



COMMITTEE FOR
GREEN FOOTHILLS

NEWS RELEASE

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Groups weigh in on timber harvest regulations

FIVE ORGANIZATIONS FILE AMICUS BRIEF

SUPPORTING COUNTIES' RIGHTS TO PROTECT CITIZENS

SAN FRANCISCO, CA – Five environmental organizations have filed a “Friend of the Court” brief in a case before the State Supreme Court relating to counties’ ability to determine where local timber harvesting can occur. Importantly, this case will affect local citizens’ rights to use zoning laws to abate land use conflicts and avoid the serious local impacts resulting from logging operations, including erosion and landslides, the overuse of roads not engineered for logging trucks, and noise from helicopters flying overhead.

Orrick, Herrington & Sutcliffe LLP, working for Citizens for Responsible Forest Management, Committee for Green Foothills, the Lompico Watershed Conservancy, the Planning and Conservation League and the Sierra Club, filed the amicus brief yesterday supporting the County of Santa Cruz, a defendant in a lawsuit filed by Big Creek Lumber, a timber company based in Davenport. Santa Cruz County is represented by Shute, Mihaly & Weinberger LLP.

The case seeks to overturn the right of local governments, who represent the interests of residents, to regulate where local timber harvest can occur outside of designated timber production zones, or whether those issues should be decided solely at the state level.

Julia Bott, Chair of the Sierra Club’s Forest Conservation Committee, said, “With this brief, we seek to uphold the power of local governments to enact and enforce zoning laws as they affect the location of timber harvesting activities. Our County officials know the local conditions and through zoning ordinances can prevent the serious impacts on our coastal streams and residents that come from logging marginal forest lands.”

Lumber company lawsuit denies Santa Cruz County ability to regulate logging

In the late 1990s, Santa Cruz County sought to restrict logging on lands not zoned specifically for timber production to address impacts to residents in the forested rural areas of the county. Contending that state law preempted the

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regulations, Big Creek Lumber and the Central Coastal Forest Association sued Santa Cruz County and the California Coastal Commission. Santa Cruz County Superior Court Judge Robert Yonts Jr. upheld the restrictions on logging outside specified zoning districts, but ruled that other provisions of Santa Cruz County's ordinances were pre-empted by State law. Both sides appealed.

The Sixth Appellate District's decision in *Big Creek Lumber Co. v. County of Santa Cruz* (known as Big Creek II) fundamentally changed the balance between state and local control of timber harvesting operations. The decision removes from local jurisdiction the power to regulate the location of timber harvesting activities on land not designated as Timber Production Zones. It effectively demolishes local control over those other lands and the natural resources they contain.

"County governments need to manage the impacts of timber harvesting as they manage the myriad other land uses within county boundaries," said Lennie Roberts, Legislative Advocate, Committee for Green Foothills. "Local zoning is intended to prevent conflicts between incompatible land uses, such as residential uses in the middle of timber harvest areas."

Citizen groups and County ask Supreme Court to reinstate local control

Santa Cruz County has appealed this decision to the state Supreme Court. Like the County, the five parties to the amicus brief ask the Court to reverse the *Big Creek II* decision, to uphold the Santa Cruz ordinances at issue, and, more generally, to uphold the power of local governments to enact and enforce zoning laws as they affect the location of timber harvesting activities outside of designated timber production zones.

Jodi Frediani, Executive Director of Citizens for Responsible Forest Management, said, "You wouldn't put a meat-packing plant in a residential neighborhood. Industrial logging may not belong there either. Such land use decisions must remain under local control."

All five organizations advocate sound land use planning, sensible timber regulations, and the ability of counties to play a role in determining where local timber harvesting occurs through zoning ordinances.

They ask the Court to recognize that in enacting the statutes at issue in this case, the Legislature engaged in a careful act of balancing both the interest of the state as a whole to create consistent rules governing the harvest and conservation of the state's rich timber resources and the traditional interests of local governments to manage where certain land uses take place within their borders.

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About the Committee for Green Foothills

Committee for Green Foothills is a regional grassroots organization working to establish and maintain land-use policies that protect the environment throughout San Mateo and Santa Clara Counties. Committee for Green Foothills, established in 1962, is a Bay Area leader in the continuing effort to protect open space and the natural environment of our Peninsula. For more information, visit www.GreenFoothills.org.