

THE  
*Buckeye*

PROTECTING OPEN SPACE  
AND FAMILY RANCH LAND VALUES ON  
CALIFORNIA'S NORTH COAST

# CONSERVATOR

Fall 2013

The Newsletter of The Buckeye

## October Mixer at Elks Lodge

The Buckeye will be celebrating Autumn with a Mixer on Thursday, October 3, 2013 at the Elks Lodge in Eureka from 5:30 – 7:30 p.m.

Buckeye Mixers are a great place to socialize and share ideas with fellow Buckeye members. Following an hour of fellowship and refreshments, Sheriff Mike Downey will address the group. Please join us for this informative presentation.

Sheriff Mike Downey has prepared a power point presentation which depicts the most current issues surrounding the commercial/industrial cultivation of marijuana on public and private properties in Humboldt County. According to Sheriff Downey, the current growers' level of sophistication far exceeds the original back to the land growers of the 60s, 70s or 80s. And the introduction of insecticides and rodenticides (many of which are outlawed in the United States) is unprecedented, not to mention the assault on our local watersheds. The damage to wildlife, forests and the fisheries is devastating.

Feel free to bring a guest or a potential new Buckeye member.



**Indoor Marijuana Garden**



### **Sheriff Mike Downey Featured Speaker**

There will be a \$10.00 charge for participants which includes an assortment of Hors D'Oeuvres, wine and coffee. No host cocktails will also be available.

**BUCKEYE MIXER  
THURSDAY, October 3, 2013  
5:30 – 7:30 p.m.  
Eureka Elks Lodge  
445 Herrick Ave.  
Eureka, CA**

## Chairman's Message

So far 2013 has been one of the driest and warmest on record, at least at my weather station. I hope that your grass and trees have made the most of the growing season. Speaking of growth, we have another "banner" year of new forestry and rangeland resources students enrolling at Humboldt State University.

The "Resource Lands Summit Meeting" was held on July 22<sup>nd</sup> at the home of Bill Bragg and was a very productive session. Martha Spencer, NCRLT, and I are planning to hold another similar event involving full board membership participation, but this is in the "thinking" states presently. There is truth in the term "strength in numbers" and the organizations which attended the summit all have sustainable working landscapes at the forefront of their respective visions. The following organization representatives were there: The Buckeye; North Coast Regional Land Trust; Humboldt County Farm Bureau; Humboldt-Del Norte Cattleman's Association; Yager-Van Duzen Environmental Stewards; Humboldt county Resource Conservation Districts; and, green Diamond. Others such as UC Cooperative Extension and Humboldt Redwoods Company were unable to attend.

Some of the key topics of discussion were:



What is the cumulative impact of marijuana production?

What is the impact of local and state regulations?

What is the impact of pending state legislation?

What is the potential role of *Partners for Conservation*?

What is the changing social attitude on production from working landscapes?

What is the process of public education about retaining working landscapes?

Inside this edition of *The Buckeye Conservator* you will find updates on several fronts from your Board Directors and the Executive Director. The Buckeye Board has been very active locally with the Humboldt County GPU and across the state with pending legislation. We cannot do this alone and your

continued support is critical so please make an effort to recruit one more person to become a member of The Buckeye.

It is my pleasure to serve all of you!!!

Sincerely,

*Kenneth O. Fulgham, Professor of Rangeland Resources*

*Chair, Department of Forestry & Wildland Resources  
Humboldt State University*

## Special Thanks to HRC MRC Discretionary Giving

The Buckeye was recently awarded \$2500.00 from Humboldt Redwood Company/Mendocino Redwood Company Discretionary Giving Fund. We are thankful for their support.

Through contributions like theirs, the organization has been able to participate in issues that impact working lands and rural landowners such as the current Humboldt County General Plan Update, ongoing and developing issues at the North Coast Regional Water Quality Control Board, State Fish and Wildlife and pertinent

topics at the Board of Forestry. HRC MRC Discretionary Giving Fund's generosity allows The Buckeye to track issues and give input when appropriate – primarily representing the perspective of the family landowner.

We appreciate Humboldt Redwood Company and Mendocino Redwood Company Discretionary Giving Fund's previous and current support and their faith in the philosophy of The Buckeye.

## Redwood Region Logging Conference Booth

The Buckeye participated in the 2013 Redwood Region Logging Conference in Eureka with a booth manned by Executive Director Johanna Rodoni. The display had historic photos, cowboy “trappings” and Buckeye information. Hundreds of folks who stopped by showed interest and support of our mission “to protect open space and family ranch land values on California’s North Coast.”



## Save the dates! October 24 – 25, 2013



**P**roject Title: How to Sustain Tree Farms in California in Today’s Economic and Regulatory Climate.

The Buckeye will host a two-day workshop, October 24 – 25, to demonstrate both the opportunities and challenges of non-industrial Tree Farming in California. If you are considering becoming certified to the American Tree Farm System or are currently certified this is an excellent opportunity to learn more. For more information call The Buckeye office – (707)725-8847 or email us at [buckeye@humboldt1.com](mailto:buckeye@humboldt1.com)

**The Buckeye Says Thanks to our Commercial Members**  
**We celebrate all of our fantastic supporters. Please support them by saying thanks and/or supporting their businesses!**

Alexandre Dairy  
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## Williamson Act

It's no news to anyone involved with California agriculture that the Williamson Act has been under economic hardship in recent years. In the last four years, due mostly to a severe California budget deficit, Williamson Act subvention funding is nonexistent.

After seeing the \$38 million required to fully fund the program slowly whittle away to literally nothing, all Williamson Act counties have had to reevaluate their ability to honor conservation contracts. Because of the state's inability to reimburse counties for the contracts, many counties have been unable to enter into new Williamson Act contracts and some counties have even been unable to uphold current contracts. In Humboldt County, we are fortunate to have a Board of Supervisors who recognizes the value of the Williamson Act and continues to support the program.

The Williamson Act Program enables local governments to enter into contracts with private landowners for the purpose of restricting specific parcels of land to agricultural or related open space use. Private land within locally-designated agricultural preserve areas is eligible for enrollment under contract. The minimum term based on the original Williamson Act for contracts is 10 years.



Landowners receive reduced property tax assessments in return for enrollment under Williamson Act contracts. Property tax assessments of Williamson Act contracted land are based upon generated income as opposed to potential market value of the property. Until recently, local governments received a partial subvention of forgone property tax revenues from the state via the Open Space Subvention Act of 1971.

### History of the Williamson Act

The California Land Conservation Act, more commonly known as the Williamson Act, has its

roots in the immediate post-World War II period. During that time, California's agricultural and open space lands began to face dramatically increasing conversion pressures from population growth, new commercial enterprises and rising property taxes. Valuable farmland began disappearing at an alarming rate as conversion to urban uses became the only financially viable alternative for many landowners.

Between 1950 and 1965 agricultural property taxes more than doubled until they equaled more than 15 percent of net farm income in the state making tax pressures overwhelming for many farmers.

In 1965, an interim committee of the California Assembly generated Assembly Bill 2117, authored by Kern County Assembly member John Williamson. This bill proposed the use of contracts between landowners

and local governments to voluntarily restrict development on parcels for a minimum of 10 years. The Williamson Act was called by many at the time "the most important piece of agriculture legislation signed by any Governor in recent years."

Department of Conservation says

the program might have remained small if not for the addition of Article 28 (now part of Article 13) to the state's Constitution. Article 13 declares the interest of the state in preserving open-space land and provides a constitutional basis for valuing property according to its actual use. The amendment had originated with groups interested in the preservation of open-space land. Agricultural interests added their support after recognizing the importance of a constitutional backing for preferential tax assessments. Article 13 allows preferential assessments for recreational, scenic and natural resource areas as well as areas devoted to production of food and fiber.

## Williamson Act - cont.

In 1978, the passage of Proposition 13 changed tax assessment practices, limiting valuations to a static base year. Many assumed that this new assessment scheme would severely limit the value of the tax relief offered by the Williamson Act, and that acreage enrolled in the program would plunge. In fact, however, the DOC says Proposition 13 has had a negligible effect on participation in the Williamson Act.

Over the next 30 years, nearly 16 million acres, about one-third of all private land in California and one-half of all the state's agricultural land, was contracted under the Williamson Act in 48 counties. The Williamson Act Program has remained stable and effective as a mechanism for protecting agricultural and open space land from premature and unnecessary urban development.

### Needed Now More Than Ever

Over the last 50+ years, the Williamson Act has afforded the opportunity for many farmers and ranchers to stay in the agriculture business. Notoriously known for its high property values, California has been faced with an interesting situation as the No. 1 agriculturally productive state in the union.

As a means to restrict the uses of agricultural and open space lands to farming and ranching uses during the length of the contract period, the Williamson Act Program was also envisioned as a way for local governments to integrate the protection of open space and agricultural resources into their overall strategies for planning urban growth patterns. For this reason, three main objectives were set for the Williamson Act. Today, those objectives remain as valid reason as any for saving the Williamson Act. The objectives were: protection of agricultural resources; preservation of open land; and promotion of urban growth patterns – all things that were originally, and are today, important to the future of the Golden State.

California is a vital food production resource for the rest of the world. The \$39 million that it would take to fully fund this conservation program is a mere drop in the bucket compared to the \$90 billion general fund budget that California passed for the 2012-2013 Fiscal Year. The Williamson Act would only take up one-third of 1 percent of the total California budget.

Though the threat of cutting subvention funding has often been present, in 2009, with the effects of the recession making a harsh impact to the California State Budget, the Williamson Act began to be chopped away little by little. First, cut to about \$35 million by Governor Schwarzenegger, then to \$27 million, then to \$10 million and finally to a completely inoperable \$1,000 in 2010.

### The Future of the Williamson Act

While there is still hope of seeing the Williamson Act funding restored in the future, many California ranchers are “hoping for the best but preparing for the worst.”

It is important to remember that the Williamson Act is still on the books as California law – it just has no state funding, so in order to keep the program alive, counties are forced to pay for contracts on their own.

It is evident that the Williamson Act is viewed by many as an important part of California's future and that a long-term solution is necessary, especially for those California ranching families who want to see their operations continue for future generations.

Increasing political will to see funding reinstated is one obvious solution, but when compared to issues like education and healthcare, the Williamson Act is likely never going to rank higher in priority.

Given that California's agriculture sectors contribute so strongly to the economy and the environment, not to mention the global food supply, state leaders need to demonstrate their commitment to this program by reinvesting in its long-term success. Facing the very possible reality that this may not happen, lobby organizations, driven by farmers and ranchers, alongside politicians and agencies must find a real and lasting fix to ensure landowners don't have to face the decision of selling out over paying property taxes on unrealistic land values.

*Stevie Ipsen, California Cattlemen's Association contributed significantly to this article.*

# Supreme Court Rules on Forest Roads Regulations

On March 20, forest owners won an important victory with the U.S. Supreme Court ruling in *Decker v Northwest Environmental Defense Center*. The Supreme Court ruled to uphold the Environmental Protection Agency’s (EPA) long standing policy to not require Clean Water Act permits on forest roads. This is a critical step in an ongoing effort to preserve the EPA’s longstanding policy from 1976 that forest management and associated forest roads are nonpoint sources under the Clean Water Act best regulated through state-adopted Best Management Practices.

The ruling confirms that family forest owners with runoff from forest roads are not required to do more than the current approach of using best management practices (voluntary in some states, mandatory in others) to protect water quality.

“The court’s decision is a positive development for family forest owners,” says Tom Martin, President and CEO, American Forest Foundation (AFF). “With 25 percent of our fresh water coming from private forests, it’s vital that we make sure we’re taking the right approach to help family forest owners protect water quality on their land,” Martin says. “Voluntary incentive-based approaches and best management practices are proven to protect water quality, but these approaches also make sure forest owners can afford to keep their forests as

forests.”

While the Supreme Court’s decision is a win for family forest owners because it avoids a potentially expensive and lengthy permitting process, the issue is likely not over. Late last year, EPA changed its policy on forest roads just prior to the Supreme Court’s review of the case. EPA’s newest policy moved forestry out of the “industrial activity” category to help forest owners

avoid the permitting requirement. Unfortunately, the Supreme Court’s ruling was limited to EPA’s previous policy, and lawsuits have already been filed against the new policy.

We still have important work to do. We can avoid the possibility of renewed and ongoing legal uncertainty by a clear statement of policy establishing once and for all that forest management and associated forest roads

are nonpoint sources. We must work with Congress and the

Administration to sustain EPA’s 37-year policy and thus continue the important and successful role states, working with local resource experts and stakeholders, play in the appropriate regulation of forest roads as nonpoint sources under the Clean Water Act.

*Note: Some of this article was reprinted with permission from the summer 2013 issue of Tree Farmer Bulletin. Copyright 2013 American Forest Foundation*



**U.S. Supreme Court**

## Newsletter Ideas?

One of The Buckeye’s goals for 2013 is to increase member outreach through our Newsletters. Do you have an idea for an article? Would you like to write an article? Human interest, historical and personal reflection stories are welcome.

If so, please contact: Johanna Rodoni at 725-8847 or Email us at buckeye@humboldt1.com

## SRA Fire Fee Lawsuit Advances

**H**umboldt County residents who pay the controversial \$150 state fire fee may still receive a refund. A judge has allowed a class action lawsuit seeking to repeal the State Responsibility Area fire fee to move forward, officials confirmed this week.

The lawsuit, filed in 2012 by the Howard Jarvis Taxpayer's Association against the Department of Forestry and Fire Protection, or CalFire, and the state Board of Equalization in Sacramento County Superior Court, is expected to be heard early next year.

"The court said we can still move forward with the lawsuit, but in order to get money back, you have to fill out a petition for redetermination," Howard Jarvis legislative director David Wolfe said. "What we're recommending when individuals get the second round of bills, which are going out right now, is that they pay within 30 days and then also within 30 days fill out a petition for redetermination, even if they've done it before."

The necessary paperwork can be found online at [www.firetaxprotest.org](http://www.firetaxprotest.org). In a statement to the Times-Standard, California Board of Equalization First District member Betty Yee wrote that she regrets the increased burden on fee payers from the fire fee. "However, until a court of law orders otherwise, the Board of Equalization is bound by law to implement the fire fee," she said.

The SRA fire prevention fee affects more than 15,000 Humboldt County property owners living in state responsibility areas, which are primarily rural but include some suburban areas. The fee, made payable to CalFire, is based on how many "habitable structures" are on a property, at a rate of \$150 per structure. Residents who already pay a tax to a local fire

department receive a \$35 discount.

Furthermore, according to state Assemblyman Wesley Chesbro, many residents also already have approved assessments on their property to pay for fire protection services from a local fire district. "The way the Board of Forestry has chosen to assess the same flat fee of \$150 to all Californians, regardless of whether they live in a mobile home or cabin on the foggy, rainy North Coast, or own a multi-million dollar estate in the tinder dry hills of Southern California, makes no sense and is unreasonable," he said.

The Humboldt County Fire Chiefs Association continues to oppose the tax, President Lon Winburn said. "It's tough enough for a lot of these smaller departments to survive because they survive based on community support, and if the community has to pay that prevention fee that's going to mean less of the pie for local governments," he added.

Cliff Chapman, executive director of the Humboldt County Taxpayer's Association, said the fee is a tax that wasn't approved by two-thirds of the Legislature or voters.

"It's just one more example of the Legislature going off and implementing taxes and calling them fees," Chapman said. "It's just not fair. It's just a tax disguised as a fee. It's going to take a while, but we think that we'll prevail on it," he said.

*By Lorna Rodriguez/The Times-Standard*

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### Calling All Members

**Our Members are the lifeblood of The Buckeye. If you are a business or have friends, family or acquaintances who believe in the mission of The Buckeye, we encourage you to invite them to join. We always welcome new members!**

**If you are receiving this Newsletter and are not currently a member, we hope you will consider joining us. You can find more membership information on our webpage [www.buckeyeconservancy.org](http://www.buckeyeconservancy.org) or call the office at 725-8847.**

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EST 2000

P.O. Box 5607, Eureka, CA 95502

ADDRESS SERVICE REQUESTED



EST 2000

**Contact Information -  
phone 725-8847**

**Email us at  
buckeye@humboldt1.com**

**On the web at  
www.buckeyeconservancy.org**

## Board of Directors

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