

BOARD OF SUPERVISORS



COUNTY OF SANTA CRUZ

GOVERNMENTAL CENTER

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AGENDA: 9/22/98

September 18, 1998

BOARD OF SUPERVISORS
County of Santa Cruz
701 Ocean Street
Santa Cruz, CA 95060

RE: PROPOSED TIMBER HARVEST REGULATIONS

Dear Members of the Board:

As you know, I traveled to South Lake Tahoe to represent you at the most current hearings conducted by the Board of Forestry regarding our proposed Timber Rules Package. On September 1, 1998, myself and Planning staff members met with the Forest Practice Committee of the Board of Forestry for several hours. These discussions, like those which preceded them in San Diego, resulted in an expression of concern by the Forest Practice Committee members regarding certain provisions in the Rules. This led us to make further revisions to the Rules overnight prior to the hearing by the full Board on September 2, 1998. The purpose of this letter is to obtain your endorsement of those further revisions.

We had hoped that the Board of Forestry would consider the Rules in the hearing that was scheduled for September 2, 1998. However, upon our arrival in South Lake Tahoe, we learned that the Commerce and Trade Agency, an agency of the State, had submitted a letter to the Board of Forestry raising, among other concerns, the fact that when the Board of Forestry sent out the notice regarding our Proposed Rules submission, it had failed to comply with the "plain English" requirement contained in the Government Code. The "plain English" requirement states, in essence, that an Agency proposing to issue new regulations that affect small businesses must either write those regulations at the 8th grade level or must accompany the notice of the proposed rule making with a summary of the Rules written at the 8th grade level. Since the Board of Forestry did not comply with these

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requirements in sending out the original notice containing our proposed Rules and their analysis of those Rules, it became clear to us on September 1 that the Rules Package would need to be re-noticed and, in light of that, we felt it important to make whatever further revisions seemed appropriate in order to address specific concerns raised by Forest Practice Committee members.

Attached is the most recent set of revised Rules submitted to the Board of Forestry. These will be the subject of the new noticing by the Board of Forestry. There will be further consideration of these proposed Rules by the Forest Practice Committee at its meeting in October, and the Rules will be reviewed by the full Board of Forestry at its meeting in November.

The only feedback we have received to date from the Board of Forestry came in the form of the oral report of the Chairman of the Forest Practice Committee, Richard Rogers, to the full Board of Forestry in which he indicated that there was a portion of the Rules that the Forest Practice Committee felt could be adopted in their current form, there was a segment of the Rules that the Committee felt dealt with issues that needed to be addressed in Santa Cruz County but needed further work with regard to the language utilized, and there was a remaining portion of the Rules that the Forest Practice Committee did not support. The Committee did not articulate which Rules proposals fell into which categories and we are in the process of trying to elicit that information.

The revisions to the current Rules attached hereto are relatively minor. They are as follows:

1. In proposed Rule 926.2, we added the word "major" as a modifier to the term "amendment" in several places.
2. In Rule 926.3 (b) and (c), we modified the wording to limit private road associations to those appearing on a list maintained by the County in order to simplify the burden on the Forester to determine when and to whom notice is required where a private road is involved.
3. In Rule 926.3 (h), we modified the Rule regarding notification of commencement of helicopter timber harvest operations to those situations where the harvest operation will take place in a calendar year other than that in which the approval of the harvest is granted.
4. In Rule 926.11, we removed wording which would have had the CDF become responsible for making determinations of rights when property lines were disputed, a provision which was stridently opposed by CDF.

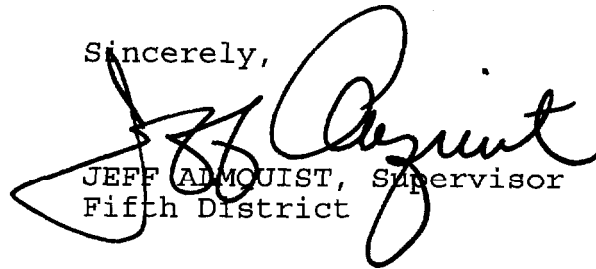
5. In Rule 926.13, we amended the Rule to retain the "willful or negligent" standard as a requirement for damage to County roads but removed it from the requirement for recovering damages to private roads, and changed the bonding requirements so that the bonding procedure would be the same regardless of the type of road being used.
6. In Rule 926.15 (a) (4), we added a modification to clarify that the restrictions would not apply at inner gorge slopes that were part of an approved stream crossing.
7. In Rule 926.15 (b), in the discussion of ratable share, we added language that would permit the landowner to either pay for or actually develop his ratable share of improvements as a means of satisfying the requirement.
8. In Rule 926.15 (c), we deleted a requirement that a drainage and erosion control plan be submitted to CDF prepared by certain types of people and replaced it with a requirement that roads be maintained pursuant to erosion and drainage plans approved by the County, in light of objections by CDF that it did not feel it had continuing authority or resources to adequately monitor erosion control measures after timber harvests were completed.
9. In 926.22, we added language to clarify where the logging requirements were to apply.
10. In 926.25 (c), we added a requirement to ensure that property owners would get credit in the overall limitations on how many trees can be cut for those trees that they are prevented from cutting due to either riparian or residential buffers.
11. In 926.27, dealing with non-native plants, we added a requirement that the management practices provided for would only be required with regard to those particular non-native species set forth on a list provided by the County.

I will not be attending the Forest Practice Committee hearing to be held on October 5, 1998, as I will be in New York City with representatives of the Metropolitan Transit District, but do plan to attend the Board of Forestry hearing during the first week of November when the entire Rules package will again be noticed for public hearing.

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Accordingly, I request that the Board approve the Rules Proposal attached hereto.

Sincerely,



JEFF ALMQUIST, Supervisor
Fifth District

JA:lg
Attachment

cc: Planning Department
Mike Jani, Big Creek Lumber
Mark Morgenthaler
Jodi Frediani
Steve Butler

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SANTA CRUZ COUNTY

PROPOSED AMENDMENTS TO THE CALIFORNIA FOREST PRACTICE RULES

New text is underlined

Deletions are shown with ~~strikeout~~

Bold text represents revisions to Rules proposal previously submitted to the Board of Forestry for its consideration.

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 ~~913.8(a)~~ 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 **major** amendment to the plan, the LTO 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~~ a field review, is familiar with all state and local rules applicable to the proposed timber operation including without limitation the requirements of 14 CCR 1035.2 and 1035.3, understands the plan or such **major** amendment and each of the conditions that have been placed upon the plan or such **major** 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/her direction. The term "supervised designee" means a representative whose activities are controlled by the LTO in the same manner that an RPF would control the activities of a "supervised designee" as defined in 14 CCR 895.1.

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) which shall additionally include the following:

- (1) A statement that the approximate property lines have been flagged for review where truck roads, tractor 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 a map that clearly identifies the areas within the proposed timber harvest plan area that are proposed for helicopter operations, including 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 private road association members. "Private road association" as used in this section and all other rules specific to Santa Cruz County shall mean those road associations appearing on a list maintained by the County and provided to the Director which are either a County Service Area which maintains any private road or any other private road association that has recorded by-laws or other organizing instruments recorded in the official records of Santa Cruz County from which it can be ascertained the assessor parcel numbers of the properties owned by the members. If helicopter yarding is proposed, the list shall also include the names and addresses of property owners with property located within three thousand (3,000) feet of any location in the proposed timber harvest area in which logs are to be picked up, carried, or landed, or helicopters are to use for servicing. it is the intent of the notice provisions of this paragraph to direct the notice to both owners and residents of properties lying within the 3,000 foot notice area; accordingly, if any property owner to be noticed by mail on a proposed helicopter yarding has a mailina address located outside of the three thousand foot notice area and such property, owner's property within such area has a street address within such area . the list shall also contain the street address of the property within the three thousand (3,000) foot radius. and shall list the addressee at such property as "Occupant." The list shall be compiled from the latest equalized assessment roll of the county or a list provided by a title insurance company. Any list prepared for noticing an operation with helicopter yarding shall be deemed accurate provided that it contains accurate information regarding at least 95% of the property owners and situs addresses entitled to notice under these Rules based upon the County Tax Assessor's records.
- (c) The plan submitter shall mail copies of the Notice of Intent to all property owners and all private road association members **members of those private road associations on the list provided by the County** 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 and, if helicopter yarding is proposed, at a minimum of one conspicuous location every half mile on all public roads within a 2 mile radius of the proposed site area of operations. 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) Any ~~The~~ publicly-owned water district **or community water system** which maintains any water production or water storage ~~facility in the watershed downstream from any location~~ within which any timber operation is proposed. At the time of plan submission, the plan submitter shall certify **to the Director** 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, publicly-owned water district or **community water systems**, 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.
- (h) In the event the Director shall approve a timber harvest plan which provides in whole or in part for helicopter yarding **and where harvest operations are not commenced within the same harvest season in which the plan is approved**, the plan submitter shall, not less than 14 days prior to **the estimated** commencement of helicopter operations and not more than 28 days prior to **the estimated** commencement of such operations:
- (1) Mail a notice to all persons ~~entitled to have received a mailed~~ **previously notified of the** Notice of Intent of the **original application** or any amendment under (b) above, providing notice of the fact that the helicopter yarding **was**

approved, containing a map showing the location of the harvest areas, landing area, and service area approved in the Plan, the hours of operation, the **estimated** starting date of helicopter yarding activities, the **estimated** completion date, and any conditions placed on the helicopter yarding activity by the Director as part of the approval: and

(2) Post a copy of the notice at a **minimum of one** conspicuous location every **half mile** on **all public** roads within a 2 mile radius of the proposed **site area of operations**. The posted notice shall be on colored paper or identified with colored flagging so as to be easily visible to the public.

(3) The plan submitter shall further mail the notice to **those persons identified in 14 CCR 926.3 (c)(1) and (2) and (3)**.

(4) Prior to commencement of helicopter operations, the plan submitter shall certify to **the Director** in writing that these procedures have been followed.

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. **A member of the review team shall have five working days followinn the date of the review team meeting in which to file any notice of non-concurrence as provided for in 14 CCR 1037.5(e).**

When a proposed timber harvest area is adjacent to a residential neighborhood: **when** the only access to the **proposed timber harvest area** is through neighborins property; or **when** multi-owner private road(s) are to be used for hauling; the residents of the adjacent neighborhood or the owners of the private road(s) may designate one person as their representative to attend the pre-harvest inspection and all Review Team field inspections and meetings that are scheduled. **The Director and plan submitter shall be provided with written notice of the designated representative's name, address and telephone number.** Such person may only enter the property of the landowner where the harvest is proposed with the consent of the landowner. Such person shall be entitled to receive advance notice of the time and place of the pre-harvest inspection and Review Team field reviews, 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, t**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. **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 legal 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** a.m. and ~~9:00~~ **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 CCR, 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 owner's 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. In the absence of a survey by a licensed surveyor, if any section of the property boundary line so marked is contested in writing by the adjoining property owner, and if, after an on-site review by the County representative, the Chair of the Review Team, the RPF and the complaining adjoining property owner there is still an unresolved dispute as to the location of such boundary, the Director may assign lands within a strip 50 to 200 feet in width parallel and adjacent to the contested section of the 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 road that is willfully or negligently caused by the LTO's log hauling operations or to a private road which is 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 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 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 the 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.

The bond, certificate of deposit or other form of collateral, or a copy of the written agreement providing for road repair shall be posted with the Department. Logging trucks shall not use the private road until the required security or written agreement is posted with the Department. The Director 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 Director shall request in writing that the timber operator or responsible party make the repairs. If the repairs are not made, the Director 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 923.81, 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 these standards granted by the Director will require abandonment of the **newly created, temporary** road in compliance with 14 CCR 923.8 immediately following cessation of active logging operations. Notwithstanding the general prescriptions of 14 CCR 923.8, abandonment shall include recontouring to the slope that existed prior to construction, re-establishment of all drainage to pre-existing conditions, and installation of gates or other devices at the perimeter of the landowner's property to prevent vehicular access, including motorcycles. Where the RPF determines that such recontouring is not feasible either because it will do more significant environmental damage than other means of abandoning the road, or because the property owner wishes to maintain some utility of the road for access by small licensed vehicles or ATV for forest management purposes, an alternative method may be proposed and if sufficiently explained and justified, may be approved by the Director. The alternate method shall include at a minimum the return of all side-cast materials to the roadbed with sufficient compaction and stabilization to maximize dispersion of runoff, and minimize erosion and loss of soil from the roadbed, and shall also include removal of all fill material in order to restore all drainage courses.
- (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 **(except at approved stream crossings)** 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 **or log hauling 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 with gradients between 0% and 10% require a gravel surface to a depth of 6 inches, and renewed treatment upon resurfacing of bare soil.
 - (2) Roads with gradients between 10% and 15% require a 5-inch layer of baserock and oil and screen.
 - (3) Roads with gradients greater than 15% require a 5-inch layer of Class II baserock with 1-1/2 inches of asphaltic concrete overlay.
- If the improvements required by this subparagraph must be made by the plan submitter to a private road not exclusively owned by the plan submitter, the plan submitter shall only be obligated to pay his ~~ratable cost of such improvements~~ **for or develop his ratable share of such road improvements** based on the total road footage and the relative use made of such road by other users. **The "ratable cost" to be paid by the plan submitter shall be determined by agreement between the plan submitter and the other road users, or in the absence of such an agreement, as provided by law.**
- (c) Until abandoned, all new and existing seasonal roads shall be continuously maintained, shall have an approved erosion and drainage plan and shall have yearly inspections between harvest plans by a Certified Professional in Erosion and Sediment Control, licensed soils engineer, or an RPE, who shall file a report of such inspection with the Director within 14 days of its completion; or such roads shall be abandoned in compliance with 14 CCR 923.8 and, gates and/or other devices shall be installed at the perimeter of the landowner's property to prevent vehicular access, including motorcycles regularly maintained pursuant to an erosion and drainage plan approved by the County of Santa Cruz.

- (d) All new tractor roads shall be abandoned and recontoured pursuant to 14 CCR Section 926.15(a)(2) immediately following 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 **proposed to be used or constructed during the timber harvest, as well as residential buffer areas and riparian corridor areas where timber operations are prohibited pursuant to 14 CCR 926.24 or 14 CCR 926.26,** 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 inter-visible along the proposed alignments.
- (b) The RPF or supervised designee shall flag the location of all water breaks 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 within the property of the landowner submitting the plan in an area in which it could not be newly constructed in conformance with these ~~the Forest Practice Rules, or when the landowner is unwilling or unable to otherwise modify the truck road or landing to comply with the road surfacing requirements of 14 CCR 926.15(b), rules then where feasible,~~ such road or landing shall be abandoned, stabilized, recontoured, revegetated, and restricted from vehicular use, including motorcycles, by the installation of gates or other devices to prevent access 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 devices to prevent access required by these rules in effective working condition throughout the required one-maintenance winter periods after completion of timber operations ~~unless other stricter measures are required under the FPR.~~ All trails, landings and work areas shall be reseeded, mulched or protected by compacting 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.~~ Work completion report may not be filed until these requirements have been met.

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

In addition to requirements of 14 CCR 917.4 **limbs on tree tops 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 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 haul days and location of proposed logging truck staging areas.
 - (3) A statement as to how obligations 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 followinn 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 management 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 **occupied legal dwelling** used for residential purposes on non-TPZ parcels without the residential property owner's consent in writina, except for dead, dying and diseased trees which are imminently threatening **any occupied legal dwelling** or which constitute an imminent fire hazard. If timber operations do occur within 300 feet of **an occupied**

legal dwelling. all slash shall be lopped 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 the felling of trees.'

16. 926.25 Special Harvesting Methods [Santa Cruz County]

In addition to 14 CCR 913.8 subsection (a), the harvesting limitation, re-entry 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 51-60% 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., a 10 year re-entry period shall apply.**
- (3) Regardless of re-entry 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 25% or less of those trees greater than 61.0 cm (24 in.) d.b.h. present prior to commencement of current timber operations, the re-entry period shall be 10 years.**
- (2) For areas where the harvest rate is 26-35% of those trees greater than 61.0 cm (24 in.) d.b.h. present prior to commencement of current timber operations, the re-entry period shall be 14 years.**
- (3) Regardless of re-entry period, no more than 40% of the trees greater than 30.5 cm. (12 in.) and less than 61.0 cm (24 in.) d.b.h. shall be harvested.**
- (4) 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:**
 - (a) Over 81.3 cm (32 in.) to 91.4 cm (36 in.) d.b.h.**
 - (b) Over 91.4 cm (36 in.) to 106.7 cm (42 in.) d.b.h.**
 - (c) Over 106.7 cm (42 in.) to 121.9 cm (48 in.) d.b.h.**
 - (d) Any tree over 121.9 cm (48 in.) d.b.h.**

(5) No old growth conifer shall be harvested in any non-TP zone property. As used herein "old growth conifers" are described as predominant trees that are at least 200 years old.

(c) Trees that could have been cut in a residential buffer zone but for the

provisions of 14CCR 926.24 and trees that could have been cut in a WLPZ but for the provisions of 14CCR 926.26 shall be counted for the purpose of determining compliance with the cutting standards under 14CCR 926.25(a) and (b).

- (d) 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 **the** RPF submits a stratified random sample **of the timber resources** on the property or harvest area. with growth data that supports a cutting percentage and cutting cycle that **can be predicted to achieve a substantially similar** yield of timber on each successive harvest **with a degree of statistical certainty of +/- 5%.** In no event shall the re-entry period be less than 10 years. Before commencement of harvesting operations the property owner shall record with the County Recorder a Declaration of Restrictions which cites the approved cutting percentages and re-entry period as stated in the NTMP or SYP.

17. 926.26 Watercourse 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 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 3.1 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 bank.**
 - (4) Exceptions are allowed for temporary stream crossings (fords, **bridges**, culverts) if no other alternative exists as explained and justified in the THP and approved by the Director.
- (b) On non-TPZ parcels, no timber harvesting operations are allowed within non-TPZ riparian corridors. The width of this no cut, no entry zone is defined as follows:
- (1) At least 38.0 m (125 feet) from Class I and II watercourses and wetlands.
 - (2) At least 3.1 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 bank.**
 - (4) Exceptions are allowed for temporary stream crossings (fords, **bridges**, culverts **cable corridors**) if no other alternative exists as explained and justified in the THP and approved by the Director; **provided that no**

cable corridor shall be cut within the riparian corridor. Full suspension yarding across the riparian corridor shall be permitted only if it can be accomplished without falling or harvesting trees inside the riparian corridor.

~~(c) Trees that could have been harvested in the riparian no cut, no entry zone, in compliance with the Department of Fish and Game's 2090 Agreement and 14 CCR 926.25, may be credited one time only, by the allowed harvest of additional trees greater than 45.7 cm (18 in.) d.b.h., outside the WLPZ. At no time can the credit of trees result in a harvest of over 60% of trees greater than 45.7 cm (18 in.) d.b.h. on TPZ parcels, of 40% of trees greater than 45.7 cm (18 in.) d.b.h. on non-TPZ parcels.~~

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

Maintenance activities for the eradication of French broom or other invasive, non-native plants as defined by a list provided by the County 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 non-invasive exotic plants, such as cereal barley, is recommended.

19. 926.28 Helicopter Operations [Santa Cruz County]

Helicopter yarding of timber shall only be permitted for timber harvested from properties zoned TP. Helicopter service and log landing zones must be sited within the THP boundaries on either property zoned TP or on contiguous properties to property zoned TP that is owned by the owner of the TP property. o r l o g transport between the area where the felling is occurring and the landing must occur only over property contained within the approved THP. No helicopter flight may occur within 1,000 feet horizontally of an occupied legal dwelling, provided that the Director may reduce this requirement to 500 feet with the written concurrence of the residential inhabitant. Helicopter operations are restricted to the hours between 7:00 a.m. and 5:00 p.m. and shall be prohibited on Saturdays, Sundays and nationally designated legal holidays. Within a calendar year, no more than 10 cumulative days of total helicopter yarding shall be allowed within each Resource Conservation District watershed by all possible plan submitters combined. Within a five year period, no more than 10 cumulative days of total helicopter yarding shall be allowed within a two mile radius of any prior helicopter yarding operation occurring within such period. As used herein, one day shall be a total of 10 hours of flight time, which may occur on more than one calendar day.

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 only constitute an emergency for the purposes of the Santa Cruz County Rules if the work proposed to be done under the emergency authorization is minor in scope and can be done without any significant adverse impact on any adjoining landowner, including others with the right to use private roads proposed to be used by the plan submitter, or on the environment.

21. 926.30 Entry by County Representative for Inspection [Santa Cruz County]

The County representative who is designated to participate in or who participated in the Review Team may enter and inspect the property that is subject to a timber harvest application during normal business hours at any time after commencement of timber harvest plan activities on the land and after 24 hours notice to the landowner, the RPF and the LTO if any of his employees are engaged in activities on the site, for the purpose of reviewing the methods being utilized in the timber harvest plan activities and efforts to comply with the requirements of the Forest Practice Rules. In carrying out such inspection, s/he may utilize any measurement or evaluation tools or apparatus, including temperature measurement equipment, cameras or video equipment. Any photos or videos shall be clearly labeled as to time, date and location, and shall remain the property of the County of Santa Cruz but shall constitute public records. If such representative becomes aware of any material lack of compliance with such Rules or any other provisions of the California Forest Practice Rules applicable to such harvest activities, s/he shall promptly notify the Director in writing of such alleged non-compliance.