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FOREST LANDOWNERS OF CALIFORNIA **FamilyForestNews**

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President's Message

Well, just as I predicted, spring has once again returned. For those of you who don't recall, last summer I made the prediction that spring was likely to return again sometime after winter. Unfortunately for my portfolio I had not predicted that the Stock Market would reach record highs. On the positive side there appears to be some recovery in the housing market, which is translating into an improved lumber and log market. Hopefully small landowners will find log prices that will once again make timber harvesting possible.

My guess is that this year's log market will be a perfect illustration of the value of the Non-industrial Timber Management Plan. As most of you know, the NTMP provides the small landowner with the option to rapidly respond to log market opportunities. During the last two years the Forest Landowners of California in partnership with the California Licensed Foresters have been sponsoring legislation that would establish an NTMP-like process for larger landowners, (2,500 to 15,000 acres). At the same time we have been working with the governor's legislative staff to develop a new streamlined THP process for small landowners, possibly 160 acres and less. Our Working Forest Management Plan bill last year failed in the legislature, but there was enough positive interest that we have continued working on revised legislation for this year.

Assemblymember Wes Chesbro (Arcata) has encouraged his staff to work with all the interested parties in developing language that can pass the legislature. Mario DeBernardo, the Senior Consultant for the Assembly Natural Resources Committee, Chaired by Assemblymember Chesbro, has been working with landowners, foresters and environmentalists trying to develop mutually acceptable language. As we have all learned throughout the years this is a near impossible task. However, Mario's efforts have brought us as close to

acceptable language as one could have ever hoped. We still have some major hurdles, but I am optimistic that eventually we will produce a bill that has wide support.

As you can imagine there are a couple of sticking points. The most unacceptable from FLC's point of view is a demand on the part of an environmental group that the existing NTMP process sunset in five years. This would not impact existing NTMPs but would require all landowners seeking a new NTMP, regardless of size, to file under the new process. It has been very hard to understand the rational of the environmentalists in their quest to sunset the NTMP. In numerous public and private meetings the NTMP is always praised for not only its advantages to the landowner but also the superior environmental protections incorporated in the plans. On those occasions when the NTMP is criticized there are not any documented failures in the process or the timber



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President's Message

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operations conducted under an NTMP. References are made to minor violations or a perceived major problem but these are not actually documented. It does appear that the real issue is the fact that the public has no say once the NTMP is approved. Opening the Notice of Timber Operations under an NTMP to public comment would obviously destroy the advantages of the NTMP.

A number of FLC members are working behind the scenes to convince reasonable members of the environmental community to remove their NTMP sunset demands. Specifically, we hope to solicit the help of the land trust organizations and convince them that both the NTMP and the new proposed process are beneficial to their clients and the landowners they hope to recruit into their program. Several of these land trust organizations have close relationships with the environmental community and hopefully their support will convince the environmental community that there is significant value to both processes. The bottom line for FLC is that we will never agree to an adverse modification of the existing NTMP.

Members of FLC will have an opportunity to discuss the legislation at our annual meeting in Santa Cruz. Come to Santa Cruz with your questions and concerns. I will be there to listen to the membership and look to you for guidance as we negotiate on your behalf. See you in Santa Cruz.

BREAKING NEWS – Assemblymember Wes Chesbro at the urging of FLC and the California Licensed Foresters has agreed to remove the NTMP Sunset from AB 904. This is a reflection of the sound arguments we have made and the willingness of the Assemblyman to listen to our concerns. FLC will now be testifying before the Assembly Natural Resources Committee in 'Support with Amendments.' Register to attend the FLC Annual Meeting to get the latest on AB 904 and add your comments to the discussion.

Beware and Do Not Sign! New Statewide Timber Tax Initiative Out For Signature

California's Secretary of State Debra Bowen and Attorney General Kamala Harris has "cleared for circulation" a statewide petition to put a Timber Tax Initiative on the ballot on November 4, 2014. The petition has been filed by environmentalists, and is of strong concern to the timber industry. The petition must clear several hurdles to make it to law, but we wanted you to be aware of it now. Per the website of the Secretary of State here is a summary of the initiative and a link to the petition text if you wish to read further:

Initiative Title: Tax to Fund Increased Oversight of Timber Industry; A Statewide Voter Initiative Designed to Reform and Regulate California's Timber Industry.

Initiative Date: 04/11/13 | Circulation Deadline: 09/10/13 | Signatures Required: 504,760

Petitioner: James D. Smith of Ukiah: (707) 391-1740

Text Link: <https://oag.ca.gov/system/files/initiatives/pdfs/13-0001%20%2813-0001%20%28Timber%20Industry%29%29.pdf?>

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North Coast Water Quality Control – History and Updates

The issue: North Coast Regional Water Quality Control Board (NCRWQCB) must provide a mechanism for oversight of North Coast water quality protection as part of statewide Water Board efforts to do the same. The 2009 Waiver (from water discharge requirements) proposal was challenged by Petition to the State Water Resources Board of several groups, including a landowner group, a group headed by the California Farm Bureau which included the Forest Landowner of California, and CAL FIRE.

The 2009 Waiver was objectionable to the Petitioners for many reasons. It regulated shade in the Watercourse and Lake Protection Zones (WLPZ), something adequately addressed by the Forest Practice Rules (FPRs) and the Threatened and Impaired Watercourses (T&I) or the Anadromous Salmonid Protection (ASP) rules. As to sediment, it necessitated both the preparation of a Road Plan and Erosion Control Plan (ECP). It required all Non-industrial Timber Management Plan (NTMP) landowners (whether or not a landowner was harvesting timber) to seek coverage under the Waiver by 2014 and comply with some of its requirements. It necessitated the update of culverts to the 100-year flood standard. It required reporting regarding the use of pesticides, and it included numerous other unnecessary and burdensome provisions. To comply with the Waiver most landowners would have needed to do a major amendment to their NTMP. In principle it violated the essence of the NTMP contract with the State.

After almost two years of negotiations between the North Coast Executive Director and the attorneys representing the Petitioners the parties agreed to take the issue to the North Coast Board. At the Board meeting in Willow Creek more than 20 landowners spoke educating both the Board and staff about NTMP landowners commitment to sustainable forestry and care of the forest as well as the burdens and costs of duplicate and unnecessary regulations. From there began a collaborative process between the various parties that took almost two years and countless hours of field trips, meetings, letters and discussions.

Ultimately, this process led to two ongoing stakeholder task force meeting series: one in Eureka for the North Coast and one in Santa Rosa for the Southern subdistrict. This two-year process has been educational and trust-building, as staff heard citizen and agency comments, adapted the Waiver draft, and heard discussions on drafts. The Waiver was to have been approved by the Board by March 2013, but the Board has allowed more time to

‘get it right,’ so the Board will likely consider it at the May or June meeting.

Results of Workshop on January 24 in Santa Rosa

The NCRWQCB workshop on January 24, 2013, concerning the Waiver issue went as well as a public hearing could possibly go. Staffer Jim Burke used carefully measured words and a PowerPoint presentation to describe the history of the current Waiver process, and noted that the CAL FIRE and NCRWQCB’s in-the-field analyses of NTMPs produced findings that showed that the Forest Practice Rules, when adequately implemented, essentially protected the beneficial uses of water. Bill Snyder of CDF discussed how the two agencies planned to ‘align’ their processes re: the waiver, to lessen duplicative reviews and monitoring. Only one person, Alan Levine, of Coast Action Group, spoke in favor of greater regulation of NTMPs by the Board. Approximately two dozen landowners and foresters spoke as individuals or representatives of Sierra Pacific Industries, FLC and Buckeye. Matt Greene, RPF, led off with a critique of the proposed Waiver as identical to a General Waste Discharge Report (GWDR) less one inspection, and thus “not a waiver.” Other foresters addressed technical problems with the proposed waiver, especially its call for additional inspections and monitoring and vague appeals process that would seemingly give the NCRWQCB primacy over other NTO reviewing agencies. Several speakers voiced alarm and harm to the trust built during the focus group process, due to the draft proposed waiver’s inclusion of items not discussed in the focus groups. Those were revealed to be the result of the General Counsel’s inclusion of ‘boiler plate’ language from the 2009 waiver. This will be revised and hopefully minimized at the Board’s direction. The Board called for one more focus group round to be held during February or early March, and staff revision of the draft. The Board called for a transparent process, lauded the inclusiveness of the focus group process, and called for taking the time to “get the new waiver right,” even if that meant extending the March 14 deadline. The Board also acknowledged that, in response to several comments, a huge unaddressed problem is pollution from marijuana grows, and noted that they did not know how to go after it, but would work towards that goal.

Results of Final Task Force Meeting on March 13

The follow-up Waiver Task Force meeting on March 13 in Santa Rosa was greatly productive. The NCRWQCB staff and CAL FIRE staff have ‘aligned’ and WB staff has agreed to accept all

CAL FIRE inspections and documents relating to Waiver requirements, in lieu of WB staff having to make their own inspections and monitoring. They retain the right to do so, but intend to visit only if they perceive a major problem. WQ General Counsel shared that the long-term goal of NCRWQCB is to phase out the Waiver and instead use AB 1492 funds to pay the landowner/applicant fee for a GWDR. Since the terms of the Waiver are the same as those of the GWDR, and the GWDR is permanent rather than having the five-year statutory term of the Waiver, staff and those gathered saw the GWDR as preferable. All present discussed this and urged staff and General Counsel to help make that goal an immediate one, so that NTMP holders would receive GWDRs instead of Waivers. The general counsel believes this might add a month to the Board’s consideration of the Waiver/GWDR due to noticing requirements, and is moving ahead to that end. FLC has asked staff for reassurance that in the future the GWDR fee will continue to be paid by the agency, not the landowner.

The final version of the GWDR addresses all of our original objections. It no longer regulates shade, instead relying on the FPRs as modified by the T&I Rules and the ASP Rules. The mandatory requirement for both a Road Plan and ECP were also deleted. Landowners who do not harvest timber do not need to do anything with respect to Water Quality under the new GWDR. It no longer addresses pesticides or culverts. Most significantly it recognizes that the FPRs do adequately protect water quality and aligns almost all requirements to coincide with the requirements of the FPRs. It is most an enormous improvement over the 2009 Waiver and an huge win for the small landowners. The truth is that our voice often goes unheard because of the expense and time constraints that most small landowners live and work under. But when we do assert ourselves our voice is both powerful and persuasive.

The next step is a hearing before the NCRWQC Board on Thursday, May 2 at 9:00am concerning the Waiver, at the Wharfinger Building in Eureka (1 Marina Way, Eureka, CA 95501). Members are welcome to attend. We believe that the final version of the Order, which provides for a GWDR for NTMP landowners, satisfies the many concerns raised about the 2009 Waiver and will be adopted by the Board.

Member Spotlight: The Gaardes' Hells Hollow Tree Farm

Tree Farms are either inherited or purchased. We purchased our 80-acre Tree Farm in 1977. It is located at 3,000 feet near Groveland, Tuolumne County, just west of the West entrance to Yosemite National Park. The area is designated on topography maps as "Hells Hollow," the seasonal creek that runs through the property is called "Hells Hollow Creek," and it is on "Hells Hollow Road." Our Tree Farm is affectionately referred to by our family as "Hells Hollow." Apparently the name was derived from the area's extreme hot and cold temperatures.

The property has incense cedar, ponderosa pine, black oak and sugar pine. The property was part of a homestead in the area and at the time we purchased the property it was owned by Alma Pavid. The property was in the Pavid family when Mrs. Pavid married Leander Pavid. Mr. Pavid was a Professor at UC Berkeley and Mrs. Pavid was a student there. Mrs. Pavid told of the two of them traveling to Groveland from Berkeley on a bus and being met in Groveland by a neighbor who brought them to the property in his buckboard. The cabin on the property was brought from a neighboring site to its' present location in 1916. The picture of the cabin shows Mrs. Pavid sitting on the front porch on her honeymoon in 1921. This still is the center part of our cabin which was built with full dimension lumber. Prior to our purchase, two bedrooms, bath and storage area were added. Electricity and a well were added in 1982.

During the first 20+/- years of owning the property we were raising our four children and primary use of the property was on weekends and summer vacations for family fun with Christmas tree cutting parties, cutting firewood, outings with family and friends, and our children bringing their friends for weekends playing in the woods. On one occasion we supplied the nursery school children each with their own seedling cedar tree to replant in their back yards in the Valley.

In 1999 we learned from an article in the Farm Bureau newspaper, there was to be a meeting of "Forest Landowners of California" (FLC) with a field trip to the Allen Edwards tree farm in Colfax. We signed up for just the field day trip in hopes of learning what the organization was about and spent the day in the forest with others who owned tree farms. We decided that we could learn about managing a Tree Farm from this group. We joined that same year and have been members ever since. We are also members of the American Tree Farm System and our tree farm is ATFS certified.

We realized we had a lot to learn! In 2000, we did a Timber Harvest Plan with a neighbor and our first commercial thinning of 188MBF was done on the property. We participated in an EQIP program, masticating approximately 53 acres of brush, black oak and manzanita. We then replanted 4,800 pine trees. The trees in the replanted areas are now nine (9) to ten (10) feet tall and growing well. Keeping up with the manzanita and black oak resprouts continues to be a challenge today. There is a never-ending clipping and spraying.

We learned about a Non Industrial Timber Management Plan (NTMP) through FLC and in 2003 we had one prepared for future planning. This past year, 2012, we did our first entry under the NTMP harvesting 220MBF. We also participated in an additional thirteen (13) acre EQIP program masticating portions of the property that still had large quantities of brush and manzanita.



Yes, it does snow!



Gaarde Logging



Logging October 2012



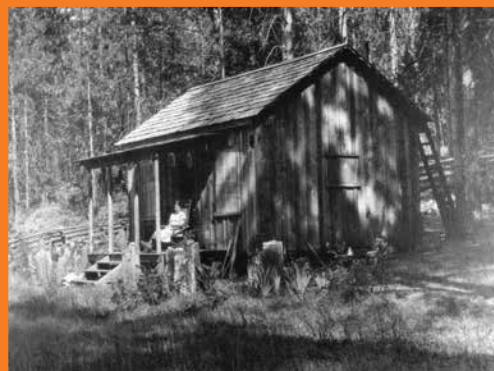
2000 Replant

The seasonal creek attracts deer, bears, mountain lions and other critters to the area for water. A trail camera captures the evidence. There are many different wild flowers, favorites being Shooting Stars, Indian Warriors, and Mariposa Lilly. Spring and summer bring a good variety of birds, e.g. humming birds, nuthatches, grosbeaks, juncos, a variety of woodpeckers including pileated, stellar jays and ravens, just to name a few. Especially amazing are the lady bugs that at times cover the trees, bushes, and the ground. They winter in the same locations each year and then migrate to higher elevations, returning in the fall.

We are thankful that our family has been able to use and enjoy this beautiful property during these past thirty five (35) years and look forward to many more years of working on the land and enjoying our Hells Hollow Tree Farm.



Seasonal Creek that runs through our property



Cabin in 1921 with Mrs. Pavid



The cabin as it is today

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REGISTER
TODAY!

News on the 2013 Annual Meeting

The Annual Meeting Committee has been working with a number of people to have an exciting Annual meeting in Santa Cruz during May 9 through May 11, 2013. The field trip on Thursday, May 9, will look at three properties in southern Santa Cruz County all with NTMPs but different management objectives. These include a property held by the Santa Cruz Land Trust, a large mixed land use property with both cattle and timber, and a smaller non-industrial ownership.

We will have the opportunity to taste some of the areas fine wines along with our BBQ dinner on Thursday and be enthralled with the history of the region as told by Sandy Lydon, historian and story-teller extraordinaire.

Given the legislative success of AB 1492 in 2012 and the location of our meeting where controversy over land use has existed for many years, the Committee sought to focus the program on Friday on how we can continue to move forward and ensure that non-industrial landowners can provide high quality water and habitat for wildlife as well as earn a reasonable income from their land by harvesting timber in an environmentally sensitive manner. We have speakers from UC, forest industry and the U.S. Forest Service to look at the history of land use and future trends in the state. A panel of non-industrial landowners will offer their perspectives on legislative and regulations that have affected their management and offer suggestions as to how it might be changed.

While non-industrial landowners own approximately 25 percent of the California's forest land, we do not have a major voice in setting policy regarding forest management. Rather than "preaching to the choir" we have invited several representatives from non-governmental organizations and environmental activists to explore the common ground that we might share regarding the ability to maintain a working forest landscape across the state.

Finally, we have invited two members of the Board of Forestry, local governmental officials, state legislators, and representatives from the Governor's office to provide their perspective to resolve these problems.

Friday evening, we are pleased to have Bruce McPherson, Santa Cruz County 5th District Supervisor, speak at the evening banquet. We will also have a raffle activity with wonderful prizes.

Saturday's morning session will focus on technical topics including silviculture, wildlife, and remote sensing. The program will conclude by 12:30pm so the afternoon will be available for traveling or local sightseeing. The region has a number of very good wineries, spectacular scenery, the steam railroad, and the beach. We look forward to seeing you in Santa Cruz.

RAFFLE CONTRIBUTIONS NEEDED – whether or not you are coming to the Annual Meeting, we encourage you to submit a raffle item. The form can be found on the home page of the website, under Annual Meeting Quick Links. Or call the FLC office and ask for Gretel.

In Memoriam – George E. Belden, Jr.

In November last year we shared the sad news that George Belden peacefully passed away at home in Redding, California, surrounded by family and friends. George was born in Boulder City, Nevada, on July 1, 1934. He was preceded in death by his father, George, mother, Letty and sister, Rhea Lambert. He is survived by his wife, Frances, sister, Ella Bellia (Paul); children from his previous marriage Janelle Pierson (Kendall), Paul (Laurie May Fowler) and Alex; grandchildren Jason Hubbert (Janet), Kira Young (Gary), Leah Esturas-Pierson (Lorraine) and Brook Belden; and great grandchildren Nick, Nate, Izabella and Jaxon.

George spent his childhood in Los Angeles, California, and in 1952, graduated with honors from John Marshall High School. He enlisted in the United States Navy and served in active duty during the Korean War. In the early 60s, George and his family moved to Northern California. He dedicated his life to forestry. George received his Bachelor of Science degree in Forest Management from Humboldt State College. During his 42 years as a forester, he managed private lands throughout Northern California and beyond. In the mid 80s, he started Belden Forestry, a private consulting firm in Weaverville, California.

George authored and self-published three books including his latest, "A Visual Guide to Identifying Native Oaks of Northern California." He was a member of ACF, CLFA, FLC, California Tree Farm Committee and the Boy Scouts of America. George became an FLC Board Director in 2005; and in 2010 he was elected Treasurer and served in this position until his passing. We are grateful for his dedication and commitment to FLC throughout these years.

His passion for life and historical facts inspired all who knew him or worked by his side. George received a commemorative marker at the Northern California Veterans Cemetery in Igo and wishes to be remembered each Memorial Day.



Ask a Forester

Q: Can I still just file an NTO (Notice of Timber Operations) and start harvesting my timber?

~Member

A: Do not take it for granted that you can start harvesting immediately after submitting an NTO, and it is always smart to plan ahead several months. Are there any new species listed in your watershed; such as the "Pacific Fisher"? Are your growth and yield calculations out of date (usually 10-15 years)? Are there any physical changes to the watershed; e.g. mass soil movements, significant erosion, fire? Are any wildlife surveys required (Spotted owl, Marbled Murrelet, Willow Flycatcher, etc.)? All of these scenarios require an amendment be filed with CAL FIRE by your RPF. A minor amendment can take a week and a major amendment can take several weeks to receive approval.

~Dennis Possehn,
Consulting Forester

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Statewide Timber Tax

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Summary: The initiative would create a whole new State Department—the Forest Conservation and Resource Management Department—and move all existing CALFIRE forest timber harvest responsibilities into the new Department.

The initiative imposes a harvest tax on timber and other forest products at a rate of 33% of profits on product from public lands and 8% of profits on product from private lands to fund a more heavily regulated timber program. It establishes monitoring of every old growth tree, bans clearcuts, limits harvesting to specific tree sizes, mandates long-term state and country planning to restore California's forests to a pre 1849 condition, and creates a Chief Steward and Forest Administrator at a salary of \$200,000 annually to oversee and implement the program. Exempts other forest products harvested on Native American lands, and timber harvested from private lands solely for private noncommercial use. Establishes the department to collect and allocate the new tax for oversight of timber harvesting, environmental protection, and restoration at more intense levels. Transfers Department of Forestry and Fire Protection timber harvest program responsibilities to a newly created, heavy handed, bureaucracy. Prohibits use by other state agencies or the federal government of the new tax revenues generated.

Additional facts: The goal of the petitioners right now is to collect the necessary 504,760 signatures by September 10, 2013. If they are not collected, the petition will fail to make the November 2014 ballot, and will either be dropped by the petitioners or resubmitted for a later election and another attempt at gathering signatures.

If the signatures are collected and this goes on the November 2014 ballot, the voters must pass it before it becomes law. Such a proposal should gain little to no traction in California's current economic state, but we just never know what us crazy Californians are capable of doing anymore!

If you wish more details, click on the link provided above for a read of the full initiative text. Forest Landowners will keep you informed of the timber industry's reaction to the petition and future strategies, if it becomes necessary.



**Forest Landowners
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