

PLANNING DEPARTMENT



COUNTY OF SANTA CRUZ

GOVERNMENTAL CENTER

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Alvin D James
Planning Director

May 21, 1998

AGENDA: June 2, 1998

Board of Supervisors
County of Santa Cruz
701 Ocean Street
Santa Cruz, CA 95060

RE: PROPOSED FOREST PRACTICE RULES AND ZONING ORDINANCES
RELATING TO TIMBER HARVESTING

Members of the Board:

The matter before your Board today is the consideration of proposed amendments to the State Forest Practice Rules applicable to timber harvesting in Santa Cruz County and conceptual zoning ordinance amendments to regulate the location of timber harvesting in the unincorporated area of the County.

BACKGROUND

Timber harvesting has been an integral part of the economy and history of the County for the past century. The San Lorenzo Valley, as we know it today, is a product of the logging industry as is much of the County's mountain roadway system. Timber harvesting still provides many jobs for County residents, both directly and indirectly, and it will continue to do so as the need for forest products continues to grow to meet the needs of a growing population.

The growing population and the expansion of other economies, however, has resulted in the construction of many homes on existing, rural parcels throughout the County. These homeowners seek different benefits from living in the rural areas of the County, including solitude, natural beauty, privacy, etc. Timber harvesting, to some, is not compatible with their idea of what rural living is supposed to be and, to others, timber harvesting has resulted in significant adverse impacts to their properties, and to the environment.

In August 1997, your Board was informed that the County had the authority to regulate the location of timber harvesting through its zoning ordinance. This information resulted in a series of public hearings throughout the Fall of 1997 that culminated in the adoption of Interim Ordinances establishing where timber harvesting could occur, including helicopter logging. Your

Board also established the Timber Technical Advisory Committee (TTAC) to prepare recommendations regarding proposed zoning and other rules amendments for consideration by your Board on February 24, 1998. The TTAC, consisting of five representatives each from forest industry/property owners and residents/environmental groups, met bi-weekly to develop their recommendations on how to resolve the issues raised during the public hearings and at the initial meetings of the committee.

On February 24, 1998, your Board considered the findings and recommendations of the Timber Technical Advisory Committee regarding timber harvest issues. Following the public hearing on the TTAC report, your Board took the following actions (see Attachment 3).

- accepted and filed the report of the Timber Technical Advisory Committee and formally thanked the members of the committee for their time and efforts, and
- declined to adopt an Ordinance extending Ordinance Nos. 4476 and 4469 Establishing Interim Zoning Regulations, and
- directed the Planning Department, in consultation with members of the public, to prepare recommendations for amendment to the State Forest Practice Rules to be submitted to the Board of Supervisors on June 2, 1998, for approval and submission to the State Board of Forestry for approval, and
- directed the Planning Department to prepare and submit to the Board of Supervisors on June 2, 1998, draft recommendations for the implementation of new zoning regulations restricting the location of timber harvest operations including the location of helicopter staging and loading areas in the County, to be processed for subsequent consideration for adoption by the Board of Supervisors in the event that the State Board of Forestry fails to adopt a package of Forest Practice Rules to be effective January 1, 1999 and that are found by the Board of Supervisors to adequately address the timber harvest impacts in the County.

In response to your Board's action to decline to adopt the extension to the Interim Zoning Ordinances, Supervisor Beautz placed an item on the March 24, 1998 agenda which recommended that a procedure be developed for conducting public hearings to determine if an SU (Special Use) zoned property qualified as a timber resource. Following public input and discussion, your Board took the following actions (See Attachment 4):

- interpreted Section 13.10.380 to require that the use of parcels for timber harvesting in the Special Use (SU) zone district requires a Level 5 hearing to determine consistency with the General Plan unless the parcel has a timber overlay, and
- directed that the public hearings focus only on whether the parcel qualifies under the General Plan for timber harvesting, and

- directed the Planning Department to return on April 14, 1998 with clear criteria for determining whether Special Use (SU) parcels qualify for timber harvesting under the General Plan, and
- directed the Planning Department to return on June 2, 1998 with a recommendation for a permanent ordinance addressing the lack of clarity of the Special Use (SU) zone regulations regarding timber harvesting, as well as the recommended rule change package to be submitted to CDF and all other items previously authorized by the Board of Supervisors, and
- directed the Planning Department to return on April 14, 1998 with an appropriate resolution to change the Unified Fee Schedule to charge a maximum of \$300 for rezoning to the Timber Production Zone only for the period between the expiration date of the interim ordinance and June 2, 1998.

On April 14, 1998, your Board considered a report and recommendations regarding criteria and procedures for conducting public hearings to determine General Plan consistency for timber harvesting on parcels zoned Special Use (SU). Following public input and discussions, your Board took the following actions (see Attachment 5):

- adopted a Resolution adopting a criteria review checklist and a procedure for determination of General Plan consistency for timber harvesting in areas of the Special Use (SU) zone district that do not have a timber resources land use designation, and
- adopted a resolution revising the Unified Fee Schedule to establish a flat fee of \$750 to process a rezoning to the Timber Production zone district and extending the duration of the flat fee indefinitely, and
- requested the chairperson of the Board to write a letter to Assembly Member Keeley transmitting the requested legislative actions as discussed in the report and directed Planning staff to include any additional recommendations for inclusion into the Keeley bill to be brought back on June 2, 1998, and
- directed Planning staff to have all materials available to the public on May 21, 1998 for the June 2, 1998 hearing.

This report is in response to your earlier directives and addresses the following materials:

- 1 . Recommended amendments to the State Forest Practice Rules.
2. Recommended Zoning Ordinance amendments.

3. Recommended legislative language.

FOREST PRACTICE RULES AMENDMENTS

As directed by your Board, staff prepared a set of proposed amendments to the State Forest Practice Rules. These amendments focus on the topics listed in the TTAC report and are based on a number of sources, including the recommendations of the TTAC, the County General Plan/Local Coastal Program, the County Code and the comments received from the public over the past nine months, The primary goal guiding the development of the rules changes has been to implement the policies of the General Plan, to protect the environment and to provide for neighborhood compatibility while promoting sustainable timber harvesting in appropriate locations.

Staff circulated a preliminary draft of the proposed amendments to the Forest Practice Rules on April 13, 1998, and distributed copies to any person or organization who requested them for comment (Attachment 6). Copies were also distributed to Board members, appropriate County departments and members of the TTAC. Staff received 7 sets of comments on the proposed Rules changes. These are included as Attachment 7. Staff carefully considered all comments, many of which were incorporated into the proposed amendments to the Forest Practice Rules presented for your Board's consideration (Attachment 1).

The proposed Forest Practice Rules amendments, as mentioned above, address all of the topics raised by the TTAC during their meetings and in their recommendations to your Board. They also address topics for Forest Practice Rules revisions listed in the County General Plan/Local Coastal Program Land Use Plan under Section 5.12 Programs (c) and (d) (Attachment 8). Some of the proposed rules are minor modifications of existing rules to clarify and amplify the rules. Rules that fall into this category include those regarding Plan Submittal/Notice of Intent, Log Hauling, Flagging, and Abandonment of Roads and Landings.

The remaining Forest Practice Rules amendments are more substantial and deal with Timber Operator Certification, Review Team Field Review, Hours of Work, Flagging of Property Lines, Performance Bonding, Road Construction and Maintenance, Erosion Control Maintenance, Contents of Plan, Residential Buffers, Special Harvesting Methods, Watercourse and Lake Protection, Non-native Plants and Helicopter Operations. The most significant of these Forest Practice Rules amendments would create a 300-foot residential buffer (no-cut) zone adjacent to every existing residential dwelling which is located on property not zoned TP, exclude riparian corridors on parcels not zoned TP from timber harvesting operations (except for necessary temporary crossings), establish different cutting standards for TP zoned land and land not zoned TP, and substantially raise road construction and maintenance standards.

Staff recommends that your Board accept the proposed Forest Practice Rules amendments and direct staff to submit these amendments to the California Department of Forestry, along with the necessary documentation, for consideration by the Board of Forestry. The review of the proposed Forest Practice Rules amendments will culminate at the Board of Forestry. Staff will be

tracking the review of the Forest Practice Rules amendments and will, of course, be attending the Board of Forestry hearings on the amendments. To bolster the County's commitment towards adoption of the Forest Practice Rules amendments, staff also recommends that your Board appoint a Board member to attend the Board of Forestry hearing to offer support and testimony for the County's amendments.

ZONING ORDINANCE AMENDMENTS

On February 24, 1998, your Board directed Planning staff to prepare "draft recommendations for the implementation of new zoning regulations restricting the location of timber harvest operations including the location of helicopter staging and loading areas in the County, to be processed for subsequent consideration for adoption by the Board of Supervisors in the event that the State Board of Forestry fails to adopt a package of Forest Practice Rules to be effective January 1, 1999 and that are found by the Board of Supervisors to adequately address the timber harvest impacts in the County." This direction was augmented by your Board's action on March 24, 1998, that directed staff "to return on June 2, 1998 with a recommendation for a permanent ordinance addressing the lack of clarity in the Special Use (SU) zone regulations regarding timber harvesting, as well as the recommended rule change package to be submitted to CDF and all other items previously authorized by the Board of Supervisors."

The zoning ordinance amendments (Attachment 2) prepared by staff to implement the Board's direction are presented in three categories:

- Category 1. Zoning ordinance amendments to be adopted regardless of the outcome of the Forest Practice Rule review process
- Category 2. Zoning ordinance amendments to be considered in conjunction with the adoption of acceptable Forest Practice Rules changes by the Board of Forestry
- Category 3. Zoning ordinance amendments to be considered if acceptable Forest Practice Rules changes are not adopted by the Board of Forestry

The proposed zoning ordinance amendments are conceptual. In preparing these conceptual ordinance amendments, staff has used as its guide consistency with the County General Plan/Local Coastal Program Land Use Plan. If directed to do so by your Board, staff will prepare formal ordinance language for consideration by the Environmental Coordinator, Planning Commission and your Board. These amendments will be processed concurrently and on a schedule that will allow these amendments to be considered and adopted by your Board with sufficient time to become effective on January 1, 1999, at least outside the Coastal Zone. As your Board knows, processing amendments through the Coastal Commission can take some amount of time and we will endeavor to make it as short as possible by keeping Coastal staff informed throughout the process .

CATEGORY 1

This category includes those zoning ordinance amendments which are recommended to be adopted regardless of the outcome of the Forest Practice Rules review process. The proposed zoning ordinance amendments are listed below, with a brief description and explanation.

Section 16.20.180(e) and (h) - require specific road surfacing based on grade of road bed, including gravel surfacing on 1 to 10% grades, 5" baserock and oil and screen on grades of 10 to 15%, and asphalt surfacing on grades over 1.5%

This section is proposed to require specific types of road surfacing based on the grade of the road bed. The purpose of these standards is to reduce erosion from sloping, unpaved roads. The proposed ordinance amendment will require this standard of road surfacing to all new private roads in the County, whereas one of the proposed Forest Practice Rules would require these standards for all permanent haul roads.

Section 16.30.050(c) - delete the existing riparian corridor exemption for timber harvesting if authorized by a County permit

This amendment is a clean up item to reflect that the County does not issue timber harvest permits. In addition, to be consistent with the General Plan regarding riparian corridor protection (Policy 5.2.3 - which prohibits any disturbance or vegetation removal within the riparian corridor), the proposed language in the Forest Practice Rules establishes riparian corridors as a no-cut/no-entry zones for non-TP zoned properties, except for temporary stream crossings where necessary. This ordinance amendment reinforces the General Plan/Local Coastal Program Land Use Plan policy and the proposed Forest Practice Rules amendments.

Section 13.10.170(d) - delete the TP zone district as an implementing zone district of the Public Facility/Institutional, Mountain Residential and Rural Residential land use designations

County Code Section 13.10.170 lists those zone districts which implement specific land use and **resource** designations of the General Plan/Local Coastal Program Land Use Plan. General Plan/Local Coastal Program Land Use Plan Policies 5.12.1 (and 5.12.2) and 5.13.4 designate the TP zone district as the implementing zone district for the Timber Resource designation and as one of the implementing zone districts of the Agricultural Resource designation, respectively. The General Plan/Local Coastal Program Land Use Plan does not, however, include any discussion of timber production and/or harvesting in the Mountain Residential, Rural Residential or Public Facility/Institutional land use designations and associated policies. Therefore, it is not appropriate to designate these land use designations for implementation by the TP zone district, unless those properties also have the Timber Resource designation. There are no properties currently zoned TP that do not have the Timber Resource designation.

Section 13.10.378 - limits helicopter staging and loading operations to areas within parcels with a CDF approved THP

Your Board directed staff to prepare a permanent zoning ordinance to regulate the use of helicopters in timber harvesting operations. As your Board knows, many citizens object to the intrusiveness of any helicopters, be it for logging or law enforcement purposes. Besides the noise, objections have been raised regarding the safety of timber operations involving helicopters. Hauling large logs hundreds of feet in the air from point to point scares many people, especially those whose homes are near the haul route.

Staff is proposing that helicopter logging operations be restricted to areas which are within the boundaries of a CDF approved THP and which are on an adjacent property to the parcel from which the timber is being harvested. This will eliminate many of the safety concerns raised by residents who have been concerned about logs being transported near their properties. The noise from the helicopters will still be a concern, but adherence to the hours of operation specified in the Forest Practice Rules will at least give nearby residents a definitive time when helicopters will be in use.

On September 16, 1998, your Board adopted Interim Zoning Ordinance No. 4473 restricting the location of timber harvesting operations when helicopters were proposed for staging, loading and other operations. This ordinance extended the original Interim Ordinance (No. 4469) for ten months and **fifteen** days, or until July 31, 1998. In order for this restriction to remain in effect while the ordinance amendment discussed above is being processed, your Board must adopt an additional extension to the interim ordinance. Staff recommends that your Board schedule a public hearing for June 16, 1998, to consider extending Ordinance No. 4469 regarding helicopter logging.

CATEGORY 2

This category assumes that the Board of Forestry has adopted a package of acceptable Forest Practice Rules amendments. The following section discusses the zone districts where timber harvesting is recommended to be allowed and lists certain ordinance amendments that are necessary to implement the recommended zone districts. The assumption is that the approved Forest Practice Rules amendments will address many of the concerns related to how timber harvesting is conducted as well as some of the General Plan/Local Coastal Program Land Use Plan consistency issues such as riparian corridors and residential buffers, that deal with where timber harvesting is allowed.

The recommended zone districts where timber harvesting would be allowed include:

- | | |
|------------------------------------|----------------------------|
| Timber Production (TP) | Special Use (SU) |
| Parks, Recreation & Open Space(PR) | Commercial Agriculture(CA) |
| Mineral Extraction Industrial(M-3) | Agriculture(A) |

The TP zone district clearly is designated both by State law and the County General Plan/Local Coastal Program Land Use Plan as the primary zone district where timber harvesting and

associated uses are allowed and encouraged. The other recommended zone districts either list timber harvesting as a currently allowed use (M-3, PR), have had ordinance amendments conceptually approved by your Board to add timber harvesting as an allowed use (CA, A) or have been approved by your Board as an allowed use as an interim measure (SU). The following is an analysis of the various recommended zone districts and the consistency of allowing timber harvesting in that zone district to the General Plan/Local Coastal Program Land Use Plan.

The M-3 zone district implements the Mineral Resource designation of the General Plan/Local Coastal Program Land Use Plan. Policy 5.16.2 delineates the uses which are compatible and incompatible with the utilization and management of mineral resources. Timber harvesting is included as a compatible use in the Mineral Resource designation. Allowing timber harvesting on the M-3 zoned parcels is consistent with the General Plan/Local Coastal Program Land Use Plan.

The PR zone district not only implements the Existing Parks, Recreation and Open Space land use designation associated with public and private parks and recreational facilities, but the PR also implements the Urban Open Space (O-U) and Resource Conservation (O-C) land use designations. The Resource Conservation land use designation includes "...**significant** open space lands in the rural areas of the county for the protection of natural resources and habitats, the managed production of resources, outdoor recreational opportunities and protection of public health and safety." (General Plan/Local Coastal Program Land Use Plan Policy 5.11 .5) The 'managed production of resources' refers to timber, biological, scenic and other resources found on these properties. These O-C designated properties include large watershed protection areas that were purchased by various water districts/companies to protect their drinking water sources. These water districts/companies conduct timber harvests on a regular cycle as one of the ways in which they manage their land. Timber harvesting is an accepted resource management tool on these lands and, therefore, properties zoned PR are appropriate for timber harvesting and consistent with the General Plan/Local Coastal Program Land Use Plan. The O-U land use designation is generally applied to riparian corridors, steep slopes, lakes and lagoons inside the Urban Services Line and is not a factor in this analysis.

Your Board has, on September 16, 1997, conceptually approved an ordinance amendment to add timber harvesting as an allowed use in the CA and A zone districts. The General Plan/Local Coastal Program Land Use Plan is not clear as to where timber harvesting fits in relation to the CA and A zone districts. The CA zone district implements the Agriculture land use and Agricultural Resource designation. General Plan/Local Coastal Program Land Use Plan Policy 5.13.4 requires that all land that is designated Agricultural Resource be maintained in the CA zone, unless the property also has a timber resource designation, when it should be zoned TP. Two factors make it **difficult** for the County to implement this policy. The first is that, pursuant to Government Code Section 51113, only the property owner can petition to have a property zoned to TP. The second is that very little of the designated Agricultural Resource land is currently in forest production - most of it is in crop land. The small areas which do contain harvestable timber are usually fringe and foothill areas. To fully implement Policy 5.13.4, the County would have to split zone these multi-resource properties, something that is not desired by the property owner nor staff. Therefore, in order to comply with your Board's direction, **staff** is

recommending that General Plan/Local Coastal Program Land Use Plan language be included with the proposed ordinance amendment to specifically state that timber harvesting is a permitted use in the CA zone district.

The A zone district currently implements not only the Agriculture land use designation, but also the Public Facility/Institutional, Mountain Residential and Rural Residential land use designations. The A zone district, however, does not implement the Timber Resource or Agricultural Resource designations. In the Agriculture land use designation, the A zone district is considered as non-commercial agriculture. No mention is made in General Plan/Local Coastal Program Land Use Plan Section 5.14 (Non-Commercial Agriculture) of timber harvesting. In order to implement the direction of your Board to allow timber harvesting in the A zone district, language will need to be added to the General Plan/Local Coastal Program Land Use Plan to add timber harvesting as an allowed use in the Agriculture land use designation.

Timber harvesting is not listed or discussed as an allowed use in the Public Facility/Institutional, Mountain Residential or Rural Residential land use designations. Timber harvesting is not allowed in the primary zone districts which do implement the Public Facility/Institutional, Mountain Residential or Rural Residential land use designations (PF, RA and RR). It appears, therefore, that timber harvesting is not consistent with the General Plan/Local Coastal Program Land Use Plan if proposed in the A zone district with General Plan/Local Coastal Program Land Use Plan land use designations of Public Facility/Institutional, Mountain Residential and Rural Residential and staff does not recommend that the zoning ordinance and General Plan/Local Coastal Program Land Use Plan be amended to allow that use in the Public Facility/Institutional, Mountain Residential or Rural Residential land use designations.

Uses allowed in the Special Use (SU) zone district must be consistent with the General Plan/Local Coastal Program Land Use Plan. Following two public hearings before your Board in March and April 1998, your Board determined that timber harvesting in the SU zone district could be found to be consistent with the General Plan/Local Coastal Program Land Use Plan on parcels in the SU zone district that were also designated as a Timber Resource on the General Plan/Local Coastal Program Land Use Plan Resource and Constraints Maps or if certain criteria could be met that addressed General Plan/Local Coastal Program Land Use Plan consistency and timber stocking standards. Staff is recommending an ordinance amendment to place the adopted criteria and process into the SU zone ordinance.

In order to implement this category, the following ordinance and General Plan/Local Coastal Program Land Use Plan policy amendments are proposed:

1. Amend section 13.10.380 et seq to:
 - a) allow timber harvesting in the SU zone district on all parcels with the timber resource designation and those parcels without the timber resource designation that meet the SU timber harvest criteria, and
 - b) add the list of criteria and procedure to determine General Plan/Local Coastal Program Land Use Plan consistency

2. Amend Section 13.10.3 12(b) to allow timber harvesting in the CA zone district, and in the A zone district with a General Plan/Local Coastal Program Land Use Plan land use designation of Agriculture
3. Amend General Plan/Local Coastal Program Land Use Plan Policy 5.13.5 to add timber harvesting as a principal permitted use on CA zoned land
4. Amend General Plan/Local Coastal Program Land Use Plan Policy 5.14.1 to add timber harvesting as a use allowed on non-commercial agricultural land(A zone)

CATEGORY 3

This category of amendments implements the February 24, 1998 action of your Board that directed the Planning Department to “prepare and submit to the Board of Supervisors on June 2, 1998, draft recommendations for the implementation of new zoning regulations restricting the location of timber harvest operations including the location of helicopter staging and loading areas in the County, to be processed for subsequent consideration for adoption by the Board of Supervisors in the event that the State Board of Forestry fails to adopt a package of Forest Practice Rules to be effective January 1, 1999 and that are found by the Board of Supervisors to adequately address the timber harvest impacts in the County.” Staff has analyzed the General Plan/Local Coastal Program Land Use Plan and the zoning ordinance and have identified a range of alternatives available to the Board of Supervisors in the event the Forest Practice Rules amendments are not approved.

The most restrictive alternative would limit timber harvesting to the TP zone district only. This alternative is consistent with the requirements of State law and General Plan/Local Coastal Program Land Use Plan Section 5.12 - Timber Resources. Staff believes that the M-3 and PR zone districts should also be included in this alternative, because the General Plan/Local Coastal Program Land Use Plan policies which directly refer to these zone districts include timber harvesting as allowed uses. Amendments to the General Plan/Local Coastal Program Land Use Plan and Zoning Ordinance would be required to clearly designate the TP, M-3 and PR zone districts as the only zone districts where timber harvesting is allowed and to remove references to timber harvesting from other land use and resource designations. Owners of property not zoned TP, M-3 or PR who wish to harvest timber on their lands would be required to apply for a rezoning of their property to the TP zone district. Historically, the majority of timber harvesting has occurred on TP zoned properties. This alternative would, therefore, strengthen the purpose of the TP zone.

The second alternative is to limit timber harvesting to those zone districts which currently allow timber harvesting as an allowed use. Under this alternative, timber harvesting would clearly be allowed in the TP, M-3 and PR zone districts. The SU zone district does not specifically allow timber harvesting (or any use other than single-family dwellings) but does allow uses that are **consistent** with the General Plan/Local Coastal Program Land Use Plan. In March and April 1998, your Board determined that timber harvesting was allowed in the SU zone district if the

property also had the Timber Resource designation or could meet special criteria to demonstrate that timber harvesting would be consistent with the General Plan/Local Coastal Program Land Use Plan. Under this alternative, your Board could either reaffirm that determination or not. In either case, ordinance amendments would be necessary to either codify the criteria and process for consideration of SU zoned properties that do not have a Timber Resource or to specifically prohibit timber harvesting in the SU zone district. Once again, property owners could always initiate a rezoning to the TP zone if they wished to harvest timber on a property not zoned for timber harvesting.

The third alternative is to allow timber harvesting in the zone districts discussed in Category 2 (TP, M-3, PR, SU, CA and A) and adopt an ordinance amendment that puts all the locational criteria proposed in the Forest Practice Rules amendments into the zoning ordinance. These standards would apply to all proposed timber harvests on properties not zoned TP as the County's ability to impose limits on timber harvesting in the TP zone through zoning is very limited. The standards would exclude timber harvesting in riparian corridors, residential buffers and in areas with geologic hazards, and could include parcel size limitations and subsequent development density restrictions. The standards to be developed could be more stringent than those locational criteria proposed in the Forest Practice Rules amendments, including greater residential buffers, no disturbance in riparian corridors, etc.

The General Plan/Local Coastal Program Land Use Plan and ordinance amendments necessary to implement this alternative include:

- the General Plan/Local Coastal Program Land Use Plan and ordinance amendments from Category 2, and
- a new ordinance to incorporate the locational standards from the Forest Practice Rules, to be applied to all timber harvests proposed on property not zoned TP, including, but not limited to:
 - riparian corridor exclusion
 - residential buffers
 - steep slopes
 - parcel size

Staff recommends the third alternative. This alternative allows timber harvesting on the widest range of properties while imposing specific locational restrictions, similar to but possibly more restrictive than the proposed Forest Practice Rules amendments, on timber harvesting.

LEGISLATIVE REQUESTS

As directed by your Board, a letter was prepared for the Chairperson's signature recommending legislation to address two issues: 'standing' as it relates to appeals of Timber Harvest Permits and 'economic emergencies' as a category of emergency timber harvest permit. At this time, staff has

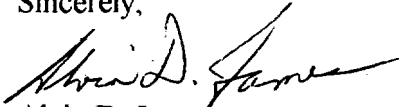
no additional legislative requests to recommend for submission to Assembly Member Keeley.

RECOMMENDATION

The proposed Forest Practice Rules amendments and zoning ordinance amendments have been prepared, as directed by your Board. It is, therefore, RECOMMENDED that your Board:


1. Accept and file this report, and
2. Approve the proposed Forest Practice Rules amendments (Attachment 1) and direct Planning staff to submit these amendments to the California Department of Forestry for processing, and
3. Direct Planning staff to track the processing of the Forest Practice Rules amendments, assist the staff of the California Department of Forestry in the review of the submittal and to attend the hearings before the Board of Forestry, and
4. Direct the Chairperson of the Board to appoint one Board Member to attend the Board of Forestry hearings on the proposed Forest Practice Rules amendments in support of the proposed amendments, and
5. Approve, in concept, the Zoning Ordinance implementation (Attachment 2) and direct Planning staff to prepare specific language to implement these concepts and to process these General Plan/Local Coastal Program Land Use Plan and zoning ordinance amendments concurrently and on a schedule to have these amendments go into effect, at least outside the Coastal Zone, on January 1, 1998, and
6. Schedule a public hearing on June 16, 1998, to consider an ordinance extending Interim Zoning Ordinance No. 4469 regarding helicopter logging for a period of time to allow for the development of the permanent regulations' as recommended in this report, and
7. Direct the Planning Department to return on October 6, 1998, with a status report on the processing of the Forest Practice Rules amendments by the California Department of Forestry.

Sincerely,



Alvin D. James
Planning Director

RECOMMENDED:



Susan A. Mauriello
County Administrative Officer

- Attachments:
1. Proposed Forest Practice Rules Amendments
 2. Recommended Policy and Zoning Ordinance Amendments
 3. Minute Order, Item no. 060, February 24, 1998
 4. Minute Order, Item no. 080, March 24, 1998
 5. Minute Order, Item no. 081, April 14, 1998
 6. Proposed Forest Practice Rules Amendments, April 13, 1998 **Draft**
 7. Comments Received on April 13 Draft of Proposed Forest Practice Rules Amendments
 8. General Plan/Local Coastal Program Land Use Plan and County Code Citations

cc: County Counsel
California Department of Forestry, Central Coast Ranger Unit
Santa Cruz Farm Bureau
Patrick Porgans
Big Creek Lumber
Mark Morganthaler
Steven M. Butler
Citizens for Responsible Forest Management
Sierra Club
Summit Watershed Protection League
Valley Women's Club
J. E. Greig, Inc.
City of Santa Cruz Water Department

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SANTA CRUZ COUNTY

PROPOSED AMENDMENTS TO THE CALIFORNIA FOREST PRACTICE RULES

- ◆ New text is underlined
 - ◆ Deletions are shown with ~~strikeout~~
- All other text is existing rule language.

1. 926.1 Registered Professional Forester (RPF) Advice [Santa Cruz County]

The provisions of 14 CCR 913.8(b)(5) shall apply when timber operations are conducted in accordance with 14 CCR 926.25

2. 926.2 Field Review and Timber Operator Certification [Santa Cruz County]

Subsequent to plan approval, but prior to commencement of timber operations, the RPF responsible for preparing the plan, the RPF who will advise the timber operator during timber operations (if different), and the timber operator shall meet in the field to review the specifics of the plan. The Director may attend and participate in such meeting, and shall be given advance notice of the meeting by the plan submitter. After such meeting and prior to commencement of timber operations, or upon the filing of any subsequent amendment to the plan, the licensed timber operator shall execute and file with the Department a written certification that such timber operator or a supervised designee familiar with on-site conditions actively participated in the field review, is familiar with all state and local rules applicable to the proposed timber operation including without limitation the requirements of Section 1035.2 and 1035.3, understands the plan or such amendment and each of the conditions that have been placed upon the plan or such amendment by the Department as part of the review process, and is familiar with and acknowledges the responsibility to communicate this information to those persons hired to carry out the proposed timber operation under his direction.

3. 926.3 Plan Submittal and Notice of Intent [Santa Cruz County]

14 CCR 1032.7, subsections (c),(e),(f) ~~and (g) and (h)(1)~~ shall not apply in Santa Cruz County. In lieu of those subsections the following shall apply:

- (a) The plan submitter shall prepare and submit to the Director, with the plan, a Notice of Intent to Harvest Timber as described in 14 CCR 1032.7(d) including the following:
- (1) A statement that the approximate property lines have been flagged for review where truck roads, tractors roads or harvest areas are within 100 feet of the property line.
 - (2) In the event helicopter yarding is proposed the Notice of Intent will include the mapped location of helicopter log landing and service area sites and a statement about the approximate duration of helicopter yarding activities.

- (b) The plan submitter shall furnish to the Department at the time of submission of the plan, the names and addresses of all property owners within 300 ft. of the exterior boundaries of assessor's parcels upon which a plan has been submitted, and the names and addresses of property owners with property fronting or bordering that portion of the haul route lying between the plan area and the nearest public road, and the addresses of all applicable private road association contacts. The list shall be compiled from the latest equalized assessment roll of the county or a list provided by a title insurance company.
- (c) The plan submitter shall mail copies of the Notice of Intent to all property owners and all applicable private road associations identified pursuant to (b) at least 10 days prior to plan submission and at this time shall post a COPY of the Notice of Intent including a map as described in 14 CCR 1032.7 (d)(8) at a conspicuous location on the private road where a majority of the road association members can view the notice. The posted Notice of Intent shall be on colored paper or identified with colored flagging so as to be easily visible to the public. The plan submitter shall further mail the Notice of Intent to:
- (1) All members of the Board of Supervisors in whose district any timber operation is proposed;
 - (2) The local school district;
 - (3) ~~The publicly owned water district which maintains any water production or water storage facility in the watershed within which any timber operation is proposed.~~ All downstream publicly owned water purveyors. At the time of plan submission, the plan submitter shall certify in writing that this procedure has been followed.
- (d) The plan submitter shall have the Notice of Intent published in a newspaper of general circulation in the area, concurrently with the submission of the plan to the Director. Proof of publication of notice shall be provided to the Director prior to his/her determination made pursuant to 14 CCR 1037.6.
- (e) For plan amendments, the submitter of the amendment shall certify in writing at the time the amendment is submitted that copies of a new Notice of Intent have been mailed to:
- (1) All property owners not previously noticed under sub-section (b) who, because of the plan amendment, would be required to receive the notice provided in subsection (b).
 - (2) All property owners previously noticed under subsection (b) when there is a change in silvicultural method.
- (f) The plan submitter shall include with the mailed Notice of Intent sent to the persons identified above, other than members of the Board of Supervisors, local school district or publicly-owned water district(s), any available printed general informational material that has been jointly approved by the County of Santa Cruz and the Department, describing the review process and the rights of adjacent landowners and other neighbors under applicable rules, ordinances or statutes.

- (g) The RPF shall simultaneously file with the Department any notice of deviation given to the plan submitter or landowner required under Public Resources Code section 4583.2.

4. 926.7 Review Team Field Review [Santa Cruz County]

Any review team member may, on request, accompany the Department as an advisor to the Department, on any field review the Department conducts prior to approval of the plan. If member of the review team does not concur with the chairperson's recommendation to the Director, the member may submit in writina. within five working days of the review team meeting, the specific reasons whv the recommendation does not provide adequate protection of the resources for which his or her agency has responsibility.

When a proposed timber harvest area is adjacent to a residential neighborhood, the only access to the THP is through neiahborina property or multi-owner private road(s) are to be used for haulina, the residents of the adjacent neighborhood or the owners of the private road(s) may designate one person as their representative to attend review meetinas and any pre-harvest inspection that is scheduled. Such person shall be entitled to receive advance notice of the time and place of review team meetings and any pre-harvest inspection, may make inquiries of the review team members, but shall not be a member of the review team.

5. 926.9 Hours of Work [Santa Cruz County]

- (a) Except as provided in paragraph (b) below, the operation of chain saws and other power-driven sawequipment shall be restricted to the hours between 7:00 a.m. and ~~9:00~~ 7:00 p.m., and shall be prohibited on Saturdays, Sundays, and nationally designated legal holidays. An exception to this rule may be granted by the Director where s/he has found that no disturbance will result from the use of such equipment.

- (b) Within 300 feet of any occupied dwelling, ~~T~~the operation of chain saws and all other power equipment, except licensed highway vehicles, ~~within 300 ft of an occupied dwelling~~ shall be restricted to the hours between ~~6:00-8:00~~ 8:00 a.m. and ~~9:00-6:00~~ 6:00 p.m., and shall be prohibited on Saturdays, Sundays and nationally designated legal holidays. ~~An exception to this rule may be granted by the Director where he/she has found that no disturbance will result to the occupants of the dwelling from the use of such equipment.~~
The Director may grant an exception to allow operations between 7:00 a.m. and 7:00 p.m. within 300 feet of residences if a determination of "no disturbance" can be made based upon the occupant(s) agreement to a written request submitted by the RPF to the Director before plan approval.

- (c) When it is anticipated that there will be staging of licensed vehicles outside the plan submitter's property between the hours of 9:00 p.m. and 7:00 a.m., the RPF shall provide an operating plan which reduces noise impacts to nearby residences.

6. 926.10 Log Hauling [Santa Cruz County]

- (a) Log hauling on public roads, or private roads is not permitted on Saturdays, Sundays, or on those days which are nationally designated holidays.
- (b) Log hauling on public roads, or private roads may be restricted or not permitted by the Director during commute hours or during school busing hours when necessary to present a serious hazard to traffic flow and safety or to prevent hazardous conditions that would endanger public safety.
- (c) During log hauling on public roads, or on private roads the timber operator may be required by the Director to post special traffic signs and/or flagpersons where determined to be necessary to prevent a hazard to traffic.

7. 926.11 Flagging of Property Lines [Santa Cruz County]

~~In addition to other flagging requirements in Subchapter 3 of Title 14 CCP, the Director, where necessary to protect adjoining properties may require flagging of~~ The RPF shall, prior to plan submission to the Department, flag the approximate property lines of the timberland owners parcel on the site where any truck road, tractor road or harvest area is proposed within 100 ft. of a property line, and the approximate boundaries of all residential buffer zones. If the property boundary line is contested in writing, and the dispute is found to have merit by at least two members of the review team, the plan submitter shall have the subject boundary line surveyed and flanged by a licensed surveyor; or alternatively the Director may assign lands within 200 feet of the contested property line to be off limits to timber operations.

8. 926.13 Performance Bonding [Santa Cruz County]

When hauling logs pursuant to a THP, the LTO shall provide for the repair of any damage to a county or private road that is ~~willfully or negligently~~ caused by the LTO's log hauling operations, and shall provide for the repair of any damage caused by the LTO's log hauling operations to appurtenant structures, including, but not limited to, guard rails, signs, traffic signals, culverts, curbs and similar facilities. If necessary to ensure compliance with this section, the county, owner(s)/easement holder(s) of private road or applicable private road associations may request, and the Department, upon such request, ~~may shall~~ require the timber operator or responsible party to post adequate financial security to restore paved or unpaved county or private roads and appurtenant structures which are damaged by log hauling operations. The request for posting of financial security shall be made to the Department during the THP review procedure and no later than five days before the Directors decision date. The following standards apply:

- (a) For County roads, The timber operator or responsible party shall post a certificate of deposit, certificate of insurance or performance bond, or other financial security in favor of the Department in a reasonable amount set by the Director, not to exceed \$5,000 per mile of county road used or \$50,000, whichever is less and subject to provisions of Division 3, Part I, Chapter 1, Article 8, Sec. 11110 through 11113 of the Gov. C. Such cash deposit

or other acceptable financial security shall cover a period not to exceed the effective period of the plan.

When a form of financial security is required, logging trucks shall not use the county roads until the required security is posted with the Department. The Director shall release the bond or equivalent to the principal of the security upon completion of log hauling operations and compliance with the requirements of this section. If and when repairs are necessary, the Director shall request the operator to provide for making the repairs. If the repairs are not made the Department may take corrective action and may order the bond, or equivalent, forfeited in an amount not to exceed actual damage. When a bond or equivalent has been posted, the Department shall provide the county with a copy of the Work Completion Report. The county shall advise the Department in writing within 30 days of its receipt of notification of completion of hauling operations or the Work Completion Report if damage has occurred repairs need to be made. If the county fails to notify the Director within 30 days, the bond of surety shall be released.

(b) For private roads, the timber operator or responsible party shall either obtain a written agreement providing for road repair obligations between timber harvester and other landowners with interest in road, addressing the issue of security for repair costs, or post a bond, certificate of deposit or other form of collateral to secure payment of cost of road repairs to private road caused by harvest operations in the amount as calculated using the following schedule:

- (1) \$300.00 for every 300 feet of dirt road to be used.
- (2) \$500.00 for every 300 feet of gravel rock road to be used.
- (3) \$800.00 for every 300 feet of oil and screen road to be used.
- (4) \$1,000.00 for every 300 feet of paved road to be used.

Logging trucks shall not use the private road until the required security is posted with the road association. The road association shall release the bond or equivalent security to the principal of the security one year after completion of log hauling operations and compliance with the requirements of this section. If and when repairs are necessary, the road association shall request the operator to make the repairs. If the repairs are not made, the road association may order the bond or equivalent security forfeited in an amount not to exceed actual damage. When a bond or equivalent security has been posted, the Department shall provide the road association with a copy of the Work Completion Report. The road association shall advise the Department in writing within one year of its receipt of notification of completion of hauling operation or the Work Completion Report if damage has occurred and repairs need to be made. If the road association fails to notify the Director within one year, the bond or other security shall be released.

9. 926.15 Road Construction and Maintenance [Santa Cruz County]

In addition to Article 12 (14 CCR Sections 923 through 923.8), the following shall apply in Santa Cruz County:

- (a) New logging roads shall be subject to the following limitations:
- (1) New road construction shall be prohibited where any of the following conditions are present:
 - (i) Slopes steeper than 65%.
 - (ii) Slopes steeper than 50% where the erosion hazard rating is high or extreme.
 - (iii) Slopes over 50% which lead to a watercourse or lake, without flattening to sufficiently dissipate water flow and trap sediment.
 - (2) Any exceptions to these standards granted by the Director will require abandonment of the road immediately following cessation of active logging operations. Abandonment shall include recontouring to the slope that existed prior to construction and re-establishment of all drainage to pre-existing conditions.
 - (3) Whenever new road construction is proposed and the plan submitter owns or controls any property contiguous to the parcel or parcels on which timber operations are proposed, and such contiguous property contains timberland, the RPF shall include a map and explanation of how the new road is integrated into the existing or proposed truck road and associated transportation system for all the contiguous property owned or controlled by the plan submitter on which timberland is found. Such proposed integrated truck road and associated transportation system shall be reviewed in connection with review of the proposed plan, and the plan shall be modified, if necessary, to assure that the approved plan will be compatible and consistent with timber operations on the contiguous property.
 - (4) New road construction or road reconstruction on areas of active mass movement, inner gorge slopes or headwater swales shall be reviewed by a Certified Engineering Geologist or Licensed Geotechnical Engineer with experience in forest road construction.
 - (5) Any new permanent logging roads or bridges that will be used to serve purposes other than forest management activities under an active plan shall be subject to all County road standards and applicable policies, including the requirement for a County grading and bridge permit.
- (b) All new and existing permanent logging roads used for hauling or for any purpose other than forest management activities during the winter period, as defined by 14 CCR Section 926.18, shall be treated to prevent excessive loss of road surface materials by the use of non-erodible surfacing materials meeting the following minimum standards:
- (1) Roads on slopes between 0% and 10% require a gravel surface to a depth of 6 inches, and renewed treatment upon resurfacing of bare soil.
 - (2) Roads on slopes between 10% and 15% require a 3-inch layer of baserock and oil and screen.

(3) Roads on slopes greater than 15% require a 5-inch layer of Class II baserock with 1-1/2 inches of asphaltic concrete overlay.

(c) All new and existing seasonal roads shall be maintained throughout their use and require an approved erosion and drainage plan and yearly inspections between harvest plans by a Certified Professional in Erosion and Sediment Control or licensed soils engineer or shall be abandoned in compliance with 14 CCR 923.8.

(d) All new tractor roads shall be abandoned and recontoured pursuant to 14 CCR Section 926.17 immediately following a cessation of active logging operations. 14 CCR 914.2(f)(3)[Coast only] shall not apply in Santa Cruz County.

10. 926.16 Flagging [Santa Cruz County]

(a) The location of ~~proposed truck roads, constructed tractor roads~~, landings, and watercourse crossings and riparian corridor exclusion areas shall be designated on the plan map and shall be located in the field with flagging. Such flagging shall occur prior to the preharvest inspection if one is to be conducted. Flagging for truck roads and constructed tractor roads will be intervisible along the proposed alignments.

(b) The RPF or supervised designee shall flag the location of all waterbreaks which are within the WLPZ, on mapped unstable areas or on slopes over 65% regardless of erosion hazard rating.

11. 926.17 Abandonment of Roads and Landings [Santa Cruz County]

When an existing truck road, tractor road, or landing is located in an area in which it could not be newly constructed in conformance with these ~~the Santa Cruz County Forest Practice Rules~~, rules then, ~~where feasible~~, such road or landing shall be abandoned, stabilized, recontoured, revegetated, and restricted from vehicular use prior to the Work Completion Inspection, unless the use of such road or landing would produce less environmental impact than the use of a new road or landing constructed in accordance with these ~~rules~~.

12. 926.19 Erosion Control Maintenance [Santa Cruz County]

The plan submitter shall maintain all drainage structures, and drainage facilities and gating or other road closure facilities required by these rules in effective working condition throughout the required ~~one~~ winter periods after completion of timber operations unless other stricter measures are required under the FPA. All trails, landings and work areas shall be reseeded, mulched or protected by compacting ~~woody slash~~ and debris from harvest operation. The Director may require further measures to prevent unnecessary damage to road surfaces from unauthorized use and to protect the quality and beneficial uses of water. The County representative responsible for review of timber harvests shall receive advanced notice and may attend the work completion inspection with the Department to review erosion control measures. When there is evidence of the lack of maintenance in the past, the Director shall require the timberland owner to enter into

a maintenance agreement that is recorded at the County. A work completion report may not be filed until ~~this~~ these requirements has have been met.

13. 926.22 Treatment of Logging Slash [Santa Cruz County]

In addition to requirements of 14 CCR 917.4 limb stubs on tree top slash shall be lopped to 8 in. (20.3 cm) or less from the bole of the tree.

14. 926.23 Contents of Plan [Santa Cruz County]

In addition to 14 CCR 1034 the following shall apply in Santa Cruz County:

- (a) When log haulina is proposed over non-appurtenant private roads, the RPF shall provide:
- (1) Information substantiating the timber owner's legal right to access or use said private road(s).
 - (2) A statement as to the estimated number of total logging truck loads to be removed and the approximate number of haul days and location of proposed logging truck staging areas.
 - (3) A statement as to how obliaations to maintain the road shall be satisfied commensurate with use.
 - (4) Specific measures which provide for the safe use of the road, such as flag persons, signage, pilot cars and hours of restriction.
 - (5) Videotape, photograph or other means of documentation for noting the existing conditions of the road.
- (b) The RPF shall provide a map showing the location of the flagged property boundaries along with any documentation that substantiates the accuracy of the property line.
- (c) The description of the plan area shall include the County Assessor Parcel Number(s) for those parcel(s) within which timber operations are to be conducted.
- (d) The RPF shall include within the notice to the landowner section of the plan the following statement: "Section 16.22.030 of the County Code states that any road or bridge constructed pursuant to a Timber Harvest Permit issued by the State of California, if used to serve purposes other than forest manaoement activities under an active plan shall be considered new and shall be subject to all County design standards and applicable policies including County grading and bridge permits."

15. 926.24 Residential Buffer Zone [Santa Cruz County]

Harvesting or other timber operations are prohibited within 300 feet of any legal structure used for residential purposes on non-TPZ parcels without the residential property owner's consent in writing, except for dead, dvina and diseased trees which are imminently threateninn legal habitable structures or which constitute an imminent fire hazard. If timber operations do occur within 300 feet of a residential dwelling, all slash shall be looped to 30.5 cm (12 in.) or less or removed, within 10 working days of log removal operations but no later than 60 days of felling trees.

16. 926.25 Special Harvesting Methods [Santa Cruz County]

In addition to 14 CCR 913.8 subsection (a), the harvesting limitation, re-entrv period and leave tree standards shall be modified as follows:

(a) The cutting standards for TPZ parcels are as follows:

- (1) For areas where the proposed harvest rate is 5160% of the trees greater than 45.7 cm (18 in.) d.b.h., the minimum re-entry period shall be 14 years.
- (2) For areas where the proposed harvest is 50% or less of the trees greater than 45.7 cm (18 in.) d.b.h., the existing 10 year re-entry period shall apply.
- (3) Regardless of re-enttv period no more than 40% of the trees greater than 35.6 cm. (14 in.) And less than 45.7 cm (18 in.) d.b.h. shall be harvested.

(b) The cutting standards for non-TPZ parcels are as follows:

- (1) For areas where the harvest rate is 40% or less of those trees greater than 45.7 cm (18 in.) d.b.h. present prior to commencement of current timber operations, the re-entrv period shall be 10 years.
- (2) For areas where the harvest rate is 50% or less of those trees greater than 50.8 cm (20 in.) d.b.h. present prior to commencement of current timber operations, the re-entrv period shall be 14 years.
- (3) When a Non-industrial Timber Management Plan (NTMP) or a Sustained Yield Plan (SYP) as provided in Article 6.5 and 6.75, Subchapter 7, is submitted to the director, an alternative method may be approved if a RPF submits a stratified random sample, of at least 5% of the property or harvest area, with statistically valid growth data that supports a cutting percentage and cutting cycle that will achieve the same yield of timber on each successive harvest in perpetuity. In no event shall the re-entrv period be more than 14 years or less than 10 years. Before commencement of harvesting oderations the property owner shall record with the County Recorder a Declaration of Restrictions which cites the approved cutting percentages and re-entrv period as stated in the NTMP or SYP.

(c) For both TPZ and non-TPZ parcels, no conifer shall be cut which is more than 22.9 m (75 ft.) from a leave tree of equal size class. Equal size class is defined as follows:

- (1) Over 45.7 cm (18 in.) to 71.1 cm (28 in.) d.b.h.
- (2) Over 71.1 cm (28 in.) to 91.4 cm (36 in.) d.b.h.
- (3) Any tree over 91.4 cm (36 in.) d.b.h.

17. 926.26 Water Course and Lake Protection [Santa Cruz County]

In addition to the requirement of Article 6 (14 CCR Sections 916 to 916.10 the following shall apply in Santa Cruz County:

(a) On non-TPZ parcels no timber harvesting operations are allowed within riparian corridors. The width of this no cut, no entry zone is defined as follows:

- (1) At least 15.2 m (50 feet) from Class I and II watercourses and wetlands.
- (2) At least 9.1 m (10 feet) from Class III watercourses.
- (3) The width of the riparian corridor shall be measured horizontally out from each side of the watercourse from the mean rainy season (bankfull) flowline.
- (4) Exceptions are allowed for temporary stream crossings (fords, bridges, culverts, etc.) if no other alternative exists as explained and justified in the THP and approved by the Director.

18. 926.27 Non-native Plants [Santa Cruz County]

Maintenance activities for the eradication of French broom or other invasive, non-native plants along harvest roads and landings should occur on the first, third and fifth year after the initial site disturbance occurs. Where seeding is needed for erosion control, the use of appropriate native or a non-invasive exotic plants, such as cereal barley, is recommended.

19. 926.28 Helicopter Operations [Santa Cruz County]

Helicopter service and landing zones must be sited on TPZ parcels within the THP boundaries. No helicopter flight may occur within 1,000 feet of an inhabited residence, provided that the Director may reduce this requirement to 500 feet with the written concurrence of the residential inhabitant. Helicopter operations within 2,000 feet of an inhabited residence are restricted to the hours between 8:00 a.m. and 6:00 p.m. and shall be prohibited on Saturdays, Sundays and nationally designated legal holidays.

20. 926.29 Emergency Conditions [Santa Cruz County]

A "financial emergency" as defined in 14 CCR 895.1 (Emergency (b)) and further referred to in 14 CCR 1052.1 (Emergency Conditions) shall not constitute an emergency for the purposes of the Santa Cruz County Rules.

TIMBER HARVESTING

RECOMMENDED POLICY AND ZONING AMENDMENTS

These proposals are presented in three categories:

Category 1: Zoning Ordinance amendments that are recommended to be adopted regardless of the outcome of the Forest Practice Rules (FPR) amendments

Category 2: Zoning Ordinance amendments to implement an approved set of FPR amendments

Category 3: Zoning Ordinance amendments to be put in place should the FPR amendments not be approved

Category 1

Zoning Ordinance amendments that are recommended to be adopted regardless of the outcome of the Forest Practice Rules amendments:

Section 16.20.180(e) and (h) - rural road standards incorporating higher levels of surfacing to reduce erosion

Section 16.30.050(c) - riparian corridor exemptions (delete timber harvesting under County Permit as an exemption)

Section 13.10.170(d) - delete TP as an implementing zone district in the Agriculture, Mountain and Rural Residential land use designations

Section 13.10.378- (new) limits helicopter staging and logging operations to the areas which are within a CDF approved THP and which are on or adjacent to the parcel from which the timber is being harvested

Category 2

Zone districts and zoning changes to be considered in conjunction with **acceptable changes to the Forest Practice Rules:**

Acceptable Zoning Districts:	TP	SU*
	PR	CA
	M-3	A

* SU w/timber resource; SU w/o timber resource if the criteria for General Plan consistency can be met.

Implementation:

1. Amend Section 13.10.380 et seq (SU zone) to:
 - a) allow timber harvesting in the SU zone district on all parcels with the timber resource designation and those parcels without the timber resource designation if all criteria have been met, and
 - b) add the list of criteria and procedure to determine General Plan consistency, and
2. Amend Section 13.10.3 12(b) to allow timber harvesting in the CA and A zone districts
3. Amend **GP/LCP** Policy 5.13.5 to add timber harvesting as a principal permitted use on CA zoned land
4. Amend **GP/LCP** Policy 5.14.1 to add timber harvesting as a use allowed on non-commercial agricultural land(A zone)

Attachment 2

May 15, 1998

Category 3

Zone districts where timber harvesting is allowed and zoning ordinance amendments to be adopted **if an acceptable Forest Practice Rules package is not adopted by the State:**

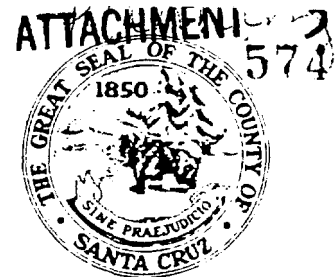
This option would essentially maintain the **status** quo as far as zoning parcels for timber harvesting, but new ordinances are proposed to duplicate and, in some cases, strengthen, the **FPR** provisions that can be translated to zoning ordinances.

Zoning:	TP	PR
	M-3	SU*
	CA	A

* SU w/timber resource; SU w/o timber resource on parcels 20 acres in size or greater if the criteria for General Plan consistency can be met.

- Implementation:
1. Amend the Use Charts for each zone district noted above to add "..., subject to the provisions of County Code Section 13.10.695" after the entry in each chart where timber harvesting is listed as an allowed use
 2. Create a new County Code Section (13.10.695) that requires **THP's** in **non-TP** zone districts to meet specific locational criteria, derived from the proposed FPR changes, for timber harvesting operations, such as excluding:
 - 1) riparian corridors(except for necessary crossings)
 - 2) residential buffers(larger than proposed in the FPR amendments)
 - 3) geologic hazards(landslides, etc.), and limiting timber harvesting to specific sized parcels, etc
 3. Amend Section 13.10.380 et seq to allow timber harvesting in the SU zone district on all parcels with the timber resource designation and on those parcels without the timber resource designation if all criteria have been met
 4. Amend Section 13.10.3 12(b) to add timber harvesting as an allowed use in the CA and A zone districts
 5. Amend **GP/LCP** Policy 5.13.5 to add timber harvesting as a principal permitted use on CA zoned land
 6. Amend **GP/LCP** Policy 5.14.1 to add timber harvesting as a use allowed on non-commercial agricultural land(A zone)

COUNTY OF SANTA CRUZ
STATE OF CALIFORNIA



AT THE BOARD OF SUPERVISORS MEETING

On the Date of February 24, 1998

REGULAR AGENDA Item No. 060

(Public hearing held to consider the recommendations of
(the Timber Technical Advisory Committee and the
(extension of Ordinances 4473 and 4476 establishing
(interim zoning regulations;

(Closed public hearing:

((1) Expressed the gratitude of the Board of Supervisors to
(the members of the Timber Technical Advisory Committee
(for their efforts in considering and making
(recommendations regarding the future regulatidn of
(timber harvest operations in Santa Cruz County, and
(directed the Chair of the Board of Supervisors to
(extend a written thank you to the Committee's members
(for their work:

((2) Accepted and filed report on timber harvest issues and
(the work of the Timber Technical Advisory Committee:

((3) Motion made to adopt an Ordinance extending Ordinances
(Nos. 4476 and 4469 Establishing Interim Zoning
(Regulations:

((4) Directed the Planning Department, in consultation with
(members of the public, to prepare recommendations for
(amendment to the State Forest Practic Rules to be
(submitted to the Board of Supervisors on June 2, 1998,
(for approval and submission to the State Board of
(Forestry for adoption;

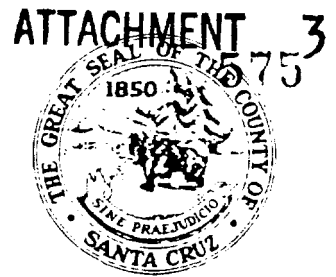
((5) Directed the Planning Department to prepare and submit
(to the Board of Supervisors on June 2, 1998, draft
(recommendations for the implementation of new zoning
(regulations restricting the location of timber harvest
(operations including the location of helicopter
(staging and loading areas in the County, to be
(processed for subsequent consideration for adoption by
(the Board of Supervisors in the event that the State
(Board of Forestry fails to adopt a package of Forest
(Practice Rules to be effective January 1, 1999 and
(that are found by the Board of Supervisors to
(adequately address the timber harvest impacts in the
(County...

Public hearing held to consider the recommendations of the Timber
Technical Advisory Committee and the extension of Ordinance Nos.
4473 and 4476 establishing interim zoning regulations;

State of California, County of Santa Cruz-ss.

I, Susan A. Mauriello, Ex-officio Clerk of the Board of Supervisors of the County of Santa Cruz, State of California, do hereby certify that the foregoing is a true and correct copy of the order made and entered in the Minutes of said Board of Supervisors. In witness thereof I have hereunto set my hand and affixed the seal of said Board of Supervisors.

COUNTY OF SANTA CRUZ
STATE OF CALIFORNIA



AT THE BOARD OF SUPERVISORS MEETING

On the Date of February 24, 1998

REGULAR AGENDA Item No. 060

Closed public hearing;

Upon the motion of Supervisor Wormhoudt, duly seconded by Supervisor Almquist, the Board, by unanimous vote, expressed the gratitude of the Board of Supervisors to the members of the Timber Technical Advisory Committee for their efforts in considering and making recommendations regarding the future regulation of timber harvest operations in Santa Cruz County, and directed the Chair of the Board of Supervisors to extend a written thank you to the Committee's members for their work:

Upon the motion of Supervisor Wormhoudt, duly seconded by Supervisor Almquist, the Board, by unanimous vote, accepted and filed report on timber harvest issues and the work of the Timber Technical Advisory Committee;

Motion made by Supervisor Wormhoudt, seconded by Supervisor Almquist, to adopt an Ordinance extending Ordinance Nos. 4476 and 4469 Establishing Interim Zoning Regulations: motion failed, with Supervisors Symons and Belgard voting "no";

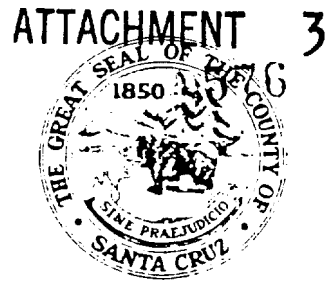
Upon the motion of Supervisor Wormhoudt, duly seconded by Supervisor Almquist, the Board, by unanimous vote, directed the Planning Department, in consultation with members of the public, to prepare recommendations for amendment to the State Forest Practice Rules to be submitted to the Board of Supervisors on June 2, 1998, for approval and submission to the State Board of Forestry for adoption:

Upon the motion of Supervisor Wormhoudt, duly seconded by Supervisor Almquist, the Board, by unanimous vote, directed the Planning Department to prepare and **submit** to the Board of Supervisors on June 2, 1998, draft recommendations for the implementation of new zoning regulations restricting the location of timber harvest operations including the location of helicopter staging and loading areas in the County, to be processed for subsequent consideration for adoption by the Board of Supervisors in the event that the State Board of Forestry fails to adopt a package of Forest Practice Rules to be effective January 1, 1999 and that are found by the Board of Supervisors to adequately address the timber harvest impacts in the

State of California, County of Santa Cruz-ss.

I, Susan A. Mauriello, Es-officio Clerk of the Board of Supervisors of the County of Santa Cruz, State of California, do hereby certify that the foregoing is a true and correct copy of the order made and entered in the Minutes of said Board of Supervisors. In witness thereof I have hereunto set my hand and affixed the seal of said Board of Supervisors.

COUNTY OF SANTA CRUZ
STATE OF CALIFORNIA



AT THE BOARD OF SUPERVISORS MEETING
On the Date of February 24, 1998

REGULAR AGENDA Item No. 060

County

cc:

CAO
Planning
County Counsel
Timber Technical Advisory Committee

State of California, County of Santa Cruz-ss.

I, Susan A. Mauriello, Es-officio Clerk **of** the Board **of** Supervisors, of the County **of** Santa Cruz, State of California, do hereby certify that *the foregoing is a true and correct copy of the order made and entered in the Minutes of said Board of Supervisors.* In witness thereof I have hereunto set my hand and affixed *the seal of* said Board **of** Supervisors, on February 27, 1998.

Page 3 of 3

701 Susan Mauriello, Deputy Clerk

COUNTY OF SANTA CRUZ
STATE OF CALIFORNIA



AT THE BOARD OF SUPERVISORS MEETING

On the Date of March 24, 1998

REGULAR AGENDA Item No. 080

(CONSIDERED actions regarding timber harvest policies (in Special Use Zones: (The Board took action to state that its interpretation (of Special Use (SU) zoning is that it requires a Level 5 hearing for logging unless the parcel has a timber overlay; directed that public hearings will focus only (on whether the parcel meets the criteria for timber overlay and should receive that designation: (directed the Planning Department to return on April 14, 1998 with clear criteria for determining whether (Special Use (SU) parcels meet timber overlay standards. The criteria will address the issue of (timber stand density, suitability of slopes and an (absence of natural hazards as well as the yearly board (foot production. This shall be consistent with the (timber policies contained in the 1972 Parks, Open (Space and Cultural Services Plan; directed the (Planning Department to return on June 2, 1998 with a (recommendation for a permanent ordinance addressing (and eliminating the inconsistencies in the Special Use ((SU) zone regarding timber harvesting as well as the (recommended rule change package to be submitted to CDF (and all other items previously authorized by the Board (of Supervisors; with an additional directive to return (April 14, 1998 with an appropriate resolution to (change the Unified Fee Schedule to charge a maximum of (\$300 for rezoning to Timber Production zone. property (only for the period between when the interim ordinance (expires and June 2, 1998...

Considered actions regarding timber harvest policies in Special Use Zones;

Upon the motion of Supervisor Wormhoudt, duly seconded by Supervisor Beautz, the Board, with Supervisors Symons and Belgard voting "no", took action to state that its interpretation of Special Use (SU) zoning is that it requires a Level 5 hearing for logging unless the parcel has a timber overlay; directed that public hearings will focus only on whether the parcel meets the criteria for timber overlay and should receive that designation; directed the Planning Department to return on April 14, 1998 with clear criteria for determining whether Special Use (SU) parcels meet timber overlay

State of California, County of Santa Cruz-ss.

I, Susan A. Mauriello, Es-officio Clerk of the Board of Supervisors of the County of Santa Cruz, State of California, do hereby certify that the foregoing is a true and correct copy of the order made and entered in the Minutes of said Board of Supervisors. In witness thereof I have hereunto set my hand and affixed the seal of said Board of Supervisors.

C O U N T Y O F S A N T A C R U Z
STATE OF CALIFORNIA

ATTACHMENT 578T



AT THE BOARD OF SUPERVISORS MEETING

On the Date of March 24, 1998

REGULAR AGENDA Item No. 080

standards. **The criteria will address** the issue of timber stand density, suitability of slopes and an absence of natural hazards as well as the yearly board foot production. This shall be consistent with the timber policies contained in the 1972 Parks, Open Space and Cultural Services Plan; directed the Planning Department to return on June 2, 1998 with a recommendation for a permanent ordinance addressing and eliminating the inconsistencies in the Special Use (SU) zone regarding timber harvesting as well as the recommended rule change package to be submitted to CDF and all other items previously authorized by the Board of Supervisors; with an additional directive to return April 14, 1998 with an appropriate resolution to change the Unified Fee Schedule to charge a maximum of \$300 for rezoning to Timber Production zone property only for the period between when the interim ordinance expires and June 2, 1998

cc:

County Administrative Officer
County Counsel
Planning Department



State of California, County of Santa Cruz-ss.

I, **Susan A. Mauriello**, Er-officio Clerk of the Board of Supervisors of the County of Santa Cruz, State of California, do hereby certify that the foregoing is a true and correct copy of the order made and entered in the Minutes of said Board of Supervisors. In witness thereof I have hereunto set my hand and affixed the seal of said Board of Supervisors, on March 27, 1998.

Page 2 of 2

70 by *Susan A. Mauriello*, Deputy Clerk

COUNTY OF SANTA CRUZ ATTACHMENT 5
STATE OF CALIFORNIA



AT THE BOARD OF SUPERVISORS MEETING

On the Date of April 14, 1998

REGULAR AGENDA Item No. 081

(CONSIDERED criteria and process for conducting the (Level V public hearing reviews to determine if parcels (zoned special use (SU) without timber resource designation should be considered as having a timber resource designation for the purpose of timber harvesting;
(1) accepted and filed report;
(2) adopted RESOLUTION NO. 134-98, as amended, adopting a (criteria review checklist and a procedure for (determination of General Plan consistency for timber harvesting in areas of the Special Use (SU) Zone (district that do not have a timber resources land use designation;
(3) adopted RESOLUTION NO. 135-98, as amended, revising (the Unified Fee Schedule;
(4) requested the Chairperson of the Board to write a (letter to Assembly Member Keeley transmitting the (requested legislative actions as discussed in this (letter;
(5) with an additional directive to Planning staff that (when this item returns on June 2, 1998, any additional (recommendations for consideration in the Keeley bill (be brought back to the Board at that time;
(6) and further directed Planning staff to have all (materials available May 21, 1998 for the June 2, 1998 (hearing;...

Considered criteria and process for conducting the Level V public hearing reviews to determine if **parcels zoned** special use (SU) without timber resource designation should be **considered as** having a timber resource designation for the purpose of timber harvesting;

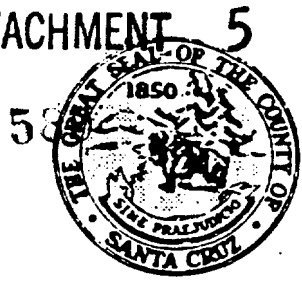
Upon the motion of Supervisor Wormhoudt, duly seconded by Supervisor Beautz, the Board, with Supervisors Symons and Belgard voting "no", accepted and filed report;

Motion made by Supervisor Wormhoudt, seconded by Supervisor Beautz, to amend language of Criteria No. 1 of the Criteria Review Checklist to read "parcel size of twenty acres or greater"; motion failed with Supervisors Symons, Belgard and Almquist voting "no";

State of California, County of Santa Cruz-ss.

I, Susan A. **Mauriello**, **Ex-officio** Clerk of the Board of Supervisors of the County of Santa Cruz, State of California, **do hereby** certify that the foregoing is a true and correct copy of the order made **and entered in the Minutes** of said Board of Supervisors. In witness thereof I have hereunto set my hand and affixed the seal of said Board of Supervisors.

COUNTY OF SANTA CRUZ ATTACHMENT 5
STATE OF CALIFORNIA



AT THE BOARD OF SUPERVISORS MEETING
On the Date of April 14, 1998

REGULAR AGENDA Item No. 081

Motion made by Supervisor Wormhoudt, seconded by Supervisor Beautz, to amend language of Criteria No. 2 of the Criteria Review Checklist to read "slopes greater than fifty percent..."; motion failed with Supervisors Symons, Belgard and Almquist voting "no";

Motion made by Supervisor Wormhoudt, seconded by Supervisor Beautz, to amend language of Criteria No. 4 of the Criteria Review Checklist to read "areas of property...are excluded and parcels that do not have a minimum stand density of twenty percent shall be excluded"; motion failed with Supervisors Symons, Belgard and Almquist voting "no";

Motion made by Supervisor Wormhoudt, seconded by Supervisor Beautz, to amend language of Criteria No. 6 of the Criteria Review Checklist to read "Areas within a 500-foot buffer..."; motion failed with Supervisors Symons, Belgard and Almquist voting "no";

Upon the motion of Supervisor Almquist, duly seconded by Supervisor Symons, the Board, with Supervisors Wormhoudt and Beautz voting "no", adopted RESOLUTION NO. 134-98, as amended, adopting a criteria review checklist and a procedure for determination of General Plan consistency for timber harvesting in areas of the Special Use (SU) Zone district that do not have a timber resources land use designation;

AMENDED LANGUAGE TO RESOLUTION NO. 134-98 CRITERIA REVIEW CHECKLIST CRITERIA NO. 6 TO READ: Areas within a 200-foot buffer,...., are excluded, "except as waived, in writing, by the occupant of the dwelling."

Upon the motion of Supervisor Almquist, duly seconded by Supervisor Beautz, the Board, with Supervisors Symons and Belgard voting "no", adopted RESOLUTION NO. 135-98, as amended, revising the Unified Fee Schedule;

AMENDED LANGUAGE OF RESOLUTION NO. 135-98 RE: REZONING FEE PROVISIONS TO READ:
"At Cost, except that the fee for application for rezoning to the Timber Production Zone District shall be \$750.00."

State of California, County of Santa Cruz-ss.

I, Susan A. Mauriello, Ex-officio Clerk of the Board of Supervisors of the County of Santa Cruz, State of California, do hereby certify that the foregoing is a true and correct copy of the order made and entered in the Minutes of said Board of Supervisors. In witness thereof I have hereunto set my hand and affixed the seal of said Board of Supervisors.

COUNTY OF SANTA CRUZ 581
STATE OF CALIFORNIA



AT THE BOARD OF SUPERVISORS MEETING

On the Date of April 14, 1998

REGULAR AGENDA Item No. 081

Upon the motion of Supervisor Wormhoudt, duly seconded by Supervisor Beutz, the Board, with Supervisors Symons and Belgard voting "no", requested the Chairperson of the Board to write a letter to Assembly Member Keeley transmitting the requested legislative actions as discussed in this letter;

Upon the motion of Supervisor Wormhoudt, duly seconded by Supervisor Beutz, the Board, with Supervisors Symons and Belgard voting "no", directed Planning staff that when this item returns on June 2, 1998, any additional recommendations for consideration in the Keeley bill be brought back to the Board at that time;

Upon the motion of Supervisor Wormhoudt, duly seconded by Supervisor Beutz, the Board, with Supervisor Belgard voting "no", further directed Planning staff to have all materials available May 21, 1998 for the June 2, 1998 hearing

'cc:

CAO
Planning

~~State of California, County of Santa Cruz-ss.~~

I, Susan A. Mauriello, Ex-officio Clerk of the Board of Supervisors of the County of Santa Cruz, State of California, do hereby certify that the foregoing is a true and correct copy of the order made and entered in the Minutes of said Board of Supervisors. In witness thereof I have hereunto set my hand and affixed the seal of said Board of Supervisors, on April 20, 1998.

by *Juanita Sanchez*, Deputy Clerk

SANTA CRUZ COUNTY

PROPOSED AMENDMENTS TO THE CALIFORNIA FOREST PRACTICE RULES

Proposed text is underlined. Deletions from existing text are shown with strikeout. All other text is existing rule language.

1. **Amend 926.3 (a),(b) and (c) Plan Submittal and Notice of Intent [Santa Cruz County]**

14 CCR 1032.7, subsections (c),(e),(f) ~~and (g) and (h)(1)~~ shall not apply in Santa Cruz County. In lieu of those subsections the following shall apply:

- (a) The plan submitter shall prepare and submit to the Director, with the plan, a Notice of Intent to Harvest Timber as described in 14 CCR 1032.7(d) including the following:
- (1) In the event log hauling is proposed over non-appurtenant private roads, the Notice of Intent will also include the following:
- (i) Disclosure of available documentation regarding the right to access or use private road(s).
- (ii) A statement as to the estimated number of total logging truck loads to be removed and the approximate duration, number of loads per day and time of daily trips.
- (iii) A statement as to how obligations to maintain the road shall be satisfied commensurate with use.
- (iv) Specific reviewable measures which provide for the safe use of the road.
- (2) The location and extent of flagging of property line boundaries and residential buffer areas.
- (3) In the event helicopter yarding is proposed the Notice of Intent will include a map of the planned flight path and approximate duration and number of flights per day.
- (b) The plan submitter shall furnish to the Department at the time of submission of the plan, the names and addresses of all property owners within 300 ft. of the exterior boundaries of assessor's parcels upon which a plan has been submitted, and the names and addresses of property owners with property fronting or bordering that portion of the haul route lying between the plan area and the nearest public road. and the addresses of all applicable private road associations on record with the County. The list shall be compiled from the latest equalized assessment roll of the county or a list provided by a title insurance company.
- (c) The plan submitter shall mail copies of the Notice of Intent to all property owners and all applicable private road associations identified pursuant to (b) at least 10 days prior to plan submission and at this time shall post a copy of the Notice of Intent including a map as described in 14 CCR 1032.7.(d)(8) at a conspicuous location at an intersection of the private road where a majority of the road association members can view the notice. Said Notice of Intent shall be on

colored paper or identified with colored flagging so as to be easily visible to the public. The plan submitter shall further mail the Notice of intent to:

- (1) All members of the Board of Supervisors in whose district any timber operation is proposed;
 - (2) The local school district;
 - (3) The publicly-owned water district which maintains any water production or water storage facility in the watershed within which any timber operation is proposed. At the time of plan submission, the plan submitter shall certify in writing that this procedure has been followed.
- (d) The plan submitter shall have the Notice of Intent published in a newspaper of general circulation in the area, concurrently with the submission of the plan to the Director. Proof of publication of notice shall be provided to the Director prior to his/her determination made pursuant to 14 CCR 1037.6.
- (e) For plan amendments, the submitter of the amendment shall certify in writing at the time the amendment is submitted that copies of a new Notice of Intent have been mailed to:
- (1) All property owners not previously noticed under sub-section (b) who, because of the plan amendment, would be required to receive the notice provided in subsection (b).
 - (2) All property owners previously noticed under subsection (b) when there is a change in silvicultural method.

2. 926.7 Review Team Field Review [Santa Cruz County]

Any review team member may, on request, accompany the Department as an advisor to the Department, on any field review the Department conducts prior to approval of the plan. The review period shall be extended from 45 days to 60 days when multi-owner private roads are to be used for hauling.

3. 926.9 Hours of Work [Santa Cruz County]

The operation of chain saws and other power-driven saw equipment shall be restricted to the hours between 7:00 a.m. and ~~9:00~~ 7:00 p.m., and shall be prohibited on Saturdays, Sundays, and nationally designated legal holidays. The operation of chain saws and all other power equipment, except licensed highway vehicles, within 300 ft. of an occupied dwelling shall be restricted to the hours between ~~6:00~~ 8:00 a.m. and ~~9:00~~ 6:00 p.m., and shall be prohibited on Saturdays, Sundays and nationally designated legal holidays. When it is anticipated that there will be staging of licensed vehicles outside the plan submitter's property before the hours of 6:00 a.m., the RPF shall provide an operating plan which reduces noise impacts to nearby residences.

The Director may grant an exception to allow operations between 7:00 a.m. and 7:00 p.m. within 300 feet of residences if a determination of "no disturbance" can be made based upon the occupant(s) response to a written request submitted by the RPF. An-Any other exceptions to

this rule may be granted by the Director where he/she has found that no disturbance will result to the occupants of the dwelling from the use of such equipment.

4. 926.11 Flagging of Property Lines [Santa Cruz County]

~~In addition to other flagging requirements in Subchapter 3 of Title 14 CCR, the Director, where necessary to protect adjoining properties may require flagging of~~ The RPF shall, prior to plan submission to the Department, flag approximate property lines on the site where any truck road, tractor road or harvest area is proposed within 100 ft. of a property line.

5. 926.13 Performance Bonding [Santa Cruz County]

When hauling logs pursuant to a THP, the LTO shall provide for the repair of any damage to a county or private road that is ~~willfully or negligently~~ caused by the LTO's log hauling operations, and shall provide for the repair of any damage caused by the LTO's log hauling operations to appurtenant structures, including, but not limited to, guard rails, signs, traffic signals, culverts, curbs and similar facilities. If necessary to ensure compliance with this section, the county or applicable private road associations may request, and the Department, upon such request, may require the timber operator or responsible party to post adequate financial security to restore paved or unpaved county or private roads and appurtenant structures which are damaged by log hauling operations. The request for posting of financial security shall be made to the Department during the THP review procedure and no later than five days before the Director's decision date. The followinn standards apply:

- (a)** For County roads, The timber operator or responsible party shall post a certificate of deposit, certificate of insurance or performance bond, or other financial security in favor of the Department in a reasonable amount set by the Director, not to exceed \$5,000 per mile of county road used or \$50,000, whichever is less and subject to provisions of Division 3, Part I, Chapter 1, Article 8, Sec. 11110 through 11113 of the Gov. C. Such cash deposit or other acceptable financial security shall cover a period not to exceed the effective period of the plan.

When a form of financial security is required, logging trucks shall not use the county roads until the required security is posted with the Department. The Director shall release the bond or equivalent to the principal of the security upon completion of log hauling operations and compliance with the requirements of this section. If and when repairs are necessary, the Director shall request the operator to provide for making the repairs. If the repairs are not made the Department may take corrective action and may order ~~the~~ bond, or equivalent, forfeited in an amount not to exceed actual damage. When a bond or equivalent has been posted, the Department shall provide the county with a copy of the Work Completion Report. The county shall advise the Department in writing within 30 days of its receipt of notification of completion of hauling operations or the Work Completion Report if damage has occurred repairs need to be made. If the county fails to notify the Director within 30 days, the bond of surety shall be released.

- (b)** For private roads, the timber operator or responsible party shall either obtain a written agreement providing for road repair obligations between timber harvester and other landowners with interest in road, addressing the issue of security for repair costs, or post a bond, certificate of deposit or other form of collateral to secure payment of cost of road repairs to private road caused by harvest operations in the amount as calculated using the following schedule:

- (i) \$300.00 for every 300 feet of dirt road to be used.
- (ii) \$500.00 for every 300 feet of gravel rock road to be used.
- (iii) \$800.00 for every 300 feet of oil and screen road to be used.
- (iv) \$1,000.00 for every 300 feet of paved road to be used.

6. 926.15 Road Construction and Maintenance [Santa Cruz County]

In addition to Article 12 (14 CCR Sections 923 through 923.81, the following shall apply in Santa Cruz County:

- (a) New logging roads shall be subject to the following limitations:
 - (1) New road construction shall be prohibited where any of the following conditions are present:
 - (i) Slopes steeper than 65%.
 - (ii) Slopes steeper than 50% where the erosion hazard rating is high or extreme.
 - (iii) Slopes over 50% which lead to a watercourse or lake, without flattening to sufficiently dissipate water flow and trap sediment.
 - (2) Any exceptions to subsection (1) granted by the Director will require abandonment of the road immediately following cessation of active logging operations. Abandonment to include recontouring to the slope that existed prior to construction and re-establishment of all drainage to pre-existing conditions or providinn for sheet dispersal of water flow so that it is hydrologically invisible.
 - (3) Whenever new road construction is proposed and the plan submitter owns or controls any property contiguous to the parcel or parcels on which timber operations are proposed, and such contiguous property contains timberland, the RPF shall include a map and explanation of how the new road is integrated into the existing or proposed truck road and associated transportation system for all the contiguous property owned or controlled by the plan submitter on which timberland is found. Such proposed integrated truck road and associated transportation system shall be reviewed in connection with review of the proposed plan, and the plan shall be modified, if necessary, to assure that the approved plan will be compatible and consistent with timber operations on the contiguous property.
 - (4) Any new permanent logging roads or bridges that will be used to serve other purposes in addition to timber harvesting shall be subject to all County road standards and applicable policies, including the requirement for a County grading permit.
- (b) All new and existing permanent logging roads used year round shall be treated to prevent excessive loss of road surface materials by the use of non-erodible surfacing materials meeting the following minimum standards:
 - (1) Slopes between 0% and 10% require a gravel surface to a depth of 6 inches, and renewed treatment upon resurfacing of bare soil.
 - (2) Slopes between 10% and 15% require a 5-inch layer of baserock and oil and screen.

- (3) Slopes greater than 15% require a 5-inch layer of Class II baserock with a 1-1/2 inches of asphaltic concrete overlay.
- (c) All new and existing seasonal roads shall be maintained throughout their use and require an approved erosion and drainage plan and yearly inspections between harvest Plans by a Certified Professional in Erosion and Sediment Control or licensed soils engineer or shall be abandoned in compliance with 14 CCR 923.8.
- (d) All new tractor roads shall be abandoned immediately following cessation of active logging operations.

7. 926.16 Flagging [Santa Cruz County]

The location of proposed truck roads, constructed tractor roads, landings, and watercourse crossings, riparian corridor exclusion areas and any proposed changes to waterbreaks which are within the WLPZ, and on mapped unstable areas or on slopes over 65% regardless of erosion hazard rating, shall be designated on the plan map and shall be located in the field with flagging. Such flagging shall occur prior to the preharvest inspection if one is to be conducted. Flagging for truck roads and constructed tractor roads will be intervisible along the proposed alignments.

8. 926.17 Abandonment of Roads and Landings [Santa Cruz County]

When an existing truck road, tractor road, or landing is located in an area in which it could not be newly constructed in conformance with these rules, then, ~~where feasible,~~ such road or landing shall be abandoned, stabilized, recontoured, revegetated, and restricted from vehicular use, ~~unless the use of such road or landing would produce less environmental impact than the use of a new road or landing constructed in accordance with these rules.~~

9. 926.19 Erosion Control Maintenance [Santa Cruz County]

The plan submitter shall maintain all drainage structures and drainage facilities and gating or other road closure facilities required by these rules in effective working condition throughout the required one winter periods after completion of timber operations unless other stricter measures are required under the FPA. All trails, landings and work areas shall be reseeded, mulched or protected by compacting woody debris from harvest operation. The Director may require further measures to prevent unnecessary damage to road surfaces from unauthorized use and to protect the Quality and beneficial uses of water. The timberland owner shall have the option to designate what measures are to be employed to achieve the level of protection desired by the Director. A work completion report may not be filed until this requirement has been met. ~~The Director may require the timberland owner to maintain erosion control facilities throughout the plan area up to the time of the landowners re-entry of the unit or sale of the property when there is evidence of the lack of maintenance in the past. The County representative responsible for review of timber harvests may attend the work completion inspection with the Department to review erosion control measures.~~

10. 926.22 Treatment of Logging Slash [Santa Cruz County]

In addition to requirements of 14 CCR 917.4 limb stubs on tree top slash shall be lopped to 8 in. (20.3 cm) or less from the bole of the tree.

11. 926.23 Contents of Plan [Santa Cruz County]

In addition to 14 CCR 1034 the following shall apply in Santa Cruz County:

- (a)** When log hauling is proposed over non-appurtenant private roads, the RPF shall provide:
- (1) Information substantiating the timber owner's legal right to access or use said private road(s).
 - (2) A statement as to the estimated number of total logging truck loads to be removed and the approximate number of loads per day and timing of daily trips.
 - (3) A statement as to how obligations to maintain the road shall be satisfied commensurate with use.
 - (4) Specific reviewable measures which provide for the safe use of the road.
 - (5) Videotape, photograph or other means of documentation for noting the existing conditions of the road.
- (b)** The RPF shall disclose the basis for the location of property boundaries.

12. 926.24 Residential Buffer Zone [Santa Cruz County]

Harvesting or other timber operation are prohibited within 200 feet of any legal structure used for residential purposes on parcels not zoned TPZ without the property owner's consent in writing, except for dead, dying and diseased trees which are imminently threatening legal habitable structures or which constitute a fire hazard. If timber operations do occur within 200 feet of a residential dwelling, all slash shall be lopped to 30.5 cm (12 in.) or less or removed, within 10 working days of log removal operations.

13. 926.25 Special Harvesting Methods [Santa Cruz County]

14 CCR 913.8 subsections (a), except for the basal area and countable tree stocking standards shall not apply in Santa Cruz County, instead the following shall apply:

- (a)** Leave uncut a well-distributed timber stand after timber operations have been completed on the logging area that is determined by using the following criteria based on the site classification as defined by PRC 4528(d). The re-entry period shall be based on the proposed level of harvest.
- (1) Site I Lands - Allowed harvest of 40% of trees 61.0 cm (24 in.) and more d.b.h. in any 10 year period or 50% of trees over 61.0 cm (24 in.) and more d.b.h. in any 14 year period.
 - (2) Site II Lands - Allowed harvest of 40% of trees 55.9 cm (22 in.) and more d.b.h. in any 10 year period or 50% of trees over 55.9 cm (22 in.) and more d.b.h. in any 14 year period.

- (3) Site III Lands - Allowed harvest of 40% of trees over 50.8 cm (20 in.) and more d.b.h. in any 10 year period or 50% of trees over 50.8 cm (20 in.) and more d.b.h. in any 14 year period.
- (4) Site IV and V Lands - Allowed harvest of 40% of trees over 38.1 cm (15 in.) and more d.b.h. in any 14 year period.

(b) Leave trees shall be thrifty coniferous trees which were dominant and codominant in crown class prior to timber harvesting or which have crowns typical of such dominant and codominant trees. They shall be free from significant damage caused by the timber operations. No conifer shall be cut which is more than 22.9 m (75 ft.) from a leave tree of equal size class. Average top stump diameter, outside bark, shall be considered 2.5 cm (1 in.) greater than d.b.h. No area may be cut in excess of the leave tree standards Of this rule. The equal size class range is defined as follows:

- (1) Over 38.1 cm (15 in.) to 45.7 cm (18 in.) d.b.h.
- (2) Over 45.7 cm (18 in.) to 61.0 cm (24 in.) d.b.h.
- (3) Over 61.0 cm (24 in.) to 81.3 cm (32 in.) d.b.h.
- (4) Over 81.3 cm (32 in.) to 91.4 cm (36 in.) d.b.h.
- (5) Any tree over 91.4 cm (36 in.) d.b.h.

(c) An alternative method may be approved only if a RPF submits a stratified random sample, of at least 5% of the property or harvest area, with statistically valid growth data that supports a cutting percentage and cutting cycle that will achieve the same yield of timber on each successive harvest in perpetuity. In no event shall the cutting cycle exceed 20 years. The landowner must submit to the Director, a Nonindustrial Timber Management Plan (NTMP) or a Sustained Yield Plan (SYP) as provided in Article 6.5 and 6.75. Subchapter 7. Before commencement of harvesting operations the property owner shall record at the County a Declaration of Restriction which cites the approved cutting percentages and cutting cycle as stated in the NTMP or SYP.

14. 926.26 Water Course and Lake Protection [Santa Cruz County]

In addition to the requirement of Article 6 (14 CCR Sections 916 to 916.10 the followinn shall apply in Santa Cruz County:

- (a)** No timber harvesting operations are allowed within riparian corridors. The width of this no cut, no entry zone is defined as follows:
 - (1) At least 15.2 m (50 feet) from Class I and II watercourses.
 - (2) At least 9.1 m (10 feet) from Class III watercourses.
- (b)** Those trees not allowed to be cut in the riparian corridor can be traded for equal volume outside of the WLPZ to a maximum of 60% or those trees in the same size class range as defined in 14 CCR 926.25 (b) as present prior to commencement of current timber operations.

- (c) The width of the riparian corridor shall be measured along the ground from the top edge of the watercourse bank.
- (d) Exceptions are allowed for temporary stream crossings (fords, bridges, culverts, etc.) if no other alternative exists as explained and justified in the THP and approved by the Director.

15. 926.27 Non-native Plants [Santa Cruz County]

The prescribed maintenance period for the eradication of French broom or other invasive, non-native plants along the harvest roads and landings shall be at least two years after completion of the harvest.

16. 926.28 Helicopter Operations [Santa Cruz County]

Helicopter service and landing zones must be sited within the THP boundaries, Helicopter operations within 1000 feet of an inhabited residence are restricted to the hours between 7:00 a.m. and 7:00 p.m. and shall be prohibited on Saturdays, Sundays and nationally designated legal holidays. The Director may grant an exception if a determination of "no disturbance" can be made.

MARK MORGENTHALER

25401 Spanish Ranch Road
Los Gatos, CA 95030
(H) (408) 353-5536
(W) (408) 357-5536
Fax (408) 353-5526

May 3, 1998

Jeff Almquist, Supervisor
Santa Cruz County Board of Supervisors
701 Ocean Street
Santa Cruz, CA 95060

SUBJECT: RESPONSE TO PROPOSED TIMBER HARVEST REGULATIONS

Dear Jeff,

Thank you for meeting with us on last Monday to explore options for developing timber harvest regulations for the County. At the conclusion of that meeting, we agreed to provide you with the details of our recommendations on the issues of where and how timber harvest should be allowed in our County. We have invested a great deal of time and effort since that meeting in reviewing the proposed rules and projecting the impact of various rule structures. Because of the large effort and number of people involved in this process, we have not been able to provide you with these details as quickly as we had originally hoped, but we believe that effort will allow the development of the needed regulations to now move forward with more understanding of the impacts.

Because of the need to respond to the Planning Department by their deadline for commenting on the proposed rules package, we have prepared and submitted a set of requested changes to the currently proposed rules package. We remain quite open, however, to continued discussion and possible evolution of the rules as this process continues.

To gauge the impacts of various rules proposals, we have created a model which estimated the acres of Timber Resource in the County that are located in each zone district and how those lands would be affected by harvesting rules, with specific focus on the buffering of riparian corridors and residential uses. The purpose of this modeling effort is to demonstrate how the combined application of zoning and harvesting rules result in the allocation of the timber resources of the County to the disparate demands of commercial harvesting, environmental management, and residential enjoyment and protection. The model is based on acreage figures provided by the Planning Department, with expanded projection of the number of acres of Timber Resource outside of the TP zone district which is not accounted for in the existing mapping. We would be very happy to fully explain this modeling work and provide staff and the Board with the modeling results.

LOCATIONAL IMPACTS OF PROPOSED ZONING AND RULES

The model projections we have prepared: allow us to draw conclusions regarding the amount of timber resource land which will be available and subject to timber harvesting. The results of this analysis is presented below. In addition, we would be happy to discuss regulatory approaches other than those outlined in the options below and which distinguish two levels of harvesting practices based on considerations of zoning and buffers.

1. The current County rules proposal based on a single set of harvesting standards applied to all of the non-residential zone districts, would result in over 94% of the timber resources in the County being subject to full scale commercial harvesting. Under the proposed standards, the beneficial management of timber and environmental resources on these lands would be solely at the option of the land owners. Less than 7% of the land containing timber resources would be obligated to provide protection to the adjacent residential uses. Clearly this disposition is not responsive to the diverse needs placed on our County's timber resources. In addition, such regulations incorporating a 14 year reentry period would allow on average the annual harvesting of over 6,700 acres of timber land, which is 3.0 times the average annual acreage harvested over the last 11 years.

FIGURE 1: ACRES OF TIMBER RESOURCE HARVESTABLE UNDER THE COUNTY PROPOSED RULES

TOTAL TIMBER RESOURCE		RIPARIAN BUFFER		RESIDENTIAL BUFFER		ALLOCATION OF TIMBER RESOURCE ACREAGE		
ZONE	DISTRICT ACRES	50' NO CUT*	LIMITED CUT	200' NO CUT	LIMITED CUT	FULL CUT	LIMITED CUT	NO CUT
<u>HARVEST</u>								
TP	62,900	0	(n/a)	(n/a)	(n/a)	62,900	0	0
M-3	0	0	(n/a)	0	(n/a)	0	0	0
PR	6,000	0	(n/a)	100	(n/a)	5,900	0	100
A/CA	3,400	0	(n/a)	0	(n/a)	3,400	0	0
su	22,800	0	(n/a)	600	(n/a)	22,200	0	600
<u>NO HARVEST</u>								
RA	6,000	(n/a)	(n/a)	(n/a)	(n/a)	0	0	6,000
R-I	0	(n/a)	(n/a)	(n/a)	(n/a)	0	0	0
R-R	0	(n/a)	(n/a)	(n/a)	(n/a)	0	0	0
<u>TOTAL</u>	101,100	0.0	0.0	700	0.0	94,400	0	6,700
% of TR	100.0%	0.0%	0.0%	0.7%	0.0%	93.4%	0.0%	6.6%

* County proposed Rules allow transfer of allowable harvest to outside the buffer area.

2. In order to utilize the proposed harvesting standards and still meet the environmental and residential needs of the community, the proposed rules would have to be changed at a minimum to include residential and riparian no-harvest buffers, and the harvests would have to be limited to land only within the TP zone district. If such zoning restrictions are imposed and harvesting is eliminated within a riparian buffer established 300 feet on both sides of streams and within a residential buffer of 200 feet adjacent to residences, the harvestable acreage containing timber resources could be reduced to just over 55% of the total resource acreage in the County. Although these restrictions would result in better meeting the needs of the residential community and the goal for environment protection, they clearly create a problem for the many owners of non-TP land who wish to harvest their property. This undesirable result demonstrates the fatal flaw in the timber industry's proposal for one set of harvesting rules. This option which incorporates the same 14 year reentry period, however, would still allow on average the annual harvesting of almost 4,000 acres of timber land, which is 1.8 times the average annual acreage harvested over the last 11 years.

FIGURE 2: ACRES OF TIMBER RESOURCE HARVESTABLE UNDER THE COUNTY PROPOSED RULES WITH MODIFICATIONS

TOTAL TIMBER RESOURCE	RIPARIAN BUFFER		RESIDENTIAL BUFFER		ALLOCATION OF TIMBER RESOURCE ACREAGE		
	300' NO CUT	LIMITED C U T	200' NO CUT	LIMITED CUT	FULL CUT	LIMITED CUT	NO CUT
HARVEST							
TP 62,900	6,500	(n/a)	600	(n/a)	55,800	0	7,100
NO HARVEST							
M-3 0	(n/a)	(n/a)	(n/a)	(n/a)	0	0	0
PR 6,000	(n/a)	(n/a)	(n/a)	(n/a)	0	0	6,000
A/CA 3,400	(n/a)	(n/a)	(n/a)	(n/a)	0	0	3,400
SU 22,800	(n/a)	(n/a)	(n/a)	(n/a)	0	0	22,800
RA 6,000	(n/a)	(n/a)	(n/a)	(n/a)	0	0	6,000
R-1 0	(n/a)	(n/a)	(n/a)	(n/a)	0	0	0
R-R 0	(n/a)	(n/a)	(n/a)	(n/a)	0	0	0
TOTAL 101,100	6,500	0.0	600	0.0	55,800	0	45,300
% of TR 100.0%	6.4%	0.0%	0.6%	0.0%	55.2%	0.0%	44.8%

3. In response to the County's rules proposals, we have submitted comments directed at implementing the intent expressed by the community representatives as a part of the Timber Technical Advisory Committee's recommendation. These proposals are based on a two-tiered set of harvesting rules based on both zone districts and buffer protection areas, and achieves the 55%/30%/15% division we discussed. The proposed rules would

establish protective buffer zones providing for no harvesting of timber within 50 feet of a stream and 200 feet of a residence. In addition, more sensitive harvesting practices would be required in buffers extending out to 300 feet from streams and 500 feet from residences. This option would allow full commercial harvesting in the TP zone district, with more sensitive harvesting practices required outside of TP. This option assumes that no harvesting activities will be allowed in residential zone districts as in the other options, and additionally no harvesting in the SU zone district on parcels of less than 20 acres. To provide needed flexibility, we propose that a new rural zone district be created that would allow timber harvesting, so that the smaller SU parcels could be considered for rezoning to the new district where appropriate. This option would allow for 52% of the timber resource lands to be fully harvested, and another 31.5% to be harvested under more sensitive practices, resulting in a total of almost 84% of the timber resource land being available for commercially harvesting. This option based on reentry periods of 14 and 20 years, would allow on average the annual harvesting of almost 5,300 acres of timber land, which is 2.3 times the average annual acreage harvested over the last 11 years.

**FIGURE 3: ACRES OF TIMBER RESOURCE HARVESTABLE
UNDER THE RECOMMENDED CHANGES TO THE PROPOSED RULES**

TOTAL TIMBER RESOURCE	RIPARIAN BUFFER		RESIDENTIAL BUFFER		ALLOCATION OF TIMBER RESOURCE ACREAGE		
	50' NO CUT	50'-300' LIMITED	200' NO CUT	200'-500' LIMITED	FULL CUT	LIMITED CUT	NO CUT
HARVEST							
TP 62,900	1,100	5,400	600	3,900	51,900	9,300	1,700
LIMITED HARVEST							
M-3 0	0 (included)		0 (included)		0	0	0
PR 6,000	100 (included)		100 (included)		0	5,800	200
A/CA 3,400	100 (included)		0 (included)		0	3,300	100
SU >20 ac 13,700	200 (included)		400 (included)		0	13,100	600
NO HARVEST							
SU <20 ac 9,100	(n/a)	(n/a)	(n/a)	(n/a)	0	0	9,100
RA 6,000	(n/a)	(n/a)	(n/a)	(n/a)	0	0	6,000
R-I 0	(n/a)	(n/a)	(n/a)	(n/a)	0	0	0
R-R 0	(n/a)	(n/a)	(n/a)	(n/a)	0	0	0
TOTAL 101,000	1,500	5,400	1,100	3,900	51,900	31,500	17,700
% of TR 100.0%	1.5%	5.3%	1.1%	3.9%	51.3%	31.5%	17.5%

SILVICULTURE STANDARDS

The rules that we have recommended include specific timber cutting standards which specify both the amount of timber that can be harvested as well as that which must be left standing after the harvest. These silviculture standards are found in Section 13 of the accompanying set of recommendations that have been presented to the County Planning Department. As we have previously explained, the objective of establishing two tiers of harvesting rules is to insure that the County's forests are managed for both the production of timber as well as the protection of the environment and the residential community. Based on the information we have reviewed, reducing the cut of timber outside of the TP zone district and within the proposed buffer zones which extend into TP will reduce the initial harvest of timber, but over the long run should provide equal or greater production of timber from these forested lands.

CONCLUSION

In summary, we are proposing that harvesting regulations be developed that are more sensitive to the diverse needs in the community for environmental and residential protection in conjunction with continued timber production based on the following propositions:

- harvesting rules that are based on land use distinctions defined through zoning
- the establishment of adequate protective buffers for riparian areas and residential areas adjacent to harvests
- silviculture standards directed at reestablishing late successional forest characteristics outside of defined TP commercial harvest areas
- operating standards that are more protective of adjacent property and residents

We are hopeful that you can not only support this approach, but that you will provide the leadership needed to bring resolution to the current impasse over harvesting rules. We look forward to continuing to work with you in this effort and we stand ready to meet and discuss these proposals with anyone you can suggest to move the process forward.

Sincerely,

MARK MORGENTHALER

MARK MORGENTHALER

Attachments

cc: Jan Beutz
Mardi Wornhoudt



May 1, 1998

To: Board of Supervisors
Planning Department

From: Steven M. Butler, Spokesperson
303 Potrero Street #42-202
Santa Cruz, CA. 95060
(408) 426-6415

Dear Supervisors and Planning Department Staff:

Our group of local responsible foresters has carefully reviewed the **draft** proposed amendments to the California Forest Practice Rules dated April 13, 1998. We have modified our earlier proposal dated January 28, 1998, to include as much of staffs wording or intent as possible while meeting the following guidelines:

- Proposed changes must be consistent with current law.
- They must have a reasonable chance to be approved by the Board of Forestry.
- They must be economically feasible, enforceable, reasonable' and equitable to timberland owners and neighborhood groups and the public.

Our latest proposed amendments are attached to this letter. The rationale for our position on each proposal of Planning Staff is outlined in this letter. We have used Planning Staff's numbers for each of the proposals.

1. We generally agree that the information in 1 (a) (1) should be disclosed. However, the Notice of Intent is supposed to be a brief summary -of the THP which is sent to neighbors and published in the newspaper. Adding too much information defeats its purpose. We are recommending that these items be specifically required to be stated in the THP. ✓

The exception is I(a) (1) (ii) regarding the time of daily trips. It is often not known where the logs will be delivered at time of THP submission or even approval. Further, it is impossible to predict exactly when logs trucks go in and out. What if the truck driver takes a longer than normal lunch? What if there is a traffic jam? It is much preferable to set up windows of time where hauling is or is not allowed. This is currently done under the existing rules.' , ✓

With respect to helicopter yarding, I(a) (3), a map of the planned flight path has no meaning. It is more descriptive to show the landings as the flight path will ✓

vary according to weather conditions and location of logs to be yarded. The helicopters must comply with FAA regulations.

1 (b) We are in agreement that private road associations should be noticed as long as it is clear that the county is responsible for compiling this information and making it readily available to the RPF. ✓

2. We support this change to CCR 926.7 as long as multi owner private roads is reasonably defined (one person should not cause this review period extension, fifteen owners should). It should be understood that this will require lemon to change the Public Resources Code. ✓

5. CCR 926.13

This section is unacceptable because it is not consistent with current law, not likely to be approved by the Board of Forestry, not reasonable, or equitable. We recommend using Section 2 of our January 28, 1998, letter regarding PRIVATE ROAD USE. ✓

Use of private roads is a complex issue that we do not feel can be adequately addressed under the current legislation establishing the charge of the Board of Forestry. This is because the Board of Forestry is generally charged with promulgating regulations dealing with environmental protection. A part of the use and maintenance of private roads has environmental consequences which are addressed in the Forest Practice Rules and are currently enforced by CDF. But the contentious part of the private road use issue is a civil matter that can only be reasonably and equitably dealt with through the judicial system. If the established process is not satisfactory, the solution is tort reform.

We are in general agreement that there should be discussions and notification of all parties when a private road is used as part of a THP. Timberland owners should pay their fair share of the use and maintenance of such roads. But there are fundamental differences between the goals and objectives of tree farmers and residential users of said roads.

Many of the private roads that serve mixed use ownerships were originally low standard dirt roads that were built for timber harvesting. Tree farmers typically use their roads during the summer period for harvesting or forest management purposes. Homeowners, on the other hand, want to upgrade such roads for all season use. It is common for the roads to be upgraded as inexpensively as possible. A coat of oil and screenings is applied but the expensive and necessary work of compacting and adequately draining the subgrade is not done. It is thus very common that when beginning planning for a timber harvest, the private road shows patching and alligating (small cracks).

To further complicate this issue is the difficulty of equitably assigning responsibility and cost for the different uses of the road. Harvesting usually occurs once every ten to fifteen years. During this period, the private road is used often and by heavy trucks. Typically, the owners use the private road infrequently for the ten or fifteen years post harvest. On the other hand, residential use is continual, and, importantly, occurs during the winter period when the potential for damage is greatly increased. This is especially true when a residential user requires heavy loads (lumber, concrete, or heavy equipment) on the road during the winter period.

Thus, by nature of their differing uses there is a large potential for conflict. It is clear that by its very complexity, this issue is not appropriate for the THP process, nor does the Department of Forestry possess the expertise (legal or engineering) to deal with this. We would encourage the different users to engage in good faith negotiations to deal with this issue. But we understand that reasonable people might disagree about their respective responsibilities. The solution to such a problem is appropriate for resolution by the judicial system.

6 (a) CCR 926.15

This entire section, if adopted as written, would have exactly the opposite effect than what we think is intended. While some would like to have forestry operations conducted by detailed rules, the wide variety of environmental conditions, potential mitigations, and changing logging technology make it impossible to do so. We see no way around allowing for professional responsibility and judgment. The excellent reputation that forestry in Santa Cruz has throughout the state, exemplifies that this approach has worked well over the last 25 years.

An example of a site specific situation that is repeatedly observed in the Santa Cruz mountains illustrates this point. On a hillside of various slope configurations there are sections of stable old roads that could be joined if a short section of new road is built on slopes over 65%. The alternative with the suggested rule would be to build a significantly longer new road that is on slopes less than 65%. The latter proposal would have significantly greater ground disturbance than the first scenario. It is true that an exception is allowed, but the tendency is to use the "safe haven" provided in the rules. Many times this is the approach that common sense and engineering practice says not to use.

6 (b) See our proposal which meets the intent of Planning Staff and allows for flexibility and judgment. ✓

7. CCR 926.16 Flagging

See our proposed language. Riparian corridor exclusions are not acceptable. First, there has been no peer reviewed research or documentation that the current WLPZ Rules are not working. Secondly, it would be blatantly unfair to timberland owners in that it is recognized that some of the best redwood timber grows in moist drainage ways, including alongside watercourses. Such no cut zones would have severe economic impacts to tree farmers. They would also unequally and haphazardly penalize those property owners who have a higher percentage of watercourses on their land.



10. CCR 926.22 Treatment of Logging Slash

It is not clear what problem this proposal addresses. Santa Cruz County has the strictest slash disposal requirements in the state. In addition, many foresters in Santa Cruz require clean up in selected areas on a property in excess of the standard in the rules.



11. CCR 926.23 Contents of Plan

Our proposal is very close to the County's wording, This whole section would be more appropriate as part of CCR 926.10, Log Hauling.



12. CCR 926.24 Residential Buffer Zone

This is unacceptable for the same reasons that riparian buffers are 'unacceptable. See our proposal.

13. CCR 926.25 Special Harvesting Methods

There is no justification for this change in the cutting rule. It would be difficult to implement and near impossible to enforce. See our proposal which is reasonable and equitable, and likely to be approved by the Board of Forestry.

14. 926.26 Watercourse and Lake Protection

This section is unacceptable as outlined in 7 above. In addition, the increased canopy retention and riparian protection required under the 2090 Agreement adequately protects water quality. There has been no showing that these measures are not working.

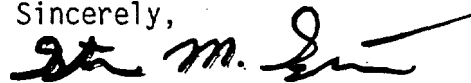
15. CCR 926.27 Non-Native Plants

Unless this is applied equally to all landowners, **not just** timberland owners, it is unacceptable. This is more appropriately handled through education, not more rules.

We believe that our modified proposal (May 1, 1998) addresses the concerns of the affected parties and has reasonable potential to be approved by the Board of Forestry. The best results will be achieved if we can present and keep the rules as a package. Many of the rules proposed work together with other rules to achieve these results. There is one shot at each concern and we believe it is best to take that shot with a rule that has a reasonable chance of being approved and enacted.

Please consider utilizing the proposal we have prepared as it stands.

Sincerely,

A handwritten signature in black ink, appearing to read "Steven M. Butler". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Steven M. Butler RPF 2390

**MAY 1, 1998 SANTA CRUZ COUNTY
PROPOSED AMENDMENTS
TO THE CALIFORNIA FOREST PRACTICE RULES**

Proposed text is underlined. Deletions from existing text are shown with strikeout. All other text is existing rule language.

1. **Amend 926.3 Plan Submittal and Notice of Intent**

14 CAC 1032.7, subsections (c), (e), (f), and (g), ~~and (h)(1)~~, shall not apply in Santa Cruz County. In lieu of those subsections the following shall apply:

- (a) The plan submitter shall prepare and submit to the Director, with the plan, a Notice of Intent to Harvest Timber as described in 14 CAC 1032.7(d) including the following:
- (1) A statement that the approximate property lines have been flooeed for review where truck roads, tractor roads or harvest areas are within 100 feet of the line.
 - (2) In the event helicopter yarding is proposed the Notice if Intent will include the mapped location of helicopter landings, and service area sites.
- (b) The plan submitter shall furnish to the Department at the time of submission of the plan, the names and addresses of all property owners within 300 ft. of the exterior boundaries of assessor's parcels upon which a plan has been submitted, ~~and~~ the names and addresses of property owners with property fronting or bordering that portion of the haul route lying between the plan area and the nearest public road, and the addresses of all applicable private road associations on record with the county. The list shall be compiled from the latest equalized assessment roll of the county or a list provided by a title insurance company. The road association list shall be obtained from the county. The county shall maintain such a list and provide reasonable access to list at no cost.
- (c) The plan submitter shall mail copies of the Notice of Intent to all property owners and all applicable private road associations identified pursuant to (b) within 5 days of the receipt of notice of filing. At this time the RPF (or supervised designee) shall post a copy of the Notice of Intent, including a map, as described in 14 CCR 1032.7(d)(8) at a conspicuous location. The Notice of Intent shall be on colored paper or identified with colored flagging so as to be easily visible to the public. The plan submitter shall further mail the Notice of Intent to:
- (1) All members of the Board of Supervisors in whose district any timber operation is proposed;
 - (2) The local school district;
 - (3) The publicly-owned water district which maintains any water production or water storage facility in the watershed within which any timber operation is proposed. At the time of plan submission, the plan submitter shall certify in writing that this procedure has been followed.
- (d) The plan submitter shall have the Notice of Intent published in a newspaper of general circulation in the area, concurrently with the submission of the plan to the

Director. Proof of publication of notice shall be provided to the Director prior to his/her determination made pursuant to 14 CCR 1037.6.

- (e) For plan amendments, the submitter of the amendment shall certify in writing at the time the amendment is submitted that copies of a new Notice of Intent have been mailed to:
- (1) All property owners not previously noticed under sub-section (b) who, because of the plan amendment, would be required to receive the notice provided in subsection (b).
 - (2) All property owners previously noticed under subsection (b) when there is a change in silvicultural method.

2. **926.7 Review Team Field Review**

Any review team member may, on request, accompany the Department as an advisor to the Department, on any field review the Department conducts prior to approval of the plan. The review period shall be extended from 45 days to 60 days when multi-owner (greater than 15 owners) private roads are to be used for ~~falling~~. will also require a change to PRC 45 16.6)

3. **926.9 Hours of Work**

- (a) The operation of chainsaws and other power driven saw equipment shall be restricted to the hours between 7:00 a.m. and ~~9:00 p.m.~~ 7:00 p.m., and shall be prohibited on Saturdays, Sundays, and nationally designated holidays. An exception to this rule may be granted by the Director where he/she has found that no disturbance will result to neighboring residences.
- (b) Within 300 feet of any occupied dwelling, the operation of all ~~other~~ power equipment, ~~except~~ excluding licensed highway vehicles, ~~within 300 feet of an occupied dwelling~~ shall be restricted to the hours between ~~6:00 a.m.~~ 7:00 a.m. and ~~9:00 p.m.~~ 7:00 p.m., and shall be prohibited on Saturdays, Sundays, and nationally designated holidays. Where, because of unusual ground conditions, or very close proximity of occupied legal dwellings or special circumstances related thereto, the Director documents that a need exists for further restrictions, he/she may limit these hours to not less than 8:00 a.m. to 5:00 p.m. An exception to this rule may be granted by the Director where he/she has found that no disturbance will result to the occupants of the dwelling from the use of such equipment.

- (c) Include in the

4. **Amend 926.10 Log Hauling**

- (a) Log hauling on public roads is not permitted on Saturdays, Sundays, or on those days which are nationally designated legal holidays.
- (b) Log hauling on public roads may be restricted or not permitted by the Director during commute hours or during school busing hours when necessary to prevent a serious hazard to traffic flow and safety or to prevent hazardous conditions that would endanger public safety.
- (c) During log hauling on public roads, the timber operator may be required by the Director to post traffic signs an/or flagpersons where determined to be necessary to prevent a hazard to traffic.
- (d) In the event log hauling is proposed over non-appurtenant private roads, the Timber Harvest Plan will also include the following:

- (1) Disclosure of available documentation regarding the claim to access or use private road(s).
- (2) Documentation such as written narrative, video, or photographs for noting the existing condition of the road.
- (3) A statement as to the estimated number of total logging truck loads to be removed, approximate duration and number of loads per day
- (4) A statement as to how obligations to maintain the road shall be satisfied commensurate with use.
- (5) Specific reviewable measures which provide for the safe use of the road.

5. **926.11 Flagging of Property Lines**

- (a) ~~In addition to other flagging requirements in Subchapter 3 of Title 14 CCR, the Director, where necessary to protect adjoining properties may require flagging of~~ The RPF or supervised designee shall, prior to the preharvest inspection, flag approximate property lines of the timberland owner's parcel on the site where any truck road, tractor road or harvest area is proposed within 100 ft. of a property line.
- (b) The RPF shall disclose the basis for the location of estimated property boundaries.

6. **926.15 Road Construction and Maintenance**

In addition to Article 12 (14 CCR Sections 923 through 923.8), the following shall apply in Santa Cruz County:

- (a) Whenever new road construction is proposed and the plan submitter owns or controls any property contiguous to the parcel or parcels on which timber operations are proposed, and such contiguous property contains timberland, the RPF shall include a map and explanation of how the new road is integrated into the existing or proposed truck road and associated transportation system for all the contiguous property owned or controlled by the plan submitter on which timberland is found. Such proposed integrated truck road and associated transportation system shall be reviewed in connection with review of the proposed plan, and the plan shall be modified, if necessary, to assure that the approved plan will be compatible and consistent with timber operations on the contiguous property.
- (b) All new and existing logging roads used in conjunction with the proposed timber operation which solely provide access to permanently occupied dwellings within the boundaries of the THP parcel shall be treated as necessary to prevent excessive loss of road surface. This will be done by treating the road with non-erodible surfacing materials (i.e. gravel, pavement) and shall be identified and described by the RPF within the THP.
- (c) The RPF shall include within the notice to the landowner section of the plan the following statement: Section 16.22.030 of the County Code states that "any road or bridge constructed pursuant to a Timber Harvest Permit issued by the State of California shall be considered a new road for the purposes of the subsequent development and shall be subject to all ^{COUNTY} design standards and applicable policies."

7. **926.16 Flagging**

- (a) The location of proposed truck roads, constructed tractor roads, landing, and watercourse crossings shall be designated on the plan map and shall be located in

the field with flagging. Such flagging shall occur prior to the preharvest inspection of **one** is to be conducted. Flagging for truck roads and constructed tractor roads will be intervisible along the proposed alignments.

- (b) The RPF or supervised designee shall flag/identify the location of all waterbars which are: within the WLPZ, on mapped unstable areas or on slopes over 65% regardless of EHR.

8. **926.17 Abandonment of Roads and Landings**

- (a) When an existing truck road, tractor road, or landing is located in an area in which it could not be newly constructed in conformance with these rules, then, where feasible, such road or landing shall be abandoned, stabilized, recontoured, revegetated, and restricted from vehicular use, unless the use of such road or landing would produce less environmental impact than the use of a new road or landing constructed in accordance with these rules.

9. **926.19 Erosion Control Maintenance**

The plan submitter shall maintain all drainage structures and drainage facilities and eating or other road closure facilities required by these rules in effective working condition throughout the required one winter periods after completion of timber operations unless other stricter measures are required under the FPA. Tractor roads, landings and bare areas of soil exposed by the operation shall be seeded or mulched or protected by covering with slash and debris from the 'harvest operation where necessary to prevent the degradation of water quality. The Director may require further measures to prevent unnecessary damage to road surfaces from unauthorized use and to protect the quality and beneficial uses of water. The timberland owner shall have the option to designate what measures are to be employed to achieve the level of protection desired by the Director. A work completion report may not be filed until this requirement has been met. The Director may require the timberland owner to maintain erosion control facilities throughout the plan area up ten years or sale of the property, whichever occurs first, when there is evidence of the lack of maintenance in the past. The county representative responsible for review of timber harvests may attend the work completion inspection with the Department to review erosion control measures.

10. **926.22 Residential Buffer Zones**

Within 200 ft. of adjacent legal dwellings (existing prior to 1998) shall be considered a residential buffer Zone (RBZ). Where operations occur within an RBZ, they shall comply with the following:

- (a) All treatment of slash shall be done within 10 working days of log removal operations except for piling and burning.
- (b) Marking and harvesting shall conform to a modified standard of 913.8(a). Additionally, the base diameter within this zone shall be 24 inches instead of 18 inches from 913.8(a). Up to 60% of the trees 24 inches and larger may be cut with the re-entry period depending on intensity and no more than 40% of the trees between 14 and 24 inches may be cut. Exceptions will be made with consent of affected legal dwelling or when utilizing 913.8(b).
- (c) Slash created within 200 feet shall be lopped to 12 inches.

11. **926.23 Silviculture**

In addition to 14 CCR 913.8(a) the re-entry period and additional harvesting limitations shall be modified as follows:

- (a) The re-entry period shall be based on the proposed level of harvest. For areas where the proposed harvest rate is 51-60% of the trees greater than 18 inches, the minimum re-entry period shall be 14 years. For areas where the proposed harvest is 50% or less of the trees greater than 18 inches, the existing 10 year re-entry shall apply. The proposed harvest intensity shall be stated in the plan.
- (b) Regardless of re-entry period no more than 40% of the trees greater than 14 inches and less than 18 inches shall be harvested.

12. **926.24 Helicopter Operations**

Helicopter service and log landing zones must be located within the THP boundaries. Helicopter operations within 1000 feet of an inhabited legal residence are restricted to the hours between 7:00 a.m. and 7:00 p.m. and shall be prohibited on Saturdays, Sundays and nationally designated legal holidays. The Director may grant an exception if an determination of "no significant disturbance" can be made.

**Citizens for Responsible Forest Management
Sierra Club
Summit Watershed Protection League
Valley Women's Club**

May 1, 1998

Santa Cruz County Planning Department
701 Ocean Street
Santa Cruz, CA 95060

Attention: Donna Bradford

**RESPONSE TO COUNTY PROPOSAL FOR
AMENDMENT TO THE STATE FOREST PRACTICE RULES**

We are responding to the County's proposal for amendment to the State Forest Practice Rules on behalf of a county-wide coalition of concerned citizens whose everyday lives are affected by commercial logging. We were appointed by the Board of Supervisors to serve on the Timber Technical Advisory Committee. As members of that advisory committee, we recommended many amendments to the existing rules (submitted to the T-TAC on February 6, 1998), some of which you have incorporated into your proposal.

The main thrust of our recommendations on the T-TAC was that the County needs two sets of forest practice rules to meet two different sets of forest management goals: one set of goals which apply to lands where timber production is the primary land use (properties zoned TP), and another set of goals which apply to mixed-use lands (properties zoned M-3, CA, A, PR, SU) and within buffer areas for riparian corridors and adjacent to residential uses where timber production is not the primary land use. (We also recommended that commercial logging be made off limits through zoning restrictions on all lands where the primary land use is residential (RA, RR, R-I).)

The County's response has been to propose only a "one size-fits-all" set of rules, which apparently assume that timber production is the primary goal for all forested land including that located both within TP as well as in the mixed-use and buffer areas in the county. We again urgently request that the County add a second tier of rules to regulate logging in the mixed use areas of the County in order to address the growing conflicts in the forested areas of our community.

In addition, the County's response has been to propose a set of rules that do not adequately address the issues we raised on the T-TAC, are not adequately protective of the environmental and residential values in the community, and in many cases are weak and/or ineffective.

**RESPONSE TO COUNTY PROPOSAL FOR
AMENDMENT TO THE STATE FOREST PRACTICE RULES**

We therefore request that the County redraft the proposed rules changes to more adequately address the issues raised on the T-TAC, including the creation of a two-tiered set of Forest Practice Rules. At a minimum, we are requesting the inclusion of the attached set of changes to the County's proposed rules.

We would be very interested in meeting with you to discuss and explain the basis for the rule recommendations that we have presented. For instance, the silviculture recommendations are based on the need to leave permanent green retention trees both as a biology legacy for healthy ecosystem functions and as recruitment for future snags and down logs as is well documented in forestry literature (see Swanson and Franklin, 1992, "New forestry Principles from Ecosystem Analysis of Pacific Northwest Forests," Ecological Applications, 2:3 pp 262-274).

We remain open to a continued dialog on the appropriate rules and are ready to work with you and other members of the community in the preparation of the draft rules to be presented to the Board of Supervisors on June 2. Please let us know how we can most productively work with you in this effort.

Sincerely,

***Betsy Herbert and Mark Morgentbaler for Citizens for Responsible Forest
Management***

Jodi Frediani for the Sierra Club

Steven Stewart for the Summit Watershed Protection League

Julie Hendriks for the Valley Women's Club

Attachment: Recommended Changes to Proposed Forest Practice Rules Amendments

cc: Board of Supervisors

**Citizens for Responsible Forest Management
Sierra Club
Summit Watershed Protection League
Valley Women's Club**

**RECOMMENDED CHANGES
TO THE PROPOSED FOREST PRACTICE RULES AMENDMENTS
May 1, 1998**

Changes proposed by the County:

- new text is underlined
- deletions are shown with ~~strikeout~~

Changes proposed by the coalition of concerned citizens:

- ' new text is **underlined and bold**
- deletions are shown with ~~strikeout and bold~~

All other text is existing rule language.

1. **Amend 926.3 (a),(b) and (c) Plan Submittal and Notice of Intent [Santa Cruz County]**

14 CCR 1032.7, subsections (c),(e),(f) and ~~(g) and (h)(1)~~ shall not apply in Santa Cruz County. In lieu of those subsections the following shall apply:

(a) The plan submitter shall prepare and submit to the Director, with the plan, a Notice of Intent to Harvest Timber as described in 14 CCR 1032.7(d) including the following:

(1) In the event log hauling is proposed over non-appurtenant private roads, the Notice of Intent will also include the following:

- (i) Disclosure of ~~available~~ documentation ~~regarding demonstrating to the satisfaction of the Director~~ the right to access or use private road(s).
- (ii) A statement as to the estimated number of total logging truck loads to be removed and the approximate duration, number of loads per day and time of daily trips.
- (iii) A statement as to how obligations to maintain the road shall be satisfied commensurate with use.

- (iv) Specific reviewable measures which provide for the safe use of the road.
- (2) The location and extent of flagging of property line boundaries and residential buffer areas, and an explanation of how citizens may contest the location of the boundaries of the property and of the buffer areas as flagged by the RPF.
- (3) In the event helicopter yarding is proposed the Notice of Intent will include a map of the planned flight path and approximate duration and number of flights per day.
- (b) The plan submitter shall furnish to the Department at the, **time** of submission of the plan, the names and addresses of all property owners within 300 ft. of the exterior boundaries of assessor's parcels upon which a plan has been submitted, and the names and addresses of property owners with property fronting or bordering that portion of the haul route lying between the plan area and the nearest public road. and the addresses of all applicable private road associations on record with the County. The list shall be compiled from the latest equalized assessment roll of the county or a list provided by a title insurance company.
- (c) The plan submitter shall mail copies of the Notice of Intent to all property owners **and all owners and part owners of any portion of an affected private haul road and members of** all applicable private road associations identified pursuant to (b) at least 10 days prior to plan submission and at this time shall post a copy of the Notice of Intent including a map as described in 14 CCR 1032.7 (d)(8) at a conspicuous location at an intersection of the private road where a majority of the road association members can view the notice. Said Notice of Intent shall be on colored paper or identified with colored flagging so as to be easily visible to the public. The plan submitter shall further mail the Notice of Intent to:
 - (1) All members of the Board of Supervisors in whose district any timber operation is proposed;
 - (2) The local school district;
 - (3) The publicly-owned water district which maintains any water production or water storage facility in the watershed within which any timber operation is proposed. At the time of plan submission, the plan-submitter shall certify in writing that this procedure has been followed.

- (d) The plan submitter shall have the Notice of Intent published in a newspaper of general circulation in the area, concurrently with the submission of the plan to the Director. Proof of publication of notice shall be provided to the Director prior to his/her determination made pursuant to 14 CCR 1037.6.
- (e) For plan amendments, the submitter of the amendment shall certify in writing at the time the amendment is submitted that copies of a new Notice of Intent have been mailed to:
- (1) All property owners not previously noticed under sub-section (b) who, because of the plan amendment, would be required to receive the notice provided in subsection (b).
 - (2) All property owners previously noticed under subsection (b) when there is a change in silvicultural method.

2. 926.7 Review Team Field Review [Santa Cruz County]

At least one field review shall be conducted prior to plan approval and shall include a representative of the County. Any review team member may, on request, accompany the Department as an advisor to the Department, on any field review the Department conducts prior to approval of the plan. The review period shall be extended from 45 days to 60 days when multi-owner private roads are to be used for hauling, the THP access is through neighboring property, residences are within 200' of the THP boundary, or notification exceeds 50 properties.

3. 926.9 Hours of Work [Santa Cruz County]

The operation of chain saws and other power-driven saw equipment shall be restricted to the hours between 7:00 a.m. and ~~9:00-7:00~~ p.m., and shall be prohibited on Saturdays, Sundays, and nationally designated legal holidays. The operation of chain saws and all other power equipment, except licensed highway vehicles, within 300 ft. of an occupied dwelling shall be restricted to the hours between ~~6:00-8:00~~ a.m. and ~~9:00-5:00~~ p.m., and shall be prohibited on Saturdays, Sundays and nationally designated legal holidays. When it is anticipated that there will be staging of licensed vehicles outside the plan submitter's property before the hours of ~~6:00 a.m.~~ 7:00 a.m., the RPF shall provide an operating plan which reduces noise impacts to nearby residences. The Director may grant an exception to allow operations between 7:00 a.m. and 7:00 p.m. within 300 feet of residences if a ~~determination of "no disturbance" can be made based upon the occupant(s) response to a written request submitted by the RPF~~ written statement submitted before plan approval to the Director from occupants of all affected residences within 300 feet allows the extension. Any other exceptions to this rule may be granted by the Director where

he/she has found that no disturbance will result to the occupants of the dwelling from the use of such equipment. 610

4. **926.11 Flagging of Property Lines [Santa Cruz County]**

~~In addition to other flagging requirements in Subchapter 3 of Title 14 CCR, the Director, where necessary to protect adjoining properties may require flagging of~~ The RPF shall, prior to plan submission to the Department, flag approximate property lines on the site where any truck road, tractor road or harvest area is proposed within ~~400~~ 200 ft. of a property line. **If the neighbors contest the boundary line, the plan submitter shall have the boundary line surveyed and flagged by a licensed surveyor; or alternatively, if the plan submitter and neighbors agree, the Director shall assign lands within 200 feet of the marked property line to be off limits to timber operations.**

5. **926.13 Performance Bonding [Santa Cruz County]**

When hauling logs pursuant to a THP, the LTO shall provide for the repair of any damage to a county or private road that is ~~willfully or negligently~~ caused by the LTO's log hauling operations, and shall provide for the repair of any damage caused by the LTO's log hauling operations to appurtenant structures, including, but not limited to, guard rails, signs, traffic signals, culverts, curbs and similar facilities. If necessary to ensure compliance with this section, the county or owners of any portion of the affected private or the applicable private road associations may request, and the Department, upon such request, ~~may~~ shall require the timber operator or responsible party to post adequate financial security to restore paved or unpaved county or private roads and appurtenant structures which are damaged by log hauling operations. The request for posting of financial security shall be made to the Department during the THP review procedure and no later than five days before the Director's decision date. The following standards apply:

- (a) For County roads, The timber operator or responsible party shall post a certificate of deposit, certificate of insurance or performance bond, or other financial security in favor of the Department in a reasonable amount set by the Director, not to exceed \$5,000 per mile of county road used or \$50,000, whichever is less and subject to provisions of Division 3, Part I, Chapter 1, Article 8, Sec. 11110 through 11113 of the Gov. C. Such cash deposit or other acceptable financial security shall cover a period not to exceed the effective period of the plan.

When a form of financial security is required, logging trucks shall not use the county roads until the required security is posted with the Department. The Director shall release the bond or equivalent to the principal of the security upon

completion of log hauling operations and compliance with the requirements of this section. If and when repairs are necessary, the Director shall request the operator to provide for making the repairs. If the repairs are not made the Department may take corrective action and may order the bond, or equivalent, forfeited in an amount not to exceed actual damage. When a bond or equivalent has been posted, the Department shall provide the county with a copy of the Work Completion Report. The county shall advise the Department in writing within 30 days of its receipt of notification of completion of hauling operations or the Work Completion Report if damage has occurred repairs need to be made. If the county fails to notify the Director within 30 days, the bond of surety shall be released.

(b) For private roads, the timber operator or responsible party shall either obtain a written agreement providing for road repair obligations between timber harvester and other landowners with interest in road, addressing the issue of security for repair costs, or post a bond, certificate of deposit or other form of collateral to secure payment of cost of road repairs to private road caused by harvest operations in the amount as calculated using the following schedule:

- (i) \$300.00 for every 300 feet of dirt road to be used.
- (ii) \$500.00 for every 300 feet of gravel rock road to be used.
- (iii) \$800.00 for every 300 feet of oil and screen road to be used.
- (iv) \$1,000.00 for every 300 feet of paved road to be used.

Logging trucks shall not use the private road until the required security is posted with the road association. The road association shall release the bond or equivalent to the principal of the security one year after completion of log hauling operations and compliance with the requirements of this section. If and when repairs are necessary, the road association shall request the operator to make the repairs. If the repairs are not made, the road association may order the bond or equivalent forfeited in an amount not to exceed actual damage. When a bond or equivalent has been posted, the Department shall provide the road association with a copy of the Work Completion Report. The road association shall advise the Department in writing within one year of its receipt of notification of completion of hauling operation or the Work Completion Report if damage has occurred and repairs that need to be made. If the road association fails to notify the Director within one year, the bond or surety shall be released.

6. **926.15 Road Construction and Maintenance [Santa Cruz County]**

In addition to Article 12 (14 CCR Sections 923 through 923.8) the following shall apply in Santa Cruz County:

(a) New logging roads shall be subject to the following limitations:

(1) New road construction on **property zoned to TPZ** shall be prohibited where any of the following conditions are present:

(i) Slopes steeper than 65%.

(ii) Slopes steeper than 50% where the erosion hazard rating is high or extreme.

(iii) Slopes over 50% which lead to a watercourse or lake, without flattening to sufficiently dissipate water flow and trap sediment.

Any exceptions to **these standards subsection (1)** granted by the Director will require abandonment of the road immediately following cessation of active logging operations. Abandonment to include recontouring to the slope that existed prior to construction and re-establishment of all drainage to pre-existing conditions ~~or providing for sheet dispersal of water flow so that it is hydrologically invisible.~~

(2) New road construction on property not zoned to TPZ shall be prohibited where any of the following conditions are present:

(i) Slopes steeper than 50%.

(ii) Slopes steeper than 35% where the erosion hazard rating is high or extreme.

(iii) Slopes over 35% which lead to a watercourse or lake, without flattening to sufficiently dissipate water flow and trap sediment.

No exceptions shall be granted to these standards.

(3) Whenever new road construction is proposed and the plan submitter owns or controls any property contiguous to the parcel or parcels on which timber operations are proposed, and such contiguous property contains timberland, the RPF shall include a map and explanation of how the new road is integrated into the existing or proposed truck road and associated transportation system for all the contiguous property owned or controlled by the plan submitter on which timberland is found. Such proposed integrated truck road and associated transportation system shall be reviewed in connection with review of the proposed plan, and the plan shall be modified, if necessary, to assure that the approved plan will be

proposed changes to waterbreaks which are within the WLPZ, and or on mapped unstable areas or on slopes over 65% regardless of erosion hazard rating, and the boundaries of residential no-cut buffer zones and property line setbacks shall be designated on the plan map and shall be located in the field with flagging. Such flagging shall occur prior to the preharvest inspection ~~if one is to be conducted.~~ Flagging for truck roads and constructed tractor roads will be intervisible along the proposed alignments.

8. **926.17 Abandonment of Roads and Landings [Santa Cruz County]**

When an existing truck road, tractor road, or landing is located in an area in which it could not be newly constructed in conformance with these rules, then, ~~where feasible,~~ such road or landing shall be abandoned, stabilized, recontoured, revegetated with native plant seed, and restricted from vehicular use by gating prior to the Work Completion Inspection., 3 ~~environmental impact than the use of a new road or landing constructed in accordance with these rules.~~

9. **926.19 Erosion Control Maintenance [Santa Cruz County]**

The plan submitter shall maintain all drainage structures and drainage facilities and gating or other road closure facilities required by these rules in effective working condition throughout the required one-winter periods after completion of timber operations unless other stricter measures are required under the FPA. All trails, landings and work areas shall be reseeded, mulched or protected by compacting woody debris from harvest operation. The Director may require further measures to prevent unnecessary damage to road surfaces from unauthorized use and to protect the quality and beneficial uses of water. ~~The timberland owner shall have the option to designate what measures are to be employed to achieve the level of protection desired by the Director.~~ A work completion report may not be filed until this requirement has been met. The Director may shall require the timberland owner and any successors in interest to maintain erosion control facilities throughout the plan area up to the time of the landowners re-entry of the unit or sale of the property when there is evidence of the lack of maintenance in the past. The County representative responsible for review of timber harvests may attend the work completion inspection with the Department to review erosion control measures.

10. **926.22 Treatment of Logging Slash [Santa Cruz County]**

In addition to requirements of 14 CCR 917.4 limb stubs on tree top slash shall be lopped to 8 in. (20.3 cm) or less from the bole of the tree.

I I . 926.23 Contents of Plan [Santa Cruz County]

In addition to 14 CCR 1034 the following shall apply in Santa Cruz County:

- (a) When log hauling is proposed over non-appurtenant private roads, the RPF shall provide:
- (1) Information substantiating the timber owner's legal right to access or use said private road(s).
 - (2) A statement as to the estimated number of total logging truck loads to be removed and the approximate number of loads per day and timing of daily trips.
 - (3) A ~~statement as to copy of an agreement between the individual owners of the road or their representative road association and the plan submitter stating~~ how obligations to maintain the road shall be satisfied commensurate with use.
 - (4) Specific reviewable measures which provide for the safe use of the road.
 - (5) Videotape, photograph or other means of documentation for noting the existing conditions of the road.
- (b) The RPF shall ~~disclose the basis for the location of property boundaries.~~ Provide a map showing the location of the flagged property boundaries along with any documentation, such as an existing survey by a licensed surveyor, that substantiates the accuracy of the line.

12. 926.24 Residential Buffer Zone [Santa Cruz County]

Harvesting ~~or~~ and all other timber operation are prohibited within 200 feet of any legal structure used for residential purposes ~~on parcels not zoned TPZ without the property owner's consent in writing,~~ unless the affected neighboring property owner provides written consent, except for dead, dying and diseased trees which are imminently threatening legal habitable structures or which constitute a fire hazard.- ~~If~~ Even with this written consent for timber operations ~~do occur~~ within 200 feet of a residential dwelling, all slash shall be lopped to 30.5 cm (72 in.) or less or removed, within 10 working days ~~from when it was deposited of log removal operations.~~

13. 926.25 Special Harvesting Methods [Santa Cruz County]

14 CCR 913.8 subsections (a), except for the basal area and countable tree stocking standards shall not apply in Santa Cruz County, instead the following shall apply:

- (a) Leave uncut a well-distributed timber stand after timber operations have been completed on the logging area ~~that is determined by using the following criteria based on the site classification as defined by PRC 4528(d). The re-entry period shall be based on the proposed level of harvest.~~ The allowable harvest of trees shall not exceed the following limits:
- (1) On the parcels in the TP zone district that are greater than 300 feet from a Class I or Class II watercourse or wetland, and greater than 500 feet from a legal residence on an adjacent property, a harvest of no more than 40% of trees 45.7 cm (18 in) and more d.b.h. and 50% of trees between 38.1 cm (15 in) and 45.7 cm (18 in) d.b.h. may occur with a reentry period no less than 14 years.
 - (2) On parcels not in the TP zone district, and on those portions of parcels zoned TP that are between 50 feet and 300 feet of a Class I or Class II watercourse or wetland, or between 200 feet and 500 feet of a legal residence on an adjacent property, a harvest of no more than 25% of trees 45.7 cm (18 in) and more d.b.h., and 50% of trees between 38.1 cm (15 in) and 45.7 cm (18 in), may occur with a re-entry period no less than 20 years.
 - ~~(1) Site I Lands - Allowed harvest of 40% of trees 61.0 cm (24 in.) and more d.b.h. in any 10 year period or 50% of trees over 61.0 cm (24 in.) and more d.b.h. in any 14 year period.~~
 - ~~(2) Site II Lands - Allowed harvest of 40% of trees 55.9 cm (22 in.) and more d.b.h. in any 10 year period or 50% of trees over 55.9 cm (22 in.) and more d.b.h. in any 14 year period.~~
 - ~~(3) Site III Lands - Allowed harvest of 40% of trees over 50.8 cm (20 in.) and more d.b.h. in any 10 year period or 50% of trees over 50.8 cm (20 in.) and more d.b.h. in any 14 year period.~~
 - ~~(4) Site IV and V Lands - Allowed harvest of 40% of trees over 38.1 cm (15 in.) and more d.b.h. in any 14 year period.~~
- (b) Leave trees shall be thrifty coniferous trees which were dominant and codominant in crown class prior to timber harvesting or which have crowns typical of such dominant and codominant trees. They shall be free from significant damage caused by the timber operations. No conifer shall be cut

which is more than 22.9 m (75 ft.) from a leave tree of equal size class. Average top stump diameter, outside bark, shall be considered 2.5 cm (1 in.) greater than d.b.h. No area may be cut in excess of the leave tree standards of this rule.

(1) For timberland within the TP zone district and greater than 309 feet from a Class I or Class II watercourse or wetland, and greater than 500 feet from a legally constructed residence on an adjacent property, the equal size class range is defined as follows:

- (i) Over 38.1 cm (15 in.) to 45.7 cm (18 in.) d.b.h.**
- (ii) Over 45.7 cm (18 in.) to 61.0 cm (24 in.) d.b.h.**
- (iii) Over 61.0 cm (24 in.) to 81.3 cm (32 in.) d.b.h.**
- (iv) Over 81.3 cm (32 in.) to 91.4 cm (36 in.) d.b.h.**
- (v) Any tree over 91.4 cm (36 in.) d.b.h.**

(2) For timberland not within the TP zone district, and on those portions of parcels zoned TPZ that are between 50 feet and 300 feet from a Class I or Class II watercourse or wetland, or between 50 feet and 500 feet from a legally constructed residence on an adjacent property, the equal size class range is defined as follows:

- (i) Over 38.1 cm (15 in.) to 45.7 cm (18 in.) d.b.h.**
- (ii) Over 45.7 cm (18 in.) to 61.0 cm (24 in.) d.b.h.**
- (iii) Over 61.0 cm (24 in.) to 81.3 cm (32 in.) d.b.h.**
- (iv) Over 81.3 cm (32 in.) to 91.4 cm (36 in.) d.b.h.**
- (v) Over 91.4 cm (36 in.) to 106.7 cm (42 in.) d.b.h.**
- (vi) Over 106.7 cm (42 in.) to 121 cm (48 in.) d.b.h.**
- (vii) Any tree over 121.9 cm (48 in.) d.b.h.**

At least three leave trees per acre in the largest diameter class (over 48 in.) shall be designated as permanent green retention trees which shall never be cut. If there are less than three trees per acre of the largest diameter class, then the remaining permanent green retention trees shall be selected from the next largest diameter class. If any of the permanent green retention trees dies, then another tree of equal size and quality shall

be designated as a substitute.

- (c) An alternative method may be approved only if a RPF submits a stratified random sample, of at least 5% of the property or harvest area, with statistically valid growth data that supports a cutting percentage and cutting cycle that will achieve the same yield of timber on each successive harvest in perpetuity. In no event shall the cutting cycle exceed 20 years. The landowner must submit to the Director, a Nonindustrial Timber Management Plan (NTMP) or a Sustained Yield Plan (SYP) as provided in Article 6.5 and 6.75, Subchapter 7. Before commencement of harvesting operations the property owner shall record at the County a Declaration of Restriction which cites the approved cutting percentages and cutting cycle as stated in the NTMP or SYP.

14. 926.26 Water Course and Lake Protection [Santa Cruz County]

In addition to the requirement of Article 6 (14 CCR Sections 916 to 916.10 the following shall apply in Santa Cruz County:

- (a) No timber harvesting operations are allowed within riparian corridors. The width of this no cut, no entry zone is defined as follows:

- (1) At least 15.2 m (50 feet) from Class I and II watercourses and wetlands.
- (2) At least 9.1 m (10 feet) from Class III watercourses.

- ~~(b) Those trees not allowed to be cut in the riparian corridor can be traded for equal volume outside of the WLPZ to a maximum of 60% or those trees in the same size class range as defined in 14 CCR 926.25 (b) as present prior to commencement of current timber operations.~~

- (c) The width of the riparian corridor shall be measured along the ground from the top edge of the watercourse bank. *in a horizontal direction from the top edge of the watercourse bank*

- (d) Exceptions are allowed for temporary stream crossings (fords, bridges, culverts, etc.) if no other alternative exists as explained and justified in the THP and approved by the Director. *changed per JoAn Fratiani*

15. 926.27 Non-native Plants [Santa Cruz County]

~~The prescribed maintenance period for the eradication of French broom or other invasive, non-native plants along the harvest roads and landings shall be at least~~

~~two years after completion of the harvest.~~

(Insert the accompanying changes recommended by the California Native Plant Society.)

16. **926.28 Helicopter Operations [Santa Cruz County]**

Helicopter service and log landing zones must be sited within the THP boundaries **and only on parcels zoned TPZ.** Helicopter operations within 1000 feet of an inhabited residence are restricted to the hours between ~~7:00 a.m. and 7:00 p.m.~~ **8:00 a.m. and 6:00 p.m.** and shall be prohibited on Saturdays, Sundays and nationally designated legal holidays. ~~The Director may grant an exception if a determination of "no disturbance" can be made.~~

17. **926.1 Registered Professional Forester Advice**

The provisions of 913.8 (b) (5) shall apply when timber operations are conducted in accordance with ~~913.8 (a)~~ 926.25.

18. **913.8 Special Harvesting Methods for Southern Subdistrict**

913.8 (b) (5): The timber operator is responsible for carrying out timber operations as described in the plan. The plan submitter is responsible for retaining an RPF to provide professional advice to the timber operator and timberland owner on a continuing basis throughout the timber operations. The RPF or the designee of the RPF shall work works closely with the timber operator to ~~help~~ assure compliance with the approved alternative prescription and the terms and specifications of the approved plan. The RPF or the designee of 'the RPF shall be is present on the harvest areas sufficient hours each week to know the operation's progress and advise the timber operator. The RPF shall inform informs the timber operator of potential environmental impacts and the mitigation measures to be taken to minimize such impacts. The timber operator shall sign the plan and major amendments thereto, or shall sign and file with the Director a facsimile thereof prior to the commencement of continuation of operation thereunder agreeing to abide by the terms and specifications of the plan. ~~An The~~ The RPF ~~may shall~~ be responsible for the conduct of timber operations under contractual arrangements with the timber owner.

**Santa Cruz Chapter of CNPS
Position Statement**

Non-native plant invasions into disturbed work sites.

The Santa Cruz County Chapter of the California Native Plant Society is extremely concerned about the spread of invasive, non-native plants into our local **ecosystems**. These plants invade disturbed sites, particularly those affected by human disturbance. Examples include:

- ditches cut for pipes
- road-cuts
- utility rights-of-way
- logging roads.

These disturbances, though perceived as merely temporary, can actually cause permanent damage to ecosystems because of the long-term problems associated **with** invasive non natives. Sites which once **contained** relatively pristine ecosystems can rapidly degrade, resulting in a significant loss to native plant diversity. Some species of concern in our region are Pampas grass (Cortaderia sp.), French broom (**Genista monspessulana**), acacia (Acacia sp.), and Cape or German Ivy (**Cynesta delanea**).

Invasive non-native species are spread by human activity through many different vectors. Examples include:

- Automobiles and heavy equipment
- Shoes and clothing
- Animals
- **Landscaping** activities

For this reason, the Santa **Cruz** County Chapter recommends that the County of Santa **Cruz**, the Public Utilities Commission, the California Department of **Forestry**, CalTRANS, and other land management agencies adopt policies designed to control invasive exotic plants in **projects** that create temporary disturbances.

Because it may take a few years for the effects of non-native invasions to become apparent, we recommend the following course of action:

1) For short-term disturbances associated with specific projects (e.g. logging roads or ditches), monitoring activities should occur at least on the first, third, and fifth years after the initial disturbance. Invasive non-native plants should be removed **from** the disturbed area before these plants have an opportunity to become permanently established. In cases where the addition of plants to the natural habitat may be essential to a project (e.g. for erosion control), we recommend the use of either appropriate native or non-invasive exotic plants (e.g. **cereal** barley)

2) For long-term disturbances (e.g. utility rights-of-way), we recommend that a strategy for long-term monitoring and control be implemented to contain and reverse the spread of invasive non-native plants. In cases where the addition of plants to the natural habitat may be essential to a project (e.g. for erosion control), we recommend the use of either appropriate native or non-invasive exotic plants (e.g. cereal barley)

Prepared for CNPS by **Joe Rigney**

Adopted by the Board by unanimous vote on February 9, 1998

DEPARTMENT OF FORESTRY
AND FIRE PROTECTION6059 HIGHWAY 9 • P.O. DRAWER F-2
FELTON, CA 95018
(408) 335-6740

April 29, 1998

County of Santa Cruz
Resource Planning
Attention: Donna Bradford
701 Ocean Street, Room 400
Santa Cruz, CA 95060

Dear Donna,

The following comments represent the California Department of Forestry and Fire Protection's (CDF) response to Santa Cruz County's draft rule package. This response focuses on issues of clarity, enforcement, and authority.

1. Most of the requested information should be incorporated into Section II of the THP. Due to the County's existing requirement to publish the Notice of Intent (including the THP map) in a newspaper, the Notice of Intent should be limited to essential information that can be meaningfully reproduced in a newspaper at a reasonable cost. As an alternative, this additional information could be included in the Notice of Intent that is posted and sent to the adjacent property owners and road association, but not included in the published version.
- 1.(a)(2). **"The location and extent of flagging of property line boundaries and residential buffer areas."** This requirement is unclear. Is a map required? ✓
- 1.(a)(3). Does "**approximate duration**" refer to the entire project or per day? ✓
- 1(c). The language addressing where the Notice of Intent should be posted is unclear. It should read "**at a conspicuous location where a majority of the road association members can view the notice**" or "**at the intersection of the private road with the nearest the public road.**" ✓
- 1(e). This entire section should be **deleted**. Re-notification is required under the state rules if there is a change in the haul route involving another (unnoticed)

private road or if acreage is added that affects new landowners (within 300 feet of the new boundary) because these changes are reviewed as major amendments. Per CCR § 895.1, a change in the silvicultural method is defined as a substantial (major) deviation.

2. This rule lacks authority. PRC § 4516.6(a) would have to be amended. ✓

3. This proposed rule is **unclear**, and should be simplified. Perhaps one section should address equipment operations outside 300 feet of a home, including allowable exceptions; and another section should address operations within the 300 feet area, including exceptions. The proposal presented by local RPFs was much clearer and would be easier to enforce. ✓

5 (b). While counties have been granted the authority in the Public Resource Code to request a rule for the bonding of private roads, the legislature obviously never gave any thought to how such a rule could be implemented! Issues include:

- Who decides whether the road has been damaged by the harvest operation?
- If the answer is CDF, how does CDF prove this?
Obvious damage can be photo or video documented, but small cracks and minor impacts cannot be captured but could be argued forever).
- And what if there's not a single cause for the damage (e.g, landowner. crushes a culvert during a heavy rainstorm, causing the culvert to overflow; overflow washes out a portion of the road where the LTO had removed a berm)?
- Who is the bond payable to?
- Can the LTO repair the road or does the bond automatically get pulled?
- If the bond gets "pulled" does the road association have to do the repair work?
- Who okays whether the repair work is satisfactory?
- What if a private road has no road association?
- What if the timberland owner already pays annual road association dues?
- Who signs the "written agreement for road repair" if there's no road association or no agreement among the road association members?
- If a road agreement can be achieved, does CDF enforce it?
- What are the timeframes for the bond (are they the same as for the public roads?).

- 6(a)4. *"(O)ther purposes in addition to timber harvesting"* needs to be defined. What about forest management activities including erosion control maintenance, tree planting, and noncommercial harvests? If a grading permit is required, the rule should stipulate that the permit must be obtained prior to THP submission.
- 6(b). What does *"used year round"* refer to? Accessing a home?
- 6(b)(1)(2)(3) Is *"road gradient"* a more appropriate term than *"slopes"*? What does *"renewed treatment upon resurfacing of bare soil"* mean?
- 6(c) THP related inspections are limited to no more than three years following the acceptance of a Work Completion Report, per PRC § 4562.9. During this interval of time, non-CDF professionals could enter the property only when they are accompanied by CDF, per PRC § 4604. As the landowner's agent, the RPF could possibly assume this responsibility (unattended by CDF) for the aforementioned three years.
- 6(d) What does *"abandoned"* mean? Recontoured?
7. The first sentence should read *"...riparian corridor exclusion areas shall be designated on the plan map and shall be located in the field with flagging."* The concern about the location of waterbars cannot be meaningfully mapped; the location of critical waterbars (adjacent to a mapped slide, etc.) can be narratively described in the THP. These waterbars and the waterbars associated with the other areas identified in this rule (steep slopes, WLPZs, unstable areas) could be flagged by the RPF prior to the Preharvest Inspection, and reflagged prior to installation. Also, the existing language in the first sentence of this rule should be clarified. What does *"proposed"* refer to? 'What does *"constructed"* refer to? For instance, does a proposed, non-constructed landing have to be flagged? Does an existing landing have to be flagged?
8. *"(I)n conformance with these rules..."*, what rules does this refer to? What if the existing truck road is the only access to the parcel? Or to the home? What if the existing road is not causing a problem? Do all of the requirements (abandoned, stabilized, recontoured, revegetated and restricted from vehicular use) apply?
9. Per PRC § 4562.9, CDF's inspection authority is limited to three years following acceptance of the Work Completion Report. *"Slash"* is a more appropriate term than *"woody debris."*

Donna Bradford
 April 29, 1998
 Page Four

10. What does this rule mean?
- 13(a)1 -4. What percentages apply if the interval between harvests is more than ten years, but less than fourteen?
- 13(b). The "*leave tree*" provision by size class would be impossible to enforce. Under the current regulations, a "leave tree" is ≥ 12 " dbh. This could be increased, but it should be a single standard.
- 14(b). This section, without a doubt, would be impossible to enforce!
- 14(c). "*(W)atercourse or lake transition line*" is defined in CCR § 895.1 and is perhaps, therefore, more appropriate and precise than "*top edge of the watercourse bank*".
- 14(d). What about permanent stream crossings?
15. The authority for this rule is questionable. If there is authority, what eradication methods are acceptable? What are "*other, invasive, non-native plants*"? How would this rule be enforced (i.e., how would CDF know when to inspect for this work? Would an annual inspection be done by CDF? What is the standard for acceptable eradication- most of the plants? Is it all of the plants?)

Sincerely,

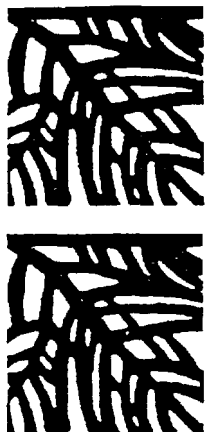
Steve Wert
 Unit Chief

Nancy Drinkard

by

Nancy Drinkard, RPF #1979
 Division Chief, Forest Practice

.C. 5. Wert
 D. Lucke
 G. Brittner



J.E. GREIG, Inc.

CONSULTING FORESTER

P.O. Box 90190

Henderson, NV 89009-0190

(702) 564-9867 • Fax (702) 564-9876

April 17, 1998

Mr. Alvin James, Director **Planning**
Resource Planning
Government Center
701 Ocean St., Room 400
Santa Cruz, CA 95060

Dear Mr. James:

My name is James E. Greig, a resident of Santa Cruz County, Soquel, from 1959 through 1989. I am a forester, R.P.F. #113, graduate of the School of Forestry, University of California, class of 1950.

I have managed forest lands in the Santa Cruz mountains since 1956 and am currently the forest manager, since 1973, for **Redtree** Properties, L.P. (formerly The Santa Cruz Lumber Co.). I was a member of the original Santa Cruz County committee which developed the Santa Cruz Co. ordinance regulating timber harvesting under a use-permit process. The rules we developed in this ordinance later became the basis for the State Forest Practice rules in the Southern Subdistrict of the Redwood Region, including Santa Cruz county.

I read with some dismay your proposed amendments to the California Forest Practice Rules. I can understand your desire to eliminate timber harvesting on non-TPZ parcels within the county. I do believe, however, that so doing will only accelerate the fragmentation of parcels into smaller units and further increase urban sprawl. If you eliminate any possibility of economic return from an owners' parcel, what else can he do but sell it for residential development. You will have, in effect, condemned all non-TPZ forest lands for all but residential use.

Your zoning of the non-TPZ parcels does not directly effect *me*, as forest manager for **Redtree** Properties, L.P. Their forest lands are generally zoned T.P.Z. I am **thoroughly**, very concerned with your proposed changes to the State Forest Practice Rules. Logging has been under way in the Santa Cruz Mountains for more than 150 years. The current state of our beautiful forests speaks well of the forest owners exercise of responsible forest management and the California Dept. of Forestry's administration of the Forest Practice Rules.

If increasing arbitrary regulation fostered by uninformed citizens further erodes forest owners confidence in their ability to maintain an economically viable resource, the end *result* cannot be what the county desires. If forest management is abandoned, the end result can only be more development. If you consider that the T.P.Z. forest lands are rapidly becoming the primary source of free flowing water, due to the severe restrictions on residential building, their break-up would reduce this stream flow even more. The San Lorenzo Valley is a prime example of what has happened. All the surface feeder streams are

diverted into sewer systems and septic tanks. The water never reaches the river during the summer months. If your regulatory goal is the improvement in quality of life in Santa Cruz Co., these proposed regulations do just the opposite.

For some of my specific objections, I point to:

1. Performance bonds on County Roads --

This is discrimination unless applied to all road users. Is not road **maintenance** included in benefits from property and **Yield Taxes**? After all, T.P.Z. lands receive very few other services as compared with residential areas.

2. Road Construction and Maintenance - b. & c.

Forest roads are a vital part of the forest fire control system on our TPZ lands. These regulations are **excessive** and **expensive** and could result in abandonment of access vital to forest fire suppression in the total forested area.

3. Special Harvesting Methods

b. The concept of such narrow diameter class regulation of leave trees is not practical in developing the ideal all-aged, all size forest stand. Redwood trees do not grow the way this system contemplates. If it were adapted no forest owner would want to let any tree grow into a diameter class greater than 32" D.B.H. We have purposely grown many trees into 40" to 50" diameter classes, most of which could become un-harvestable under this **system**, radically effecting our management program.

4. Water Course and Lake Protection

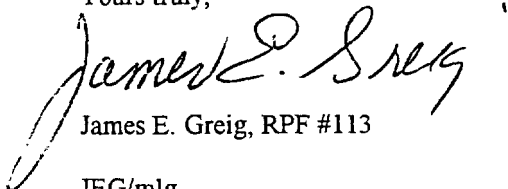
The **no harvesting** corridors along class I, II, & III watercourses would remove our most valuable lands from production. It could reduce our sustained yield level by as much as 25%.

We have proved we can harvest in these watercourse zones without damaging the streams, under the **existing regulations**. Confiscation by the County of our most valuable forest lands is neither necessary or prudent.

I am proud of our forest management record and invite Supervisors, Planning Commissioners, regulators and interested parties to visit and inspect **Redtree** Properties, L.P. forest land. If you wish to do so, please contact my Santa **Cruz** office for appointments. See or call:

Dave Herman
J. E. Greig, Inc.
100 Ponderosa Court
Santa Cruz, CA 95060
Phone (408) 438-0700

Yours truly,

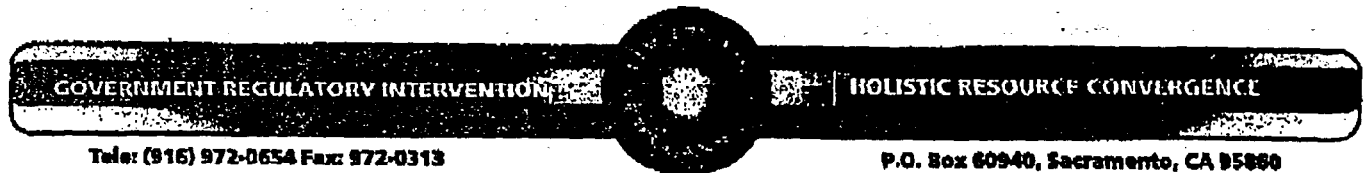


James E. Greig, RPF #113

JEG/mlg

cc: Douglas P. Ley
Richard Wilson
Jeff Almquist, 5th Dist
Donna Bradford

PATRICK PORGANS & ASSOCIATES



April 29, 1998

Santa Cruz County Board of Supervisors
701 Ocean street
Santa Cruz, CA 95060

F a x : 408-454-3262

To: All Members of the Board

RE: COMMENTS AND SUPPORT TO THE COUNTY BOARD OF SUPERVISORS' PROPOSED AMENDMENTS TO THE CALIFORNIA
FOREST PRACTICE RULES

Attn.: Donna Bradford, Resource Planning

Fax: 408-454-2131

Porgans & Associates (P&A) has once again been retained by Van Valkenburgh et al to serve as their consultants. The following comments are in reference to the Board's solicitation for public input on its "proposed amendments to the California Forest Practice Rules." On behalf of our clients, P&A has consistently participated in the County's public meeting/hearing process pertinent to additional public notification of proposed timber harvests, an increased level of protection for watercourses, a reduction of conflicts with existing residential uses, and greater timber resource conservation standards. P&A addressed those types of issues in our report (Santa Cruz County, Final Report, Preliminary Timber Harvest Assessment, Cost-Benefits-Impacts, March 1998), which we provided to the Board and other County departments,

After having had had the opportunity to review the proposed amendments, we support them in their entirety, and P&A will notify the California Board of Forestry of its support. In addition, P&A recently testified before the Senate Natural Resources and Wildlife Committee on several Senate Bills currently going through the legislative process. Senate Bill 1856 (Thompson) provides an additional one-plus million dollars to fund new staff positions for the California Department of Forestry (CDF), California Department of Fish and Game (DFG), and the Regional Water Quality Control Boards (RWQCBs) to assist in monitoring and enforcement of timber harvest plan activities. As P&A stated to the Committee, we are not opposed to the bill per say, however, we need additional assurance that DFG's and the RWQCB's input will carry the weight of law and therefore be legally binding. Furthermore, as stated in our letter to the Committee and the bill's author, P&A believes that a "three-strikes" provision should be included in the legislation. Please refer to the attached letter for detailed information.

In conclusion, we believe that it would also behoove the County to consider adding such a three-strikes provision in its proposed amendments to the Forest Practice Rules. P&A commends the Board and its staff for their collective commitment to take pro active measures to protect the health, safety and well being of the County's residents. If you have any questions regarding the content of this letter, please notify us at your earliest convenience. Thank you.

Respectfully,

Patrick Porgans
PP:sp fil: 2 myfiles\scbos\ppa.corel.wpd
Enclosure

(Original letter will be sent via U.S. mail.)

PATRICK PORGANS & ASSOCIATES

Δ/27K16
R.S. 628



April 27, 1998

To: **Senator Tom Hayden**, Chair, Natural Resources and Wildlife Committee
 Senator Mike Thompson (Author SB 1836)

Hand Delivered

Fr: Patrick Porgans

RE: SENATE BILL 1856 - COMMENTS AND **REQUEST FOR A "THREE-STRIKES"** AMENDMENT

On Wednesday, April 22, 1998, I had the opportunity to testify before the Senate Natural Resources and Wildlife Committee. At that meeting, I briefly expressed my views and concerns pertinent to the language contained in SB 1856. As you may recall, I was not opposed to the bill per se, however, I did address my concerns regarding the approximate one-plus million to fund additional staff to review and enforce the provisions of the Forest Practice Act (FPA). This letter is to reaffirm my position and solicit your support to amend the bill to incorporate a "three-strikes" provision.

Albeit, additional staff members for the respective agencies involved in the review, inspection and "enforcement" of timber harvest plans "could possibly" help to alleviate some symptomatic problems associated with timber harvest violations. Nevertheless, it will not deal with the underlying flaws inherent within the law and the conflicting priorities and policies of the various regulatory agencies. In addition, it will not provide the much needed baseline information pertinent to watersheds, biota and or endangered species/habitat. Lastly, certain timber operators are very cognizant of the fundamental flaws contained within the FPA, the interagency conflicts, and the lack of commitment by the local district attorney's office to enforce the law when it is violated. Unless, the Department of Fish and Game's and the Water Quality Control Boards' recommendations are binding and carry legal weight, additional expenditures of funds for staff will only amount to more window dressing. The legislature needs to send a strong message that it means business. The three strikes provisions is imperative, as it will deter repeated offenders from violating the law and arbitrarily destroying public trust and adjoining property owners' resources. The law should be amended with the provision clearly stating that no repeated offender will be allowed to conduct business in California, either as individuals or as a corporation. This three strikes provision is "right-in-line" with the Governor's and Attorney General's law and order policy. We must support and promote law abiding businesses, conversely, we need to deter unlawful business activities.

Recently, PORGANS & ASSOCIATES (P&A) had the opportunity to conduct a study of timber harvest plans and related activities for our client in Santa Cruz County. We enclose a copy of that report. The report, entitled, *Santa Cruz County, Final Report, Preliminary Timber Harvest Assessment Cost-Benefit-Impacts*, March 1998, provides insight and an update on timber harvest activities. The report also contains a two-volume appendices report, which contains nearly 400 pages of supporting data. In fact, the written testimony that I provided to the committee members, present at the hearing, was a synopsis of the findings contained in the report. If you read the two-page synopsis it refers to the request for a "three-strikes" provision, and provides the reasons for its necessity. Additional information to support the request is contained within the report. As I also pointed out, the public is already paying between \$11 million to \$12 million annual for the review and inspections of timber harvest plans, while those involved in profiting from timber harvesting, on average, pay only about one-third the costs for the review and processing of timber harvest plans. P&A reiterates our position that any additional costs should be borne by the industry, not the public.

fn02c2wp6.hayden

Enclosure

701

CITY OF SANTA CRUZ 629

Water Department809 Center Street, Room 102
Santa Cruz, California 95060

ADMINISTRATION	429-3670
CUSTOMER SERVICE	429-3666
WATER CONSERVATION	429-3662
ENGINEERING	429-3676
WATER PRODUCTION	429-3680
WATER DISTRIBUTION	429-3677
WATER QUALITY	429-3679
LOCH LOMOND	335-7424



Donna Bradford
County of Santa Cruz - Planning Department
701 Ocean St. Room 400
Santa Cruz, CA 95060

April 30, 1998

Dear Donna,

As you well know, sedimentation of surface waters is a serious ongoing threat to **salmonid** habitat as well as a hindrance to drinking water production and quality. Increased logging industry accountability for use of roads and decreased intrusion of the riparian zone will be positive steps toward resolution of "non-background" sedimentation problems in the watersheds of the County. In the interest of enhanced protection for beneficial uses of Santa Cruz County's water resources, I would like to express my support for the proposed amendments to the California Forest Practice Rules. Furthermore, I would like to suggest that 14 CCR 1032.7 subsection C be amended to require mailing of the Notice of Intent to *all water purveyors downstream*. Historically, Timber Harvest Practices have considered the impacts in the smallest sub-watersheds, and haven't adequately included consideration of cumulative impacts on a basin wide level. For instance, a plan in the Jamison Creek sub-watershed may require a Notice of Intent mailing to Big Basin Water Company, but not the Santa Cruz Water Department. The addition of the requirement for notification of all water purveyors downstream within 10 days of filing the THP will provide water purveyors within the boundaries of the larger watersheds, who may have limited jurisdiction due to political boundaries, the ability to participate more effectively in the development of THPs which **are** increasingly sensitive to all beneficial uses of our water resources.

Thank you for your consideration of our comments. If you have any questions please feel free to contact me at 429-3679, or citywtqc@cruzio.com.

Sincerely,

Christopher Berry,
Watershed Program Coordinator-
City of Santa Cruz Water Department

From: Jeff Almquist
To: Donna Bradford

These are my suggestions, as of now at least. The CRFM folks were going to get me a proposal on using a lower level of cut in buffer and some other, undefined, area. As I have not heard from them, I have included a proposal to address this that modifies the buffer provision and your version of 926.25.

In reviewing your proposal, I found that you had incorporated most of the changes that we originally discussed. I think you have done a thorough and thoughtful job on this endeavor. Thanks.

SANTA CRUZ COUNTY

PROPOSED AMENDMENTS TO THE CALIFORNIA FOREST PRACTICE RULES

Proposed text is underlined. Deletions from existing text are shown with strikeout. All other text is existing rule language.

1. Amend 926.2 Field Review and Timber Operator Certification [Santa Cruz County]

Subsequent to plan approval, but prior to commencement of timber operations, the RPF responsible for preparing the plan, the RPF who will advise the timber operator during timber operations (if different), and the timber operator shall meet in the field to review the specifics of the plan. The Director may attend and participate in such meeting, and shall be given advance notice of the meeting by the plan submitter. After such meeting and prior to commencement of timber operations, or upon the filina of any subseauent amendment to the plan, the licensed timber operator shall execute and file with the Department a written certification that such timber operator or a supervised desionee familiar with on-site conditions actively participated in the field review, is familiar with all state and local rules applicable to the proposed timber operation including without limitation the reouirements of Section 1035.2 and 1035.3, understands the plan or such amendment and each of the conditions that have been placed upon the plan or such amendment by the Department as part of the review process, and is familiar with and acknowledges the responsblity to communicate this information to those persons hired to carry out the proposed timber operation under his direction.

2. Amend 926.3 (a),(b) and (c) Plan Submittal and Notice of Intent [Santa Cruz County]

14 CCR 1032.7, subsections (c),(e),(f) and (g) and (h)(1) shall not apply in Santa Cruz County. In lieu of those subsections the following shall apply:

(a) The plan submitter shall prepare and submit to the Director, with the plan, a Notice of Intent to Harvest Timber as described in 14 CCR 1032.7(d) including the followina:

(1) In the event loo hauling is proposed over non-appurtenant private roads, the Notice of Intent will also include the followina:

(i) Disclosure of available documentation regardina the rioht to

- (ii) access or use private road(s).
A statement as to the estimated number of total logging truck loads to be removed and the approximate duration, number of loads per day and time of daily trips.
- (iii) A statement as to how obligations to maintain the road shall be satisfied commensurate with use.
- (iv) Specific reviewable measures which provide for the safe use of the road.
- (2) The location and extent of flagging of property line boundaries and residential buffer areas.
- (3) In the event helicopter yarding is proposed the Notice of Intent will include a map of the planned flight path and approximate duration and number of flights per day.
- (b) The plan submitter shall furnish to the Department at the time of submission of the plan, the names and addresses of all property owners within 300 ft. of the exterior boundaries of assessor's parcels upon which a plan has been submitted, the names and addresses of property owners with property fronting or bordering that portion of the haul route lying between the plan area and the nearest public road, and the addresses of all applicable private road associations on record with the County. The list shall be compiled from the latest equalized assessment roll of the county or a list provided by a title insurance company.
- (c) The plan submitter shall mail copies of the Notice of Intent to all property owners and all applicable private road associations identified pursuant to (b) at least 10 days prior to plan submission and at this time shall post a copy of the Notice of Intent including a map as described in 14 CCR 1032.7 (d)(8) at a conspicuous location at an intersection of the private road where a majority of the road association members can view the notice. Said Notice of Intent shall be on colored paper or identified with colored flagging so as to be easily visible to the public. The plan submitter shall further mail the Notice of Intent to:
- (1) All members of the Board of Supervisors in whose district any timber operation is proposed;
- (2) The local school district;
- (3) The publicly-owned water district which maintains any water production or water storage facility in the watershed within which any timber operation is proposed. At the time of plan submission, the plan submitter shall certify in writing that this procedure has been followed.
- (d) The plan submitter shall include with the mailed Notice of Intent sent to the persons identified above, other than members of the Board of Supervisors, local school district or publicly-owned water district, any printed general informational material as may from time to time be jointly approved by the County of Santa Cruz and the Department, describing the review process and the rights of adjacent landowners and other neighbors under applicable rules, ordinances or statutes.

- (e) The plan submitter shall have the Notice of Intent published in a newspaper of general circulation in the area, concurrently with the submission of the plan to the Director. Proof of publication of notice shall be provided to the Director prior to his/her determination made pursuant to 14 CCR 1037.6.
- (f) For plan amendments, the submitter of the amendment shall certify in writing at the time the amendment is submitted that copies of a new Notice of Intent have been mailed to:
 - (1) All property owners not previously noticed under sub-section (b) who, because of the plan amendment, would be required to receive the notice provided in subsection (b).
 - (2) All property owners previously noticed under subsection (b) when there is a change in silvicultural method.
- (g) The RPF shall simultaneously file with the Department any notice of deviation given to the plan submitter or landowner required under Public Resources Code section 4583.2.

3. 926.7 Review Team Field Review [Santa Cruz County]

Any review team member may, on request, accompany the Department as an advisor to the Department, on any field review. The Department conducts prior to approval of **the** plan. The review period shall be extended from 45 days to 60 days when multi-owner private roads are to be used for haulina. When a proposed timber harvest area is adjacent to a residential neighborhood or multi-owner private roads are to be used for haulina, the residents of the adjacent neighborhood or the owners of the multi-owner roads may designate one person as their representative to attend review meetings and any pre-harvest inspection that is scheduled. Such person shall be entitled to notice of the time and place of review team meetings and any preharvest inspection, may make inquiries of the review team members. but shall not be a member of the review team.

4. 926.9 Hours of Work [Santa Cruz County]

The operation of chain saws and other power-driven saw equipment shall be restricted to the hours between 7:00 a.m. and ~~9:00~~ 7:00 p.m., and shall be prohibited on Saturdays, Sundays, and nationally designated legal holidays. The operation of chain saws and all other power equipment, except licensed highway vehicles, within 300 ft. of an occupied dwelling shall be restricted to the hours between ~~6:00~~ 8:00 a.m. and ~~9:00~~ 6:00 p.m., and shall be prohibited on Saturdays, Sundays and nationally designated legal holidays. When it is anticipated that there will be staging of licensed vehicles outside the plan submitter's property before the hours of 6:00 a.m., the RPF shall provide an oeratina plan which reduces noise impacts to nearby residences.

The Director may grant an exception to allow operations between 7:00 a.m. and 7:00 p.m. within 300 feet of residences if a determination of "no disturbance" can be made based upon the occupant(s) response to a written reauest submitted by the RPF. An Any other exceptions to this rule may be granted by the Director where he/she has found that no disturbance will result to the occupants of the dwelling from the use of such equipment.

5. 926.10 Log Hauling [Santa Cruz County]

- (a) Log hauling on public roads, or private roads subject to travel by persons other than the plan submitter who have not consented in writing to such use. is not permitted on Saturdays, Sundays, or on those days which are nationally designated holidays.
- (b) Log hauling on public roads, or private roads subject to travel by persons other than the plan submitter who have not consented in writing to such use. may be restricted or not permitted by the Director during commute hours or during school busing hours when necessary to prevent a serious hazard to traffic flow and safety or to prevent hazardous conditions that would endanger public safety.
- (c) During log hauling on public roads, or on private roads subject to travel by persons other than the plan submitter who have not consented in writing to such use, the timber operator may be required by **the** Director to post special traffic signs and/or flagpersons where determined to be necessary to prevent a hazard to traffic.

6. 926.11 Flagging of Property Lines and Residential Buffer Zone [Santa Cruz County]

~~In addition to other flagging requirements in Subchapter 3 of Title 14 CCR, the Director, where necessary to protect adjoining properties may require flagging of~~ The RPF shall, prior to plan submission to the Department, flag approximate property lines of the timberland owner's parcel on the site where any truck road, tractor road or harvest area is proposed within 100 ft. of a property line, as well as the approximate boundaries of all residential buffer zones required by them.

7. 926.13 Performance Bonding [Santa Cruz County]

When hauling logs pursuant to a THP, the LTO shall provide for the repair of any damage to a county or private road that is ~~willfully or negligently~~ caused by the LTO's log hauling operations, and shall provide for the repair of any damage caused by the LTO's log hauling operations to appurtenant structures, including, but not limited to, guard rails, signs, traffic signals, culverts, curbs and similar facilities. If necessary to ensure compliance with this section, the county or applicable private road associations may request, and the Department, upon such request, may require the timber operator or responsible party to post adequate financial security to restore paved or unpaved county or private roads and appurtenant structures which are damaged by log hauling operations. The request for posting of financial security shall be made to the Department during the THP review procedure and no later than five days before the Director's decision date. The following standards apply:

- (a) For County roads, The timber operator or responsible party shall post a certificate of deposit, certificate of insurance or performance bond, or other financial security in favor of the Department in a reasonable amount set by the Director, not to exceed \$5,000 per mile of county road used or \$50,000, whichever is less and subject to provisions of Division 3, Part I, Chapter 1, Article 8, Sec. 11110 through **11113** of the Gov. C. Such cash deposit or other acceptable financial security shall cover a period not to exceed the effective period of the plan.

When a form of financial security is required, logging trucks shall not use the county roads until the required security is posted with the Department. The Director shall release the bond or equivalent to the principal of the security upon completion of log hauling operations and compliance with the requirements of this section. If and when repairs are necessary, the Director shall request the operator to provide for making the repairs. If the repairs are not made the Department may take corrective action and may order the bond, or equivalent, forfeited in an amount not to exceed actual damage. When a bond or equivalent has been posted, the Department shall provide the county with a copy of the Work Completion Report. The county shall advise the Department in writing within 30 days of its receipt of notification of completion of hauling operations or the Work Completion Report if damage has occurred repairs need to be made. If the county fails to notify the Director within 30 days, the bond of surety shall be released.

(b) For private roads, the timber operator or responsible party shall either obtain a written agreement providing for road repair obligations between timber harvester and other landowners with interest in road, addressing the issue of security for repair costs, or post a bond, certificate of deposit or other form of collateral to secure payment of cost of road repairs to private road caused by harvest operations in the amount as calculated using the following schedule:

- (i) \$300.00 for every 300 feet of dirt road to be used.
- (ii) \$500.00 for every 300 feet of gravel rock road to be used.
- (iii) \$800.00 for every 300 feet of oil and screen road to be used.
- (iv) \$1,000.00 for every 300 feet of paved road to be used.

8. 926.15 Road Construction and Maintenance [Santa Cruz County]

In addition to Article 12 (14 CCR Sections 923 through 923.81, the following shall apply in Santa Cruz County:

(a) New logging roads shall be subject to the following limitations:

- (1) New road construction shall be prohibited where any of the following conditions are present:
 - (i) Slopes steeper than 65%.
 - (ii) Slopes steeper than 50% where the erosion hazard rating is high or extreme.
 - (iii) Slopes over 50% which lead to a watercourse or lake, without flattening to sufficiently dissipate water flow and trap sediment.
- (2) Any exceptions to subsection (1) granted by the Director will require abandonment of the road immediately following cessation of active logging operations. Abandonment to include recontouring to the slope that existed prior to construction and re-establishment of all drainage to pre-existing conditions or providing for sheet dispersal of water flow so that it is hydrologically invisible.
- (3) Whenever new road construction is proposed and the plan submitter owns or controls any property contiguous to the parcel or parcels on which timber operations are proposed, and such contiguous property contains timberland, the RPF shall include a map and explanation of how the new road is integrated into the existing or

proposed truck road and associated transportation system for all the contiguous property owned or controlled by the plan submitter on which timberland is found. Such proposed integrated truck road and associated transportation system shall be reviewed in connection with review of the proposed plan, and the plan shall be modified, if necessary, to assure that the approved plan will be compatible and consistent with timber operations on the contiguous property.

- (4) Any new permanent loadina roads or bridges that will be used to serve other purposes in addition to timber harvesting shall be subject to all County road standards and applicable policies, including the requirement for a County grading permit.
- (b) All new and existing permanent loadina roads used year round shall be treated to or event excessive loss of road surface materials by the use of non-erodible surfacing materials meeting the following minimum standards:
 - (1) Slopes between 0% and 10% require a gravel surface to a depth of 6 inches, and renewed treatment upon resurfacing of bare soil.
 - (2) Slopes between 10% and 15% require a 5-inch layer of baserock and oil and screen.
 - (3) Slopes areater than 15% require a 5-inch layer of Class II baserock with a 1-1/2 inches of asphaltic concrete overlay.
- (c) All new and existing seasonal roads shall be maintained throuahout their use and require an approved erosion and drainaae plan and yearly inspections between harvest plans by a Certified Professional in Erosion and Sediment Control or licensed soils enaioneer or shall be abandoned in compliance with 14 CCR 923.8.
- (d) All new tractor roads shall be abandoned immediately following cessation of active loaging ooperations.

9. 926.16 Flagging [Santa Cruz County]

The location of proposed truck roads, constructed tractor roads, landings, and watercourse crossings, riparian corridor exclusion areas and any proposed changes to waterbreaks or waterbars which are within the WLPZ, and on mapped unstable areas or on slopes over 65% regardless of erosion hazard rating, shall be designated on the plan map and shall be located in the field with flagging. Such flagging shall occur prior to the preharvest inspection if one is to be conducted. Flagging for truck roads and constructed tractor roads will be intervisible along the proposed alignments.

10. 926.17 Abandonment of Roads and Landings [Santa Cruz County]

When an existing truck road, tractor road, or landing is located in an area in which it could not be newly constructed in conformance with these rules, then, ~~where feasible,~~ such road or landing shall be abandoned, stabilized, recontoured, revegetated, and restricted from vehicular use, ~~unless the use of such road or landing would produce less environmental impact than the use of a new road or landing constructed in accordance with these rules.~~

11. 926.19 Erosion Control Maintenance [Santa Cruz County]

The plan submitter shall maintain all drainage structures and drainage facilities and aatina or other road closure facilities required by these rules in effective working condition throughout the required one-winter periods after completion of timber operations unless other stricter measures are required under the FPA. All trails, landinas and work areas shall be reseeded, mulched or protected by compacting woody debris from harvest operation. The Director may require further measures to prevent unnecessary damage to road surfaces from unauthorized use and to protect the quality and beneficial uses of water. The timberland owner shall have the ootion to desianate what measures are to be employed to achieve the level of protection desired by the Director. A work completion report may not be filed until this requirement has been met. The Director may require the timberland owner to maintain erosion control facilities throughout the plan area up to the time of the landowners re-entry of the unit or sale of the oooerty when there is evidence of the lack of maintenance in the past. The County representative responsible for review of timber harvests may attend the work completion inspection with the Department to review erosion control measures.

12.926.22 Treatment of Logging Slash [Santa Cruz County]

In addition to reauirements of 14 CCR 917.4 limb stubs on tree too slash shall be lopped to 8 in. (20.3 cm) or less from the bole of the tree.

13. 926.23 Contents of Plan [Santa Cruz County]

In addition to 14 CCR 1034 the followina shall apply in Santa Cruz Countv:

- (a) When log hauling is proposed over non-appurtenant private roads, the RPF shall ovide:
- (1) Information substantiatina the timber owner's legal rieht to access or use said private road(s).
 - (2) A statement as to the estimated number of total logging truck loads to be removed and the aooroximate number of loads per dav and timina of daily trios.
 - (3) A statement as to how obligations 'to maintain the road shall be satisfied commensurate with use.
 - (4) Specific reviewable measures which ovide for the safe use of the road.
 - (5) Videotaoe, photograph or other means of documentation for notina the existing conditions of the road.
- (b) The RPF shall disclose the basis for the location of property boundaries.

14. 926.24 Residential Buffer Zone [Santa Cruz County]

Harvestino or other timber ooperation within 300 feet of any legal structure used for residential purposes on parcels not zoned TPZ shall conform to the special stocking and operational rules set forth in 926.25 (d) unless the oooerty owner protected by the buffer consents in writina to a more

intense cut, up to the level permitted by 926.25 (a) through (c). For timber operations within 300 feet of a residential dwelling, all slash shall be lopped to 30.5 cm (12 in.) or less or removed, within 10 working days of log removal operations.

15. 926.25 Special Harvesting Methods [Santa Cruz County]

14 CCR 913.8 subsections (a), except for the basal area and countable tree stocking standards shall not apply in Santa Cruz County, instead the following shall apply:

- (a) Subject to the specific restrictions in subparagraph (d) below, leave uncut a well-distributed timber stand after timber operations have been completed on the logging area that is determined by using the following criteria based on the site classification as defined by PRC 4528(d). The re-entry period shall be based on the proposed level of harvest.
- (1) Site I Lands - Allowed harvest of 40% of trees 61.0 cm (24 in.) and more d.b.h. in any 10 year period or 50% of trees over 61.0 cm (24 in.) and more d.b.h. in any 14 year period.
 - (2) Site II Lands - Allowed harvest of 40% of trees 55.9 cm (22 in.) and more d.b.h. in any 10 year period or 50% of trees over 55.9 cm (22 in.) and more d.b.h. in any 14 year period.
 - (3) Site III Lands - Allowed harvest of 40% of trees over 50.8 cm (20 in.) and more d.b.h. in any 10 year period or 50% of trees over 50.8 cm (20 in.) and more d.b.h. in any 14 year period.
 - (4) Site IV and V Lands - Allowed harvest of 40% of trees over 38.1 cm (15 in.) and more d.b.h. in any 14 year period.
- (b) Leave trees shall be thrifty coniferous trees which were dominant and codominant in crown class prior to timber harvesting or which have crowns typical of such dominant and codominant trees. They shall be free from significant damage caused by the timber operations. No conifer shall be cut which is more than 22.9 m (75 ft.) from a leave tree of equal size class. Average top stump diameter, outside bark, shall be considered 2.5 cm (1 in.) greater than d.b.h. No area may be cut in excess of the leave tree standards of this rule. The equal size class range is defined as follows:
- (1) Over 38.1 cm (15 in.) to 45.7 cm (18 in.) d.b.h.
 - (2) Over 45.7 cm (18 in.) to 61.0 cm (24 in.) d.b.h.
 - (3) Over 61.0 cm (24 in.) to 81.3 cm (32 in.) d.b.h.
 - (4) Over 81.3 cm (32 in.) to 91.4 cm (36 in.) d.b.h.
 - (5) Any tree over 91.4 cm (36 in.) d.b.h.
- (c) An alternative method may be approved only if a RPF submits a stratified random sample, of at least 5% of the property or harvest area, with statistically valid growth data that supports a cutting percentage and cutting cycle that will achieve the same yield of timber on each

successive harvest in perpetuity. In no event shall the cutting cycle exceed 20 years. The landowner must submit to the Director, a Nonindustrial Timber Management Plan (NTMP) or a Sustained Yield Plan (SYP) as provided in Article 6.5 and 6.75, Subchapter 7. Before commencement of harvesting operations the property owner shall record at the County a Declaration of Restriction which cites the approved cutting percentages and cutting cycle as stated in the NTMP or SYP.

- (a)** On all lands proposed for timber harvest where harvest is permitted under Santa Cruz County zoning ordinances other than timber production zones which contain a Class 1 or 2 watercourse, or on lands which constitute a residential buffer zone under 926.24, leave uncut a well-distributed timber stand after timber operations have been completed on the logging area that is determined by using the following criteria based on the site classification as defined by PRC 4528(d). The re-entry period shall be based on the proposed level of harvest.
- (1)** Site I Lands - Allowed harvest of 20% of trees 61.0 cm (24 in.) and more d.b.h. in any 10 year period or 30% of trees over 61.0 cm (24 in.) and more d.b.h. in any 14 year period.
 - (2)** Site II Lands - Allowed harvest of 20% of trees 55.9 cm (22 in.) and more d.b.h. in any 10 year period or 30% of trees over 55.9 cm (22 in.) and more d.b.h. in any 14 year period.
 - (3)** Site III Lands - Allowed harvest of 20% of trees over 50.8 cm (20 in.) and more d.b.h. in any 10 year period or 30% of trees over 50.8 cm (20 in.) and more d.b.h. in any 14 year period.
 - (4)** Site IV and V Lands - Allowed harvest of 20% of trees over 38.1 cm (15 in.) and more d.b.h. in any 14 year Period.

16. 926.26 Water Course and Lake Protection [Santa Cruz County]

In addition to the requirement of Article 6 (14 CCR Sections 916 to 916.10 the following shall apply in Santa Cruz County:

- (a)** No timber harvest operations are allowed within riparian corridors. The width of this no cut, no entry zone is defined as follows:
- (1)** At least 15.2 m (50 feet) from Class I and II watercourses.
 - (2)** At least 9.1 m (10 feet) from Class III watercourses.
- (b)** Those trees not allowed to be cut in the riparian corridor can be traded for equal volume outside of the WLPZ to a maximum of 60% or those trees in the same size class range as defined in 14 CCR 926.25 (b) as present prior to commencement of current timber operations.
- (c)** The width of the riparian corridor shall be measured along the around from the top edge of the watercourse bank.

(d) Exceptions are allowed for temporary stream crossings (fords, bridges, culverts, etc.) if no other alternative exists as explained and justified in the THP and approved by the Director.

17. 926.27 Non-native Plants [Santa Cruz County]

The prescribed maintenance period for the eradication of French broom or other -invasive, non-native plants along the harvest roads and landinas shall be at least two years after completion of the harvest.

18.926.28 Helicopter Operations [Santa Cruz County]

Helicopter service and log landina zones must be sited within the THP boundaries. No helicopter flight may occur within 1000 feet of an inhabited residence, provided that the Director may reduce this requirement to 500 feet with the written concurrence of the residential inhabitant. Helicopter operations within 2000 feet of an inhabited residence are restricted to the hours between 8:00 a.m. and 6:00 p.m. and shall be prohibited on Saturdays, Sundays and nationally designated legal holidays. The Director may grant an exception if a determination of "no disturbance" can be made.



SANTA CRUZ COUNTY

PROPOSED AMENDMENTS TO THE CALIFORNIA FOREST PRACTICE RULES

Proposed text is underlined. Deletions from existing text are shown with strikeout. All other text is existing rule language.

1. **Amend 926.2 Field Review and Timber Operator Certification [Santa Cruz County]**

Subsequent to plan approval, but prior to commencement of timber operations, the RPF responsible for preparing the plan, the RPF who will advise the timber operator during timber operations (if different), and the timber operator shall meet in the field to review the specifics of the plan. The Director may attend and participate in such meeting, and shall be given advance notice of the meeting by the plan submitter. After such meeting and prior to commencement of timber operations, or upon the filing of any subsequent amendment to the plan, the licensed timber operator shall execute and file with the Department a written certification that such timber operator or a supervised designee familiar with on-site conditions actively participated in the field review, is familiar with all state and local rules applicable to the proposed timber operation including without limitation the requirements of Section 1035.2 and 1035.3, understands the plan or such amendment and e&h of the conditions that have been placed upon the plan or such amendment by the Department as part of the review process, and is familiar with and acknowledges the responsibility to communicate this information to those persons hired to carry out the proposed timber operation under his direction.

THE FOLLOWING TEXT WAS MOVED

2.

THE PRECEDING TEXT WAS MOVED

Amend 926.3 (a),(b) and (c) Plan Submittal and Notice of Intent [Santa Cruz County]

14 CCR 1032.7, subsections (c),(e),(f) ~~and (g) and (h)(1)~~ shall not apply in Santa Cruz County. In lieu of those subsections the following shall apply:

- (a) The plan submitter shall prepare and submit to the Director, with the plan, a Notice of Intent to Harvest Timber as described in 14 CCR 1032.7(d) including the following
- (1) In the event log haulina is proposed over non-appurtenant private roads, the Notice of Intent will also include the followina:
- (i) Disclosure of available documentation regarding the riah to access or use private road(s).
 - (ii) A statement as to the estimated number of total loaina truck loads to be removed and the approximate duration, number of loads per dav and time of daily trips.
 - (iii) A statement as to how obliations to maintain the road shall be satisfied commensurate with use.
 - (iv) Specific reviewable measures which provide for the safe use of the road.

(2) The location and extent of flaaaina of property line boundaries and residential buffer areas.

~~(3) In the event helicopter vardina is proposed the Notice of Intent will include a map of the planned fliiht path and approximate duration and number of fliihts per dav.~~

(b) The plan submitter shall furnish to the Department at the time of submission of the plan, the names and addresses of all property owners within 300 ft. of the exterior boundaries of assessor's parcels upon which a plan has been submitted, and the names and addresses of property owners with property fronting or bordering that portion of the haul route lying between the plan area and the nearest public road., and the addresses of all auulicable private road associations on record with the County. The list shall be compiled from the latest equalized assessment roll of the county or a list provided by a title insurance company.

(c) The plan submitter shall mail copies of the Notice of Intent to all property owners and all applicable private road associations identified pursuant to (b) at least 10 days prior to plan submission ~~and at this time shall post a copy of the Notice of Intent including a map as described in 14 CCR 1032.7 (d)(8) at a conspicuous location at an intersection of the private road where a maiority of the road association members can view the notice. Said Notice of Intent shall be on colored paper or identified with colored flaaaina so as to be easily visible to the public.~~ The plan submitter shall further mail the Notice of Intent to:

(1) All members of the Board of Supervisors in whose district any timber operation is proposed;

(2) The local school district;

(3) The publicly-owned water district which maintains any water production or water storage facility in the watershed within which any timber operation is proposed. At the time of plan submission, the plan submitter shall certify in writing that this procedure has been followed.

~~(d) The plan submitter shall have the Notice of Intent published in a < i n c l u d e w i t h t h e mailed Notice of Intent sent to the persons identified above, other than members of the Board of Supervisors, local school district or publicly-owned water district. any printed general informational material as may from time to time be jointly approved by the County of Santa Cruz and the Department. describing the review process and the rihts of adjacent landowners and other neiahbors under auulicable rules, ordinances or statutes.~~

(e) The plan submitter shall have the Notice of Intent published in a newspaper of general circulation in, the area, concurrently with the submission of the plan to the Director. Proof of publication of notice shall be provided to the Director prior to his/her determination made pursuant to 14 CCR 1037.6.

- (f) For plan amendments, the submitter of the amendment shall certify in writing at the time the amendment is submitted that copies of a new Notice of Intent have been mailed to:
- (1) All property owners not previously noticed under sub-section (b) who, because of the plan amendment, would be required to receive the notice provided in subsection (b).
 - (2) All property owners previously noticed under subsection (b) when there is a change in silvicultural method.
- (g) The RPF shall simultaneously file with the Department any notice of deviation given to the plan submitter or landowner required under Public Resources Code section 4583.2.

3. 926.7 Review Team Field Review [Santa Cruz County]

Any review team member may, on request, accompany the Department as an advisor to the Department, on any field review the Department conducts prior to approval of the plan. The review period shall be extended from 45 days to 60 days when multi-owner private roads are to be used for hauling.

3. -When a road used timber harvest area is adjacent to a residential neighborhood or multi-owner private roads are to be used for hauling, the residents of the adjacent neighborhood or the owners of the multi-owner roads may designate one person as their representative to attend review meetings and any pre-harvest inspection that is scheduled. Such person shall be entitled to notice of the time and place of review team meetings and any pre-harvest inspection, may make inquiries of the review team members, but shall not be a member of the review team.

4.926.9 Hours of Work [Santa Cruz County]

The operation of chain saws and other power-driven saw equipment shall be restricted to the hours between 7:00 a.m. and ~~9:00~~ 7:00 p.m., and shall be prohibited on Saturdays, Sundays, and nationally designated legal holidays. The operation of chain saws and all other power equipment, except licensed highway vehicles, within 300 ft. of an occupied dwelling shall be restricted to the hours between ~~6:00~~ 8:00 a.m. and ~~9:00~~ 6:00 p.m., and shall be prohibited on Saturdays, Sundays and nationally designated legal holidays. When it is anticipated that there will be stalling of licensed vehicles outside the plan submitter's property before the hours of 6:00 a.m., the RPF shall provide an operation plan which reduces noise impacts to nearby residences.

The Director may grant an exception to allow operations between 7:00 a.m. and 7:00 p.m. within 300 feet of residences if a determination of "no disturbance" can be made based upon the occupant(s) response to a written request submitted by the RPF. ~~Any~~ Any other exceptions to this rule may be granted by the Director where he/she has found that no disturbance will result to the occupants of the dwelling from the use of such equipment.

4. 926.11 Flagging of Property Lines [Santa Cruz County]

In addition to other flagging requirements in Subchapter 3 of Title 14 CCR, the Director, where necessary to protect adjoining properties may require flagging of The RPF shall, prior to plan submission to the Department, flag approximate property lines on the site where any truck road, tractor road or harvest area is proposed within 100 ft. of a property line.

5. ~~926.13 Performance Bonding [Santa Cruz County]~~

~~926.13 Performance Bonding [Santa Cruz County]~~

~~When hauling logs pursuant to a THP, the LTO shall provide for the repair of any damage to a county~~**926.10 Log Hauling [Santa Cruz County]**

- (a) Log hauling on public roads, or private road that roads subject to travel by persons other than the plan submitter who have not consented in writing to such use, is willfully or negligently caused by the LTO's log hauling operations, and shall provide for the repair of any damage caused by the LTO's log hauling operations to appurtenant structures, including, but not limited to, guard rails, signs, traffic signals, culverts, curbs and similar facilities not permitted on Saturdays, Sundays, or on those days which are nationally designated holidays.
- (b) Log hauling on public roads, or private roads subject to travel by persons other than the plan submitter who have not consented in writing to such use, may be restricted or not permitted by the Director during commute hours or during school busing hours when necessary to prevent a serious hazard to traffic flow and safety or to prevent hazardous conditions that would endanger public safety.
- (c) During log hauling on public roads, or on private roads subject to travel by person's other than the plan submitter who have not consented in writing to such use, the timber operator may be required by the Director to post special traffic signs and/or flag persons where determined to be necessary to prevent a hazard to traffic.

6. ~~926.11 Flagging of Property Lines and Residential Buffer Zone [Santa Cruz County]~~

In addition to other flagging requirements in Subchapter 3 of Title 14 CCR, the Director, where necessary to protect adjoining properties may require flagging of The RPF shall, prior to plan submission to the Department, flag approximate property lines of the timberland owner's parcel on the site where any truck road, tractor road or harvest area, is proposed within 100 ft. of a property line, as well as the approximate boundaries of all residential buffer zones required by the plan.

7. ~~926.16 Flagging~~926.13 Performance Bonding [Santa Cruz County]

The location of proposed truck roads, constructed tractor roads When hauling logs pursuant to a THP, landings, and watercourse crossings, riparian corridor exclusion areas and any proposed changes to waterbreaks which are within the LTO shall provide for the repair of any damage to a county or private road that is willfully or negligently caused by the WLPZ, and on mapped unstable

areas or on slopes over 65% regardless LTO's log hauling operations, and shall provide for the repair of erosion hazard rating, shall be designated on any damage caused by the plan map and shall be located in the field with flagging LTO's log hauling operations to appurtenant structures, including, but not limited to, guard rails, signs, traffic signals, culverts, curbs and similar facilities. If necessary to ensure compliance with this section, the county or applicable private road associations may request, and the Department, upon such request, may require the timber operator or responsible party to post adequate financial security to restore paved or unpaved county or private roads and appurtenant structures which are damaged by log hauling operations. The request for posting of financial security shall be made to the Department during the THP review procedure and no later than five days before the Director's decision date. The following standards apply:

- (a) For County roads, The timber operator or responsible party shall post a certificate of deposit, certificate of insurance or performance bond, or other financial security in favor of the Department in a reasonable amount set by the Director, not to exceed \$5,000 per mile of county road used or \$50,000, whichever is less and subject to provisions of Division 3, Part I, Chapter 1, Article 8, Sec. 11110 through 11113 of the Gov. C. Such cash deposit or other acceptable financial security shall cover a period not to exceed the effective period of the plan.

When a form of financial security is required, logging trucks shall not use the county roads until the required security is posted with the Department. The Director shall release the bond or equivalent to the principal of the security upon completion of log hauling operations and compliance with the requirements of this section. If and when repairs are necessary, the Director shall request the operator to provide for making the repairs. If the repairs are not made the Department may take corrective action and may order the bond, or equivalent, forfeited in an amount not to exceed actual damage. When a bond or equivalent has been posted, the Department shall provide the county with a copy of the Work Completion Report. The county shall advise the Department in writing within 30 days of its receipt of notification of completion of hauling operations or the Work Completion Report if damage has occurred repairs need to be made. If the county fails to notify the Director within 30 days, the bond of surety shall be released.

- (b) For private roads, the timber operator or responsible party shall either obtain a written agreement or provide for road repair obligations between timber harvester and other landowners with interest in road, addressing the issue of security for repair costs, or post a bond, certificate of deposit or other form of collateral to secure payment of cost of road repairs to private road caused by harvest operations in the amount as calculated using the following schedule:

- (i) \$300.00 for every 300 feet of dirt road to be used.
- (ii) \$500.00 for every 300 feet of gravel rock road to be used.
- (iii) \$800.00 for every 300 feet of oil and screen road to be used.
- (iv) \$1,000.00 for every 300 feet of paved road to be used.

-8.926.15 Road Construction and Maintenance [Santa Cruz County]

In addition to Article 12 (14 CCR Sections 923 through 923.81, the following shall apply in Santa Cruz County:

- (a) New logging roads shall be subject to the following limitations:
- (1) New road construction shall be prohibited where any of the following conditions are present:
 - (i) Slopes steeper than 65%.
 - (ii) Slopes steeper than 50% where the erosion hazard rating is high or extreme.
 - (iii) Slopes over 50% which lead to a watercourse or lake, without flattening to sufficiently dissipate water flow and trap sediment.
 - (2) Any exceptions to subsection (1) granted by the Director will require abandonment of the road immediately following cessation of active logging operations. Abandonment to include recontouring to the slope that existed prior to construction and re-establishment of all drainage to pre-existing conditions or providing for sheet dispersal of water flow so that it is hydrologically invisible.
 - (3) Whenever new road construction is proposed and the plan submitter owns or controls any property contiguous to the parcel or parcels on which timber operations are proposed, and such contiguous property contains timberland, the RPF shall include a map and explanation of how the new road is integrated into the existing or proposed truck road and associated transportation system for all the contiguous property owned or controlled by the plan submitter on which timberland is found. Such proposed integrated truck road and associated transportation system shall be reviewed in connection with review of the proposed plan, and the plan shall be modified, if necessary, to assure that the approved plan will be compatible and consistent with timber operations on the contiguous property.
 - (4) Any new permanent logging roads or bridges that will be used to serve other purposes in addition to timber harvesting shall be subject to all County road standards and applicable policies, including the requirement for a County grading permit.
- (b) All new and existing permanent logging roads used year round shall be treated to prevent excessive loss of road surface materials by the use of non-erodible surfacing materials meeting the following minimum standards:
- (1) Slopes between 0% and 10% require a gravel surface to a depth of 6 inches, and renewed treatment upon resurfacing of bare soil.
 - (2) Slopes between 10% and 15% require a 5-inch layer of baserock and oil and screen.
 - (3) Slopes greater than 15% require a 5-inch layer of Class II baserock with a 1-1/2 inches of asphaltic concrete overlay.
- (c) All new and existing seasonal roads shall be maintained throughout their use and require an approved erosion and drainage plan and yearly inspections between harvest plans by a Certified Professional in Erosion and Sediment Control or licensed soils engineer or shall be abandoned in compliance with 14 CCR 923.8.
- (d) All new tractor roads shall be abandoned immediately following cessation of active logging operations.

926.16 Flagging [Santa Cruz County]

The location of proposed truck roads, constructed tractor roads, landings, and watercourse crossings, riparian corridor exclusion areas and any proposed changes to waterbreaks which are within the WLPZ, and on mapped unstable areas or on slopes over 65% regardless of erosion hazard rating, shall be designated on the plan map and shall be located in the field with flagging.

The location of proposed truck roads, constructed tractor roads, landings, and watercourse crossings, riparian corridor exclusion areas and any proposed changes to waterbreaks or waterbars which are within the WLPZ, and on mapped unstable areas or on slopes over 65% regardless of erosion hazard rating, shall be designated on the plan map and shall be located in the field with flagging. Such flagging shall occur prior to the preharvest inspection if one is to be conducted. Flagging for truck roads and constructed tractor roads will be intervisible along the proposed alignments.

8-10. 926.17 Abandonment of Roads and Landings [Santa Cruz County]

When an existing truck road, tractor road, or landing is located in an area in which it could not be newly constructed in conformance with these rules, then, ~~where feasible,~~ such road or landing shall be abandoned, stabilized, recontoured, revegetated, and restricted from vehicular use, ~~unless the use of such road or landing would produce less environmental impact than the use of a new road or landing constructed in accordance with these rules.~~

9-11. 926.19 Erosion Control Maintenance [Santa Cruz County]

The plan submitter shall maintain all drainage structures and drainage facilities and aatina or other road closure facilities required by these rules in effective working condition throughout the required one-winter periods after completion of timber operations unless other stricter measures are required under the FPA. All trails, landinas and work areas shall be reseeded, mulched or protected by compacting woody debris from harvest operation. The Director may require further measures to prevent unnecessary damaae to road surfaces from unauthorized use and to protect the auality and beneficial uses of water. The timberland owner shall have the option to desianate what measures are to be employed to achieve the level of protection desired by the Director. A work completion report may not be filed until this requirement has been met. The Director may require the timberland owner to maintain erosion control facilities throuahout the plan area up to the time of the landowners re-entry of the unit or sale of the property when there is evidence of the lack of maintenance in the past. The County representative resoonsible for review of timber harvests may attend the work completion inspection with the Department to review erosion control measures.

10-12. 926.22 Treatment of Logging Slash [Santa Cruz County]

In addition to reauirements of 14 CCR 917.4 limb stubs on tree too slash shall be lopped to 8 in. (20.3 cm) or less from the bole of the tree.

11-13. 926.23 Contents of Plan [Santa Cruz County]

In addition to 14 CCR 1034 the following shall apply in Santa Cruz County:

- (a) When log haulina is proposed over non-aounenant private roads, the RPF shall provide:
- (1) Information substantiatina the timber owner's legal riahrt to access or use said private road(s).
 - (2) A statement as to the estimated number of total loaaina truck loads to be removed and the aooroximate number of loads per dav and timina of daily trios.
 - (3) A statement as to how obliaations to maintain the road shall be satisfied commensurate with use.
 - (4) Specific reviewable measures which ovide for the safe use of the road.
 - (5) Videotape, ophotoaraoh or other means of documentation for notina the existing conditions of the road.
- (b) The RPF shall disclose the basis for the location of property boundaries:

12. 926.24 Residential Buffer Zone [Santa Cruz County]

Harvestina or other timber operation are prohibited within 200300 feet of any legal structure used for residential purposes on parcels not zoned TPZ without the property owner's consent in writing, except for dead, dying shall conform to the special stocking and diseased trees which are imminently threatening legal habitable structures or which constitute a fire hazard operational rules set forth in 926.25 (d) unless the property owner protected by the buffer consents in writing to a more intense cut, up to the level permitted by 926.25 (a) through (c). If For timber ooperations do occur within 200 within 300 feet of a residential dwellina, all slash shall be lopped to 30.5 cm (12 in.) or less or removed, within 10 workina days of log removal operations.

13. 926.25 Special Harvesting Methods [Santa Cruz County]

14 CCR 913.8 subsections (a), except for the basal area and countable tree stocking standards shall not apply in Santa Cruz County, instead the following shall apply:

- (a) Leave uncut a well-distributed timber stand after timber operations have been completed on the logging area that is determined by using the following criteria based on the site classification as defined by PRC 4528(d):

15. 926.25 Special Harvesting Methods [Santa Cruz County]

14 CCR 913.8 subsections (a), except for the basal area and countable tree stocking standards shall not apply in Santa Cruz County: instead the following shall apply:

- (a) Subject to the specific restrictions in sub ara ra h d below, leave uncut a well-distributed timber stand after timber ooperations have been completed on the logging area that is determined by usina the followina criteria based on the site classification as defined by PRC

4528(d). The re-entry period shall be based on the proposed level of harvest.

- (1) Site I Lands - Allowed harvest of 40% of trees 61.0 cm (24 in.) and more d.b.h. in any 10 year period or 50% of trees over 61.0 cm (24 in.) and more d.b.h. in any 14 year period.
- (2) Site II Lands - Allowed harvest of 40% of trees 55.9 cm (22 in.) and more d.b.h. in any 10 year period or 50% of trees over 55.9 cm (22 in.) and more d.b.h. in any 14 year period.
- (3) Site III Lands - Allowed harvest of 40% of trees over 50.8 cm (20 in.) and more d.b.h. in any 10 year period or 50% of trees over 50.8 cm (20 in.) and more d.b.h. in any 14 year period.
- (4) Site IV and V Lands - Allowed harvest of 40% of trees over 38.1 cm (15 in.) and more d.b.h. in any 14 year period.

(b) Leave trees shall be thrifty coniferous trees which were dominant and codominant in crown class prior to timber harvest or which have crowns typical of such dominant and codominant trees. They shall be free from significant damage caused by the timber operations. No conifer shall be cut which is more than 22.9 m (75 ft.) from a leave tree of equal size class. Average top stump diameter, outside bark, shall be considered 2.5 cm (1 in.) greater than d.b.h. No area may be cut in excess of the leave tree standards of this rule. The equal size class range is defined as follows:

- (1) Over 38.1 cm (15 in.) to 45.7 cm (18 in.) d.b.h.
- (2) Over 45.7 cm (18 in.) to 61.0 cm (24 in.) d.b.h.
- (3) Over 61.0 cm (24 in.) to 81.3 cm (32 in.) d.b.h.
- (4) Over 81.3 cm (32 in.) to 91.4 cm (36 in.) d.b.h.
- (5) Any tree over 91.4 cm (36 in.) d.b.h.

(c) An alternative method may be approved only if a RPF submits a stratified random sample, of at least 5% of the property or harvest area, with statistically valid growth data that supports a cutting percentage and cutting cycle that will achieve the same yield of timber on each successive harvest in perpetuity. In no event shall the cutting cycle exceed 20 years. The landowner must submit to the Director, a Nonindustrial Timber Management Plan (NTMP) or a Sustained Yield Plan (SYP) as provided in Article 6.5 and 6.75, Subchapter 7. -Before commencement of harvest operations the property owner shall record at the County a Declaration of Restriction which cites the approved cutting percentages and cutting cycle as stated in the NTMP or SYP.

14-

(a) On all lands proposed for timber harvest where harvesting is permitted under Santa Cruz County zoning ordinances other than timber production zones which contain a Class 1 or 2 watercourse, or on lands which constitute a residential buffer zone under 926.24, leave

uncut a well-distributed timber stand after timber operations have been completed on the logging area that is determined by using the following criteria based on the site classification as defined by PRC 4528(d). The re-entry period shall be based on the proposed level of harvest.

- (1) Site II Lands - Allowed harvest of 20% of trees 61.0 cm (24 in.) and more d.b.h. in any 10 year period or 30% of trees over 61.0 cm (24 in.) and more d.b.h. in any 14 year period.
- (2) Site III Lands - Allowed harvest of 20% of trees 55.9 cm (22 in.) and more d.b.h. in any 10 year period or 30% of trees over 55.9 cm (22 in.) and more d.b.h. in any 14 year period.
- (3) Site III Lands - Allowed harvest of 20% of trees over 50.8 cm (20 in.) and more d.b.h. in any 10 year period or 30% of trees over 50.8 cm (20 in.) and more d.b.h. in any 14 year period.
- (4) Site IV and V Lands - Allowed harvest of 20% of trees over 38.1 cm (15 in.) and more d.b.h. in any 14 year period.

~~THE FOLLOWING TEXT WAS MOVED~~

16.

~~THE PRECEDING TEXT WAS MOVED~~

926.26 Water Course and Lake Protection [Santa Cruz County]

In addition to the requirement of Article 6 (14 CCR Sections 916 to 916.10 the following shall apply in Santa Cruz County:

- (a) No timber harvest operations are allowed within riparian corridors. The width of this no cut, no entry zone is defined as follows:
 - (1) At least 15.2 m (50 feet) from Class I and II watercourses.
 - (2) At least 9.1 m (10 feet) from Class III watercourses.
- (b) Those trees not allowed to be cut in the riparian corridor can be traded for equal volume outside of the WLPZ to a maximum of 60% or those trees in the same size class range as defined in 14 CCR 926.25 (b) as present prior to commencement of current timber operations.
- (c) The width of the riparian corridor shall be measured along the ground from the top edge of the watercourse bank.
- (d) Exceptions are allowed for temporary stream crossings (fords, bridges, culverts, etc.) if no other alternative exists as explained and justified in the THP and approved by the Director.

15:17. 926.27 Non-native Plants [Santa Cruz County]

The prescribed maintenance period for the eradication of French broom or other invasive, non-native plants along the harvest roads and landinas shall be at least two years after completion of the harvest.

18.926.28 Helicopter Operations [Santa Cruz County]

Helicopter service and loo landina zones must be sited within the THP boundaries. Helicopter operationsNo helicopter flight may occur within 1000 feet of an inhabited residence, provided that the Director may reduce this requirement to 500 feet with the written concurrence of the residential inhabitant.. Helicopter operations within 2000 feet of an inhabited residence are restricted to the hours between 78:00 a.m. and 76:00 p.m. and shall be orohibited on Saturdays, Sundays and nationally desianated legal holidays. The Director may grant an exception if a determination of "no disturbance" can be made.





SAN LORENZO VALLEY WATER DISTRICT

13060 Highway 9 • Boulder Creek, CA 95006 • (408) 338-2153

651

May 18, 1998

Santa Cruz County
Board of Supervisors
701 Ocean St.
Santa Cruz, CA 95060

REF: Proposed Santa Cruz County Amendments
to the California Forest Practice Rules

Honorable Chairperson and Member of the Board:

The Board of Directors of the San Lorenzo Valley Water District reviewed the draft proposed amendments to the California Forest Practice Rules at our regular meeting of May 21, 1998. Our Board commends the County for preparing significant proposed rule changes that would greatly improve the protection of water quality if adopted and implemented.

As your Board is already aware, accelerated erosion and sediment are degrading the County's rivers and streams to the extent that Federal Resource Agencies have listed both **coho salmon** and steelhead as threatened species under the Endangered Species Act. Unless and until the County addresses the causes of erosion, water quality will continue to suffer. Some of the proposed changes to the Forest Practice Rules recommended in the draft report could improve water quality.

Specifically, Section 6.926.15 Road Construction and Maintenance (a) (1) and (2) are desirable standards. We are concerned that (2) allows a non-standard road to remain through a winter period without abandonment if the harvest operation wasn't completed in one year. If a non-standard road is to remain through a winter period, it should be seeded and mulched, at a minimum. Number (4) is a needed improvement, the method to determine that the road will be used for other purposes should be specified in the rules. In many cases, former substandard logging roads are being used to facilitate residential development.

The standards proposed in (b) for road surface materials for roads used year round is important to prevent accelerated erosion from the road surface. The County and CDF should determine whether a road could be used year-round and require the appropriate surfacing as a condition of THP approval.

Under (c) we would prefer to see the statent read “licensed soils engineer ~~or~~ and shall be abandoned...”.

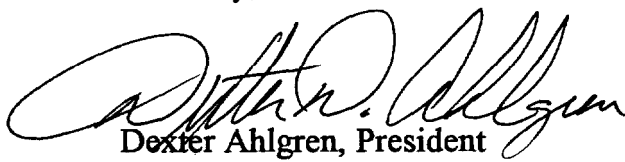
Section 9.926.19 Erosion Control Maintenance, this section is critical to reducing erosion. We support the concept of either seeding and mulching all bare soil at the end of each season or tractor packing slash even if operations are not completed. Seeding and mulching is a cheap solution for temporary erosion control each winter, when combined with proper drainage control.

In addition, we support the requirement to maintain erosion control beyond one winter. Numerous studies and research show conclusively that 3 to 5 years are required to stabilize road surfaces and cuts and fills following completion of operations. We would suggest amending the statement “The Director ~~may~~ shall require the timberland owner to maintain erosion control facilities....”

Finally, our Board supports the proposed water course and lake protection proposed amendments, Section 14.926.26 the no cut, no entry buffer zone along County rivers and streams. Currently, State and Federal regulations constrain cutting along streams to prevent temperature increases for ESA listed **coho salmon** and steelhead survival. **Riparian** corridors are also critically important as a filter of overland flow of storm runoff, a source of needed large woody debris (LWD) for healthy streams, and as a critical habitat and migration corridor for numerous species of wildlife. Some scientists have called for a no cut buffer zone along streams two times the average length of native trees to insure an adequate source of LWD. We recommend a buffer strip at least the height of average dominate species plus 10% for Class I and II streams. The County should direct Staff to insure the standard is scientifically based and not simply politically expedient.

Thank you for the opportunity to comment on this critically important issue.

Sincerely,



Dexter Ahlgren, President
Board of Directors

DA:dc

SAN LORENZO VALLEY

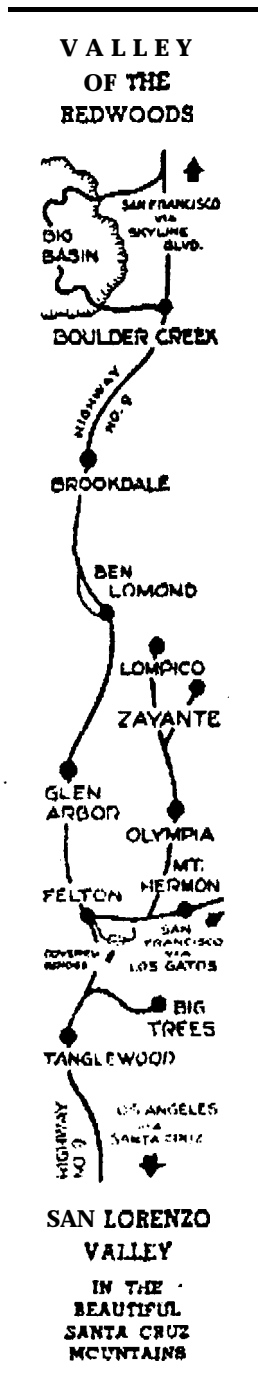
(SANTA CRUZ COUNTY)

PROPERTY OWNER%' ASSOCIATION

POST OFFICE BOX 325
BEN LOMOND, CALIFORNIA 96005

Santa Cruz County 'Board of Supervisors
701 Ocean Street
Santa Cruz, CA 95060

May 22, 1998



The San Lorenzo Valley Property Owners' Association, at our May 21st General Membership meeting, voted as an organization to request the County Board of Supervisors to seriously consider the many negative ramifications of restricting, banning, or placing numerous financial obstacles in the **path** of responsible forest management.

As our organization has before stated, any policy decisions affecting the environment should be arrived upon through professional analysis. According to the California Environmental Quality Act (CEQA), detailed studies are required on this subject, in order to avoid politically pressured decisions. We support input from the local professional foresters group and from other qualified experts. We do not support the false claims and "solutions" supported by any groups who lack practical experience and knowledge of forest management.

While the issue of property rights is one of our major concerns, we are also concerned with the health of local forests and the problems associated with preventing or hampering activities which are beneficial to maintaining forest properties. Road and culvert improvements required through the Timber Harvest Plan process are financed through profit from harvesting of timber.

Strict buffer zones in neighborhoods additionally create an economic burden for landowners who own trees within striking distance of their neighbors home. After a financial barrier **has** been created through onerous regulations for tree removal, who is liable if a tree strikes a neighbors home?

In closing, our organization feels that it is the County's duty to inform forest landowners of the very important policy decisions being made which financially and environmentally impact their properties.

Sincerely,
The General Membership
San Lorenzo Valley Property
Owners' Association

O. Robert Weich
O. Robert Weich
President

Steven M. Butler
303 Potrero #42-202
Santa Cruz CA 95060

April 1, 1998

Santa Cruz County Board of Supervisors
Governmental Center
701 Ocean Street
Santa Cruz CA 96060

Re: Timber Zoning Issues

Dear Board Members:

I attended the March 24, 1998 Board of Supervisors meeting and am in receipt of the draft minutes order of the board (page 15, item #80).

As a local forester, this issue is extremely important to me and my clients. I have been following these issues very closely and have provided my input every step of the way.

The timber resource map is intended to delineate the presence of a timber land resource. The current timber resources map is inaccurate, as many properties or portions of properties which meet the definition of timber land are not included on the map.

Timberland is defined in the General Plan (5.12.1, page 5-40 and G-19). Timberland is also defined by the Forest Practice Act (895. 1), by the Public Resources Code of California (PRC 4526), and by Websters Dictionary (see attached). These definitions are all essentially the same. The potential for use of said resource is based on economic factors in combination with regulation by the California Department of Forestry and the Forest Practice Act (a process which the County is involved in (1037.3, 1037.5)). Not every parcel on the timber resource map has been harvested or will be harvested, that doesn't mean that the resource isn't present. There are many resources that we are not or cannot feasibly access at this time, but this does not negate their presence for future use.

The updating of a resource map does not constitute a change in zoning, nor does it mean that a project is imminent. A change in the resource map definitely does not mean the subject property becomes zoned TPZ.

There are other resource maps in the general plan. The updating of these other resource maps does not require a public hearing, typically some sort of certification of resource presence or absence is all that is required to update the map. Examples: Biological Diversity 5.1.1, page 5-3; Programs page 5-5(d). Hydrological, Geological, and Paleontological Resources 5.9.1, page 5-31, page 5-31(a). Mineral Resources 5.16.1, page 5-57, page 5-59(d).

As with these other mapped resources, I do not believe a public hearing is required to update a resources map. I believe such a finding would be inconsistent with the General Plan and the treatment of other resource maps.

I continue to be concerned with the County's treatment of timber resources on land with agricultural zoning. I believe timber is agriculture. Timber is a tree crop grown for fiber (see 5.14.6, 5.13.6, 5.13.5). Timber certainly is a compatible use to other agriculture. The General Plan (5.14.1(b), 5.13.6(b)(d), and (e)) recognizes other uses when compatible. There is plenty of evidence of the compatibility of timber with agriculture and this is recognized in the General Plan (5.12.1, page 5-40).

I question the validity and appropriateness of applying the June 1972 Parks Open Space and Cultural Services Plan. This is a background source for the 1994 General plan. Any policies found within this source is superseded by the current General Plan (Appendix A, page A-1).

I believe that the time that staff is being directed to spend on this anti-timber management crusade is counter productive to all involved. Let us please work forward in a positive way.

Sincerely,



Steven M. Butler, RPF #2390

enc.
psl

CC: Planning Dept, Alvin James
County Council, Dwight L. Herr

4522.5. **Cutover land.** "Cutover land" means land which has borne a crop of commercial timber from which at least 70 percent of the merchantable **original** growth timber **stand** has been removed by logging or destroyed by fire, **insects**, or tree diseases and which is now supporting, or capable of growing, a crop of commercial timber or other forest products, **and** which has not been converted to other commercial or agricultural use.

4523. **District.** "District" means a forest district.

4524. **License.** "License" means a **license to engage in** timber operations, issued pursuant to Article 6 (commencing with Section 4571) of this chapter.

4525. **Person.** "Person" includes **any** private individual, organization, **partnership**, corporation, city, county, district, or the state or any department or **agency** thereof.

4525.3. **Resource conservation standards.** "Resource conservation standards" means the minimum acceptable condition **resulting** from timber operations.

4525.5. **Rules.** "Rules" means the district forest practice rules adopted by the board.

4525.7. **Slash.** "Slash" means **branches** or limbs less than **four** inches in diameter, and bark **and** split products debris left on the ground as a result of timber operations.

4526. **Timberland.** "Timberland" means land, other than land owned by the **federal** government **and** land designated by the board as experimental forest land, which is available for, and capable of, growing a crop of trees of any commercial species used to produce lumber and other forest products, including Christmas trees. Commercial species shall be determined by the board on a district basis after consultation with the district committees **and** others.

4526.5. **Timber operator.** "Timber operator" means **any** person who is engaged in timber operations **himself** or who contracts **with** others to conduct such operations on his behalf, except a person who is engaged in timber operations as **an** employee with wages as his sole compensation.

4527. **Timber operations.** "Timber operations" means the **cutting** or removal or both of timber or other solid wood forest products, including Christmas trees, from timberlands for **commercial** purposes, together with all the work incidental thereto, including, but not limited to, construction **and** maintenance of roads, fuel breaks, **firebreaks**, stream crossings, landings, skid trails, beds for the falling of trees, fire hazard abatement, **and** site preparation that **involves disturbance** of soil or **burning** of vegetation following **timber harvesting** activities conducted after January 1, 1988, but excluding preparatory work such as **treemarking**, surveying, or roadflagging. Commercial purposes' includes: (1) The **cutting** or removal of trees which are processed into logs, **lumber**, or other wood products **and** offered for sale, barter, **exchange**, or trade, or; (2) The **cutting** or **removal** of trees or other forest products during the conversion of timberlands to land uses other than the growing of **timber** which are subject to the provisions of Section 4621, including, but **not** limited to, residential or commercial developments, production of other agricultural crops, recreational developments, ski developments, water development projects, **and** transportation projects. Removal or harvest of incidental vegetation from timberlands, such as berries, ferns, greenery, mistletoe, herbs, and **other** products, which action cannot normally be expected to result

tilt. [1400-60: late ME. var. Of *tild*, OE *teld*; c. G *Zelt* tent, ON *tjald* tent, curtain]

tilt/ board, 1. a rectangular board mounted on a fulcrum, for use by acrobats and gymnasts to gain momentum in feats of tumbling. 2. a similar board, used in exercising, on which the body rests on an inclined plane, with the legs on a higher level than the head and arms. 3. *New Eng.* See **tilting board**. Also, **tilt/board'**.

—**Regional** Variation. 3. See seesaw.

tilth (*tilth*), *n.* 1. the act or operation of tilling land; tillage. 2. the state of being tilled or under cultivation. 3. the physical condition of soil in relation to plant growth. 4. land that is tilled or cultivated. [bef. 1000; ME, OE. See **TILL**², **-TH**¹]

tilt/ ham/mer, a drop hammer used in forging, consisting of a heavy head at one end of a pivoted lever. [1740-50]

tilt/ing board', *New Eng.* a seesaw. Also, **tilt board**, **tilt'er-ing board'** (*til'tər'ing*).

—**Regional** Variation. See seesaw.

tilt/ing chest', a medieval chest decorated with a representation of a tournament.

tilt-me-ter (*tilt/mə'tər*), *I.L. Geol.* *n.* an instrument used to measure slight changes in the inclination of the earth's surface, usually in connection with volcanology and earthquake seismology. [1930-35; **TILT**¹ + **-METER**]

tilt/-top table (*tilt/top'*), a pedestal table having a top that can be tilted vertically.

tilt-up (*tilt/up'*), *adj.* **Building Trades.** of or pertaining to a method of casting concrete walls on site in a horizontal position or preassembling wooden wall and partition frames, then tilting them up into their final position: *tilt-up construction*. [1840-50; *ndj.* use of *v.* phrase *tilt up*]

tilt-yard (*tilt/yärd'*), *n.* a courtyard or other open for

tim-ber-land (*tim'bər land'*), *n.* land covered with timber-producing forests. [1645-55, Amer.; **TIMBER** + **-LAND**]

tim-ber-line (*tim'bər lin'*), *n.* 1. the altitude above sea level at which timber ceases to grow. 2. the arctic or antarctic limit of tree growth. Also called **tree line**. [1865-70, Amer.; **TIMBER** + **LINE**¹]

tim-ber-man (*tim'bər men*), *n., pl.* -men. a person who prepares, erects, and maintains mine timbers. [1400-50; late ME; see **TIMBER**, **MAN**¹]

tim'ber mill', a sawmill producing timbers, as for building purposes. [1905-10]

tim'ber rat/tlesnake, a rattlesnake, *Crotalus horridus horridus*, of the eastern U.S., usually having the body marked with dark crossbands. Also called **banded rattlesnake**. See *illus.* under rattlesnake. [1890-95]

tim'ber right', ownership of standing timber with no rights to the land.

tim'ber wolf', the gray wolf, *Canis lupus*, sometimes designated as the subspecies *C. lupus occidentalis*; formerly common in northern North America but now greatly reduced in number and rare in the conterminous U.S. [1875-80]

tim-ber-work (*tim'bər wûrk'*), *n.* structural work formed of timbers, [1350-1400; ME *timberwerk*. See **TIMBER**, **WORK**]

tim-bre (*tam'bər*, *tim'-*; *Fr.* *tan'br'*), *n.* 1. **Acoustics, Phonet.** the characteristic quality of a sound, independent of pitch and loudness, from which its source or manner of production can be inferred. Timbre depends on the relative strengths of the components of different frequencies, which are determined by resonance. 2. **Music.** the characteristic quality of sound produced by a particular instrument or voice; tone color. [1325-75; ME *tym-bre* < F: sound (orig. of bell), MF: bell, timbrel, drum, OF: drum < MGk *tymbanon*, var. of Gk *tympanon* drum]

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CENTRAL COAST FOREST ASSOCIATION
A Landowners' Association

658

Santa Cruz County Planning Department
701 Ocean Street
Santa Cruz, CA 95060

May 18, 1998

Out of consideration for the citizens of **Santa Cruz County** and County officials, our organization feels it is our responsibility to alert you to the likelihood of legal action against the Santa Cruz County Planning Department. Our association represents several hundred forest landowners in Santa Cruz County, of lands zoned "TP" and "SU" as well as other zoning designations.

As you are aware, a group of local professional foresters drafted two documents in order to resolve issues brought to their attention. The foresters voluntarily offered several amendments to local Forest Practice Rules to be presented to the State Board of Forestry which would be more workable, reasonable, effective, fair and *legal* than banning management of thousands of acres of forestlands due to (an often arbitrary) county zoning designation. State Board of Forestry rule change proposals which are acceptable to the Central Coast Forest Association consists of the proposals submitted by the local professional forestry group. **Of the current proposals, the proposal of May 1 offered by the foresters incorporates as much compromise as is acceptable to our organization.**

Unfortunately, the proposals made by anti-logging groups, and as incorporated into county staff proposals, are unacceptable to our landowner association, as we find these to be illegal and constitute seizure of land and subversion of our private property rights. The lack of scientific knowledge and practical experience of these groups, coupled with the fact that these people are fundamentally opposed to timber harvesting, as is clearly demonstrated through the record, negates the notion that these groups should be given equal or greater voice in arriving at workable solutions to any existing areas of concern.


Lands which previously have been protected against residential development are now being "protected" against forest management. Layer upon layer of regulation exists for timber management in this area and the rule **changes** proposed by the local foresters sought to further improve these rules. Any restrictions added by County staff due to deliberations with local anti-logging special interest groups represents an attempt to make the harvest process so further cumbersome that clear "takings" of private property would occur, at great legal liability to the County of Santa Cruz.

Conversely, the submissions from the foresters represent **an** opportunity for acceptable change for management of all forestlands within the county, regardless of zoning designation. This opportunity also represents true compromise on the part of all forestland owners within this county. We request the Santa Cruz County Planning Department to submit one of the professional forestry proposals to the

County Board of Supervisors as the wisest and only legal course of action.

It is evident that anti-logging groups have pressured County Planning staff with intentions of producing a proposal so onerous as to assure failure before the Board of Forestry and for the County to continue the recent zoning control. Should the County succumb to these pressures and only present proposals that placate these groups, it will surely precipitate legal action as we find ourselves with no other recourse.

Sincerely,


Gerald A. Nelson
Chair, Executive Committee
Central Coast Forest Association

cc: County Counsel