

Tale of Two Counties

Santa Cruz

For nearly 30 years Michael Shaw has been unable to obtain any permits from the Santa Cruz County Planning Department despite Liberty Garden's zoning for up to 29 homes. In the following exposé the County practices and policies are examined in a detailed account of this ongoing injustice.



Alameda (To Come)



"As property rights are increasingly stripped, America's pursuit of freedom is lost." — Michael Shaw

"Private property and freedom are inseparable." — George Washington

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1. Introduction to the First Tale of Two Counties: Santa Cruz, California

In 1985 Michael Shaw contracted to purchase a 74 acre piece of land, now known as Liberty Garden, located in the Southern coastal part of Santa Cruz County, California. Liberty Garden is zoned for 29 houses with a two and a half acre minimum lot size. Shaw closed on the land in 1986 and planned to subdivide the property into four lots and raise his family on one of them. However, after 29 years of efforts, Shaw has still not been issued permits from the County of Santa Cruz to build even one residence on his own land.

Although Shaw's struggle has been ongoing for almost 30 years, this document provides a brief summary of the first two decades and then focuses on the years 2008-2012, explaining the abuse that Shaw has been put through from the County of Santa Cruz. The policies behind the dominating, unjust, and often illegal actions of the County's officials will also be highlighted.

Shaw understands the economic and ecological value in restoring the California native landscape. He has accomplished this on his property by creating a native plant oasis, unlike any known in California. Prior to Shaw's ownership, the property had been sorely neglected. At the time, the land was half dominated by European grasses used for grazing and half consisted of oak forests made impenetrable by solid walls of poison oak, some reaching thirty feet in height. Essentially the land was a wasteland and Shaw has since turned it into an ecological masterpiece. To learn more about Michael Shaw and his work, read his bio [here](#).

One of Shaw's original motivations for this extraordinary accomplishment was simply due to his caring passion for the land. After having spent decades improving the ecological condition of the land, Shaw's primary motivation now is to increase the value of the property for a successive owner/buyer. Hopefully this owner/buyer will not face the same antagonism that Shaw has from the County of Santa Cruz. In a healthy society such antagonistic behavior on behalf of the government would not be occurring.

Unfortunately, Shaw's tremendous advancements in regard to restoring the native landscape on his property have been used against him by several of the Santa Cruz County officials. These officials have used excuse after excuse to prevent Shaw from making productive use of his 74 acre property for over 29 years. Several County officials have used the environmental movement as a

front to restrict Shaw the use of his land. However, if these government employees were really working in favor of the environment, wouldn't they want to cultivate and encourage the kind of ecological success that Shaw has created? Instead, many officials take actions that compromise the private property rights of landowners who practice good stewardship.

One such elected official is Ellen Pirie, the County Supervisor from 2001-2013 for the area of Santa Cruz where Shaw's land is located, as well as the area where Shaw resides. As this article will show, Pirie abused her powers as County Supervisor and broke the oath that she took to protect the Constitution of the United States. She did this by violating Article 1 Section 10 of the United States Constitution which states, "[No State shall enter into any Treaty, Alliance, or Confederation... No State shall, without the Consent of Congress... enter into any Agreement or Compact with another State, or with a foreign Power....](#)" Pirie violated this provision by contracting with the international non-governmental organization (NGO) called the International Council for Local Environmental Initiatives (ICLEI). Her involvement with this foreign organization led Michael Shaw to deliver her a Misprision of Treason Notice in September 2012. (More on this subject can be found by reading the Misprision of Treason section of this article).

In short, Pirie, and various other officials in Santa Cruz County, have ignored Shaw's right to the use of his private property: a right that is protected under the Constitution of the United States and by the principles of Natural Law. Many other people in America are facing similar forms of abusive land regulation policies. This article explains how Santa Cruz County policies, rules, and strategies are part of a larger political surge that strips people of their private property rights as well as other freedoms. (For more information on these policies as well as Natural Law, see the Agenda 21 section of this document). The implementation of such policies has resulted in the use of Shaw's land essentially being stolen from him. After his right to the use of his property was stripped in 1988, he proceeded to work for two and half decades to alert people to the increasing land-confiscating actions of modern day American government.

2. County Declares No Endangered Species During the Early Years

In 1985 Shaw had applied for a subdivision to turn the land into four lots. He had a Zoning Administrator hearing regarding this issue in 1988, which Mark Deming of the Planning Department supervised. In this kangaroo court Deming ruled that the application was denied due to Shaw's "failure" to turn in a soil report, a requirement for the application. Shaw in fact had turned the report in on time and retained a receipt from the County Clerk that the report had been received by the County. In short, the County denied the application based on an untruthful claim that the application was not complete.

In 1986, Michael Shaw and his wife Joanne Shaw, wrote a [letter to the County of Santa Cruz](#). This letter explains how the Shaws had already been subjected to the County's abusive and confiscatory land use regulations. One issue that the Shaws address in this letter is that of endangered species. Michael Shaw knew that his likelihood of being able to build on the land would significantly decrease if the County claimed there were endangered species on the property. Therefore, he wanted to ensure that the County confirmed, in writing, that there were no endangered species present at Liberty Garden.

In 1987 the Shaws received a [return letter from the County](#) stating that there were no endangered species issues with the land. In the letter, Bob Leggett and Chuck Scheikert write that, according to various maps, "...there are no known occurrences of rare and endangered species on this property. Unless we receive information to the contrary, there will be no need for conditions on this land division relative to endangered species."

Although the landscape of the property has changed drastically during the past three decades under Shaw's ownership and management, neither Shaw nor the County has ever had any evidence of endangered species. Knowing that the County might try to use the ecological advances he made on the land against him, Shaw protected himself by writing Program h, a provision that was adopted into the 1994 Santa Cruz General Plan. Program h was designed to protect landowners from being subjected to adverse mapping as a result of making ecological improvements on their land. (For more information see the Program h section of this document).

Over twenty years later, the County did in fact claim that endangered species were present on the land. However, their reasons for this statement were not

based in reality, and the conniving revocation of their previous statement caused extensive hassle and delay to Michael Shaw being able to make use of his land. (See the Biotic Assessment section for more information on how the endangered species excuse came into play later on).

3. Agenda 21: The Policy Behind the Destruction of Private Property

When examining the story of Shaw and his land, it is important to understand the policies being implemented and enforced by the Santa Cruz County Government. The primary policy that has prohibited Michael Shaw during these 29 years is “[Agenda 21/Sustainable Development](#).” Agenda 21 is an action plan that aims to control the public by using environmental excuses to abolish an increasing number of freedoms. A few examples include the increasing restriction on the use of private property and the replacement of free enterprise with public private partnerships. The term “public private partnerships” refers to the combination of government with selected businesses, akin to the political economics undertaken by fascist regimes.

Agenda 21 also seeks to replace the American system of equal justice with the international standard of “social” justice. Equal justice is when justice is applied equally to all people, whereas social justice disperses justice on the basis of what “group” an individual fits into (racial, religious, gender, status as a public private partner, whether one is committed to social justice policy etc.).

[Agenda 21 is a United Nations Programme](#) that originated in Rio de Janeiro at the Earth Summit conference in 1992. In contrast to the United States Declaration of Independence, which states that the purpose of government is to protect the natural or unalienable rights of each individual, the U.N. Declaration of Human Rights only provides individuals’ with rights when those rights do not interfere with “the purposes and principles of the United Nations.”

WHICH PHILOSOPHY OF RIGHTS?

Nature Source	Individual Rights <i>US Declaration of Independence</i>	Community rights <i>UN Declaration of Human Rights</i>
Purpose of Government	Protect the natural or unalienable rights of each individual. <i>"That all men are created equal, that they are endowed by their creator with certain unalienable rights ..."</i>	Control the individual for the greater good of a global community. <i>"Rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations..."</i>
In short	You're born with rights, government exists to protect them. You and the product of your labor belong to you.	Government grants, restricts, or withdraws your rights according to its needs. You and the product of your labor belong to the community.

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Although the idea of a global community may sound appealing, such a government will deprive the United States of its sovereignty. The foundations upon which the United States was founded provide people more freedom and autonomy than any other system so far. These freedoms should set an example for the rest of the world, instead of the United States being subject to a centralized form of world government.

The Declaration of Independence acknowledges the fact that every person is born with unalienable rights to life, liberty and the pursuit of happiness. Unalienable rights are rights that cannot be taken away as they are inherent to human nature. The Declaration of Independence recognizes that it is the government's job to protect the unalienable rights of each individual. The U.N.'s view on rights is that the government can change or take away your rights at any time. This is made clear in Article 29 Subsection 3 of the U.N.'s Universal Declaration of Human Rights which states, "[These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations.](#)" Therefore, the rights established in the Declaration of

Independence would no longer be respected in a global community. This is because The Universal Declaration of Human Rights would override the Declaration of Independence.

The traditional American view is based on Natural Law. Natural Law protects against the power of government and was articulated by philosophers such as Thomas Aquinas and John Locke, the latter of whom provided the inspiration for the Declaration of Independence and the Constitution. Often Natural Law is summarized as the right to life, liberty and the use and enjoyment of property. Private property gives rise to free enterprise, as well as the freedom to have ownership of your thoughts and actions. As Shaw articulates in his article entitled “What is Private Property?,” private property is “[synonymous with individual self-ownership. It begins with our persons—our ownership of our bodies. And it extends to our thoughts, expressions, and actions: the productive actions that implement our expressions, which in turn reflect our prior thought. Because private property is so intimately connected to our very beings, it is essential to our self-interest and self-esteem.](#)”

The current trend in the courts and in public policy shows that, with the abandonment of Natural Law principles, America is losing its heritage and its promise. This is demonstrated by the contemporary political philosophy present in the [U.N. Universal Declaration of Human Rights](#) and the policies of Agenda 21. This new political philosophy acts in opposition to Natural Law and could easily be called “Anti-Natural Law.”

Anti-Natural Law bestows “positive rights.” Contrary to what the name seems to imply, positive rights are not actually beneficial to society. This is because positive rights can only be given to some at the expense of others, as directed and enforced by government.

Negative rights, the opposite of positive rights, do not affect anyone other than the individual who holds that right. The rights to life, liberty and the use and enjoyment of property are negative rights, because, in order for each individual to have them, other individuals do not have to give something up. Negative rights are protected under Natural Law but not respected under the principles of Anti-Natural Law.

In an [interview with Daniel Beckett on the KSCO Perspectives Radio Show](#), Michael Shaw states that, with the implementation of Agenda 21: “The idea of America, the greatest idea in the history of human beings, that is the idea that government exists to protect your unalienable rights, not to squash them, will

have become a historical footnote.” It is the obliteration of adherence to Natural Law that will bring about this incredibly detrimental shift.

This shift is largely due to those in power ignoring the distinction between “unalienable” and “inalienable” rights. Even modern dictionaries blur the difference between the two. Unalienable rights cannot be taken away because they are inherent to our nature as human beings. On the other hand, inalienable rights are subject to the power of government. The Constitution of the United States respects unalienable rights, which cannot be subjected to abuse by a legitimate government. This is because the only form of legitimate government is one that exists to protect unalienable rights. For more information on the difference between unalienable and inalienable, see Michael Shaw's article [“Understanding Unalienable Rights.”](#)

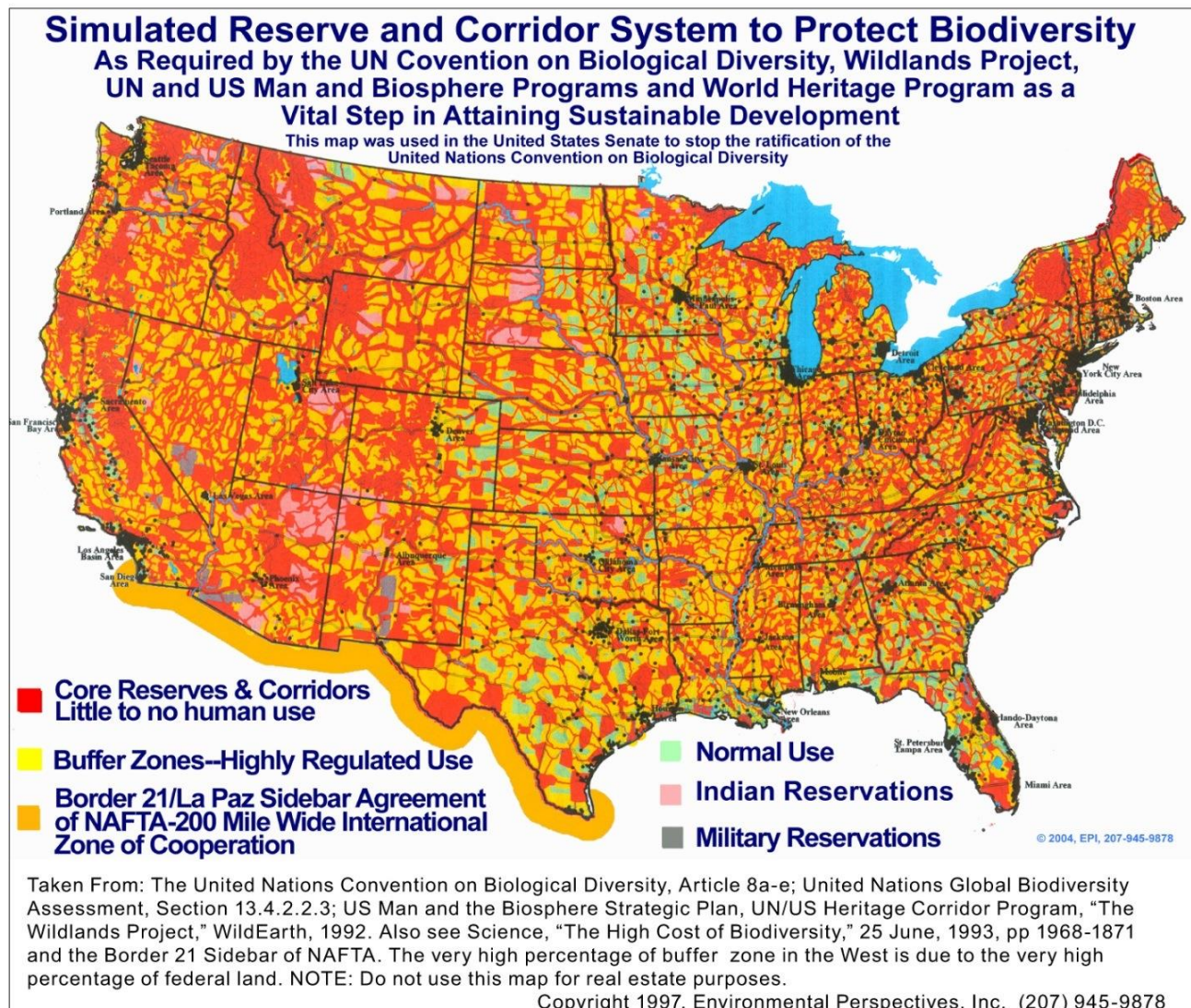
The shift away from Natural Law is not something that is being pushed upon the American political system from foreigners. Unfortunately, some influential Americans (such as David Rockefeller, the Bush family, The Ford Foundation, Barack Obama and many others) are activists of the philosophies present in Agenda 21 and are increasingly pushing implementation of such plans.

Agenda 21 is a global to local action plan originally promulgated by the United Nations to secure an international, centralized form of governance. Santa Cruz County has developed its own “Local” program and uniquely, amongst American communities, calls it [“Local Agenda 21.”](#) Agenda 21 was commissioned for development by the Santa Cruz County Board of Supervisors in 1993. It takes away local landowners’ natural right to control the use and enjoyment of their land. The infrastructure of Agenda 21 plans are similar to that of a Soviet style system, where a few elite rule the general public, who are reduced to the position of serfs.

In his article [“What is a Soviet?”](#) Michael Shaw articulates the Soviet political system as “a system of councils that report to an apex council and implement a predetermined outcome, often by consensus, affecting a region or neighborhood.” Furthermore, Shaw states that a Soviet is “a system of interconnected councils that work to destroy individual personality, suppress individual potential, and centralize power into the hands of those who seek to control human action and human production.” Unbeknownst to most Americans, this style of government is creeping into modern day politics and has major implications.

This centralized form of government is antithetical to American values and is accomplished, in part, by taking away private property in order to move everyone out of designated areas, categorized as “Wildlands,” and into “Smart Growth” cities. Environmental excuses are used to accomplish this.

“Wildlands” is the dedication of 50% of the American landscape to areas that are to become, over time, off limits to human presence and off limits to resource extraction. However, many of the lands that are designated “Wildlands” are currently citizen’s private property. As shown in Shaw’s case, the government is using every excuse they can (environmental or other) to prohibit development on these lands and, as a result, move people out of these areas and into the “Smart Growth” cities. “Smart Growth” is the creation of human settlements where people are densely packed and rely on public transportation.



The problems with Agenda 21, however, are not simply confined to its dedication to abolish private property. Agenda 21 has also infiltrated its way into education and technology.

Most states across the country have implemented the federal program “Common Core” into their public schools. In her article “[Common Core: Brave New Schools](#)” Cherie Zaslawsky states, “CCS is actually an unprecedented program that would radically alter our entire K-12 educational system, affecting content (i.e. curriculum), delivery (largely via computer), testing (also via computer), teacher evaluations (connected to test scores), as well as creating an intrusive database of sensitive information from student ‘assessments.’ This program, for all the protestations to the contrary, represents the nationalization of education in America, extinguishing any semblance of local control.”

Under Common Core, teachers lose the freedom to gear their curriculum towards the needs and abilities of their individual students. Instead, all students are subject to national standards. However, these national standards are presented via standardized tests that are established to bridge the gap between the “high-performance” schools and the “low-performance” schools. However, by bringing all students to the same level, aren’t we in fact harming them? The “high-performance” children are being deliberately dumbed down and not allowed to succeed to their full potential, while the “low-performance” children are only presented with one way of learning that may not advance their needs or unleash their potential. [Zaslawsky goes on to say](#), “What happened to our relishing of individual talents and uniqueness?... How do a few of the experts view this program? Dr. James Milgrim of Stanford University, the only mathematician on the Common Core validation team, refused to sign off on the math standards because he discovered that by the end of 8th grade, CCS will leave our students *two years* behind in math compared to those in high-performing countries.”

While the Common Core program is clearly detrimental to our children, it acts according to the Agenda 21 global-to-local action plan by preparing students for global citizenship. When the federal government has control over education, they are able to mold the upcoming generations of Americans into whatever they please. Common Core is presented under warm and fuzzy words and states are given initiatives to implement the program.

The infiltration of Agenda 21 into the American political system is clear on multiple levels. We have already examined the first two ways this is

accomplished through the abolishment of private property and the federal control over the education system. Now we move onto the third way this infiltration is accomplished.

The third way that Agenda 21 is being implemented into American's day to day lives is through the use of technology. One result of recent technological advances is that the government has the ability to track each individual: their location, their possessions, their conversations etc. This was revealed on a large scale when Edward Snowden released the National Security Agency's (NSA) documents, proving that the NSA can track individuals' locations through the individuals' cell phones, even if the GPS on the phones are turned off. There are multiple other ways that the American government is working to be able to track human activity. For more information on this aspect of technology and on the monitoring and controlling of human action, see [Katherine Albrecht \(RFID expert, Genesis Communications Network Radio Host, and author of the book Spychips\) interviewed by Steve Vasquez on April 20th, 2009.](#)

Since 2000, Michael Shaw has been studying and exposing Agenda 21. He travels around the Country speaking to audiences on how they can stop Agenda 21 from being implemented in their towns. He also exposes how Agenda 21 is not actually an environmental concept at heart, but instead a way to control human action.

Michael Shaw has created an ecological haven of native plants at Liberty Garden that has been a unique breakthrough in ecological restoration. In a healthy society, it would make sense for such accomplishments to be celebrated. Instead, Shaw's experience with the County of Santa Cruz evidences that Agenda 21, and those implementing the program, seek the abolishment of private property.

As a result of the onslaught of Agenda 21 policies, our natural right to lead a life of our own, blessed with the liberties that are inherent to human nature (including the right to the use of our property) are no longer understood by society nor protected by the government. Shaw has felt the negative effects of these policies during his interactions with the County of Santa Cruz.

4. Measure C: The County's Testing Grounds for Agenda 21

Measure C is the policy that acted as a precursor to Local Agenda 21 in Santa Cruz County. The essence of Measure C is that it discourages rural

development. It was accepted in Santa Cruz County in 1990 and declared the 1990s to be “The Decade of the Environment.” Measure C has the same sustainability elements as United Nation's Agenda 21, which is the road map to a centralized system of government and is implemented in Santa Cruz through the Local Agenda 21 Action Plan.

Measure C was used to test the public to see if and how they could be sold on the policies that were later to be presented in Agenda 21/Sustainable Development. This supports the fact that Santa Cruz was chosen as an American test ground for the introduction of Agenda 21. For more information on how this is being achieved, see Henry Lamb’s article “[Sustainable Communities: Under Construction Everywhere](#).”

The vote for Measure C gave the false impression that the residents of Santa Cruz had demanded this “green mask” (the environmental movement that does not actually work toward sound environmental actions, as evidenced by Michael Shaw’s experiences described further in this article). In fact, many of the voters for Measure C were not aware of the foreign origins of the “Sustainability” campaign. Not only that, but they also were not aware that [Measure C would be incorporated into the County Code as ordinance 4067.1 and Chapter 16.90](#), and that this new measure would prohibit development in certain areas of the County, including on privately owned land. Measure C was presented as a way to protect the environment, which of course most people would be happy to endorse. The public officials presented Measure C simply as part of the environmental movement to distract from the larger consequences of the Measure. In reality, Measure C broadly expanded government’s role when it came to property issues and essentially allowed the government to use environmental excuses as a cover for confiscating selected landowners’ right to the use of their property.

George H.W. Bush signed the international Agenda 21 agreement at the Rio de Janeiro Earth Summit in June 1992. Bill Clinton then infused the concept of Sustainable Development into every federal agency following his election. State and County governments then followed suit throughout the 1990s and 2000s.

Santa Cruz was one of the first counties to adopt such policies and Measure C was implemented in 1990, before the federal government had signed onto Agenda 21. In fact, Chapter 16.90.010 Subsection C states that one of the Chapter’s purposes is “To urge all the elected officials who represent the people of Santa Cruz County, at the city, State, and Federal levels of

government, to take any and all actions in their power which can assist in the protection and restoration of the environment of Santa Cruz County, and which can help reverse, reduce and eliminate those actions and practices which are contributing to environmental crises which are global in scope. [Ord. 4067.1 § 2, 1990].”

Agenda 21 echoes a very similar language and purpose, making the correlation between the two very evident. An example of similar language in Agenda 21 can be found in Chapter 28 of Agenda 21 (Local Authorities’ Initiatives In Support Of Agenda 21) which states: “Because so many of the problems and solutions being addressed by Agenda 21 have their roots in local activities, the participation and cooperation of local authorities will be a determining factor in fulfilling its objectives. Local authorities construct, operate, and maintain economic, social, and environmental infrastructure, oversee planning processes, establish local environmental policies and regulations, and assist in implementing national and subnational environmental policies. As the level of governance closest to the people, they play a vital role in educating, mobilizing, and responding to the public to promote sustainable development.”

As shown in the two quotes above, both Measure C and Agenda 21 emphasize the importance of local governance in regard to environmental issues. What the general public does not realize is that these objectives evidence the political philosophy that results in the abolition of private property. This is because landowners are deprived of their private property rights when the government is allowed to use the environment as an excuse to change the determination of how one uses their land. Landowners such as Shaw who work in ways that benefit the environment are punished. By examining cases such as Shaw’s, it can be proven that policies such as Agenda 21 and Measure C are not about protecting the environment but instead serve as a cover to take away private property. As stated by George Washington, “Private property and freedom are inseparable.”

In 1999/2000, two letters (dated 9/15/99 and 11/3/00) were sent to the Board of Supervisors by Susan Mauriello, the Santa Cruz County Administrative officer. These letters called for the continuance of Measure C. Measure C has been reviewed every ten years since 1990 but not by a vote of the people. Rather, it was first renewed in 2000 and again in 2010 through an “administrative determination” by the Santa Cruz County Board of Supervisors. This action on the part of the Board of Supervisors makes it clear that they did not want the public to get a second chance to review this Measure. The first of these letters can be read [here](#) and the second [here](#) (along with the Measure C document).

As Michael Shaw continued to investigate the Agenda 21 and Measure C policies, he quickly learned that they are not really about protecting the environment, but instead act as ways to control the people. This is accomplished in part by taking valuable land out of the hands of private landowners through coercive means. One such method is to only offer permits in exchange for the landowner agreeing to a conservation easement. This is occurring frequently in Santa Cruz, as well as in many other jurisdictions across America, and is commonly implemented under the guise of protecting the environment.

5. Program h of the Santa Cruz General Plan: Michael Shaw's Alternative to Measure C

Michael Shaw realized early on that the implications of Agenda 21 and Measure C would have a negative outcome on residents and landowners in Santa Cruz County. In an attempt to rectify at least part of the damage that he knew Agenda 21 would cause, he wrote what became Program h in Chapter 5.1 of the Santa Cruz County's General Plan. Read Program h [here](#) (refer to the following sections: section 5.1.5 subparts a¹ and b² on page 5-4, Program "b"³ on page 5-7 and Program "h"⁴ on page 5-8). Throughout this article, when the term "Program h" is used, it is in reference to these sections in Chapter 5.1 of the Santa Cruz General Plan.

¹ "Where property owners upgrade grasslands on their parcels, outside of mapped areas, through resource management activities, the prevailing General Plan densities shall not be reduced."

² "Where property owners upgrade special forest areas on their parcels, outside of mapped areas, through resource management activities, the prevailing General Plan densities shall not be reduced."

³ "Encourage enhancement and restoration of Sensitive Habitats on private lands by providing technical assistance and available resource information to property owners. Work to develop incentives for habitat restoration."

⁴ "Encourage the attraction of private capital for purposes of restoration and stewardship of natural resources including vegetation, wildlife, water and soil resources. Assemble an ecological enhancement group to include: land owners, professionals in the fields of planning, natural resources and development for the purpose of creating a resource protection incentives program for consideration by the Board of Supervisors. Recommend to the Board of Supervisors a system of density bonuses, cost savings, or other resource protection incentives based upon:

- 1) The quality and extent of preservation and/or restoration of natural habitat; and
- 2) Permanent measures for ongoing stewardship of natural resources."

Program h states that, if a landowner takes on actions that bring about an improved natural land condition, they will not be “mapped” as a result of this improved condition and therefore won't be precluded from development. In other words, the County cannot use such advances in private land management as an excuse to prevent development for private landowners.

Program h provides incentives for builders to restore and preserve the native California landscape. The thrust of Program h is to allow citizen ingenuity to prevail as a governing philosophy regarding development. This is in contrast to the County's legal policy of prohibiting citizen land management. On page three of a [Program h summary](#), Shaw states that “The Planning Department has a reputation as a difficult and arbitrary group administering a labyrinth of conflicting rules. This condition can result in the failure of the present process to provide opportunities for sensitive, creative and innovative development. Under the current development approval process, the tough and often the insensitive developers with deep pockets and uncreative plans are the only ones to survive.” Shaw goes on to state that this condition results in sensitive development rarely occurring, which in turn leads the public to have a negative view on development in general. In contrast, Program h allows for, and encourages, private landowners to restore the native coastal plant ecology without losing the right to determine how to make use of their property.

Program h encourages exactly the kind of ecological restoration that Shaw pioneered at Liberty Garden. It prohibits the government from land use confiscation in situations where ecologically sensitive management occurs. Program h was designed to create an exception to the Measure C provisions that were incorporated in Chapter 16.90 of the County Code. (To learn more about Measure C and Chapter 16, see the previous section of this article).

Program h was no small feat. Program h was endorsed by various professional naturalists and resource organizations including the Santa Cruz County Resource Conservation District and the Santa Cruz chapter of the California Native Plant Society (the letters can be viewed on pages nine and twelve respectively of the [Program h summary](#)). Program h was accepted by the County Board of Supervisors and, in 1994, was officially accepted into Chapter 5.1 of the County's General Plan.

California law mandates consistency between general plans, zoning and other land use ordinances. “The requirement of consistency is the linch pin of California's land use and development laws” [Debottari v. City Council \(1985\) 171 Cal. App. 3d 1204](#). The general plan is therefore the charter to which the

zoning ordinance must conform. [California Government Code - Section 65860\(a\)](#) is the basis for the state statutory law on this point and states that: “County or city zoning ordinances shall be consistent with the general plan of the county or city....”

However, never in 20 years, has there been an ordinance in Santa Cruz County that implements Program h! Perhaps this is due to the fact that Program h undermines the land grabbing goals of Measure C. Throughout the 1990s, Shaw continued to make advances on the ecological state of his land. He spent two decades creating an ecologically sensitive native plant oasis. He was managing the property to an ecological condition that would be protected by Program h, based on the good faith that an ordinance would be created to implement Program h. Instead of adhering to the law and creating an ordinance off of Program h, the County continued to find excuses to prevent Shaw the use of his land.

6. Blocking the Exercise of Water Rights: Michael Shaw Sues Seeking Writ of Mandamus and Inverse Condemnation

Between 1996 and 2002, Michael Shaw encountered even more unlawful and unreasonable activity from the County; this time in regard to Shaw’s decision to build a well on his property.

California and Texas are the two states that have the purest private property laws when it comes to water. The California and Texas state laws say that aquifer waters (water in the ground as opposed to surface water like lakes and rivers) belong to the over lying landowner. This has immense significance in terms of private property, as resources below the ground are an essential element of private property. In these two states, one's private property in regard to land ownership is not simply confined to the surface. Instead private property includes a cone down into the center of the earth and extends up into the sky.

In the 1990s, Michael Shaw witnessed a massive thrust in California to get all the water into the hands of the State. This is because when the State owns the water it is easy to move people out of the “Wildlands” and into the Smart Growth zones. (Agenda 21/Sustainable Development seeks to relocate people to centralized, controlled areas, as discussed above in the Agenda 21 section.)

Once this happens, the government will have the ability to control human action.

Shaw noticed this water control policy occurring in Watsonville's Pajaro Valley, which neighbors the town Shaw resides in. In Pajaro Valley, [an ordinance was passed that taxed every farmer who drew water \(for agricultural use\) out of their private wells, as though the government owned the water.](#)

In addition, a major Water District in the Central Valley of California had contracted with the Water District in Pajaro Valley to pipe water from the Central Valley to the Pajaro Valley. When imported water is pumped into an aquifer the landowner loses either entire control or at least a portion of control over the aquifer. Therefore, the transfer of the piping of this water into the aquifers denied the over lying land owner rights to the water existing under their. The attack on the California ground water law was in full swing and continues to be so.

In September of 2014 the California state legislature took the brazen approach of defying the State constitution by passing 'law' that simply "takes" a landowner's constitutionally protected aquifer rights. Even the state legislature is now a major force for Agenda 21 collectivization of water policy! If water is allowed to be collectivized California is finished.

By 1995, Shaw saw that many water districts around the state were seeking to take control over aquifers. If this were to be accomplished, Shaw knew that pursuits to make use of his land would have to come to a close. This is because the only alternative way to supply water to the land would be through Soquel Creek Water District at a totally uneconomic cost, if a connection were to be allowed at all.

Instead, Shaw decided to protect and exercise the rights to his water in the event that the historic California water laws changed. In order to protect his water rights, Shaw decided it was appropriate to drill his own well on the land. To do this, he applied for a water well permit through Public Works. He was granted the permit and then drilled the well on his property. The next step was to get power so that he could actually draw the water out of the well. In order to get permission to marry the electric meter to the well, Shaw had to approach the Planning Department to obtain a ministerial permit for electrical power. (While a discretionary permit allows the government to either grant or deny a permit; a ministerial permit requires that the government shall deliver the permit provided there has been compliance with objective code requirements.

In other words, after one has a permit to build a well, the County has to deliver the permit for an electrical hook up.)

Despite what the law says about ministerial permits, the [Planning Department of Santa Cruz County refused to provide Shaw with a permit to connect power to his already built well](#). In emails to Shaw, the County expressed their frustration that Shaw had obtained a permit for the well in the first place despite the fact that he had done so properly through the appropriate county agency, Public Works.

Before Shaw found out that his ministerial permit would not be issued, PG&E had already brought power to the property at Shaw's cost. All that they had to do to complete the project was to tie the power lines to the well, which legally they could not do until the ministerial permit was issued. (It was legal for PG&E to bring the power in the first place since an approved use had been granted and the electrical permit was ministerial). Without the ministerial permit, Shaw could not tie the power lines to the well. Instead he bought a generator, which does not require a permit, to pump the water. Meanwhile, Shaw sued the County for a Writ of Mandamus with the aim of obtaining the electrical permit. (“[Mandamus orders a public agency or governmental body to perform an act required by law when it has neglected or refused to do so.](#)”)

Shaw also sued on the grounds of inverse condemnation⁵ which is when the government excessively and unreasonably regulates the use of one's property, and as a result, severely affects the value of the property involved. Shaw's grounds for the inverse condemnation was that the County had, for fifteen

⁵ Shaw's business, Lockaway Storage, sued Alameda County in 2003 for inverse condemnation in response to the County's refusal to issue building permits to implement a previously issued "Conditional Use Permit" (CUP). The County of Alameda contended that a growth control initiative, Measure D, applied to prevent construction even though Lockaway Storage had a valid CUP in place prior to the enactment of Measure D. The trial court disagreed, and forced Alameda County to issue a permit for construction, and also awarded Lockaway Storage over \$2 million in damages, and over \$700 thousand in attorney fees. This decision was upheld by the court of appeal, which characterized Alameda County's argument as convoluted "nonsense." The court of appeal also upended a California Supreme Court Case called [Landgate Inc v. California Coastal Commission](#), which had previously insulated the government from liability for inverse condemnation unless the property owner could prove that the government was not just wrong, but unreasonably wrong--a very high hurdle which has historically been fatal to most property rights cases. After 10 years of litigation, the 2013 decision for Shaw's case negated the State case law, and once again California landowners are protected from inverse condemnation. This case provides the story for the upcoming Part Two of "Tale of Two Counties."

years, used various strategies to preclude him from using the property in accordance with the designated zoning.

Shaw sued in September 2001 seeking the writ of mandamus and for inverse condemnation. Shaw lost the inverse condemnation trial in 2006, and the State Appellate Court effectively ruled in 2008 that Shaw was not entitled to any compensation as the County still allowed him, in essence, to ‘pull weeds’ on the property. Essentially the Court was saying that Shaw should be content to simply manage the environmental conditions of the land. In doing so, they took away Shaw’s right to the use of his land. Per the 5th Amendment to the Constitution of the United States, citizens’ property rights are protected. Under Natural Law, the essence of private property is the right to its *use* and enjoyment. This court order completely ignored Shaw’s right to put his land to economic use.

Although [Shaw lost the inverse condemnation case in the California 6th Circuit Court of Appeals, San Jose](#), the writ of mandamus was issued in 2004 by the trial court and power was then connected to the well.

During the first decade of the 2000s, Shaw increased his commitment to make ecological advancements on his land. He expanded his crew to sixteen people working six days a week recovering an incredible landscape of native plants. His extraordinary achievements at creating a native plant oasis, unlike any known in the State of California, were recognized in a cover article in one of the world's most esteemed conservation journals, “*Ecological Restoration*” (published by the University of Wisconsin Arboretum). The article can be read [here](#).

7. Negotiations Between Shaw and the County Regarding a Predevelopment Application

In 2008, after nearly a quarter of a century of ownership, Shaw had been unable to garner any permitted use for his property. Part of his original vision for the land was to raise his children on the property, but after decades of struggle, his five children were now grown. His interest in living on the property waned and he began to consider selling. If he were to sell, it would be important for the land to have some economic use so he decided to seek a permit for the construction of a single home in order to make the property marketable.

Before filing his application and paying the required fees, Shaw wanted to agree upon the terms of the application process. After witnessing the County's underhanded and often unlawful dealings, he knew that the terms of any development application should be understood before taking steps forward.

The negotiations for a predevelopment application proceeded with conversations between Keith Walker (Michael Shaw's assistant) and Mark Deming, the Assistant Planning Director for Santa Cruz County. In a [letter to Deming on October 23, 2008](#), Shaw requested that the County agree that the site review be limited to the building site and 100 feet surrounding. Deming agreed that the review would be limited to the building site and that Shaw would have ultimate control over which areas of the property County officials could review. In his [response letter of December 2, 2008](#) Deming states, "If staff requests to see a portion of the property that you feel is not appropriate given the nature of your application, simply tell staff that they are not allowed to inspect that area of the property."

A year later, Shaw was still progressing with the pre-application. Suddenly, the County Planning Department began indicating that a biotic assessment of the property may be needed during the application process. The County's excuse for this potential biotic assessment was that there may be existence of an endangered species, the Long-toed salamander. However, there was no evidence of their physical existence on Liberty Garden. As shown in the following section, there was not even scientific information that could accurately lead the County to believe that any Long-toed salamanders might be present on the property.

The suggestion by the County for a biotic assessment directly violated the previous contract with Deming. The contract Deming had signed on behalf of the County established that the County would only be reviewing areas related to the proposed development.

On [September 8, 2009 Keith Walker sent Mark Deming an email](#) stating, "I am just following up to our conversation of last week regarding the biotic assessment that Samantha Haschert had indicated would be required by the Environmental Planner. As you stated in our conversation there were no protected species on the property and that we were building on a grassy clearing not conducive to the long toed salamander [sic] anyway."

[Deming responded on September 9, 2009](#) stating, "I discussed this with the manager of the Env. Planning section and she suggested that for the

application, the biotic review would not be required and that when the Env. Planner visits the site to review the actual building site, a reconnaissance be done to check for the long-toed salamanders [sic]... as I mentioned when we did the preliminary discussions, there is no designation on the property for endangered species....” He goes on to say that the building site “does not appear to be salamander habitat.”

Shaw proceeded with his application, fine with the demand for a reconnaissance. It did not violate the terms of the original contract with Deming, and now Shaw had written verification that a biotic assessment would not be necessary. However, as shown in the following sections, the County ended up ignoring the terms of this agreement between Deming and Shaw. The County took Shaw's application money, and proceeded to find bogus environmental excuses that were not legally justified. These excuses were used to indefinitely delay the process of Shaw's application. Even further, these excuses were violations of the General Plan provisions of Program h. To date, Shaw still has not been able to obtain a permit to build a house due to the unlawful actions taken by the County of Santa Cruz.

8. County's Excuse #1: Biotic Assessment/Long Toed-Salamander

Once the terms of the predevelopment application had been decided upon, Shaw delivered (to the County) his official application for a permit to build a residence. He also paid his application filing fees. This occurred in December 2009 and it was no surprise when the County set forth a series of excuses to delay Shaw's receipt of a permit. The negotiations between Shaw and the County continued until 2012 and, to date, no permit for building a residence has been issued.

As mentioned above, in the predevelopment application section, Mark Deming of the Planning Department had agreed in writing that a biotic assessment would not be needed, and that only the areas of proposed development would be reviewed. However, this agreement was completely ignored by the County when Bob Loveland from Environmental Planning visited the property for the Site Review in January 2010. Following this visit, the County demanded that a biotic study of the entire middle course of the property be performed in order to look for an endangered species (the Long-toed Salamander) or anything else of potential environmental interest. In the demand for a biotic assessment (as seen

[here](#)), Loveland stated that two separate areas of the property are “considered 'sensitive habitats' and are provided county protection under 'Riparian Corridor and Wetlands Protection Ordinance' (Chapter 16.30).”

The fact that Loveland proclaimed certain areas as sensitive habitats was a direct violation of Program h. When Shaw purchased the property in the 1980s, it was covered in poison oak and non-native weeds. The central riparian course had also been altered so to channel the water into a ditch, thus drying out the valley floor. This ditch had been made by previous landowners as well as Cal Trans and completely centralized the water flow. The weeds, poison oak and the man-made ditch caused the land to be an ecological wasteland at the time that Shaw purchased it. If “sensitive habitats” do in fact now exist, they are results of Shaw’s extraordinary accomplishments at creating an entirely native plant landscape through his technique of seed bank management, as well as his work in the valley section of the property where he used topographical modifications so to not centralize and drain the water. As indicated in the Program h section, the County is required to create ordinances off of the General Plan. However, in the case of Program h, the County refused to do so. Had the County complied with the law and created an ordinance to implement Program h located in Chapter 5.1 of the County’s General Plan, Shaw would not have been subjected to the County’s outrageous and confiscatory demands. According to Program h the County *could not map Shaw's property nor penalize him as a result of his efforts* to improve the ecological condition.

As mentioned in the 1987 letter from the County to Shaw there were no endangered species on the property. Even further, in his September 9th, 2009 email, Deming had blatantly stated that Long-toed salamanders do not even live in habitats similar to the area that Shaw was looking at for development. According to law, the government cannot go on “fishing expeditions” to look for endangered species on private property if species designation has not already been mapped. However, this is exactly what Bob Loveland was implying the County would be doing when he stated that there may be instances of the salamander within “migration distance.”

Shaw also objected to the biotic study on the grounds that allowing the County's selected biologists in would violate the intellectual property obtained through his multi-decade (and very costly) plant restoration work. Well over one hundred native plant varieties have been revived through the seed bank management program undertaken at Liberty Garden and now these plants dominate Liberty Garden. Shaw has spent decades developing ecological techniques unknown to the California landscape, creating the first revitalized,

native landscape of its kind. He has developed trade techniques that are his private property, and according to his rights, he has no obligation to reveal them to the County. His ecological accomplishments at Liberty Garden far exceed those of government “environmental academics,” and Shaw’s work proves that private land management can result in the best outcomes for the environment. However, this contradicts the Agenda 21 philosophy that people should be moved out of the rural areas and into the cities so that government can exercise technocratic control over the people and resources. For more information on technocracy and its relation to Agenda 21 see Patrick Wood’s speech at <http://globalizationofcalifornia.com/>.

Perhaps a motivation for the County to demand the biotic assessment was to find an excuse to turn Shaw’s land into designated “Wildlands.” (The County of Santa Cruz does not technically use these terms but instead uses warm and fuzzy phrases such as “habitat protection,” “wildlife corridors,” etc.). Despite the different names, all of these areas are targeted lands where eventually no human use will be allowed (see the Agenda 21 section of this document for more information).

When Shaw replied to the County saying that he would not agree to the biotic assessment as it violated the terms set forth in the predevelopment contract with Mark Deming, the County simply dismissed the Deming/Shaw contract and treated it as void. When Shaw contacted Deming about this abuse, he found out that Deming had retired from County service. Deming then became a consultant for Santa Cruz County which meant that, while collecting his retirement pay, he was simultaneously working and getting paid double. Deming then refused to become involved in defending the agreement that he had made with Shaw previously.

The County used staffing changes such as this to their advantage in delaying Shaw the use of his land. Had Shaw been aware that such underhanded, unlawful, and immoral behavior would occur on the County's part, he would not have wasted his time and resources on submitting the application.

On June 18, 2010, Michael Shaw filed a request for information (signed by Keith Walker) under the [Public Records Act](#). In this letter, Walker made a formal request to receive all the public records that justified the County's speculation of the Long-toed salamander presence. The letter can be viewed [here](#).

The County did not respond to the June 18th, 2010 letter, prompting Shaw's lawyer, Timothy Kassouni, to follow up with the County Counsel. Due to the County's failure to respond, and according to law, they paid Shaw a fee. Within several days, they also provided Shaw with the answers to his inquiry.

Shaw was not surprised when the County's response confirmed that the closest instance of Long-toed salamanders was located in the Seascap Uplands area. Shaw had been aware of this habitat previously. The County's disclosure that it was the closest identification of the species simply confirmed Shaw's knowledge that their existence at this breeding pond did not, in any way, affect his property. The Seascap Uplands are across a busy road from Shaw's property and his selected building site hosts a habitat unsuitable for the Long-toed salamanders. Additionally, these salamanders were not naturally residing in the Seascap Uplands. A developer/partner of the County's built the pond and planted the salamanders at this man made pond. The County inferred that the salamanders had crossed a very busy road and traveled an impossible distance to somehow establish themselves on Shaw's building site. The fact that the County was attempting to hold up Shaw's development due to a breeding pond that *they had planted* is more than a little suspect.

Meanwhile, on [July 8, 2010, Kathleen Previsich, newly appointed Director of the Planning Department, sent Michael Shaw a list of Biotic Consultants](#) called "Consultants for Biotic Reports, Restoration Work and Native Plants and Seeds." This list specified who could perform the County directed biotic review of Liberty Garden. The majority of the Santa Cruz County approved consultants were, or are, members of one or more other county, state or national organizations that are routinely supportive of implementing Agenda 21/Sustainable Development type policies. As discussed previously, these policies violate private property ownership.

When Shaw spoke to a few select advisors from this list, they indicated that an expensive, multi-year study would need to be performed on Shaw's land. Further, they indicated that this study would likely result in Shaw being required to grant the County a conservation easement over the land. The Santa Cruz County Government uses various methods to obtain conservation easements. No matter what the agreement is, the County ends up with control over the land. Oftentimes this is accomplished by exchanging a conservation easement for a single building permit on land that is zoned for denser use. The County does not pay for the conservation easement and the singular permit is treated as the payment. The landowner then loses any further development potential, despite the fact that their land is zoned for denser use. In effective,

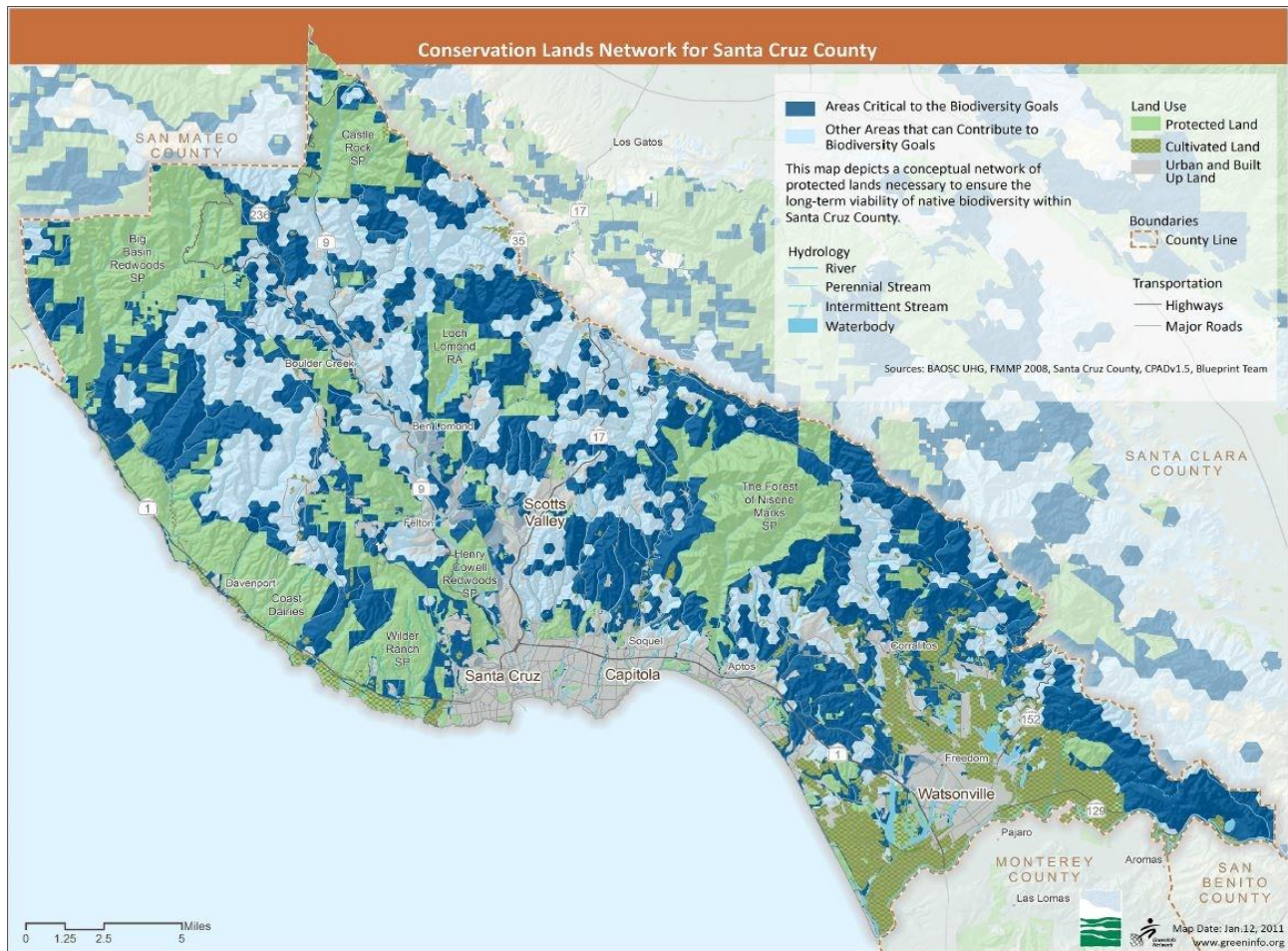
these easements amount to confiscation. Conservation easements deprive the landowner of having control over, and even managing, their land. It also makes the land almost impossible to sell, as there is no development potential for future owners. Shaw was aware of the detrimental effects of conservation easements and their breach of the Program h provisions. Because of this, Shaw steered clear of these consultants who were routinely advocating conservation easements.

However, these consultants were not the only people who seemed to want to burden Shaw with a conservation easement. The Land Trust of Santa Cruz County is the public private partner who arranges conservation easements. The Land Trust also purchases land for “open space” from property owners to preclude private development. Owners generally sell to the Land Trust once they have nowhere else to turn. The Land Trust taunts private land owners who have ecologically rich acreage like Michael Shaw. They do this by marking key pieces of private land as “protected” or restricted. Individual land management (even if it is beneficial to the environment) is antithetical to the Land Trust's goals, as they seek to centralize control over land and natural resources. To learn more about the Santa Cruz Land Trust, listen to Michael Shaw being interviewed by Daniel Beckett on the KSCO Radio Show [here](#).

In 2011, the Land Trust published “[Highlights from A Conservation Blueprint](#).” This document uses plenty of warm and fuzzy words, but also blatantly states that there are certain designated areas in Santa Cruz County that the Land Trust aims to either buy or, more ideally, obtain conservation easements over. Conservation easements are actually better for the Land Trust because it is cheaper to buy a conservation easement than to buy the land. Also, with a conservation easement, the landowner continues to pay the taxes on the property and yet the Land Trust gains control over how the landowner uses and manages the land. Conservation easements generally preclude all development. Landowners who have signed onto a conservation easement often don’t realize how greatly it reduces the value of their property. Such landowners are often given misinformation regarding the supposed “benefits” of conservation easements.

On page 11 of “Highlights from A Conservation Blueprint,” Liberty Garden was newly mapped as an “Area Critical to Biodiversity Goals,” which is the equivalent of the “Wildlands” described in the Agenda 21 section of this document. Previously, Wildlands were restricted to areas east of Highway 1. However, these new maps added a Wildlands zone that is within the generally

developed mid-county area and is west (oceanside) of Highway 1. This area includes Michael Shaw's property.



During this time, Michael Shaw's contractor, Dave Michael, was corresponding with Matt Johnston, who is the Environmental Coordinator of the Planning Department. The two discussed various aspects of Shaw's application and at first Johnston appeared understanding and sensitive to the difficulties Shaw had gone through during the application process. However, as the correspondence continued between Michael and Johnston, it became clear that Johnston was hinting towards the land being turned into a conservation easement. As it turns out, Johnston is listed as a "technical advisor" in the Land Trust's "Highlights from A Conservation Blueprint." It does not seem to be mere coincidence that Johnston, who works for the Planning Department, was also working with the Land Trust. This is simply another example of how modern day government is overreaching its function by working with public private partners, which creates a corporatist and economic fascist style of government.

In reaction to the events described above, Timothy Kassouni, Shaw's attorney, opened communication with Chris Cheleden, an attorney with the County Counsel office. On [August 29, 2011 Kassouni sent Cheleden a letter](#) stating his interest in discussing the reason for the biotic assessment in the first place. Despite months of correspondence, the County still had not provided a reason for their insistence on studying areas of the property outside the confines of the building site. In his August 29th, 2011 letter, Kassouni articulates several reasons why the Long-toed salamander excuse is unfounded and not based on factual information.

In the August 29th, 2011 letter, Kassouni proposes that Cheleden, Previsich and Supervisor Ellen Pirie attend a working lunch on the property to discuss the demand for the biotic assessment. [Cheleden declines the invitation in his return email of September 6, 2011](#). In this email, Cheleden provides no substantial response or counter argument to Kassouni's arguments against the biotic assessment. Instead, he simply refuses to meet and proposes that Shaw file an application and pay the necessary fees. This was absolutely outrageous because Shaw had already submitted his application two years prior.

The fact that the County of Santa Cruz completely whitewashed Shaw's legal team's sound arguments (and refused to meet with a constituent who simply wanted to build a single residence) is very indicative of the County's commitment to negating certain people's rights to the use of their private property.

9. Shaw's Reaction to the County's Abusive Tactics: His December 26, 2011 Letter to Ellen Pirie and Attached Request for a Hearing Letter

As demonstrated in the previous section, each time Shaw probed the County on their legal reasons behind the Biotic Assessment demand, they turned a cold shoulder, simply ignored him or avoided the issue. In a final attempt to get some substantive communication Shaw called Ellen Pirie in September of 2011. Ellen Pirie is the County Supervisor for the area of both Liberty Garden and Shaw's suburban home.

Ellen Pirie held office for twelve years, from 2001 to 2013. She was the preeminent official implementing land use policy and worked with her staff, consultants, and county partners to confront selected property owners who were

hoping to build (or otherwise) make use of their land. Pirie was a practitioner of ‘selective enforcement’ land policy. With this type of enforcement, land use policy is selectively applied to (or withheld from) one individual but not another. This reflects the implementation of social justice in replacement of the American standard of equal justice.

Pirie's sphere of influence surpassed that of a typical county official. This is evidenced by the fact that, during her consecutive three terms as Supervisor, Pirie participated in a whopping thirteen regional councils and boards, including the infamous Association of Monterey Bay Area Governments (AMBAG). [AMBAG is the federalized, regional, Soviet style council that controls local government decisions. AMBAG is an example of a “Council of Governments” \(COG\), which is a “region-wide association of local governments.”](#)

Regionalism is taking over the framework of local government and violates [Article 4, Section 4 of the U.S. Constitution](#), which states “The United States shall guarantee to every State in this Union a Republican Form of Government....” Political regionalism occurs when selected people are appointed to councils but not by a vote of the people. These councils are given certain directives as to how to then rule over their “region.” There are no set boundaries for these areas. Regionalism is a form of government that destroys democratic principles by replacing the republic. It is the complete reinvention of American government. Regionalism is the form of government that was described by George Orwell in his book *1984*.

When public officials participate in such regional councils, a controlling and treasonous regional form of government emerges. As evidenced by her involvement in so many regional councils, Ellen Pirie was an active participant in shifting the framework of local government away from its assignment to protect and represent the people.

During Shaw and Pirie’s phone conversation in September 2011, Shaw invited Pirie to a working lunch on the property. Pirie declined to visit Liberty Garden and meet with Shaw personally. Instead, Pirie instructed Shaw to submit a written summary of the events relating to his land and the denied use. On [December 26, 2011 Michael Shaw sent a letter to Ellen Pirie](#) detailing the abuse that he has faced from the County of Santa Cruz.

In the letter, Shaw explains how a life's work of his proprietary information and confidential land management achievements are tied to the physical landscape

at Liberty Garden. Liberty Garden's ecological condition was privately created with a great deal of Shaw's energy, time and money. This investment resulted in valuable knowledge and product. Shaw writes, "My land management achievement is not open for the County or its partners to occupy, record, inspect, or steal." To top it all off, Shaw would then be forced to pick up the County's inspection bills for these unlawful demands!

Simultaneously with submitting the letter to Ellen Pirie, [Shaw also sent a request for a Hearing to the County of Santa Cruz](#). His request for a Hearing was due to the fact that the County was trying to impose Chapter 16 on his home application when the land was not actually mapped for Chapter 16. This letter was addressed to Tess E. Fitzgerald, The County Clerk, and should have also reached Pirie and Previsich as they were both copied.

Shockingly, Shaw has, to date, never been given a Hearing. No one from the County ever responded to Shaw's request for a Hearing. If the County had legal grounds for enforcing Chapter 16, they would not balk at allowing Shaw a Hearing. The fact that they ignored Shaw's right to a Hearing (and thus never provided a determination regarding his application) is simply more evidence towards the County's land-grabbing goals, and the illicit way in which this is achieved. Could it also be that the County was concerned about their previous devious tactics being exposed?

When Pirie did not respond to Shaw's December 26th, 2011 letter written directly to her, he followed up with a letter on February 6, 2012. Pirie responded on February 21, 2012, two months after Shaw's initial letter. Surprisingly, [in the February 21st, 2012 letter Ellen Pirie states](#) (in regard to the December 26th, 2011 letter), that she "did not interpret it as requiring a response." She goes on to say nothing of substance, and avoids the real issues that Shaw had brought up in his original letter. She does this by making statements such as that she found the article from *Ecological Restoration* "interesting." (Shaw had attached the *Ecological Restoration* article as an Exhibit to the December 26th, 2011 letter.) Pirie goes on to state that she has no control or jurisdiction to make changes regarding the land grabbing and abusive policies that Shaw had highlighted in his original letter. However, as a member of the local law making body, she does have the power to vote for the appropriate changes to uphold a just society.

From Pirie's February 21st, 2012 response, it became evident that she would not be helpful in bringing any justice or sound legal judgment to the issues raised by Shaw. This was especially shocking due to the fact that Pirie is a

lawyer and, therefore, it would be assumed she would put high importance in adhering to the law.

At this point, Shaw had been continuously ignored by two of the County's personnel (Deming and Pirie). He had submitted his application almost three years previously and still had not received a permit to build just one house on his land zoned for 29 houses.

10. Excuses #2 and #3: Coastal Commission and California Environmental Quality Act (CEQA)

After receiving no substantive response from Ellen Pirie, Michael Shaw was presented with yet another obstacle to building a single family residence. This time it was presented to him by Kathleen Molloy Previsich, the Planning Director for Santa Cruz County. In 2012, she stated that Liberty Garden was subject to the California Environmental Quality Act (CEQA). At this point, the County appeared to have given up on the demand for a Biotic Assessment. This is most likely because they knew that, if they were to give Shaw a hearing, the County would have to succumb or be subject to another lawsuit, in which Shaw would be likely to prevail. Instead, they found yet another excuse to prevent Shaw's permit from being granted, this time under the cover of CEQA.

CEQA is an act that gives the government power to conduct studies and make determinations on whether or not a landowner can make use of their land in the way the landowner has proposed. Any land use in California is subject to CEQA unless it falls under one of the exemptions in CEQA. If one's land and their proposed development do not fall under one of the exemptions, then, in order to build, they must get a "negative declaration" from the government. A negative declaration means that the proposed development will not negatively impact the environment.

One of the exemptions in CEQA is that applications for a single family home are not subject to the act. CEQA is typically used for large development projects, and has been used as a mechanism to attempt to control any development at all on the pretext of environmental issues. The costs of CEQA are enormous. If it applied to single family homes, nothing could be built as an Environmental Impact Report (EIR) would run into the hundreds of thousands of dollars alone.

Previsich's assertion that a single family home was subject to CEQA was news to Shaw, as he was aware of the single family home exemption. [He sent Previsich an email on February 9, 2012](#). In this email he states that "CEQA does not apply to the development of a single family home on a development parcel. Accordingly, I would like to confirm that you agree."

Shaw received a [response email from Previsich on February 9, 2012](#). In this email, she states that the reason she believes CEQA applies is because "for all projects located in the coastal zone, all new development is subject to a requirement for a coastal development permit which is a 'discretionary' permit type. All County discretionary action on development permits are subject to CEQA, unless statutorily or categorically exempted by state law."

Previsich makes two legal errors in the previous statement. The first of these is that she states that the kind of permit Shaw was seeking was discretionary. Legally, however, Shaw's permit should have been a ministerial one, not a discretionary permit. (As described previously, a discretionary permit says that the government can or cannot deliver a permit while a ministerial permit says that they shall deliver the permit. For more information, see [here](#)).

On [April 13, 2012 Michael Shaw sent Previsich a rebuttal letter](#) to her February 9th, 2012 email. In this letter, Shaw states "whether or not a single family residential home permit application can be labeled 'discretionary' (as may be the case if the size of the lot is inconsistent with minimum local code requirements), and even assuming the coastal zone converts a ministerial review into a discretionary one, the categorical exemption under CEQA remains." This is due to [Public Resources Code section 21080 \(b\) \(1\)](#) which confirms that CEQA does not apply to ministerial projects. Shaw goes on to cite California Code of Regulations, section 15300.1 which states "[\[s\]ince ministerial projects are already exempt, Categorical Exemptions should be applied only where a project is not ministerial under a public agency's statutes and ordinances.](#)"

Previsich's second legal error is that she does not acknowledge that [California Code of Regulations, Title 14 Section 15303, subdivision \(a\)](#) establishes that single family homes are categorically exempt from CEQA. Even further, the building site of proposed development for Shaw's application did not trigger any exceptions to the single family home exemption in CEQA. Nothing is cited in Previsich's email that cites any such exception.

This is yet another blatant example of how civil law in America is increasingly used to negate the individual's unalienable right to their private property. As described in the Agenda 21 section of this article, one's right to make use of their private property is protected under Natural Law. Officials such as Previsich are violating the Constitution and the principles of Natural Law.

In Shaw's April 13th, 2012 letter, he uses legal and factual grounds to demonstrate why Liberty Garden is not subject to CEQA. He soundly and straightforwardly defeats every possible reason as to why Liberty Garden would be categorized under one of the exceptions to the single family home exemption.

In the April 13th, 2012 letter Shaw states, "There is no environmental area of concern on the site which is precisely mapped, designated, and officially adopted by the County of Santa Cruz sufficient to trigger an exception, and nothing is cited in your email. In short, the County appears to be requesting access to the site to determine whether *something unknown* might trigger an exception, which is the reverse order of the CEQA process."

Not only does Previsich say (in her February 9th, 2012 email), that the building permit would be subject to CEQA, but she also falsely states that the Coastal Commission has appellate jurisdiction over Shaw's land. The Coastal Commission is a regional council designed to control development along the California coastline.

In her email Previsich states, "Applications for coastal permits are subject to a public hearing requirement, which is normally held by the Zoning Administrator (staff level), who makes the decision. Zoning Administrator decisions are appealable to the Planning Commission and Board of Supervisors, and then potentially to the California Coastal Commission, which would determine whether or not to hear the appeal based on whether there was a 'substantial coastal issue' involved."

Shaw also addresses the invalidity of this statement in his April 13th, 2012 letter. According to Public Resources Code 30603, Shaw's land is not appealable to the Coastal Commission. Code 30603 subsection a (1) states that permits may be appealable to the commission if the lot of proposed development lies "[between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high](#)

tideline of the sea where there is no beach, whichever is the greater distance.”
 Liberty Garden does not fit within either of these geographical boundaries.

There are other conditions listed in Public Resources Code 30603 for why a permit may be appealable to the Commission. However, *none* of them pertain to Shaw’s land, including subsection a (3) which states that, if the development parcel is located in a “sensitive coastal resource area” it may be appealable to the Commission. As discussed several times previously in this article, the County of Santa Cruz has never been able to justify the claim that Liberty Garden is a “sensitive coastal resource area.” This didn’t stop Previsich from twisting Public Resources Code 30603 to work in her favor. In her February 9th, 2012 email, she states that the application may be appealable to the Coastal Commission to determine *whether* there are sensitive coastal resources. However, Code 30603 makes it clear that applications are appealable to the Coastal Commission *if* there are sensitive coastal issues. For a quarter of a century the County had been attempting to place restrictions on Shaw’s land due to some “ecologically sensitive area.” No such area was ever identified. The fact that laws and regulations were being twisted (in order to restrict Shaw’s use of his land) once again confirms the malicious and unlawful practices of the County of Santa Cruz.

From his previous interactions with the County, Shaw had learned that it was normal for them to drop communication once their arguments were soundly defeated. At the end of his letter he states, “I look forward to your reply by April 25th.” Shaw never received a return communication from Previsich or anyone from the County of Santa Cruz.

11. County Supervisor Ellen Pirie is Delivered a Misprision of Treason Notice by Michael Shaw

As a seeming result of Shaw’s hard work and accomplishments, he has faced abusive and illegal tactics from several people who work for the County. However, Ellen Pirie, the Supervisor of Santa Cruz County for Aptos/La Selva Beach at the time, caused the most difficulty for Shaw. This is largely due to the fact that she was more committed to the Land Trust’s Wildlands goals and the objectives of the International Council for Local Environmental Initiatives (ICLEI) than the constitutional rights of her constituents.

ICLEI is based in Bonn, Germany, and is a United Nations accredited Non Governmental Organization that works to advance Agenda 21. [ICLEI's purpose is to enter into contracts with local governments, training their planning department staff to work in alignment with Agenda 21 objectives.](#) This action brings foreign powers into local politics and therefore violates [Article 1 Section 10 of the Constitution of the United States.](#) (“No State shall... enter into any Agreement or Compact... with a foreign Power.”) ICLEI's agenda has been adopted by federal, state, county, and municipal governments across the United States. Recently dozens of communities have expunged ICLEI as awareness of the traitorous nature of the association has grown.

However, Ellen Pirie has publicly implemented ICLEI's Local Agenda 21 blueprint in Santa Cruz County. Her commitment to ICLEI is evidenced by the fact that she contracted with Joint Venture Silicon Valley (JVSV) for ICLEI's services to be provided to Santa Cruz County. Under ICLEI's direction, JVSV is committed to the idea that the San Francisco Bay Area become the nation's first independent City-State. This was stated at JVSV's 2013 conference and is made clear in this [video](#).

The subterfuge between JVSV and ICLEI has allowed the County Counsel of Santa Cruz to say that the County is not a member of ICLEI. However, the Joint Venture Silicon Valley contract (which Ellen Pirie signed) makes clear the County's commitment to implementing ICLEI policies in Santa Cruz County. In the contract, it is obvious that Joint Venture Silicon Valley is tied to ICLEI and that JVSV is working to bring about ICLEI's objectives. The contract and negotiations between the Santa Cruz County Board of Supervisors and Joint Venture Silicon Valley can be read [here](#).

ICLEI seeks to implement Local Agenda 21 and one of the most egregious objectives behind this is to abolish private property. The fact that Ellen Pirie would enter into such a relationship evidences her failure as an elected official. This action is far outside the legitimate realm of her position as County Supervisor and breaks the oath that she took to protect the United States Constitution. Pirie acted in direct violation of Article 1 Section 10 of the U.S. Constitution. “No State shall enter into any Treaty, Alliance, or Confederation... No State shall, without the Consent of Congress... enter into any Agreement or Compact with another State, or with a foreign Power...” Therefore, she is committing treason, along with many other elected officials across America.

On September 25, 2012 Shaw presented Pirie with a [Misprision of Treason Notice](#) in both a written and verbal form. According to California Penal Code 38 Misprision of Treason is “[the knowledge and concealment of treason, without otherwise assenting to or participating in the crime.](#)” Michael Shaw's primary reason for delivering the Misprision of Treason was Ellen Pirie's involvement with ICLEI.

There are several documents that evidence Pirie's involvement with ICLEI. These documents are Exhibits in Shaw's written [Misprision of Treason Notice testimony to Ellen Pirie](#).

The video of the delivery of the Misprision of Treason notice can be found [here](#). In the video, Shaw provides many specific instances where Pirie ignored her oversight responsibility, sought, and even implemented, policies of ICLEI. She implemented these illegal policies in Santa Cruz County by entering into a contractual arrangement between ICLEI and the County, using JVSV as an intermediary, as is evidenced by viewing the above link and attached documents.

Shaw states in his Misprision of Treason Notice testimony that, “[The Local Agenda 21 Planning Guide...was written and produced by ICLEI](#).... Agenda 21 is the international policy guide that seeks the abolition of private property, the education of youth for global citizenship, and the monitoring and control over all human action through the use of technology.”

Shaw closes the Misprision of Treason Notice by stating: “Evidence of the land use plan for Agenda 21's Wildlands Network in Santa Cruz County is set out in the Santa Cruz Land Trust's Conservation Blueprint.... The Land Trust has said and Ms. Pirie has supported the idea, that the Trust would use acquisition, easements, and regulation to prevent use of this land mass. Owners be damned! How wrong can elected representatives be?”

There is no statute of limitations for Misprision of Treason (California Penal Codes 37-38). Santa Cruz County awaits the election of a Sheriff and District Attorney, acting in accordance with the U.S. Constitution, who will bring an end to this wayward political movement by highlighting the criminal actions of Ellen Pirie and other participating representatives.

Ellen Pirie ignored the concepts of Natural Law when she endorsed Agenda 21 plans. The implementation of these policies has deprived Shaw and others of the right to make use of their land, and essentially negated their natural

rights, while also proving Pirie to be a public official who is acting in violation of the Constitution and negating the spirit of the Declaration of Independence. This is diametrically opposed to Pirie's obligation as a public official to work for and represent the constituents in accordance with the rule of law. The policies that have been implemented due to Pirie's involvement with ICLEI are the same policies that are causing the American experience to decay for all of us.

12. Conclusion: Putting an End to the Attack on Unalienable Rights

Those in power in Santa Cruz County, California are just a few of very many officials across the country who are implementing Agenda 21 Sustainable Development and tricking their constituents into believing that it is for the improvement of the environment and the citizens' own benefit. An increasing percentage of Americans have become aware of the Agenda 21 Action program and its ultimate totalitarian objectives. The continuation of Agenda 21 plans need to be stopped immediately. The consequence of not putting the Agenda 21 political surge to a halt is that the American government will no longer work for the people, but instead will be subject to a global government that will not recognize natural/unalienable rights. This will in turn take away all people's right to live a life that is their own.

To date, Shaw has not been given a permit to build a single family residence, nor granted permission to do anything that could result in putting his land to economic use. As demonstrated throughout this article, the government has no legal grounding for any of their bogus excuses to prevent Shaw the use of his private property.

As evidenced from Michael Shaw's story, this Anti-American movement has already snatched his right to the use of his private property. When private property is not protected, the entire system of American government falls apart. Agenda 21 plans interfere with the core principles of American independence. Environmental preservation organizations and policy makers are wrongly taking private property for "green space" or "open space," so that the lands and the resources may be centrally controlled. This action, coupled with other Agenda 21 pursuits, lead to the destruction of the true American governmental system. Governmental protection of unalienable rights is being

lost. In turn, the freedoms supported by the recognition of unalienable rights are also lost, while tyranny grows.