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Sentinel

# Fish and game warden probing felling of 'champion' cypress tree

BONNY DOON — Sheriff Al Noren may say he's not going to do a "damn thing" to find out who chopped down the largest cypress tree of its kind in the land, but a state fish and game warden is.

"I've been asked to do a full-scale investigation," says Warden Don Kelly. "I've been told to take my time and will exercise every possible means I have access to."

The felling of the tree, registered as a "champion" with the American Forestry Association in Washington, D.C., prompted the county Board of Supervisors last week to call for an investigation. But, Noren said his department is too busy on more important matters, including two homicides, and District Attorney Art Danner called furor over the tree-cutting "a media event."

Felling the tree, Kelly says, violated state Fish and Game law which requires 10-day notification of intent to remove an endangered species.

The Santa Cruz cypress stood on 525 acres at Martin Road and Ice Cream Grade which owner Jim Beauregard is trying to plant as a vineyard. Discovery of the "champion" tree late in April prompted the local Sierra Club to call for the Board of Supervisors to step in and save the tree. Beauregard was planning to remove the tree when he cleared the land for planting in early summer.

County Supervisor Gary Patton called the newly-discovered significance of the

75-foot tree "a significant possible problem." Bob Leggett, senior county planner for the vineyard project, said there might be ways to save the tree and still allow the planting.

Beauregard said at the time he was not interested in any new proposals and would proceed with removing the tree at planting time.

He told The Sentinel he wasn't so sure the tree was a champion. Neither was botanist Bill Davilla, who surveyed the site in 1980 when the vineyard was proposed, and returned for another look. He said it appeared to be the largest in the area, but may not be a single tree, but rather the result of three trees growing together.

After the tree was cut down, Davilla examined the trunk and changed his mind. He told The Sentinel on Friday, "It was one tree that had developed multiple liters or trunks, lateral branches that probably had taken over in an early stage of growth.

"In other words, it was one specimen, but in somewhat convoluted growth form." He estimated the tree at about 60 years old, about 10 years older than he originally had gauged.

But, just as the controversy over whether to preserve the tree, Davilla's new findings were made meaningless by somebody with a chainsaw.

Beauregard says he had nothing to do with felling the tree.

His attorney, Alexander Henson of Carmel Valley, told the Sentinel on Friday: "We had no forewarning of that vandalism and regret that someone has chosen to be a misguided champion of private property rights at the expense of a tree significant to mankind.

"We consider that action an example of a quixotic defiance of government. It is clearly not in our interest to have such acts perpetrated on the proposed vineyard site and we will cooperate fully and completely with any investigation to apprehend the culprit.

"I have been his attorney throughout this production and am as disturbed as anyone about this recent incident because it's certainly not going to make our job any easier dealing with the government agencies we have to work with."

In a goodwill gesture, Beauregard brought a pamphlet to the Sentinel which describes a program called CalTIP. It gives a number for people to call regarding Fish and Game violations. Callers can remain anonymous. The number is: 1 (800) 952-5400.

Warden Kelly says the 800 number is a good idea. "It is a viable way for people to be concerned about the environment," he said. "For people who may be close to the situation, but are fearful of recrimination, it gives an avenue to proceed where there isn't any fear."