



County of Santa Cruz

PLANNING DEPARTMENT

701 OCEAN STREET, 4TH FLOOR, SANTA CRUZ, CA 95060
(831) 454-2580 FAX: (831) 454-2131 TDD: (831) 454-2123

ALVIN D. JAMES, DIRECTOR

January 5, 1999

AGENDA: January 12, 1999

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

RE: PROPOSED FOREST PRACTICE RULES CHANGES FOR PROCESSING IN 1999

Members of the Board:

On November 24, 1998, your Board considered a report from the Planning Department regarding the results of the Board of Forestry's processing of the 1998 Forest Practice Rules changes submitted by the County. As your Board will recall, approximately one half of the requested Rules changes submitted by the County were approved by the Board of Forestry. However, a number of the most important Rules changes were not approved and your Board directed the Planning Department to prepare a set of proposed Forest Practice Rules changes, for consideration by your Board on December 15, 1998, to be submitted to the Board of Forestry for processing in early 1999.

On December 15, 1998, your Board continued consideration of the proposed Forest Practice Rules changes to January 12, 1999, to allow staff sufficient time to circulate draft Rules changes to interested persons for comments and to complete the preparation of the new set of Rules changes. Staff also informed your Board on December 15, 1998, that the Board of Forestry had not yet forwarded the approved Rules package to the Office of Administrative Law and, because of the delay, the 1998 Rules changes would not become effective until January 1, 2000. Staff was directed to prepare a report and recommendations regarding the implementation of the Forest Practice Rules approved in 1998 by the Board of Forestry.

1999 Forest Practice Rules Changes

Planning staff has completed the preparation of the proposed Forest Practice Rules changes for your Board's consideration. Staff distributed a preliminary draft of the proposed Rules changes to the list of interested parties noted in this letter's distribution list on December 23, 1998, and requested that comments be returned by January 4, 1999, for inclusion into this report. Staff received five responses regarding the proposed Rules changes (Attachment 2), but additional comments are expected to be

submitted directly to your Board

The proposed Rules are not a re-submittal of the same Rules from 1998 that were not approved by the Board of Forestry. Rather, the proposed Rules build upon the comments from the Forest Practice Committee and the various speakers at the numerous public hearings before your Board and the Board of Forestry. The proposed Rules also incorporate wording from the Forest Practice Rules definitions and other existing Rules to provide consistent language, interpretation and enforcement of the proposed Rules. The proposed Rules include specific language regarding the construction of new logging roads, residential buffers, riparian corridor protection, helicopter logging restrictions, entry by County staff, control of non-native, invasive plant species and limiting emergency exemptions.

Following your Board's review and approval of the 1999 set of Forest Practice Rules, staff will prepare the materials for submittal to the Board of Forestry. These materials will include information to support the proposed Rules as well as any other information required by Board of Forestry staff. Staff intends to submit this material to the Board of Forestry by January 15, 1999. The Board of Forestry's Forest Practice Committee will most likely consider the proposed Rules package in March or April 1999.

Status of 1998 Forest Practice Rules Changes

The Forest Practice Rules approved by the Board of Forestry (BOF) in November 1998 have not yet been submitted to the Office of Administrative Law by the staff of the Board of Forestry. As of January 4, 1999, BOF staff has not completed their responses to the correspondence and comments made during the public hearings and do not expect to submit the Rules package to OAL until later this month. OAL will likely require the entire 30-day review period to complete its review of the Rules package. The County will not know what is necessary for the final adoption of these Rules until at least the end of March 1999.

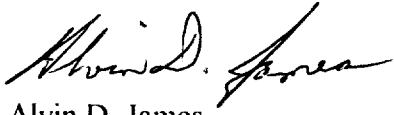
Emergency adoption of the statutes is an option provided for in State statutes. Staff has reviewed these statutes and the findings required to be made by the Board of Forestry for such an action. The findings require that there be irrefutable evidence that there is an immediate health and safety issue that must be addressed. It is unlikely that this finding would be made by the Board of Forestry as we have been processing these rules changes since June 1998. Staff recommends that your Board not pursue this option at this time.

It is, therefore, **RECOMMENDED** that your Board:

1. Approve the proposed Forest Practice Rules changes as presented by staff (Attachment I), and
2. Direct Planning staff to submit the proposed Forest Practice Rules changes to the Board of Forestry for processing, to participate in the review and processing of these changes through the Board of Forestry process, and to present the Board of Forestry's actions to your Board on May 25, 1999, and

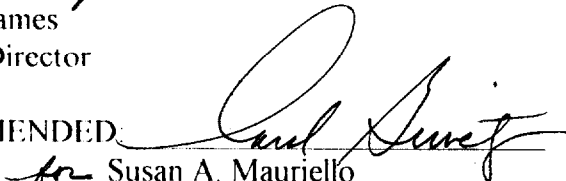
3. Direct Planning staff to return with a status report on the processing of the 1998 Forest Practice Rules by the Office of Administrative Law on March 23, 1999.

Sincerely,



Alvin D. James
Planning Director

RECOMMENDED:


for Susan A. Mauriello
County Administrative Officer

Attachments: 1. Proposed Forest Practice Rules for 1999 Board of Forestry Review
 2. Correspondence Received on the Draft Rules

cc: County Counsel
 California Department of Forestry, Central Coast Ranger Unit
 Santa Cruz Farm Bureau
 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

**PROPOSED FOREST PRACTICE RULES
FOR 1999 BOARD OF FORESTRY REVIEW**

- New text is **bold and underlined**

1. 926.11 Flagging of Property Lines [Santa Cruz County]

The RPF or his/her supervised designee 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.**

2. 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, including all temporary, seasonal and permanent roads, shall be subject to the following limitations:

(1) New road construction shall be prohibited:

(i) Across slopes steeper than 65% for more than 100 feet.

(ii) Across slopes steeper than SO''! for more than 100 feet where the erosion hazard rating is high or extreme.

(iii) Across slopes over SO''! 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 shall require review by a Certified Engineering Geologist or Licensed Geotechnical Engineer with experience in forest road construction.

1 **(3) Any exceptions to these standards granted by the Director for construction of**
2 **temporary roads shall require the abandonment of the temporary road in**
3 **compliance with 14 CCR 923.8 immediately following cessation of active logging**
4 **operations.**

5
6 **(4)** Whenever new road construction is proposed and the plan submitter owns or controls
7 any property contiguous to the parcel or parcels on which timber operations are
8 proposed, and such contiguous property contains timberland, the RPF shall include
9 a map and explanation of how the new road is integrated into the existing or proposed
10 truck road and associated transportation system for all the contiguous property owned
11 or controlled by the plan submitter on which timberland is found. Such proposed
12 integrated truck road and associated transportation system shall be reviewed in
13 connection with review of the proposed plan, and the plan shall be modified, if
14 necessary, to assure that the approved plan will be compatible and consistent with
15 timber operations on the contiguous property.

16
17 **(5) New road construction or road reconstruction on areas of active mass**
18 **movement, inner gorge slopes (except at approved stream crossings) or**
19 **headwater swales shall be reviewed by a Certified Engineering Geologist or**
20 **Licensed Geotechnical Engineer with experience in forest road construction.**

21
22 **(b) All new seasonal and permanent roads shall be treated to prevent excessive loss of road**
23 **surface materials by the use of non-erodible surfacing materials meeting the following**
24 **minimum standards:**

25
26 **(1) Roads with gradients between 0% and 10% require a drain rock surface**
27 **compacted into a 4 inch sub-base of Class II baserock.**

28

1 **(2) Roads with gradients between 10% and 15% require a 5-inch layer of Class II**
 2 **baserock and oil and screenings seal coat.**

3
 4 **(3) Roads with gradients greater than 15% require a 5-inch layer of Class II**
 5 **baserock with 1-1/2 inches of asphaltic concrete overlav.**

6
 7 **(4) Existing permanent appurtenant roads used for any purpose during the winter**
 8 **period, as defined by 14 CCR Section 926.18, may be required to be surfaced, as**
 9 **specified above, if, upon the determination of the Director, such surfacing is necessary**
 10 **to m-event excessive loss of road surface materials.**

11
 12 **(c) Until abandoned, all new and existing seasonal roads in the plan area shall be regularly**
 13 **maintained pursuant to an erosion and drainage plan approved by the County of Santa**
 14 **Cruz.**

15
 16 **(d) All new tractor roads shall be abandoned uursuant to 14 CCR Section 923.8**
 17 **immediately following cessation of active logging operations. 14 CCR 914.2(f)(3)[Coast**
 18 **only] shall not apply in Santa Cruz County.**

19
 20 3. 926.16 Flagging [Santa Cruz County]

21
 22 **(a)** The location of proposed truck roads, constructed tractor roads, landings, and watercourse
 23 crossings **proposed to be used or constructed during the timber** harvest, as well as
 24 **residential buffer areas and riparian corridor areas where timber operations are**
 25 **prohibited pursuant to 14 CCR 926.25 or 14 CCR 926.26,** shall be designated on the plan
 26 map and shall be located in the field with flagging. Such flagging shall occur prior to the
 27 preharvest inspection if one is to be conducted. Flagging for truck roads and constructed
 28 tractor roads will be inter-visible along the proposed alignments.

1 **(b) The RPF or supervised designee shall flag the location of all water breaks which are**
2 **within the WLPZ, on mapped unstable areas or on slopes over 65% regardless of**
3 **erosion hazard rating,**

4 4. 926.17 Abandonment of Roads and Landings [Santa Cruz County]

5
6
7 When an existing truck road, tractor road, or landing is located **within the property of the**
8 **landowner submitting the plan** in an area in which it could not be newly constructed in
9 conformance with **the Forest Practice Rules,** then such road or landing shall be abandoned,
10 **pursuant to 14 CCR 923.8,** stabilized, re-vegetated, and restricted from vehicular use **by the**
11 **installation of gates and/or other devices to prevent access, following cessation of active logging**
12 **operations.**

13
14 5. 926.25 Special Harvesting Methods [Santa Cruz County]

15 In addition to 14 CCR 9 13.8 subsection (a), the harvesting limitation, re-entry period and leave tree
16 standards shall be modified as follows:

17
18 (a) The cutting standards **for all harvests approved after January 1, 2000,** are as follows:

19
20 (1) For areas where the proposed harvest rate is 50% of the trees greater than 45.7 cm
21 (18 in.) d.b.h., the minimum re-entry period shall be 14 years.

22
23 (2) For areas where the proposed harvest is 40% or less of the trees greater than 45.7 cm
24 (18 in.) d.b.h., a 10 year re-entry period shall apply.

25
26 (3) Regardless of re-entry period, no more than 40% of the trees greater than 35.6 cm.
27 (14 in.) and less than 45.7 cm (18 in.) d.b.h. shall be harvested.

28

1 **b) On non-TPZ parcels the cutting standards are as follows:**

2
3 **(1) Harvesting or other timber operations are prohibited within 200 feet of any**
4 **occupied legal dwelling used for residential purposes unless the residential property**
5 **owner's written consent is submitted with the plan. This prohibition does not apply**
6 **to the removal of dead, dying and diseased trees which are imminently threatening any**
7 **occupied legal dwelling or which constitute an imminent fire hazard.**

8
9 **(2) If timber operations do occur within 200 feet of an occupied legal dwelling, all**
10 **slash shall be lopped to 30.5 cm (12 in.) or less or removed, within 10 working days of**
11 **log removal operations but no later than 60 days of the felling of trees.**

12
13 **(c) No old growth conifer shall be harvested. As used herein "old growth conifers" are**
14 **described as predominant trees that are at least 200 years old.**

15
16 **6. 926.26 Watercourse and Lake Protection [Santa Cruz County]**

17
18 **In addition to the requirement of Article 6 (14 CCR Sections 916 to 916.10) the following shall**
19 **apply in Santa Cruz County:**

20
21 **(a) Timber harvesting operations are not allowed within riparian corridors. The width**
22 **of the riparian corridor is defined as follows:**

23
24 **(1) At least 50 feet from Class I and Class II watercourses; and wet meadows and**
25 **other wet areas.**

26
27 **(2) At least 10 feet from Class III watercourses.**

28

1 **(3) The width of the riparian corridor shall be measured horizontally out from each**
 2 **side of the watercourse bank.**

4 **(4) Exceptions are allowed for temporary stream crossings (fords, bridges, culverts**
 5 **and cable corridors) if no other feasible alternative exists as explained and**
 6 **justified in the THP and approved by the Director. Cable corridors shall be**
 7 **limited to 10 feet in width for every 100 feet of lineal stream length.**

9 **7. 926.27 Non-native Plants [Santa Cruz County]**

11 **Maintenance activities for the eradication of French broom or other invasive, non-native**
 12 **plants as defined by a list provided by the County alone harvest roads and landings shall occur**
 13 **on the first, third and fifth year after the initial site disturbance occurs. Where seeding is**
 14 **needed for erosion control, the use of appropriate native or non-invasive exotic plants, such**
 15 **as cereal barley, is recommended.**

17 **8. 926.28 Helicopter Operations [Santa Cruz County]**

19 **Helicopter yarding of timber shall only be permitted for timber harvested from properties**
 20 **zoned TP. Helicopter service and log landing zones must be sited within the THP boundaries**
 21 **on either property zoned TP or on contiguous properties to property zoned TP that is owned**
 22 **by the owner of the TP property. Helicopter flights for log transport between the area where**
 23 **the felling is occurring and the landing must occur only over property contained within the**
 24 **approved THP. No helicopter flight may occur within 1,000 feet horizontally of an occupied**
 25 **legal dwelling, provided that the Director may reduce this requirement to 500 feet with the**
 26 **written concurrence of the residential inhabitant. Helicopter operations are restricted to the**
 27 **hours between 7:00 a.m. and 5:00 p.m. and shall be prohibited on Saturdays, Sundays and**
 28 **nationally designated legal holidays.**

1 **9. 926.29 Emergency Conditions [Santa Cruz County]**

2

3 **A “financial emergency” as defined in 14 CCR 895.1 (Emergency (b)) and further referred to**
4 **in 14 CCR 1052.1 (Emergency Conditions) shall only constitute an emergency for the purposes**
5 **of the Santa Cruz County Rules if the work proposed to be done under the emergency**
6 **authorization can be done without any significant adverse impact on the environment.**

7

8 **10. 926.30 Entry by County Representative for Inspection [Santa Cruz County]**

9

10 **The County representative who is designated to participate in or who participated in the**
11 **Review Team may enter and inspect the property that is subject to a timber harvest**
12 **application during normal business hours at any time after commencement during the conduct**
13 **of timber harvest plan activities on the land and after 24 hours notice to the landowner, CDF,**
14 **the RPF and the LTO, if any of his employees are engaged in activities on the site, for the**
15 **purpose of reviewing the methods being utilized in the timber harvest plan activities-and**
16 **efforts to comply with the requirements of the Forest Practice Rules. If such representative**
17 **becomes aware of any material lack of compliance with such Rules or any other provisions of**
18 **the California Forest Practice Rules applicable to such harvest activities, s/he shall promptly**
19 **notify the Director in writing of such alleged non-compliance.**

20

21

22

23

24

25

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28

STATE OF CALIFORNIA—THE RESOURCES AGENCY

PETE WILSON, Governor

**DEPARTMENT OF FORESTRY
AND FIRE PROTECTION**6059 Highway 9 • P.O. Drawer F-2
Felton, CA 95018
(408) 335-6740
January 4, 1999

Post-it® Fax Note	7671	Date	# of PAGES ▶ 3
To	MARK DEMING	From	N. DEINARD
Co./Dept.		Co.	CAF
Phone #		Phone #	
Fax #		Fax #	

Dear Mark,

This package is an improvement over 1998 versions, but I still have some concerns...

2. Road Construction and Maintenance

If a portion of a new road is to be constructed across an area addressed by one of the prohibitions, but the majority of new road does not meet any of these constraints, I am assuming that the only portion of the road that has to be "abandoned" is that portion which crosses the restricted area. Is this correct?

The first two of the three prohibitions reference "100 feet." The third does not. Was this the intent?

The intent of rule section 2(a) (1) and (2) is a good one- road construction which occurs in a manner where dirt can enter a watercourse should be avoided. But blanket prohibitions and abandonment techniques are not helpful. Rather, I urge that the rule require a reasoned written assessment by the RPF of the potential for fill or sidecast material to enter a watercourse if any portion of the road [which is constructed across the any identified steep slopes) is proposed to be "permanent." This may necessitate that the RPF consult with an engineering geologist who is familiar with logging roads. If the RPF's assessment, in combination with the proposed design for the construction, is not convincing (per the review conducted by licensed foresters and engineering or geotechnical engineers) then the applicable sections of the road should be abandoned as outlined in your rule.

AU of us working in the forestry profession in the Santa Cruz mountains over the past decade have first hand knowledge of the problems with permanent culverts. Over the years, I have observed that fewer permanent culverts are being installed, and some existing culverts are being removed. But removing the option for a landowner to install a permanent culvert, which has been generously sized with its fill face protected, and designed to "accommodate failure" (through removal of most of the fill over the culvert) could remove access to the property for forest management purposes (assuming that the watercourse channel is so deep that it cannot be crossed with a vehicle). It could also result in far more ground disturbance if the culvert is installed, pulled, and re-installed over time. There are many examples of successful culverts that have been installed on steep slopes, and there are many examples of failed culverts that have been installed in areas that do not meet any of your prohibition conditions. The review and approval for every culvert, and each section of road across steep slopes, should focus on the potential for dirt to enter a watercourse.

Rule 2(b): as written, this rule is unclear. Does "winter period" refer to the two preceding conditions? If log hauling does not occur during the winter period, but the landowner wishes to use his roads for forest management purposes during dry portions of the winter period, does the road have to be rocked? If a permanent road is to be used for hauling during the non winter season, does it have to be rocked?

The same concern expressed above is applicable here. If a new permanent road is constructed in a location and manner such that delivery of dirt to a watercourse is not an issue, then why should the road be surfaced? It would be better to require that any permanent road (including *existing* permanent roads) be rocked where delivery of dirt to a water- is an issue. The same sort of individual and reasoned assessment should be undertaken by the RPF and reviewed by licensed professionals.

The discussion of "ratable cost" is problematic. If an agreement cannot be reached between all parties who use the road, and the "ratable cost" is thus to be determined per some formula "as provided in the law." then this "law" should be disclosed.

Rule section 40 requires that an erosion and drainage control plan to be approved by the county for new and existing seasonal roads. Because the approval or disapproval of this plan appears to be vested with the county, it is unclear as to when it would become effective and who would enforce it. Under the current law, the county cannot regulate how timber operations occur, therefore, I would suggest that the erosion control plan be made a part of the THP that is approved and enforced by CDF for the duration of the THP and maintenance period. Once this period lapses, the county could enforce its existing erosion control ordinances. If the county wishes to maintain primary authority on this issue, it should incorporate this concern into its applicable ordinances that address seasonal road maintenance.

Rule section 4(d) suffers the same problem as sections 2(a) and 2(b), which is that the solution (an outright prohibition, and required abandonment) is not tied to an assessment of the conditions that will result if a tractor trail is constructed across steep slopes or if a constructed trail, regardless of the slope and proximity to watercourses, is not abandoned. There is simply no justification to require that all tractor roads be abandoned! Many of them are constructed in absolutely benign areas where failure is not even a concern. The determination of whether a tractor road should be abandoned should follow the same individual assessment proposed above, and the requirement to abandon a skid trail should not just refer to "proposed" trails. Any skid trail with a potential to deliver dirt to a watercourse should be adequately treated to preclude such potential, or it should be abandoned.

3. Abandonment of Roads and Landings

Like some of the earlier rules, this rule provides a "solution" in the absence of an identified problem. Foresters have utilized all of the listed measures when conditions so necessitate. An existing road that is not causing a sedimentation problem should not be required to be surfaced; an existing road that does not have a trespass issue should require a gate or blocking device. And even if a road is not abandoned, trespass may be an issue that needs to be addressed.

6. Special Harvesting Methods

Concerns that neighbors may have about a selective harvest adjacent to them should be addressed with a restriction on the cutting rule, not an outright prohibition of cutting within 200 feet. On non-TPZ parcels, the removal of a 200 foot strip of land adjacent to all neighboring homes could result in the elimination of a harvest option, especially when this rule is considered along with the other restrictions that have been proposed by the county.

7. Watercourse and Lake Protection

The need for this rule has not been substantiated. It is a generic solution to an undefined problem.

Measuring the riparian corridor horizontally requires the use of a different measurement technique than is currently required for measuring WLPZ widths. The latter are measured along the ground, and become wider as the side slope becomes steeper. The county's approach just takes more work to calculate the riparian buffer width. What is the "watercourse bank"? There are some watercourses that have cut a deep channel over time. The bank may be many feet above the "watercourse and lake transition line" referenced in the Forest Practice rules.

9. Helicopter Operations

Because the county's "resource conservation districts" have not been identified, I am not able to comment on this rule. There are certainly neighborhoods where helicopter logging should be restricted as proposed in this rule. There are other, more rural areas of the county, where the restrictions in this rule are overly prohibitive.

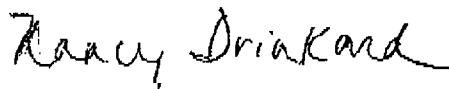
10. Emergency Conditions

What is a "significant adverse impact on an adjoining landowner"? Sounds like it's adjacent landowner specific. How does a forester comply with this rule and how does CDF enforce it? The existing Board of Forestry rules define a "Significant Adverse Impact on the Environment" so that concept is enforceable.

11. Entry by County Representative.

I support the intent of this rule which I believe affords an opportunity for the county to affirm whether a given timber operation has been implemented as required by the THP and whether the applicable rules are being enforced by CDF. If this is the intent, communication is essential. It is very difficult to talk about a perceived failure and its causal factors on the phone when one party has seen the failure and the other has not. Thus it is imperative that any county inspection occur in the company of the RPF who prepared and supervised the plan, and the CDF inspector. At a minimum, at least one of these persons should accompany the county representative. This ensures that all parties remain mindful of the applicable rules and regulations, and, if there are differences between the county's, the RPF's and/or CDF's interpretation of these rules or their applicability, a common inspection can hopefully daylight this issue and lead to a more prompt resolution.

Sincerely,



Nancy Drinkard, RPF #1979
Division Chief, Forest Practice



Mark M. Deming
 Planning Department
 County of Santa Cruz
 701 Ocean Street
 Santa Cruz, CA.
 95060

Jan. 4, 1999

Dear Mr. Deming:

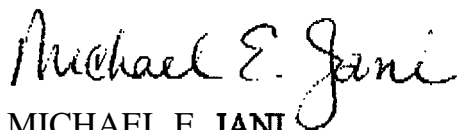
The following are **our** comments on the most recent **draft** of proposed special rules for timber harvesting in Santa **Cruz** county.

1. Flagging- We **strongly** oppose any attempt by the County to impose **buffers** of any kind
2. Road Construction and maintenance- This is an improvement over the **last effort**. I would **recommend some additional** language at **the end, page 2, line 13, which** would **require** any watercourse crossings, once the **channels** are restored to have backup failure points and some **form** of non-erosive **armoring if they** are to be used **for limited** access **provided** in **lines 6-7**.
- 2-4 **Oppose-** this provision is unnecessary. The current Review **Team** process always **provides** for a review of areas like these by either **State Geologists and/or** with **consultations from** private **geologists/engineers** provided by the **applicant**. This is **necessitated** on a **site-specific** basis. There is **no** evidence that the **current** process has **failed** to address **stability issues adequately** during plan **review**.
- 2-4b- Road **surfacing requirements-** Oppose- We do not believe the **County** intends to enforce this provision **equitably** throughout the **County and that timberland** owners **will** be targeted through the permit process. **Furthermore,** we do not believe that the **Board** of Forestry **will** pass this regulation and subject **CDF** forest practice officers to the impossible task of **enforcing/calculating** these "**ratable** costs".
- 2-4c- Oppose- This is not necessary. These roads are subject to the County's erosion control ordinance and it should **be** up to the **County** to enforce, **where** necessary the ordinance. **Once again,** because of **the permit** requirements, timberland owners **are** being singled out. **Additionally,** on a site-specific **basis,** the County has requested, **and CDF** has required, erosion control **plans**. There is no demonstrable need for **this** rule.

- 2-4d- Support with the same additional provisions we suggested for 926.15(a)(2)
- 3a. Flagging- Oppose for obvious reasons
- 3b. Support- This has been Company policy for many years.
3. Abandonment of roads- Support
- 6b-(1) Residential buffers- Oppose
- 6b-(2) Residential buffers, lopping- Approve
- 6c Oppose
7. Riparian Buffers- Oppose- Until such time that the Board of Supervisors supports and undertakes an extensive, unbiased scientific review of **the** necessity **of these** proposed buffers we **will** remain opposed to those **unnecessary** and **costly** restrictions.
8. Non-native plants- Oppose- This singles out **forestland owners**. Furthermore, the use of the phrase "should occur" is so vague that we do not believe it is enforceable and will not be **accepted** by OAL.
9. Helicopter operations- Support lines 16-27. Opposed to the 3 year prohibitions on lines 27-5(next page). **It** should be pointed out that we believe that the 1,000 foot regulation on page 8, **lines** 19-23 are illegal and **fall** within the scope **of the** FAA. We believe that the **OAL will** not approve this **rule** as written.
10. Financial emergency- Oppose as written- the phrase "**any** significant impact" is **far too** open to fluctuating interpretation and will cause **enforcement difficulty**.
11. County rep.- support

Despite the fact that the **witch** hunt continues, we find that some of these rule changes have merit and will support them. I want to express **our** strongest **concern** that the rules we are opposing are **contrary** to good forest management and will over time most certainly cause an erosion of the **open** forest land base and result in significant environmental degradation. It's **unfortunate** that the "**environmentalists**" on the Board are blind to the obvious.

Sincerely,



MICHAEL E. JANI
RPF# 1856

January 4, 1999

Elizabeth Herbert, Director
Citizens for Responsible
Forest Management
150 Thayer Rd.
Santa Cruz, CA 95060

Larry Prather, Chair
Environmental Committee
Valley Women's Club
P.O. Box 167
Boulder Creek, CA 95006

Mark M. Deming
Planning Department
County of Santa Cruz
701 Ocean St.
Santa Cruz, CA 95060

Jodi Frediani, Chair
Sierra Club, Santa Cruz
Regional Group
Forestry Task Force
1015 Smith Grade
Santa Cruz, CA 95060

Mark Morgenthaler, Director
Citizens for Responsible
Forest Management
25401 Spanish Ranch Rd.
Los Gatos, CA 95030

Dear Mark:

We propose the following amendments to the Planning Department's Draft 1999 Forest Practice Rules Changes! dated 12/23/98. Deletions are indicated by strike-thru type, and additions are indicated by bold underlined type.

1.

Amend Section 926.15 Road Construction and Maintenance [Santa Cruz County]:

(a) New **logging** roads, **both** temporary and permanent, **shall be** subject to the **following limitations:**

(1) New **road** construction shall **be** prohibited:

(i) Across slopes steeper than 65% ~~for more than 100 feet.~~

(ii) **Across** slopes steeper **than** 50% ~~for more than 100 feet~~ where the erosion hazard rating is high or extreme

Justification:

This exception, which we have stricken, creates a loophole that defeats the purpose of prohibiting roads on steep slopes. It would allow roads to cross steep inner-gorge swales-exactly the places susceptible to the worst erosion. Much environmental damage could potentially result, since many steep swales can be crossed in less than a hundred feet.

(2) The alternate method shall include at a minimum the return of 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 fill material in order to restore all drainage courses, **and shall also include installation of gates and/or other devices at the perimeter of the landowner's property to prevent vehicular access, including motorcycles.**

Justification:

The installation of gates to prevent vehicular access was agreed to by all members of the TTAC, and was part of the June 10, 1998 rule amendments.

Re-insert section:

(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 the requirement for a County grading and bridge permit.

Justification:

An ongoing conflict exists between CDF and the County on how to resolve the problem created by the use of permanent logging roads for subsequent land development purposes. Often these logging roads do not meet county standards for road construction. When the landowner applies to use the now "existing" road for another use, the County must either accept the sub-standard road as already "existing" or require the applicant to construct a second road. Constructing two roads is always a less environmentally sound choice than initially constructing one that suites both purposes. Bridges constructed for logging operations also may not meet county standards for other uses. This rule amendment would help toward solving both problems.

(b) All new permanent 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-credibile surfacing materials meeting the following minimum standards:

(1) Roads with gradients between 0% and 10% require a gravel surface or baserock to a depth of **6** inches, and ~~rcncwcd~~ 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 5-8 inch layer of Class II baserock with 1-1/2 inches of asphaltic concrete overlay.

Existing permanent 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,~~ may be required to be surfaced as specified above, if, upon the determination of the Director, such surfacing is necessary to prevent excessive loss of road surface materials.

Justification:

The stricken clauses are confusing and nonsensical. As currently written, this amendment exempts roads that are used during the winter period from surfacing requirements.

2.

Amend Section 926.16 Flagging [Santa Cruz County]

(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 **50% with high or extreme erosion hazard rating or on slopes over** 65% regardless of erosion hazard rating.

Justification :

All waterbreaks in these steep areas should be f-lagged so that they can be inspected to prevent significant environmental damage.

3.

Amend Section 926.17 Abandonment of Roads and Landings [Santa Cruz County]:

When an existing truck road, tractor road, or landing is wholly 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) **(1)(2) or (3)**, ~~rules then where feasible,~~ such road or landing shall be abandoned, pursuant to 14 CCR 923.8, stabilized, revegetated, and restricted from vehicular use by the install&ion of

gates and/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.~~

Justification:

This paragraph is meaningless without these changes. The intent of the rule is that the landowner is given two choices; either s/he surfaces the road to comply with the new standards, or s/he abandons the road. The words "where, feasible" create a loophole which nullifies the intent of the rule. The words "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" also create a loophole which nullifies the intent. The determination of the environmental impact is left up to the RPF and CDF who currently allow the construction of roads to low standards, which cause environmental degradation. Introducing loopholes such as these will do nothing to fix the problem.

4.

Amend Section 926.25 Special Harvesting Methods [Santa Cruz County]:

(a) The cutting standards **for parcels zoned TP** 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 rate is 50% or less of the trees greater than 45.7 cm (18 in.) d.b.h., a ten 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.

Justification:

Two-tiered cutting standards fundamental to the proposed rule changes. The idea is that heavier cuts are appropriate on lands zoned primarily for commercial timber harvesting, while lighter cuts are more in tune with parcels zoned primarily for other purposes. A two-tiered set of cutting standards was originally proposed by the county, based on months of hearings and research. If the Board of Forestry does not approve the proposed two-tiered system, then the county should put zoning restrictions into place which prohibit commercial timber harvesting except on lands zoned TPZ.

(b) On non-TPZ parcels the cutting standards 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 14 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 10 years.**
- (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.**

Justification:

Two-tiered cutting standards are fundamental to the proposed rule changes. The intent is that heavier cuts are appropriate on lands zoned primarily for commercial timber harvesting, while lighter cuts are more in tune with parcels zoned primarily for other purposes. A two-tiered set of cutting standards was originally proposed by the county, based on months of hearings and research. If the Board of Forestry does not approve the proposed two-tiered system, then the county should put zoning restrictions into place which prohibit commercial timber harvesting except on lands zoned TPZ.

(4) Notwithstanding the provisions of Paragraphs 926.25(b)(1) through 926.25(b)(3) above, at least three (3) coniferous leave trees in each protected equal size class shall be left per acre after every re-entry. The protected equal size classes are 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.) db.h.**
- (c) Over 106.7 cm (42 in.) to 121.0 cm (48 in.) db.h.**
- (d) Any tree over 121.0 cm (48 in.) d.b.h.**

Justification :

The original 75 foot leave tree rule amendment approved by the County Board of Supervisors for non-TPZ land was intended to result in a forest that contained 3 leave trees of each size class per acre. However, discussions with the Board of Forestry revealed that the 75 foot leave tree requirement could result in a forest that was much denser than this, depending on the placement of the trees. The new amendment (3) above would allow the larger leave trees to be anywhere within the acre, rather than spaced by an arbitrary distance, and resulting in a more natural forest.

~~(4)~~ **(5)** Harvesting or other timber operations are prohibited within ~~200~~ **300** feet of ~~any occupied legal dwelling used for residential purposes~~ **all permanently located structures currently maintained for human habitation** unless the residential property owner's written consent is submitted with the plan. ~~This prohibition does not apply to the removal of dead, dying and diseased trees which are imminently threatening any occupied legal dwelling or which constitute an imminent fire hazard.~~

Justification:

First, proposed rules dated June 10, 1998, which included a 300 foot buffer zone, were approved by the County Board of Supervisors. The buffer zone should not be reduced to 200 feet. Second, language consistent with 14 CCR 917.4 Treatment of Logging Slash in the Southern Subdistrict, should **be** used to describe the structures around which buffer zones **are** required. It is **not** appropriate for CDF to determine whether the structure is an occupied legal **dwelling**. Third, who is to determine if trees are threatening the neighbor's house or constitute a fire danger? It should **be** the neighbor's determination; not the landowner who is logging. If the neighboring property owner refuses to give his/her written consent to cut within the buffer zone around the structure, then the landowner who is harvesting assumes no liability if the trees fall on the neighbor's house or create a fire hazard.

~~(2)~~ **(6)** If timber operations do occur with ~~200~~ **300** feet of, ~~an occupied legal dwelling a~~ **permanently located structure currently maintained for human habitation:** all slash shall be lopped to 30.5 cm (12 inc.) or less **or chipped** or removed! within 10 working days of log removal operations but no later than 60 day of the felling of trees.

Justification:

Same as for (5) above regarding size of buffer zone and language used to describe the structure. Chipping is also appropriate and should **be** included as an additional option to lopping and removal.

5.

Amend Section 926.26 Watercourse and Lake Protection [Santa Cruz County]:

(a) Timber harvesting operations are not allowed within riparian corridors, ~~The width of the riparian corridor is defined as follows:~~

~~(1) At least 50 feet from Class I watercourses, wetlands, wet meadows and other wet areas.~~

~~(2) At least 50 feet from Class II perennial watercourses. A perennial watercourse is a stream that normally flows throughout the year and are designated by a solid line symbol on the largest scale USGS topographic map available.~~

~~(3) At least 30 feet from Class II intermittent watercourses. An intermittent watercourse is a stream that normally flows for at least thirty (30) days after the last major rain of the season and is dry a large part of the year and are designated by a dash and dots symbol on the largest scale USGS topographic map available.~~

~~(4) At least 10 feet from Class III watercourses.~~

~~(5) The width of the riparian corridor shall be measured horizontally out from each side of the watercourse bank.~~

The riparian corridor is defined as the Watercourse and Lake Protection Zone, whose width is determined pursuant to 14 CCR 916.5 Procedure for Determining Watercourse and Lake Protection Zone (WLPZ) Widths and Protective Measures.

Justification:

Growing scientific evidence has shown that riparian corridors should be no-cut zones. Peer-reviewed Federal Ecosystem Management Assessment Team (FEMAT) standards are based on this concept, as well as Dr. Leslie Reid's work that finds that buffer zones around streams need to provide at least 1.1 tree heights of uncut area, for recruitment of large woody debris. CDF's procedures for determining the width of the WLPZ take into account the steepness of slope, and other factors allowing the width to be tailored to the streams characteristics.

We recommend using the existing rule 14 CCR 916.5 to determine the width of the WLPZ, but requiring that the WLPZ be off limits to timber harvesting.

Forest Practice Rules are not the same as zoning. We support the county's zoning ordinance that prohibits timber harvesting within the riparian corridor, as defined by the General Plan and applied to other land uses, for consistency's sake. However, when proposing Forest Practice Rules to protect the riparian corridors, scientific evidence supports a more stringent approach.

~~(6) Exceptions are allowed for temporary stream crossings (fords, bridges, and culverts and cable corridors) if no other feasible alternative exists as explained and justified in the THP and approved by the Director. Cable corridors shall be no more than 10 feet in width and shall not occur more than once every 100 feet of lineal stream length.~~

Justification:

The purpose of the no-cut riparian buffer, aside from providing for recruitment of large woody debris, is to trap and filter sediment from storm runoff. A cable corridor leading directly into the watercourse defeats this purpose and is an invitation for sediment to flow directly into the stream from typically steep and erodible hill slopes.

The typical application for full suspension cable yarding is on steep and/or highly erodible slopes, where conventional skidding is not feasible. This occurs generally at inner-swale gorges which have debris flows near the top, or on over-steepened hill shoulders leading into the watercourse. Cable corridors are inappropriate in these cases, and defeat the purpose of the no-cut zone.

Cable corridors are never necessary adjacent to streams because there are feasible alternatives. For example, cable operations can still take place across the WLPZ without cutting cable corridors, when the THP boundary encompasses both sides of the stream. In this case, the opposite hill-slope allows the yarder tower to tail-hold the span, clearing the top of the no-cut buffer. In the rare case where the THP boundary will not allow for a sufficiently high cable span, helicopter yarding is the remaining viable alternative.

6.

Amend Section 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~~ shall 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.

Justification:

This rule cannot be enforced without the use of the word "shall." Invasive non-native species are a documented and significant problem, exacerbated by ground disturbance. Control of invasive non-native species is a necessary part of good forest management activities, according to Board of Forestry **Mcmbcr Rob Hcald**.

7.

Amend Section 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 with the THP boundaries on either property ~~toned~~ TP or on contiguous properties to property zoned TP that is **owned by** the owner of the TP property. Helicopter flights for log transport between the area where the felling is occurring and the land must occur only over property contained within the approved THP, No helicopter flight may occur with 1,000 feet horizontally of ~~an occupied legal dwelling~~ **any permanently located structures currently maintained for human habitation**, provided that the Director may reduce this requirement to 500 feet with 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 ~~three~~ **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 defined as a total of 10 hours of flight time, which may occur on more than one calendar day.

Justification:

First, to be consistent with the Forest Practice Rules, the language used to describe the structure should be the same as in 917.4 Treatment of Logging Slash in the Southern Subdistrict. Second, the County Board of Supervisors approved language which required a five year period; not a three year period (June 10, 1998).

Sincerely,

Elizabeth Herbert
Larry Prather
Jodi Frediani
Mark Morgenthaler

Mark Deming
Planning Department
County of Santa Cruz
701 Ocean Street
Santa Cruz, CA 95060

1/4/99

RE: Comments on Draft 1999 forest Practice Rules Changes

926.11 Flagging of **Property Lines**

The County of Santa Cruz continues to propose rules based on the assumption of the **acceptance of other proposed rules**. This is another one of those rules, and is predicated upon this concept of "residential buffer zones". See the note below referring to these zones.

926.15 Road Construction and Maintenance

When referencing slope, slope should be measured in degrees, not percent. Additionally, all these areas of concern **have rigorous constraints** placed upon them in existing forest practice rules. Furthermore, the road surfacing requirements are not **adequately or properly addressed**.

926.24 Residential Buffer Zones

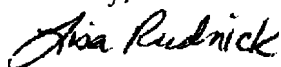
To prohibit **commercial logging within these zones places all liability** for these areas on the County of Santa Cruz and the State of California. It has been **stated** numerous times that the exorbitant costs associated with hazard **removals near structures virtually prevents these removals** if not offset by benefits associated with a larger timber harvest.

926.27 Non-native Plants

The wording of **the proposed rule is misleading and inaccurate**. The suggested mitigation will not address the problem.

I would like to comment further on additional points, but am unable to do so given the **usual** time constraints.

Sincerely,



Lisa Rudnick

California Native Plant Society

ATTACHMENT 2

Mark M. Deming
Planning Department
County of Santa Cruz
701 Ocean Street, CA 95060

January 4, 1999

Re: Proposed Forest Practice Rule 926.27 Non-native Plants [Santa Cruz County]

Dear Mr. Deming,

I am writing to you on behalf of the Santa Cruz County Chapter of the California Native Plant Society in regards to the proposed rule changes to the Forest Practice Rules that the county of Santa Cruz will be presenting to the Board of Forestry. In particular, I would like to address proposed rule 926.27 which deals with invasive exotic plant invasion that results from logging activities.

The California Native Plant Society is very concerned with the spread of invasive exotic species into our native ecosystems. I was very pleased when I learned that the county was proposing rule 926.27 as a possible solution to this problem. On behalf of the chapter, I would like to thank your office for including this rule in the proposed rule package.

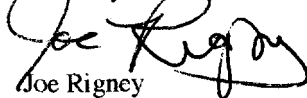
I am, however, concerned that the wording of 926.27 is currently too vague to be enforced. In particular, the following two changes should be considered by your office:

1) Monitoring and removal activities in the first, third, and fifth year should be required as part of the timber harvest. The current wording of "... should occur on the first, third and fifth year" should be changed to "... SHALL occur on the first, third and fifth year ".

2) The use of appropriate native or non-invasive plants for erosion control should be REQUIRED, not "recommended" as the current wording of the rule indicates. There is a long history of invasive exotic species such as annual rye and zorro fescue being a component of erosion control mixes. The introduction of these species into a timber harvest area would defeat the purpose of rule 926.27.

Thank you for taking the time to consider my concerns. If you have any questions or comments concerning these points, please feel free to contact me.

Sincerely Yours,



Joe Rigney

Co-Chair, Conservation Committee
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Dedicated to the preservation of California native flora

