



The Log

of the

Central Coast Forest Association

Volume 13, Issue 1

July 2013

IMPORTANT!

Dear fellow forest landowner,

AB 904, the Working Forest Management Plan, is a bill that is currently working its way through the California legislature. It provides several incentives to forest landowners in return for certain sustainable forestry practices. The main thrust of the bill addresses landowners of the 2,500-15,000 acre class, but there is a provision for a less costly analog of the existing Nonindustrial Timber Management Plan for small landowners.

The environmental community is split on this bill. While organizations such as the Nature Conservancy and the Santa Cruz Land Trust see it as a potentially valuable management tool, there are a number of environmental organizations like the Center for Biological Diversity that are very opposed to this bill, and they are doing their best to derail it. One of their major goals is getting the southern sub-district of the Coast Forest District excluded from the bill. That's us, folks, the forest properties of the Santa Cruz Mountains. We're already doing such a wonderful job of sustainable forestry that we don't deserve any incentives as a reward.

Those of us who have been actively managing our lands know that the costs of getting a standard timber harvest permit have been climbing to alarming levels, the regulations under which we work are a constantly moving target, and there is an ever increasing number of agencies in the playing field. With the cost of doing business rising and the price we get for our timber badly depressed, many of us are feeling the pressure to sell out and find a more profitable use for our property.

And what about the large number of untended properties that are intermingled between all the houses in the mountains? Wouldn't be wonderful if their owners could afford to tackle their reservoirs of invasive weeds and make their properties fire safe while knowing that their work is creating a sustainable forest?

If you feel, like we do, that there is something of great value in AB 904 for the Santa Cruz Mountains, we hope you will join us in fighting to keep our place in this bill. We have provided some letters and envelopes. You may simply sign the letters and mail them, but we hope you will add a short note of your own at the bottom. The legislature needs to understand the financial pressures we face, the temptations for conversion we reject and how the regulatory environment makes doing our work difficult. A small view into your personal situation is pure gold.

For more details about AB 904, visit our website at <http://www.cfassociation.org> and follow the legislation blog entries.

CCFA HOLDS ITS ANNUAL MEMBERSHIP MEETING

On a beautiful, sunny, breezy Saturday, June 22, approximately 26 CCFA members gathered at Harvey West Park in Santa Cruz to enjoy a delicious tri-tip BBQ (chef was Brian Campbell; salads and desserts provided by members,) and hear Board members Cate and Eric Moore bring us all up to date on various issues affecting forestland owners. They gave a presentation on the general laws we had worked on as a board over the past year, what had passed, what was still in the works, and what we hope to support or defeat during the next year.

There was no keynote speaker planned for this year.

The Forestry Excellence Award was presented to CCFA president, Jim Hildreth, an independent forester. Brian Campbell had made the plaque from a very beautiful, heavy wood that had all attendees trying to identify the species of tree from which it was made. Jim has been the CCFA president for seven years, keeping monthly meetings and issues on track in a concise and punctual way. The Board thanked him for his leadership and inspiration.



L to R: Cate Moore, Pat Driscoll, Jim Hildreth, Eric Moore

Special acknowledgement was given to Cate and Eric Moore for their dogged persistence in following the current political issues pertaining to forestry and management of forest lands. They spend an enormous amount of their personal time attending meetings in Sacramento and perusing thousands of pages of documentation and bills related to forestry. Without their dedication to this effort, CCFA members would often be in the dark as to what policies and restrictions are placed on small forest owners and their land. ■

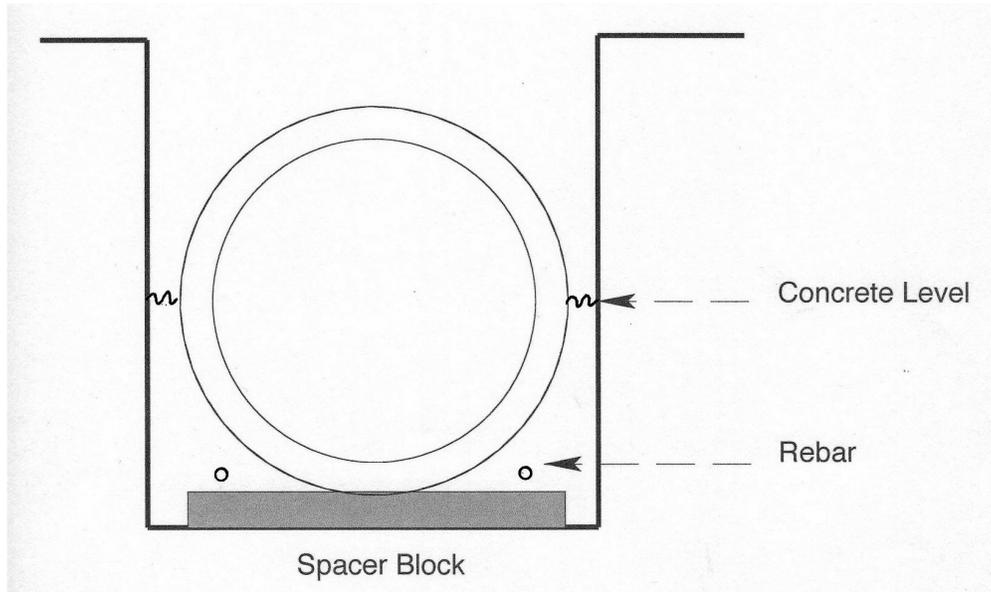
ON INSTALLING CONCRETE CULVERT

By Eric Moore

I like concrete culvert; it is strong, it does not rust, and it is very fire and abrasion resistant. It will flow as much water as the next size up of corrugated culvert. I also believe it is the most natural choice, as it is made of natural material. The design life on a steel culvert is 20 years, on concrete it is 100 years or more. Concrete might sometimes cost a little more, but it costs far less than replacing a culvert that wore out or rusted through. You also may be able to put it in a shallower trench.

The downside is that it is heavy; you pretty much need machinery to install it. You must also take great care when putting it in; if the sections settle and start to separate by more than 1-2 inches, it will start washing out the fill. Compare this to metal or plastic where you might have up to 6 inches of separation before this becomes a problem. For this reason I have been told by many people not to install concrete culvert; it will be nothing but problems. If you try to install it like you would put in metal or plastic, you will have problems. I have never had this problem.

There are a number of ways to install concrete culvert properly; my favorite is a reinforced "Concrete Cradle" as shown in this illustration.



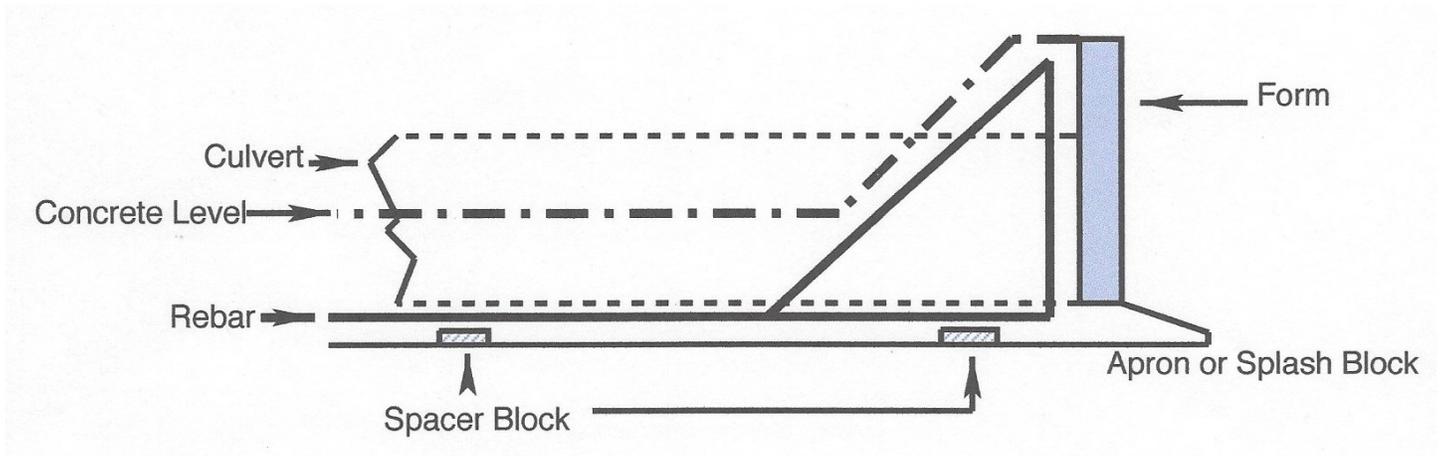
If you are using concrete with belled ends dig a 2 inch deep trough sideways across the trench under each bell.

The concrete needs be fluid enough to flow underneath the culvert. You won't use as much as it seems, as after the first 2 inches, the culvert takes up most of the space.

My favorite spacer blocks are, ready made, scalloped lawn edging. They are cheap and easily broken to length with a digging bar or pick.

I like to add my own retaining wall ends as shown here. They make a "dogbone" that holds the road banks.

Disclaimer: I am not a civil engineer. I am just showing what has worked for me for over 10 years





Forest Landowners OF CALIFORNIA

Dear FLC Members and Friends Alike,

It is with heavy heart that we share the news of Wayne Miller's passing. He passed at home on Wednesday, May 22 - he was 94.

We have captured biographical and other information about Wayne Miller courtesy of Nan Deniston and Len Lindstrand (from the 2011 Aldo Leopold Conservation Award application) and from the obituary and short film made about his career (courtesy of TIME Lightbox).

To say that he was important to California landowners from the 1970s to present is an understatement. Please read below about his family and forest land management.

Wayne and Joan Miller - Forest Landowners

With the vision of owning and managing their own forest property, in 1958 the Millers purchased 1,200 acres of cutover timberland located in the headwaters of the Little North Fork of the Ten Mile River in Mendocino County, California. Subsequent acquisitions have increased their ownership to 1,840 acres. Their overall guiding philosophy was then - and remains - the long-term and sustained production of quality forest products while enhancing associated land values of soil, fish, wildlife, water, recreation and aesthetics.

During the early years of the Miller ownership of the property, management activities included planting 80,000 trees in areas which were under-stocked, and road repair. Also, a cook shack and a mill pond remained on the property from the original logging days. The cook shack was rebuilt and added onto and became their cabin and headquarters. In order to prevent a possible future wash-out, the mill pond was stabilized. Being then still fairly recently cutover timberland, timber harvesting was limited to sanitation salvage whereby weak, poor performing trees were individually identified and harvested. The result of this practice was thrifty stands of trees, free to grow.

Over time and as the young stands of trees grew to merchantable size, timber harvesting methods shifted to thinning and individual tree selection, while leaving thrifty, well-spaced trees for future harvest. The patience and long-term planning exercised by the Millers has served them well. A 1972 estimate of timber on 1,840 acres indicated 16,000,000 board feet (bd. ft.) or (8.69 thousand bd. ft. per acre), fairly typical of timberlands having been cut-over in the early 1900s. During the 53 years of Miller ownership, they have harvested 40,000,000 bd. ft., while increasing the standing inventory nearly three-fold to a now estimated 45,000,000 bd. ft. (24.46 thousand bd. ft. per acre). This inventory is 65 percent redwood, 25 percent Douglas-fir, and 10 percent grand fir.

Utilizing uneven-aged silviculture and individual tree selection, the Millers are able to reduce their overall management costs. The uneven-aged selection harvest method relies on advanced regeneration, natural seeding and, in the case of redwoods, coppice (stump sprouts) for regeneration. As such, heavy, front end post-harvest reforestation costs are avoided. The uneven-aged method also maintains a continuous forest cover on the property.

1958 - shortly after purchase



1978 - six years after first selective harvest



1998 - after three harvest cycles.



All photos are copyrighted by Wayne F. Miller and reprinted with permission; sequence on portion of the Miller's property (1958-1998).

Agricultural Community Achievements

The 50+ years of the Miller's tenure as forestland owners has also represented a period of significant changes in California forestry. Through that period, Wayne Miller played an active role in representing the small, non-industrial forestland owner.

Wayne was an integral contributor working on legislation that became the California Timber Tax Reform Act of 1976. Prior to 1976 and timber tax reform legislation, standing timber in California, once declared mature, was taxed annually until at least 70 percent of the then standing volume on a given parcel was harvested at which time the remaining timber on that parcel would go off of the tax rolls for 40 years. The underlying timberland was appraised and taxed on its "higher and better use." These methods of tax treatment for timber and timberland did little to provide incentive for long-term forest investment and management. Wayne's belief and vision for forestry in the long-term caused him to work for reforms. The 1976 legislation provided for a timber yield tax and Timber Production Zone (TPZ) zoning. Under the yield tax, timber is taxed one time at harvest. With TPZ zoning, the underlying timberland is appraised and taxed according to its site quality or ability to produce a crop of timber.

Wayne remained active in the timber tax area serving on the California State Board of Equalization, Timber Tax Advisory Committee from 1976 to 1989.

With passage of the Z'Berg-Nejedly Forest Practices Act in 1973, and the rule making role vested in the State Board of Forestry, it became apparent to Wayne and other small, non-industrial timberland owners that representation at the Board of Forestry was essential. The result of these discussions was the formation of the Forest Landowners of California in 1975. The primary objective of the organization was to give the small, non-industrial timberland owner a voice in Sacramento. Wayne served as its first President in addition to several years on the Board of Directors. Thereafter, he continued as Director Emeritus.

Another significant contribution was Wayne's efforts in working to gain passage of legislation authorizing Non-Industrial Timber Management Plans (NTMP). Through the legislative process, Wayne, drawing on his experience on the Ten Mile River property, worked with State Senator Barry Keene to craft this legislation. The NTMP is a melding of a logging plan compliant with all regulatory requirements and a sustained-yield plan and is a permanent document. The program is available to owners with 2,500 acres

or less of timberland. The Forest Practice Rules in effect at the time the NTMP is approved are the rules that will govern over the life of the Plan. In exchange, the landowner agrees to practice uneven-aged management. Landowner advantages include regulatory certainty, having to go through the plan preparation process only once, and the ability to respond to markets in a timely fashion.

Wayne's efforts in reforming the method timber is taxed in California, the formation of Forest Landowners of California, and Non-industrial Timber Management Plan legislation have not only benefited the small, non-industrial owner but all private forest ownerships in California.

The Miller's Conservation Efforts

In 2010, the Miller Family re-built a 50+ year-old pond spillway on the Little North Fork Ten Mile River north of Fort Bragg. The Little North Fork is considered by most local fish biologists to be one of the two most productive Coho salmon tributary streams in the Ten Mile River system.

The original spillway, built from old-growth redwood 4x6" timbers and 2x12" boards, provided overflow for an old mill pond. By 2009, portions of the spillway were rotting and water threatened to undermine the spillway and begin cutting into the dam. Should the spillway and dam fail, there were 15,000 yards of impounded sediment in the pond which were "at risk" to enter the Little North Fork.

Completely at their own expense, the Millers spent almost \$40,000 to re-engineer and reconstruct the spillway. The redwood was replaced with a "gunite-shot" concrete structure which was poured in place. The new spillway is 70' long, 8' wide, and 7' high. By eliminating the threat of down cutting and greatly reducing the potential for downriver sedimentation, the Millers protected and enhanced one of the North Coast's best Coho fisheries.

Throughout the years, the Miller property has hosted many field tours demonstrating their management practices and philosophy. The entire Miller family participates in these events providing on-the-ground educational opportunities for children, policy makers and forest landowners alike.

Noteworthy Recognitions

In the late 1960s Wayne was employed by the National Park Service as special assistant to Director George Hartzog. Wayne developed the first nationwide environmental education program, focusing on urban school children. More than dealing with trees, the program wove together basic ecology concepts with the idea that, even in the city, we are part of a natural environment.

In recognition of their unique forest management program and its demonstrated benefits for both the land and its owners, the Millers were selected "California Tree Farmer of the Year" in 1975 by the California Tree Farm Committee.

The Miller property is Forest Stewardship Council (FSC) certified under the certificate of the Manager, Blencowe Associates.

Wayne Miller - Legendary Photographer

For the obituary and short film, copy and paste this URL in your browser: <http://lightbox.time.com/2013/05/22/in-memoriam-wayne-miller-1918-2013/?iid=lf|around>



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND GAME
Ecosystem Conservation Division/Water Branch
830 S Street
Sacramento, CA 95811
www.dfg.ca.gov

EDMUND G. BROWN, Jr., Governor
CHARLTON H. BONHAM, Director



December 4, 2012

Interested party

Subject: Department of Fish and Game Instream Flow Recommendations for Scott Creek, Santa Cruz County, Pursuant to Public Resources Code 10002

Pursuant to the Public Resources Code Section 10002 the Department of Fish and Game (Department) is consulting with the local government and interested stakeholders on the attached recommended stream flows identified by the Department for Scott Creek, Santa Cruz County. The Department has interest in assuring that water flows within streams are maintained at levels which are adequate for long-term protection, maintenance and proper stewardship of fish and wildlife resources.

Scott Creek is a significant watercourse for which minimum instream flow levels need to be established in order to assure the continued viability of stream-related fish and wildlife resources. Scott Creek was selected for development of flow recommendations because it is a significant watercourse with high resource value, and it is critically important for viability of California central coast steelhead (*Oncorhynchus mykiss*) and coho salmon (*Oncorhynchus kisutch*) populations.

After reviewing comments from this request, the Department intends to transmit the completed flow recommendations to the State Water Resources Control Board (Water Board), which will consider the Department's flow recommendations for Scott Creek as set forth in 1257.5 of the Water Code.

The draft flow recommendations report for Scott Creek can be accessed at: <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=57461>. Please respond with any written comments by January 5, 2013 addressed to: Robert Holmes, Instream Flow Coordinator, California Department of Fish and Game, Water Branch, 830 "S" Street, Sacramento, CA 95811.

Sincerely,

A handwritten signature in black ink that reads "Scott Cantrell".

Scott Cantrell
Chief, Water Branch

Conserving California's Wildlife Since 1870

We printed these articles in the March issue of The Log



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Ecosystem Conservation Division/Water Branch
830 S Street
Sacramento, CA 95811
www.wildlife.ca.gov

EDMUND G. BROWN, Jr., Governor
CHARLTON H. BONHAM, Director



January 4, 2013

Interested Party

Subject: Extension of Comment Period for California Department of Fish and Wildlife Draft Instream Flow Recommendations for Scott Creek, Santa Cruz County

The California Department of Fish and Wildlife (CDFW) sent a letter dated December 4, 2012 soliciting comments on our *Draft Instream Flow Recommendations for Scott Creek, Santa Cruz County* (Draft Recommendations). Public Resources Code (PRC) Section 10001 requires CDFW identify streams and watercourses for which minimum flow levels need to be established in order to assure the continued viability of stream-related fish and wildlife resources. Scott Creek is a significant watercourse with high resource value, critically important for viability of California central coast steelhead (*Oncorhynchus mykiss*) and coho salmon (*Oncorhynchus kisutch*) populations. CDFW prepared the Draft Recommendations pursuant to PRC Section 10002 which requires CDFW to "prepare proposed streamflow requirements" for transmittal to the State Water Resources Control Board (Water Board). Following the comment period, CDFW will transmit our final document to the Water Board to fulfill PRC Section 10002 "proposed streamflow requirements". PRC Section 10002 also requires the Water Board to "consider these requirements within a stream" when, pursuant to Water Code Section 1257.5, "acting on applications to appropriate water".

CDFW conducted the instream flow study in Scott Creek in 1995. On May 22, 2008, CDFW submitted draft recommendations to the Water Board based on the 1995 study. CDFW reviewed the 1995 study and the 2008 draft recommendations to ensure they reflect the most current understanding and scientific methods. CDFW's 2012 Draft Recommendations are the result of that review and are unchanged from the 2008 draft recommendations.

After reviewing public comments and requests to extend the comment period, CDFW is extending the comment period to April 5, 2013. CDFW will also be available to speak directly to interested community members during the extended comment period to identify any specific information relevant to finalizing the Draft Recommendations. Comments on the Draft Recommendations should focus on information used to assess minimum flow needs for instream fishery resources. This could include the study design, its methodology, results and any potential change in conditions which may affect the Draft Recommendations. Comments regarding competing water uses and water availability are not within the purview of CDFW's Draft Recommendations and should be addressed to the Water Board through its regulatory process.

Conserving California's Wildlife Since 1870

Follow-up on next page

FOLLOW-UP ON PROPOSED WATER FLOW RESTRICTIONS FOR SCOTTS CREEK

By Matt Rowley
Scotts Creek Watershed Council

The Scotts Creek Watershed Council Technical Advisory Committee met with representatives from the California Department of Fish and Wildlife on June 6. The DFW let us know that the Draft Recommendations for Scott Creek Flows to the State Water Resources Board have been withdrawn and that no further plan exists for making such recommendations.

The SCWC-TAC presented data demonstrating that there is not now, nor is there likely to be need for such recommendations to be made.

Major points made by the TAC include the following:

- * Flow volume in Scott Creek is not impaired by any current diversions. SCWC-TAC presented reports demonstrating the extreme unlikelihood that current or anticipated levels of potential diversion could cause a detectable impact on flow volume or aquatic habitat.
- * County Planning, Zoning, and other County resource protection ordinances provide substantial and durable protection. New threats for flow impairment by diversion are highly unlikely.
- * The modeling system used by DFW, PHABSIM, is not appropriate for our watershed.
- * The Draft Recommendations had set minimum flow requirements at a volume well above what the unimpaired creek typically flows. SCWC-TAC presented 50 years of flow data indicating that the natural flow volume of Scott Creek is typically well below the minimum required volumes in the DFW Draft recommendations.

There will now be no minimum flow recommendations for Scott Creek made by the DFW. **This matter is settled for the foreseeable future.** ■

THE COHO RECOVERY PLAN AND SAFE HARBOR - A POTENTIAL OPPORTUNITY FOR LANDOWNERS

By Cate Moore

Last September the National Marine Fisheries Service released their proposed Coho recovery plan for the central California coast. CCFA board members read through all 2000 pages of the document so we could understand what NMFS has in store for us. We don't recommend our readers do the same; rather, we suggest you open Volume 2 at http://swr.nmfs.noaa.gov/recovery/ccc_coho/ and search for the watershed in which your land resides. Read this section, then consider how it will affect your ability to manage your land.

There are a dismaying number of "address the inadequacy of existing regulatory mechanisms" phrases. Just about every riparian protection corridor is to be widened. Meanders are to be introduced into streambeds. One would need the permission of a licensed geologist to remove a tree on a "headwall swale." Even if we can argue the case that the existing riparian corridors are adequate, a significant number of Class 2 streams are going to

Safe Harbor (Continued on page 12)

CALIFORNIA LEGISLATION UPDATE: THE PATH OF AB 904 - THE WORKING FOREST MANAGEMENT PLAN

By Cate Moore

The most contentious bill in forestry this year is AB 904, especially in the southern sub-district of the redwood region, which is our home ground. This bill creates a Working Forest Management Plan, which would extend the bulk of the benefits of the NTMP to larger acreages. While there are very few acreages in the southern sub-district of the acreage to need this plan, there is also a provision to create a lower cost, streamlined WFMP for smaller acreages. The current limit for these smaller acreages is 160 acres in the redwood region; there are many properties here that could qualify for this.

So far, the bill has survived two attempts by local environmentalists to ask that the Santa Cruz County Board of Supervisors pass a resolution requesting that Santa Cruz County be excluded from the provisions of the bill. On the second attempt, the motion put forward by John Leopold did not even get seconded. CCFA had representatives present in the Board Chambers both times to represent our position. We would like to thank Doug White and Ron DeBenedetti for dropping everything on very short notice to be there for us.

The bill made it through the Assembly on the strength of Wes Chesbro's standing in the Assembly. Mark Stone declined to vote in the Assembly Natural Resources Committee hearing, and was one of only two "no" votes in the full Assembly vote.

The bill is now in the Senate. Its first challenge was making it through the Senate Natural Resources and Water Committee, which was described to us by Bill Keye, the CLFA lobbyist, as the "environmentalists' killing field." If the environmentalists don't like a bill, they usually kill it here. There are several environmental organizations, especially those that make their money through lawsuits, that are opposed to this bill. If small private forestry interests are going to succeed, they need to rally to push the bill vigorously.

Ron DeBenedetti and I drove up to Sacramento for the Committee hearing on June 25 to testify in support of AB 904. Once there, we joined Larry Camp, the FLC president, Bob Berlage of Big Creek, Mike Duffy of Redwood Empire, Bill Keye, the CLFA lobbyist, and Nan Deniston of FLC. Larry had given me a heads up that AB 904 might be heard early, so we arrived as the meeting started.

There were a pile of bills to work through, over a dozen of them, and the procedure was:

1. The author of the bill presents it and makes his/her case. These were assembly bills making their way through the Senate. The order of the bills was determined mostly by when the author would be available to speak, since they have their own committee hearings to attend, so we were ticking off bills on the agenda higgledy-piggledy.

2. There was time allotted for up to three people supporting the bill to testify with their arguments in support. This was followed by all other supporters present who get to give their name, who they represent, and a one-line "me, too" type statement.

3. Repeat step two for the opposition.

4. The senators on the committee then asked any questions they had.

5. The committee makes its vote.

That put Ron and me into the "me too" category. I put myself down as "Central Coast Forest Association representing the small landowners of the Santa Cruz Mountains in support of AB 904. We need those streamlined permits." Ron declared himself a forest landowner outside of Watsonville in support of the bill.

Wes Chesbro did his speech and our side had Bill Keye, Nan Deniston and Paul Mason supporting it. Our "me toos" included the Nature Conservancy, the Santa Cruz Land Trust, Big Creek, and various landowners and foresters from other parts of the state. I think we totaled about 15 to 20 people on our side. The main opposition speakers were the Native Plant Society (huh?), the Center for Biologic Diversity and Jodi Frediani. Their "me toos" were the Sierra Club's resident speaker and Kevin Collins, which were pretty underwhelming.

When it came time for questions and comments, the chief issues were the maximum size of the WFMP (10,000 or 15,000 acres), excluding the southern sub-district (us) and working out the details of the "no net loss" clauses of late seral stage forest management. Senator Wolk has a constituent who wants to use a WFMP and who has 10,200 acres, so there is pressure toward keeping the maximum size at 15,000 acres. Senator Monning commented that he had constituents that strongly support the bill and constituents that strongly oppose the bill and he wound up sitting on the fence when it came time to vote. There's still all kinds of wrangling about the old growth stands.

The actual vote on the floor was 4 aye and no nay, with Senator Monning abstaining. (*We would like to thank everyone that sent letters to Senator Monning about this bill. Without you, we're pretty sure he would have cast a "no" vote.*) Unfortunately, we needed 5 votes to pass through the committee. Our group left the hearing chamber and had a hasty meeting in the hallway. Bill Keye said it wasn't dead yet, we just needed to track down at least one of the senators who were not in the hearing at the time and get them to log a "yes" vote before the hearing was closed. He led the charge and we split up into two groups in search of three missing senators. We went to their offices and asked staff to track them down and pass on the message that we needed this vote. After the messages were delivered, we trooped back down to the hall outside the hearing chamber and waited while Bill ensured at least one of the right people got in to log a vote. We were kind of useless at this point since none of us knew what these people looked like. Within ten minutes, we had the necessary "yes" vote and we took off for lunch.

At the end of the day, when all the votes were logged and posted, we had seven aye votes, no noes and two not voting. The bill is moving on to the Senate Appropriations Committee, where it will likely be heard in August.

At lunch, Bill explained that the bill had survived the killing field for all pro-timber legislation. Any committee after this had much better prospects for passage.

Activity is by no means over. While the bill sits in Appropriations waiting for its hearing, the Senate Natural Resources and Water Committee and the Assembly Natural Resources Committee will be conferring to reconcile the

differences between the version that left the Assembly and the current version of the bill. This means there will be another round of amending, and all the sore points will be on the negotiating table one more time.

If we want to retain the southern sub-district on this bill, we are going to need to stay on top of this. We will be asking our members to weigh in once more on keeping the southern sub-district in the bill, so that the smaller forest landowners can take advantage of the cost and time savings we need to stay alive.

The status for the remaining bills we are tracking can be found on our website at www.ccfaassociation.org. Follow the legislation menu pick to see the latest: each bill's current status, when the legislative hearings will take place and so forth. This is a constantly moving target, and we want you to have the latest. ■

Fire Tax court day approaching

The fire tax will soon receive its day in court and citizens are welcome to watch the proceedings directly from the gallery of the courtroom.

With written arguments already exchanged between the Howard Jarvis Taxpayers Association and the State, the upcoming hearing will give HJTA lawyers the opportunity to appear before a judge and urge that this case be allowed to move forward so that this unfair tax be repealed and refunds granted to those affected.

If you plan to attend, please arrive a little early, dress appropriately, be quiet and respectful in the courtroom, and turn your cell phone off. If you have a "Burned by the Fire Tax" tee shirt, feel free to wear it.

If you want a tee shirt, you can pick one up from our office at 921 Eleventh Street, Suite 1201, Sacramento. Here are the details for the hearing:

Date: Friday, July 19, 2013

Time: 10:00 a.m.

Place: Dept. 14, Sacramento Superior Court, 720 Ninth St., Sacramento

This court hearing is an important step forward in our fight to stop the fire tax, which we believe is illegal under Prop. 13 because it was not passed with a two thirds vote.

See you on July 19th!

PLF Regional Briefings on AB 32 Lawsuit

It's Time to Get Government Off the Backs of Farmers and Ranchers!

State and federal regulations threaten to plow under California agriculture, so it's time to stand up. It's time to fight back!

Join us for a series of briefings on Pacific Legal Foundation litigation to challenge the massive new taxes collected under California's cap and trade auction present significant costs and consequences to businesses and consumers across the state. The biggest problem with the California Air Resources Board's auction regulation is the taxes were created in violation of the California Constitution, so Pacific Legal Foundation has sued.

These briefings will also highlight the worsening regulatory drought in California's San Joaquin Valley and PLF's litigation to restore sound science, common sense and balance in environmental regulations.

PLF has sued to challenge the federal cutoff of water for the Delta smelt, but regulators and activists are seeking additional listings under the Endangered Species Act, and trying to expand government power in dangerous new ways.

It's important to head off this regulatory train wreck before it destroys jobs, agricultural businesses, and our state's economy.

Pacific Legal Foundation is holding regional briefings for farmers, ranchers and other business owners. These briefings will be led by PLF President Rob Rivett and include presentations by PLF attorneys Ted Hadzi-Antich and Anthony Francois

[Register Now](#)

Briefing Information

Tuesday, July 9

Pacific Legal Foundation
930 G Street
Sacramento, CA 95814
5:30 - 7:00p.m.
* Complimentary hors d'oeuvres

Wednesday, July 10

Grower-Shipper Association
(co-hosted with Western Growers)
512 Pajaro Street
Salinas, CA 93902
3:00 - 5:00p.m.
* Complimentary hors d'oeuvres

Thursday, July 11

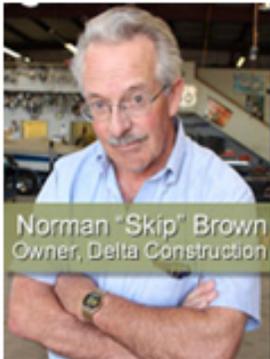
Harris Ranch
24505 West Dorris Ave.
Coalinga, CA 93210
11:00a.m. - 1:00p.m.
* Complimentary lunch

Thursday, July 11

Fresno County Farm Bureau
1274 W. Hedges Ave.
Fresno, CA 93728
4:00 - 6:00p.m.
* Complimentary hors d'oeuvres

Tuesday, July 23

Lema Ranch
800 Shasta View Drive
Redding, CA 96003
11:00a.m. - 1:00p.m.
* Complimentary lunch



Norman "Skip" Brown
Owner, Delta Construction



Robert McClernon
PLF Client



Buzz Eades
Executive Director, LANC

Pacific Legal Foundation is leading the charge in the nation's courts to protect agricultural producers and our state's economy.

It's time to hold CARB's feet to the fire on the massive new taxes under AB 32. It's time to dig in and challenge other environmental regulations that will siphon water away from farms and rural communities.

We must hold regulators accountable to the Constitution!We need your help.

Free events, though RSVP required

The events are free of charge, but advanced registration is required so that we can adequately plan for the space and refreshments. Please contact Jennifer Rohde at (916) 419-7111 or jl@pacifical.org

Wednesday, July 24

Durham Memorial Hall
9319 Midway
Durham, CA 95938
11:30a.m. - 1:00p.m.
* Complimentary lunch

Thursday, July 25

Colusa Agricultural Complex
100 Sunrise Boulevard
Colusa, CA 95932
11:30a.m. - 1:00p.m.
* Complimentary lunch

Tuesday, July 30

Kern County Farm Bureau
801 South Mount Vernon
Avenue
Bakersfield, CA 93307
11:30a.m. - 1:00p.m.
* Complimentary lunch

Stay Connected



FOOD AND AGRICULTURAL CODE—SECTION 1-51

22. Inasmuch as the planned production of trees is distinguishable from the production of other products of the soil only in relation to the time elapsing before maturity, the production of trees shall be considered a branch of the agricultural industry of the state for the purpose of any law which provides for the benefit or protection of the agricultural industry of the State.

Remember, the California Farm Bureau also recognizes forestry as an agricultural entity.

Safe Harbor (Continued from page 8)

become Class 1 by virtue of the fish colonizing the stream, and that will automatically make the riparian corridors wider by definition in the California Forest Practices Rules. No matter how you look at it, a landowner that volunteers to create or enhance habitat for Coho or steelhead is entering a losing proposition.

At the moment, this recovery plan is described as voluntary. In Volume 1 of the plan, we find "*Developing and nurturing partnerships with private landowners, concerned citizens, various State and Federal agencies, non-governmental organizations will be essential. Furthermore, creating incentives and expanding public/private partnerships for restoration and improving land and water use practices are critical if CCC Coho salmon are to be saved.*" NMFS needs cooperative landowners. We need the means to continue managing our land, not just for fish, but for all the other plants and creatures that reside on it (including ourselves). This is where the concept of Safe Harbor comes in.

Safe Harbor is a policy of the United States Fish and Wildlife Service that states:

"...the Services will provide participating property owners with technical assistance to develop Safe Harbor Agreements (Agreements) that manage habitat for listed species, and provide assurances that additional land, water, and/or natural resource use restrictions will not be imposed as a result of their voluntary conservation actions to benefit covered species." The short, snappy version of this is "If you improve habitat on your land and an endangered species colonizes your land, you won't get slapped with new regulations because of it."

It took us a while, but we finally got a chance in May to discuss our problems with the Recovery Plan with NMFS biologist Jonathan Ambrose and put forward the idea that a Safe Harbor agreement is what we would need to be able to go forward with participating in Coho recovery. We have our own ideas about what we would need to make a Safe Harbor agreement work, but we need your input, too. We will be sending out a survey explaining what Safe Harbor is and asking questions about what you feel is most important to you in a Safe Harbor agreement. Please give us a few minutes of your time; we want to be able to negotiate this agreement knowing what you feel is important in retaining the ability to manage your land. ■

OUR WEBSITE

While CCFA has had a website for many years, technology has advanced to the point where we needed improvement in order to keep the public informed. By the time you receive this newsletter, we will have our new site up and running. The address will be the same: www.ccfassociation.org.

For more details about AB 904, visit our website at <http://www.ccfassociation.org> and follow the legislation blog entries.

COURT AGREES TO DROP SIERRA LOGGING CASE

Bob Egelko

San Francisco Chronicle, June 17, 2013, <http://www.sfgate.com/science/article/Court-agrees-to-drop-Sierra-logging-case-4606254.php>

After fighting a government plan to increase logging in Sierra forests throughout California all the way to the U.S. Supreme Court, a conservation group concluded it might hurt its cause more than it would help. On Monday, the court granted its request to drop the case.

The plan allows logging to more than triple on 11.5 million acres in 11 Sierra forests. The Bush administration adopted the plan in 2004, saying it would reduce fire dangers, and the Obama administration has defended it in court.

The Pacific Rivers Council challenged the plan and scored a victory last year when a federal appeals court said officials had ignored the dangers to species of fish. But the council said Monday it was dropping the case because it feared that the Supreme Court would adopt the Obama administration's view that it had no right to sue.

Such a ruling would shield broad government policies like the Sierra plan from legal review by preventing members of the public from opposing them in court, the council said.

In February 2012, the Ninth U.S. Circuit Court of Appeals said the U.S. Forest Service's environmental review of the Sierra plan had failed to analyze the potential impact of increased logging and road-building on numerous species of fish, including nine species listed as threatened or endangered. The court did not halt logging, but required the Obama administration to consider the impact on fish and watersheds as it revises the Sierra plan and considers individual projects.

In its appeal to the Supreme Court, the administration defended the previous environmental reviews. But it also argued that the Pacific Rivers Council lacked standing - the right to sue - because it couldn't show that any of its members would be affected by the alleged future harm to fish.

The high court has ruled that private citizens who visit forests and waterways can sue over threatened harm to wildlife, but it has restricted legal standing in those cases and others in recent years. Greg Haller, the Pacific Research Council's conservation director, said keeping the suit alive would have been "very risky with the current makeup of the court."

The Obama administration appears "intent on excluding the public from challenging broad-based policies that affect fish and water," Haller said. He said the council may still challenge individual logging and road-building projects authorized by the Sierra plan.

The case is U.S. Forest Service vs. Pacific Rivers Council, 12-623. ■

THANK YOU !

We take this opportunity to thank all of our renewing members and those who donated generously to the legal fund. The legal fund is not used for general expenses but is saved in case we have to take an issue to court to uphold our members' private property rights and the right to use our lands as we see fit—with care.

Central Coast Forest Association
Membership / Renewal / Contribution

Name _____ Date _____

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Home phone _____ Work phone _____

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Central Coast Forest Association P.O. Box 66868 Scotts Valley, CA 95066

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



Wizard of Id by Parker and Hart

June 25, 2012



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

Central Coast Forest Association
 P.O. Box 66868
 Scotts Valley, CA 95066



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.*