



Central Coast Forest Association

NOTED LOCAL HISTORIAN, SANDY LYDON, TO SPEAK AT ANNUAL MEMBERSHIP MEETING

By Barbara McCrary, "The Log" Editor

Sandy Lydon, Historian Emeritus, Cabrillo College, spent his summers in the 1940s and 1950s hiking in the Butano (San Mateo County) where his grandmother had her home.

He has written widely on the cultural history of redwoods including co-authoring the award-winning *Coast Redwood: A Natural and Cultural History* published by Cachuma Press in 2001. He has also done considerable research on the Dawn Redwood, first visiting the original "Ralph Chaney" dawn redwood in Central China in 1995.



Sandy Lydon

The location of our annual meeting gives Sandy plenty of opportunity to accompany his talk with living examples. Within a very short and pleasant walking distance there is an albino redwood, an area logged a mere five years ago, and the site of a sawmill that was active 100 years ago.

Save the date, come to the annual CCFA membership meeting - for good food, companionship, business and political updates and a dynamic speaker you'll never forget. ■

CCFA JOINS LEGAL CHALLENGE TO BOARD OF FORESTRY'S RULEMAKING AUTHORITY

By Jim Hildreth, CCFA President

On November 15, 2007, the Environmental Protection Information Center (EPIC) and the Sierra Club filed a petition seeking to set aside two sets of regulations adopted by the Board of Forestry - the Coho Salmon Incidental Take Assistance, 2007 (Coho ITP) and the Road Management Plan, 2007 (RMP). Both rule packages, adopted in August 2007, were supported by industry and when properly implemented, will streamline the THP review and approval process.

Because these regulations have broad applicability to and important implications for the California timber industry, the California Forestry Association (CFA), the Forest Landowners of California (FLC), and the Central Coast Forest Association seek intervention into the case in support of the Board of Forestry's (Board) actions.

Beginning in July 2006, the Board took on the arduous task of crafting a Forest Practice Rule that would streamline the requirements for timber harvest plan (THP) submitters to secure an incidental take permit for state-listed Coho salmon. However, the rules are not perfect, as they create a burdensome regulatory regime for timberland owners in certain watersheds. Therefore, our primary interest is to assure that the new meas-

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VOTE YES ON PROP. 98

By Doug White, CCFA Director

Eminent domain is described by Webster's New World Dictionary as the right of a government to take, or to authorize the taking of, private property for public use, just compensation being given to the owner. As a legal concept, it has been recognized in America since colonial days. It has been a legal concept in English common law for centuries. Historically it has been resorted to by governmental agencies to purchase private real estate properties from unwilling sellers for public use when a compelling public need could be proved in a court of law, and only after the governmental agency had paid a full and just price to the reluctant seller and the subsequent governmental use of the property was strictly limited to the fulfillment of the declared compelling public need. In America, the right of a citizen to acquire and hold property, both real and personal, has always been protected by law. Common reasons for eminent domain litigation have been the creation of necessary infrastructure such as highways, railroad tracks, city parks, school grounds and municipal airports.

But the rules for eminent domain have been changed. After centuries of established legal precedent, a very unfortunate United States Supreme Court ruling has expanded the potential use of property acquired by eminent domain to include all sorts of developments conducted by governmental or private entities. Recently the City of New London, Connecticut, in an effort to increase its property tax revenue, filed an eminent domain suit in order to acquire several small private residences in one of its poor sections, intending to sell the property to a private developer who would then construct a condominium where the houses had been. One of the home owners challenged the action, and the case was taken all the way to the supreme court. In a split decision, the court decided to support the city, arguing that the general good trumped the property rights of the individual home owner. This one action set a precedent that has opened a Pandora's box filled with potential challenges to the individual property rights of American citizens.

In the relatively short time since the Supreme Court's New London ruling, 41 states have enacted legislation to protect property owners in their states from similar eminent domain actions.

Unfortunately, other elected officials have been quick to seize this newly available opportunity to convert properties in their jurisdictions to more productive property tax generators. For the typical "tax and spend" assemblyman or state senator, the New London decision has been a delightful new license to steal. The really bad news is that California has been one of the biggest abusers of eminent domain in the nation, and our elected leaders have thus far shown no real effort to stem the tide. Apparently, once again the voters of the state will have to take matters into their own hands in order to protect their private properties from the greed of elected officials who might view those private properties simply as road blocks to prosperity for the majority of their

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constituents.

But the really good news is a coalition has been formed by the Howard Jarvis Taxpayers Association, The California Farm Bureau Federation, and The California Alliance to Protect Property Rights. This group, supported by concerned citizens throughout the State, has successfully qualified Proposition 98, to protect all property rights in California. Prop 98 will appear on the June 3, 2008 ballot. It alone is a compelling reason to take the time to get out and vote in the June 3, 2008 election.

Californians for Property Rights Protection have prepared a fact sheet outlining the key provisions and the key issues addressed by Prop 98, as follows:

- * Private property may not be taken by eminent domain for private use under any circumstances (i.e. to build a shopping center, auto mall or industrial park.)
- * Property may be taken by eminent domain only for public use (i.e. freeway construction, parks, and schools.)
- * Property may not be taken by government and used for the same purposes (i.e. residential housing cannot be used for government housing.)
- * Family farms and open space are protected from seizures by government for the purpose of selling the natural resources.
- * If a public agency takes property under false pretenses, or abandons its plans, the property must be offered for sale to the original owner at the original price and the property tax would be assessed at the value of the property when it was originally condemned.
- * If farmers or business owners are evicted by eminent domain, they would be entitled to compensation for temporary business losses, relocation expenses, business re-establishment costs and other reasonable expenses.
- * Government may not set the price at which property owners sell or lease their property. However, tenants who live in rent-regulated communities will continue to receive the benefit of those regulations as long as they live in their apartments or mobile homes.

The Constitution of the State of California provides that "All people by nature are free and independent and have inalienable rights. Among these are enjoying and defending life and liberty, acquiring, possessing and protecting property..." Proposition 98 reaffirms and strengthens the private property protections set forth in our state constitution.

Property rights are a fundamental, core value among California voters. Statewide survey research shows more than 67% support for an eminent domain reform ballot initiative - Republicans, Democrats, independents, seniors and baby boomers all support the initiative.

Enhanced farmland protections provided in this amendment increase support for this measure among environmentally concerned voters. Prohibiting sale or lease price regulations protects property owners when they sell or lease their property to others.

At the same time, Proposition 98 protects current tenants from unanticipated increases in their rents.

Nothing in Proposition 98 would prohibit or limit legitimate land use decisions, zoning, work place laws, or environmental protections. Nor would it expose public agencies to costly litigation.

We members of the Central Coast Forest Association realize with no uncertainty the pressing need for the protection that

Proposition 98 would provide. What better way could there be to express our thanks to those who qualified Prop 98 than to get out and vote, each and every one of us! Let's get this done! ■

GLOBAL COOLING: AMAZING PICTURES OF COUNTRIES JOINING BRITAIN IN THE BIG FREEZE

By Christopher Booker, London Daily Times, UK
February 21, 2008

Yesterday's picture in the Mail of a cascade of icicles in the Yorkshire Dales was a reminder of how cold Britain can be - something many of us have forgotten in this unusually mild winter. But it really is remarkable how little attention has been paid to the extraordinary weather events which in recent weeks have been affecting other parts of the world.

Across much of the northern hemisphere, from Greece and Iran to China and Japan, they have been suffering their worst snowfalls for decades. Similarly freakish amounts of snow have been falling over much of the northern United States, from Ohio to the Pacific coast, where in parts of the state of Washington up to 200 inches of snow have fallen in the past fortnight.

In country after country, these abnormal snowfalls have provoked a crisis. In China - the only example to have attracted major coverage in Britain - the worst snow for 50 years triggered an unprecedented state of emergency. Large parts of the country have been paralyzed, as rail and road transport ground to a standstill. More than 25,000 miles of power lines collapsed under a weight of snow and ice they were never designed to cope with. Snow has devastated thousands of square miles of farmland, threatening severe food shortages. The total cost of the disaster to the Chinese economy may be more than £10 billion.



A row of benches at a lake in Greece glisten after temperatures dropped to minus 15 degrees C

In Afghanistan, freezing weather and the worst snow in 30 years have killed more than 900 people. In neighboring Tajikistan, according to aid agencies, the coldest winter in 50 years, along with soaring food prices and a massive energy crisis, threatens a "humanitarian catastrophe". In Greece and Turkey, where temperatures dropped as low as minus 31 degrees Celsius, hundreds of villages have been cut off by blizzards and drifting snow. In Iran, following heavy snowfalls last month, its eastern desert regions - normally still hot at this time of year - have seen their first snow in living memory. In Saudi Arabia last month, people were amazed by the first snow most had ever seen. On the Pacific coast of Japan last week, heavy falls of snow injured more than 50.

Meanwhile in the U.S., similarly abnormal snowfalls have hit more than a dozen states. One Massachusetts town reported 12-ft. drifts after its heaviest snows in 30 years. In Wisconsin, the state governor declared a state of emergency as schools and airports were forced to close by up to 20 in. of snow - and even this was dwarfed by the blizzards which dropped as much as 16

feet of the white stuff on parts of Washington state.

In light of such similar news from so many places round the world, it may not seem surprising that U.S. satellite data for January shows the extent of snow cover in the northern hemisphere as reaching its highest level since 1966, 42 years ago, and temperatures that were lower than their average for the whole of the 20th century. Furthermore, it is not only in the northern hemisphere that records are being broken.

Following last year's freak snowfalls in such southern cities as Buenos Aires and Sydney, satellite observations from the other end of the world have this winter shown ice cover round the Antarctic at easily its greatest extent for this time of year since data began in 1979, 30 per cent above average. Yet so far in our corner of the world, we have been remarkably slow to notice what was going on elsewhere, and to put the different elements of the story together.

Doubtless much of the reason for this has been that, in Western Europe, we have (until the recent cold spell) enjoyed yet another comparatively warm winter - probably thanks to changes in warming sea currents which scientists find hard to explain. (Although Alpine ski resorts have seen their best snow conditions for many years.)

This is why we saw reports of balmy, prematurely spring-like weather, with primroses and blossom coming out earlier than usual and the curator of Kew Gardens suggesting "there is no winter any more" - just when much of the rest of the world was shivering through the coldest January and February since The Beatles were still together.

But one of the oddest features of this great freeze is how little it was predicted. We are so used to hearing that the world is inexorably warming up thanks to rising CO₂ emissions, and that recent years have been the hottest since records were kept, that no one prepared us for the possibility that there might suddenly be such a dramatic exception to the accepted trend.

So far, the leading advocates of the global warming thesis



Bridge over the frozen Valaste waterfall in Estonia

have remained fairly quiet about the 2008 freeze, although some may explain that "freak weather events" such as we are now witnessing are just what we should expect to see as Planet Earth heats up - even if this produces the paradox that warming may sometimes lead to cooling. Global warming "skeptics," on the other hand, are inevitably pointing to these record snowfalls as evidence that global temperatures are no longer rising as the CO₂ theory predicts.

We may, they suggest, be seeing the start of a period when temperatures reverse their generally upward trend over the past 30 years, as we did in those decades before 1978 known to climate scientists as "the Little Cooling". The truth is that it is still much too early to draw any long-term conclusions from 2008's great freeze. But it is one of the most startling developments to have emerged in the world's weather patterns for a long time - not least in that it was so unexpected. At least it raises important

questions over how our global climate is evolving which the scientists will have to try to explain.

To the millions of people whose lives have been seriously disrupted by this year's freeze, the concept of global warming must seem awfully remote. ■

WATER BOARD MEETING - MARCH 21, 2008

Reported by Cate Moore, CCFA Director

On March 21, 2008, I attended the Central Coast Regional Water Quality Control Board's regularly scheduled public meeting in Salinas. There were two agenda items of interest to the CCFA Board and membership: The Staff Report for Sediment Control Progress in Santa Cruz County, and the public hearing for Cemex's Individual Timber Harvest Waiver.

There were some very unfortunate dynamics taking place between these two seemingly unrelated agenda items that have the potential for ominous precedents for the rest of the timber industry in the area.

It is well known by the local foresters and landowners who have recently tried to get a THP permit that the water quality waiver is taking an exorbitant amount of time to process. We have complained about this to the Board on several occasions. The frustration level felt by some landowners have led them to the desperate measure of jumping the gun on their harvests, beginning operations before their waivers are in their hands, just so they could complete the harvest before the window closed for the year.

Last year, Cemex was one of these owners. They believed they had a general waiver in process, that all issues had been resolved and they were only waiting for the piece of paper. Based on the notion the paper was in the mail, they began their harvest, only to discover they had been elevated to a Tier IV operation and would have to get an Individual Waiver. Cemex ceased operations immediately. During the time Cemex was logging, they did a careful job which resulted in no discharge and no negative effect on water quality. The Board was frustrated that there was little they could do since the logging had been conducted responsibly, although without their official waiver. The Board, however, refuses to take any responsibility for their part in the debacle. There is no admission from the Board that if they would process the waiver applications efficiently, instead of taking months and months, no landowner would ever be put in a position to harvest without a waiver.

The first agenda item of interest to us was the Staff Report. I took the opportunity to complain again about the time it takes to process waivers, then added some comments about whether the upcoming data analysis of post-harvest monitoring would be of any contextual use depended on whether or not the data collected from monitoring other land uses, like upgrades to private roads, are all measuring the same information in the same manner as timber is. We need to watch for this in the upcoming report. Other sources of data that Staff is using includes reports from storm runoff in the City of Santa Cruz, some form of monitoring on improved private roads where the Water Board provided grants money, and agricultural water quality programs. Staff so much as admitted that there are different mechanisms for measuring success in different agencies. It baffles me how anyone is going to get a coherent picture of relative causes and effects and overall progress from this.

See Water Board (Continued on page 6)

CALIFORNIA'S FAST TRACK PATH TO LOSING ITS FOREST LANDS: IT'S THE MONEY, STUPID!

CCFA Editorial

It has long been known that the most expedient way to get any goal accomplished, you merely need to make it possible for someone to make money doing it. California has long professed a desire to maintain large tracts of open space and to have a large amount of forests in those open space tracts. They cannot be approaching this goal in a more wrong-headed manner.

The State of California is perennially suffering from budget problems. However much it may want to maintain open space in the public domain, it simply does not have the means to do so. The Governor has just proposed shutting down numerous state parks to help alleviate the budget woes. Given this fiscal climate, the long-standing method of the environmental community to obtain open space from private owners, then sell it to the state for parks just does not hold fiscal water. Not only can the state not afford to maintain these new lands, it has also just lost another source of tax revenue. Every time one of these transactions takes place, we get a nasty double-whammy:

Property Tax income gets removed from the state as the land leaves the tax rolls. More expenses accrue to the state to maintain this land.

So, we need to leave a large portion of our open space land in private hands. Due to a variety of economic and regulatory pressures, it is becoming increasingly unfeasible to hold and maintain forestland. Many landowners, big and small, are opting out and converting their land to less regulated uses. Witness the following recent actions by large forest landowners in the west:

* Weyerhaeuser is converting timberland near the Cowlitz River into homesite lots of 5 to 22 acres. "The company says it's proving more profitable to sell the land than to grow timber." - TimberWest November/December 2007

* Sierra Pacific Industries auctioned off nearly 5,000 acres in the Sierra Nevada in November, 2007 - TimberWest November/December 2007

* In the Humboldt County case, Maxxam Corp submitted a reorganization plan before the bankruptcy court that would subdivide some of 22,000 acres of PALCO's timberland into 160-acre high-end, low-density residential and recreational properties

* Soper-Wheeler Co. has become so weary of the protracted environmental battles and the degree of hyper-regulation in California that they are taking redwood clones to New Zealand to grow their trees there. Mendocino Redwood is considering following suit. Given the state's current regulatory and environmental climate, owner Jim Holmes said, "One conclusion is inescapable: it is no longer prudent to make forestry investments in California. Why spend money to plant trees or to grow timber or to buy timberland you will never be allowed to harvest? Why finance someone else's national park?" In New Zealand, Holmes said, Soper-Wheeler is being warmly welcomed by a government that "honors property rights like we did 50 years ago." - Press Democrat, 2/8/2008

As Holmes told the Press Democrat, "Today's investors would prefer to continue their growth in California, but under the circumstances are convinced that growing in California is not an option." What is driving these big operators away?

* California's prescriptive regulations: There is a massive

book of forest regulations prescribing in detail where harvest can proceed, where it is proscribed, what methods can be used to access it, how landing areas must be staged, how roads must be built, how the project must be put to bed, etc., etc., etc. and the book never shrinks. Each year, another load of rules gets layered on, some conflicting, and anyone hoping to work in timber must work through this morass without a misstep or face fines or loss of license.

* Costs of producing permits: That massive book of regulations requires an equally massive pile of paperwork to an ever-growing list of agencies just to gain permission to harvest timber. A simple THP on about 150 acres of land can easily cost \$30,000 in fees and studies. And these costs are not monetary alone; it is taking well up to a year and in some cases, two years, to get the permits through the bureaucracy. Someone who is attempting to get into his land quickly to reduce a critical fire hazard or to remove some bug-infested trees before there is an epidemic is in a bad way. It is also no longer possible to time your harvest to take advantage of transient good prices; the prices will be long gone before you have your papers in hand. On the other side of the job, there are ongoing costs of monitoring and reporting post-harvest conditions. The profit margin is dwindling to nothing under these pressures.

* The collapse of a single forest authority: At one time, CDF under the Board of Forestry was the coordinator and final arbiter of all practices. Now, the California Department of Fish and Game and the Regional Water Quality Control Boards can trump anything CDF says and CDF&G has been using this muscle to push the Board of Forestry around. No one realistically expects the situation to improve.

* Weak property rights: Timber in this state has been suffering uncompensated partial takings for years for such "public benefits" as "viewsheds" (i.e. the view isn't pretty anymore) from major highways and from the coast (yes, the California Coastal Commission has been stopping developments and timber harvest because the view for passing ships would be affected.) We have often been on the losing end of these suits. Proposition 98, which is attempting to redress some of the property rights issues, still does not address partial takings of these sorts, as it still does not address abusive public agencies' takings. Public agencies like the Mid-peninsula Open Space District and non-profits like Sequoia Sempervirens have active campaigns where they make it difficult for neighboring timber landowners and ranchers to manage their operations, then try to get them to donate the land for a park, or they offer to buy it below market value when they think the owner is beaten down enough to cave in.

* No right-to-practice-forestry laws: Other states have right to practice laws similar to right to farm laws which exist to inform those who have newly moved into a region that the agricultural interests were there first and you should have considered this before you moved into the region. Newcomers are not allowed to take away an established business's livelihood. We are sorely lacking this concept in California, where a whiney small neighbor's nerves can bring down a thriving business and put all of its employees in the unemployed line.

* A continual process of partial takings eating away the land's value: It started with rules prohibiting streambed timber operations in fish-bearing streams. It spread to rules concerning operations in streams that feed fish-bearing streams. It's now reaching into the ephemeral streams, those streams that only run

during and shortly after heavy rains, and puddles ("ephemeral pools"). The anti-timber lobby well knows that timber grows best where water is present and is carefully carving away from access all places where water can be found. With each new rule restricting access, the income the land can produce goes down, and with it, the land's value.

* A powerful and hostile environmental community: There is nothing the local environmental community would like better than to shut down the timber industry, and they have been quite effective getting a lot of what they want. The tragedy of their actions is that they have not provided another effective mechanism for maintaining our forest lands in ways the state can afford. But really, that's not part of their agenda; the environmental organizations have not been about saving anything in the environment for a long time. When confronted by them, just ask what portion of their annual budget is allocated to restoring damaged lands. Don't accept anything about "outreach" or "education"; these are just cover words for advertising and lobbying. Ask them how much money is getting spent in materials and labor for on-the-ground environment restorations. The number will be shockingly low. After all, the ongoing expenses for the real work is a drain on anyone's budget, and the environmental community does not make money by solving problems, they make money by creating crises that need to be "fixed" with your generous donations. All of these donations go into the money-making machine of "education" and "outreach" so that they can find even more donors to keep the engine moving. After all, it's the money, stupid.

If the big boys are ready to throw in the towel, what about the smaller owners? How can the people of limited means hope to stay alive in this environment? What does this ultimately mean for the state?

We are going to continue to lose our forest lands, incrementally, as owner after owner loses money or loses heart and cannot continue. The state will wake up one day to discover the only forest lands remaining are those in their parks, and that they simply do not have the money to care for them. Those forests will then succumb to age, overcrowding, exotic invaders, and disease. All because they could not understand: "It's the money, stupid." ■

Legal Challenge *(Continued from page 1)*

ures are not imposed on timberland owners, only to have the regulations later set aside by the court.

The RMP regulations are designed to enable timberland owners to address watershed cumulative effects and management measures for roads in one plan. The RMP may then be referenced in the THP review and approval process. With the heightened scrutiny that the industry is receiving for sediment discharges, the RMP presents a potentially valuable streamlining tool to comprehensively address road concerns in one plan, as opposed to repeated critiques and "horse-trading" in each THP. Although development and use of a RMP is voluntary under the regulations, the challenge to the RMP regulation is a threat to the Board's ability to authorize, and the industry's ability to undertake, programmatic, comprehensive, large-scale timberland management and planning.

CCFA has a direct interest in this case as our membership will be subject to these regulations. The CCFA Board believes that is in our members' best interest that these regulations be implemented without impediments. ■

SENATE HEARING ON DEATH TAX SUGGESTS SAME TAX, DIFFERENT NAME

By Frank Stewart, contract lobbyist
Forest Landowners Association, Inc.
March 26, 2008

The Senate Finance Committee held a hearing on March 12, 2008 on the estate tax, as part of a series of hearing that Chairman Max Baucus (D-MT) promised to schedule last year regarding the elimination of the estate tax. Unfortunately, the focus of the hearing was to replace the estate tax with an inheritance tax rather than repeal it. The Forest Landowners Association, in alliance with the American Family Business Institute, is working closely with Congress on this issue.

Estate Tax vs. Inheritance Tax

The estate tax is placed on the estate of the person who dies. The inheritance tax is placed on the person who inherits the estate. The reality is that, regardless of who specifically is taxed, when an asset is passed on to an heir and there isn't liquid capital to pay the tax, then part or all of the asset must be sold off to pay the tax. Call it the estate tax or call it the inheritance tax, either way it will inhibit capital stability and family finances.

The Hearing

In testimony before the Senate Committee, the panelists advocated the notion of an expanded death tax, i.e., all the witnesses were in favor of increasing "wealth transfer taxation." The points made by the testimonials were to advocate a substitution of an inheritance for the current estate tax. Senator Jim Bunning (R-KY) and Senator Blanche Lincoln (D-AR), the 2007 Forest Landowners Association Forest Champion Award recipient, voiced objection over wealth redistribution and its affect on family-owned businesses. Unfortunately, their sentiment was in the minority and the issue remains unresolved.

Impact on Forest Landowners

There is little chance of the inheritance tax proposal being enacted in this Congress. It is very likely though, that some members of Congress will continue to block our efforts by using distractions, such as this hearing, to keep repeal or reform of the death tax from moving forward through Congress. The Forest Landowners Association, along with members and concerned citizens, will continue to show Congress that this tax is damaging to family-owned businesses and must be repealed. ■

DICK BURTON RESIGNS, GARY PAUL JOINS CCFA BOARD

By Barbara McCrary, "The Log" editor

Dick Burton has resigned the CCFA Board of Directors to care for his mother and the Burton family timberland after the recent death of his father, Charles. Registered professional forester Gary Paul has joined the board and will bring his knowledge of timberland management, as well as law. We will introduce Gary further in the next issue of The Log. ■

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Water Board (Continued from page 3)

Quick snippets from this meeting include the revelation that CCRWQCB got a 10% budget cut for the upcoming fiscal year; this means we now have 0.5 person-year of time budgeted for timber next year, down from 0.6. **Bob Berlage** took this opportunity to offer the timber industry's assistance in reviewing the timber harvest water quality waiver processing cycle to identify and remove redundant and unneeded work, with a report on this effort to be added to the July meeting.

Comments from other people at this staff report included:

Dennis Davies: There are significant problems with the pie chart presented which identified the sources of the sediment loads in local streams. We agree with that statement, though our issues with the chart are not the same as his.

Kevin Collins: He lauded the grant program that allows private roads to upgrade problem areas. He slammed the Santa Cruz County Planning Department for their failure to catch maverick un-permitted grading actions in the backwoods.

We next addressed the public hearing for Cemex's Individual Waiver. There was no doubt the Board was not pleased with Cemex. They were especially displeased that, given the sequence of events, there appeared to be no way to effectively chastise Cemex. The Notice of Intent had been filed so there was no THP violation; there was no water quality order in place yet so there was nothing there to violate; no discharge occurred because of the action, so they could not be fined for damages.

Public comment included the following:

Gary Paul, the forester in charge of the project: mea culpa, followed by an explanation of the timeline of the events.

Louis Shipper of Cemex: A brief history explaining that they have been incrementally improving the land since the 1940's when the whole area had burned. Some corrections about just who does provide Davenport's water. He related that Cemex had agreed to a complete erosion assessment of San Vicente Creek from Pacific Watershed Associates (PWA), but that the commencement of this work had been delayed to April 1 by PWA so they had no information to pass on about the watershed's condition.

Kevin Collins: San Vicente Creek is the "most industrially impacted watercourse" in the area. If you map all the skid trails across this land over its history, the impact is incredible. You can't approve a THP on a 303d listed watercourse if it increases the sediment discharge, which he asserts this will do. He urged waiting for a sediment source profile. He added the following snippet: Coho salmon are now extinct in Santa Cruz County; the last surviving year class of Coho from Scotts Creek failed this year.

Steve Shimek of Monterey Coastkeepers: This is a new player. He provided an enumerated list of Cemex discrepancies, then suggested that a third party do the post-harvest monitoring for Cemex.

Dennis Davies: If the Board objects to Gary Paul's actions as the forester for Cemex, they can report him to the licensing board. San Vicente Creek had the finest trout fishery in the area prior to 1900. By 1923, the watershed had been clear-cut and the entire watershed has been logged within the last 20 years. The creek continues to have high sediment loads, which the waiver will do nothing to mitigate. He urged rejection of the waiver.

The assessment from the Board itself contained the following:

Dr. Press: Gary Paul put the Board in a very awkward position. We have been working from a framework of trust with in-

dustry. We are putting industry on notice that we cannot accept violations of this sort. It forces the question of whether or not industry can be trusted to self-monitor.

As it shook out, in the case of Cemex only at this point, all monitoring is to be done by a third party, to be approved by the Board's executive officer. Using an independent RPF was suggested, but the Board still looked uncertain about whether that was sufficiently distanced from timber's interests for trustworthiness.

Cemex has a further requirement to report to the Board any time there is a 10% increase in turbidity over an established background level.

With these conditions, Cemex got their waiver. ■

NEW RULES FOR FROG AND SNAKE

By Gary Paul, CCFA Director

A new development in the regulatory arena will result in more restrictive measures for the protection of two listed species, the red-legged frog and the San Francisco garter snake. Up to very recently, the United States Fish and Wildlife Service (FWS) had been providing technical assistance to RPFs for THPs regarding protection measures for these species. This usually resulted in reasonable measures. Now, due to budgetary constraints, FWS will not be providing technical assistance on a regular basis. As a consequence, they are proposing strict new measures that, if followed in the THP, will satisfy FWS that there will be no take of these listed species.

CDF held a meeting with local RPFs on April 9, to get their input on the proposed measures. It was the consensus of the RPFs in attendance, that the science used by FWS in developing the measures for the frog did not reflect what is currently known about the species, which resulted in them being overly restrictive. CDF agreed to review the current known biology of the frog, and will present to FWS a counter proposal which would be as protective, without being as onerous as those proposed by FWS.

The proposed measures to protect the frog would include additional seasonal restrictions and larger buffers around frog habitat, which include all types of streams and wet areas. In addition, when working in frog habitat areas, trained monitors would be required to check for presence of frogs. As usual, all this will cost landowners more money.

The snake is a little different story. It was formerly thought that it did not occur in redwood and fir forests. Now it has been discovered that they will use these forests, if there are ponds in the vicinity, but they are only known to occur in San Mateo County. Again, FWS has proposed restrictive protection measures for the snake for THPs in that county. The science related to the snake is less well developed, since they are difficult to study. Handling the snakes to attach monitoring devices is not allowed, since they are a fully protected species by the California Dept. of Fish and Game, and monitoring devices can inflict harm.

Without hiring a biologist who is familiar with the snake to help develop reasonable protection measures, it appears that landowners could be stuck with these restrictions. The measures include seasonal restrictions, buffer zones around streams and trained monitors to look for these snakes.

It is interesting to note that frogs are one of the snake's favorite foods. ■

Central Coast Forest Association
Membership / Renewal / Contribution

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Business	\$500

CCFA appreciates your support

CCFA is a 501-(c) 4 tax-exempt organization. Donations may be tax-deductible as a business expense.

Notes From the Nut-House



NON SEQUITUR



Log on to this site; we think our members will enjoy this:

<http://www.lewrockwell.com/blog/lewrw/archives/013117.html>

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 or by e-mail to: ccfa@ccfassociation.org. We will keep it strictly confidential at all times.

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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

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.