstrates that these individuals and organizations will likely misrepresent your data in the pursuit of their anti-logging agenda.

CCFA is committed to representing the interests of its members in all aspects of timber management and harvest including water quality and the CCRWQCB. Still, it is critical that forest landowners participate in discussions and public hearings involving the CCRWQCB. Without your voice to support the sensible conservation and wise use of our forests, the nihilistic opinions and agenda of environmental extremists will prevail. ■

The THP Process Has Gotten Fat

By Bob Briggs

I was asked to write a few words for CCFA members on what to expect when you apply for a timber harvest permit (THP) but since I am not a Registered Professional Forester (RPF) and have not been through the process for several years, I talked to a couple of foresters and forestland owners who are more current than I. I learned that if you are anticipating a harvest and it has been several years since your last experience, you may be in for a surprise. You would be well advised to contact your forester and get started early. In the dozen years since my last timber harvest, the stack of paper to start the process has grown from about a quarter of an inch to about one-and-a-half to two inches, and the amount of time, hassle and hoop-jumping has increased by approximately the same ratio.

This does not include the new water quality ordeal that starts where the THP leaves off and only after CDF has gone through the whole exercise and issued your permit.

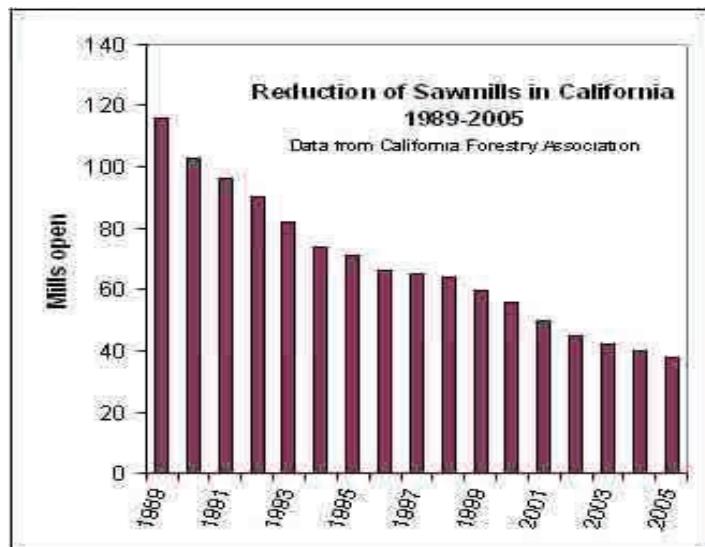
Before you begin filing paper, you have to get through a stack of homework that includes the usual engineering surveys and legal descriptions, plus a variety of specialized investigations such as botanical, archaeological, geological, and anthropological surveys; then you must gather lists of "stakeholders" who will require notification of your activity such as neighbors within 300 feet, road association, water users, government agencies, environmental organizations, etc. Your RPF will be very helpful, but you will no doubt be busy too.

Since my last harvest, there seem to be more government agencies in the review process. Most of them were legally included previously, but in recent years they have become much more active (intrusive). I started to write a detailed list of the steps you must execute to get your permit with time estimates, but I soon realized CCFA can't afford that much ink. Instead, I suggest that you check the CDF web page www.fire.ca.gov/php/rsrsrc-mgt_forestpractice_thpreviewprocess.php where (if you can translate bureaucratese) you will find a fairly complete countdown procedure for what happens when you decide to harvest your timber. If everything goes without a hitch, the THP process may be completed in three or four months from the date of filing, but more typically, and with the new WQCB exercise, it will take from six months to more than a year. In fact, if you are suspected of harboring marbled murrelets, there is a mandatory two-year survey of your land and other surprises that will add (never subtract) time and effort. The message with which I come away from my investigation is: If you plan to harvest, get started early. ■

Sawmill Closures in California

By Dick Burton

Since the Summer '03 issue of The Log, another 4 more mills have closed due to excessive regulation. That's a rate of about 5% per year. Fewer mills means longer hauling distances. Coupled with high fuel costs, some timber harvests may not be economically viable. That's when environmental organizations exploit the situation in pursuit of their political agendas. ■



CCFA Taking Aggressive Legal Actions on Behalf of Forestland Owners

By Bob Briggs

The weapon of choice of the many financially obese "environmental" organizations is the lawsuit. Any act or decision to which they object is met by litigation and the bureaucrats' preferred response is to give in to the environmentalists, knowing that private landowners generally react as individuals and are not prone to gang up or take legal action. They are right. We don't have the time, funds or inclination for years of court appearances and legal hassle. Until recently, with a few exceptions, we landowners have been sitting ducks for the extreme environmental agenda. CCFA, small though it is, has concluded that our only recourse is responding to environmentalists' legal attacks in kind. We are currently involved in four legal efforts to protect the rights of forestland owners.

As you may remember, on September 11, 2002 CCFA petitioned the National Marine Fisheries Service (NMFS) to delist coho salmon south of San Francisco. Although the law requires NMFS to respond to a petition within 90 days of its receipt, ours was totally ignored and never received the courtesy of a response. Since we had continued our research and found new, supporting data, we abandoned that petition and joined with Big Creek Lumber in filing a new petition on November 6, 2003. It is now 28 months and there has been no formal response.

At a November 30, 2005 meeting between CCFA representatives and NMFS senior "scientific" administrative and legal officials, NMFS ran out of reasons to reject our petition to delist the non-native Central Coast coho salmon. Their attorney summarized NMFS conclusions by asking where the harm is in listing coho salmon even though they are not native. "It will protect our streams and watersheds anyway, won't it?" Apparently this is the extent of the federal government's moral justification for listing an artificially introduced species as endangered with all of the costs, intrusions and restrictions it places on landowners. Their legal justification is...they can. Russ Strach, Assistant Regional Administrator for Protected Resources, ended the four-hour discussion by promising a decision within "a couple of months." We are still waiting. Last February CCFA filed a lawsuit demanding that NMFS meet its legal responsibility to evaluate the petition.

CCFA has also become one of fifteen plaintiffs in a major, multi-state lawsuit that was filed on Feb. 1, 2006 against the illegal Federal listing of west coast coho salmon. Our fellow plaintiffs include many strong defenders of private property rights such as the Alsea Valley Alliance, Coalition for Idaho Water, Washington Farm Bureau, Oregon State Grange, and Pioneer Irrigation District, just to name a few of our brothers-in-arms. Two committed public interest law firms with whom we have previously worked (Pacific Legal Foundation and Oregonians in Action) are managing the project. CCFA's directors are honored to be included in this roster of heavy-hitters in our quest for justice. The lawsuit is the latest in a series of actions beginning with NMFS clubbing coho salmon to death in several Washington, Oregon and California streams in the name of "saving" the species (see The Log, vol. 2 issue 2,

Summer 2002). The Oregon Alsea Valley Alliance brought suit against NMFS to force recognition of identical coho as members of the same species regardless of origin, and deserving equal treatment under the law. Alsea won the suit. The court ordered NMFS to publish rules to that effect; however, when the rules finally came out they were a convoluted but blatant evasion of the court order. The lawsuit we have just joined is another effort to force NMFS to obey the terms of the Endangered Species Act and the lawful orders of the court.

Unfortunately, the federal government is not the only thorn in the side of property rights. CCFA is now involved in a new legal action against the California Fish and Game Commission. CCFA and Big Creek Lumber petitioned the California Fish and Game Commission to delist coho in Central Coast streams on June 17, 2004. At a sham hearing by the Commission on February 3, 2005 our petition was rejected. None of the Commissioners bothered to read the petition because their decisions are based on the Sierra Club agenda, or whoever slams them with the bigger lawsuit. In January, CCFA and Big Creek Lumber Co. filed legal action seeking to mandate a competent evaluation of our petition. Consistent with the expectations of our attorney, James Buchal, Fish and Game responded by rejecting every one of our material arguments. We have now begun the back and forth briefs that we hope will eventually bring this issue before a reasonable judge for whom (unlike the Fish and Game Commissioners) the truth matters. ■

NEWS FLASH! Supreme Court Schedules Oral Arguments

Just as the presses were about to roll on this issue of The Log, we received word that the Supreme Court has scheduled oral arguments on our lawsuit against Santa Cruz County. The arguments will take place in Los Angeles on April 4. We have no other information now but we will keep members informed. Check in occasionally on the CCFA website (www.ccfassociation.org)

*"The harder the conflict,
the more glorious the triumph.
What we obtain too cheap, we esteem too lightly;
it is dearness only that gives everything its value."*

Thomas Paine (1737-1809)

CCFA Online

By Fabian Alvarado

Log on to the new CCFA website: www.ccfassociation.org

Some of the many features you will find on the new website are:

- Past issues of our newsletter "The Log"
- The latest news and thought-provoking editorials covering topics such as private property rights, environmentalism, and forestry issues
- Legislative reports of concern to forestland owners
- Documentation of CCFA legal actions including the CCFA and Big Creek Lumber Co. vs. Santa Cruz County Sixth District Court of Appeals decision, all of our petitions to delist coho salmon south of San Francisco, and much more!

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 appreciates your support

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



Notes From the Nut-House



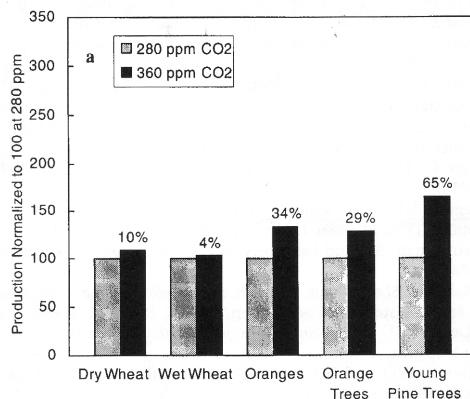
Improve Your Forests... Drive a Big Gas Guzzler

By R.T.Adequate

You too can improve your forests, increase your timber yields and enrich the environment. All you have to do is drive a big SUV or pickup and put lots of carbon dioxide (CO_2) into the air. Here are the facts: The graph at right shows results from 279 published experiments comparing the growth of plants under controlled conditions with two different levels of CO_2 ; 280 parts per million (ppm) representing actual levels in the year 1900 and 360 ppm, the current level of atmospheric CO_2 (Arthur B. Robinson, et al, 2006, *Infinite Energy Vol. 11, Issue 65, Environmental Effects of Increased Atmospheric Carbon Dioxide*). Every type of plant tested showed increased growth with elevated CO_2 concentrations. Young pine trees were the most

responsive, growing 65% faster with 360 ppm of CO_2 than with 280 ppm. This has interesting results. The more CO_2 in the air the faster things grow, making more lumber, more food for humans and wild animals (thus more animals), more scenic green vistas and many, happier folks.

As forest folks, we owe it to ourselves and the rest of the human race to encourage gas-guzzlers. ■



German Scientists Report That Your Trees and Lawns Cause Global Warming

By Nuthouse Staff

"Greenhouse Plants" by S. Perkins, *Science News, Jan 14, 2006, p. 19*, reports that German chemists have measured emission of methane (a more potent "greenhouse gas" than CO_2) from grass and trees in an amount estimated to compose about 20% of the total methane entering the atmosphere. If greenhouse is in the title of the grant application, limitless federal funds and instant publication of anything resembling research is guaranteed. Can we now expect a tax on growing grass and trees to offset the credit for CO_2 absorbed by plants?



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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.ccfaassociation.org or by e-mail to: ccfa@ccfaassociation.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.