



County of Santa Cruz

PLANNING DEPARTMENT

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ALVIN D. JAMES, DIRECTOR

January 15, 1999

AGENDA: January 26, 1999

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

RE: CONTINUED CONSIDERATION OF PROPOSED FOREST PRACTICE RULES CHANGES
FOR PROCESSING IN 1999

Members of the board:

On January 12, 1999, your Board continued consideration of the proposed Forest Practice Rules for submittal to the Board of Forestry to this date. The purpose for this continuance was for staff to provide your Board with a copy of the set of Forest Practice Rules changes approved by your Board and considered by the Board of Forestry in November.

As directed, staff has prepared the attached material (Attachment I) which includes the Rules changes approved by your Board in October 1998 (excluding those approved by the Board of Forestry in November 1998), staff's proposed 1999 Rules changes, and an explanation of any differences between the two sets of Rules. Any relevant comments from the Forest Practice Committee or Board of Forestry regarding the Rules are included as appropriate. In addition, several minor modifications to staff's proposed Rules are included, as explained in Attachment 1. Hopefully, this analysis and information will help your Board in your deliberations on the proposed Forest Practice Rules changes for 1999.


Staff has attempted to craft a set of Rules which protect riparian habitats and provide protections for adjacent residential properties within the framework and language of the Forest Practice Rules. As noted in our January 5, 1999, letter and reiterated here, it is RECOMMENDED that your Board:

1. Approve the proposed Forest Practice Rules changes, as presented by staff in Attachment 2, and
2. Direct Planning staff to submit the proposed Forest Practice Rules changes to the Board

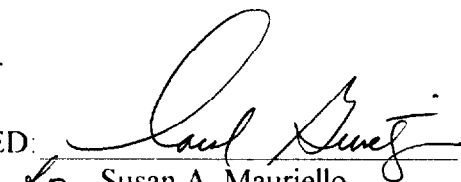
of Forestry, along with all necessary documentation, for processing; to participate in the review and processing of these changes through the Board of Forestry process; and to present the Board of Forestry's actions to your Board on May 25, 1999, and

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. Comparison of Board of Supervisors' Approved 1998 Forest Practice Rules and Staff's Proposed 1999 Forest Practice Rules Changes
 2. Staff Proposed 1999 Forest Practice Rules Changes
 3. Letter of Alvin D. James, Planning Director, dated January 5, 1999 (with attachments)
 4. Correspondence

cc: County Counsel
California Department of Forestry, Central Coast Ranger Unit
Santa Cruz Farm Bureau
Big Creek Lumber
Mark Morgenthaler
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
Redwood Empire
Roy Webster
Central Coast Forest Association
Cate and Eric Moore
Dick Burton
Mark Rentz

**COMPARISON OF THE
1999 PROPOSED AMENDMENTS TO THE CALIFORNIA FOREST PRACTICE
RULES AND THE 1998 FOREST PRACTICE RULES APPROVED BY THE
BOARD OF SUPERVISORS**

- ◆ New text is underlined
- ◆ Deletions are shown with ~~strikeout~~
- ◆ All other text is existing language or, where applicable, language approved by the Board of Forestry in 1998 and not in effect yet.

Annotations are included in a boxed area in italics immediately following the proposed Rule.

BOARD OF SUPERVISORS' OCTOBER 1998 APPROVED RULE

I. 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 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.

PLANNING STAFF 1999 RECOMMENDED RULE

I. 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 areas.

The underlined and strikeout portion at the beginning of the BOS approved Rule was approved by the Board of Forestry in November and, therefore, does not need to be re-submitted. Staff is proposing to again request that the last phrase be added to require flagging of the residential buffer area as recommended in 14 CCR Section 926.25. Note: Staff has changed "zone" to "area" as suggested in the letter of Herbert et al for consistency with other references in the Forest Practice Rules.

BOARD OF SUPERVISORS' OCTOBER 1998 APPROVED RULE

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 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. 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 and/or other devices at the perimeter of the landowner's property to prevent vehicular access, including motorcycles. If 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 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. andscreen.
 - (3) Roads with gradients greater than 15% require a 5-inch layer of Class II baserock with 1 - 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, 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 in the plan area shall be 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 a cessation of active logging operations. 14 CCR 914.2(f)(3)[Coast only] shall not apply in Santa Cruz County.

PLANNING STAFF 1999 RECOMMENDED RULE

2. 926.15 Road Construction and Maintenance [Santa Cruz County]

In addition to Article I2 (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 50% for more than 100 feet where the erosion hazard rating is high or extreme.
 - (iii) Across 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 shall require review by a Certified Engineering Geologist or Licensed Geotechnical Engineer with experience in forest road construction.
 - (3) Any exceptions to these standards granted by the Director for construction of temporary roads shall require the abandonment of the temporary road in compliance with I4 CCR 923.8 immediately following cessation of active logging operations.
 - (4) 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.
 - (5) 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.
- (b) All new seasonal and permanent roads 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 drain rock surface compacted into a 4 inch sub-base of Class II baserock.
 - (2) Roads with gradients between 10% and 15% require a 5-inch layer of Class II baserock and oil and screenings seal coat.

ATTACHMENT 1

- (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.
- (4) Existing permanent appurtenant roads used for any purpose 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.
- (c) Until abandoned, all new and existing seasonal roads in the plan area shall be regularly maintained pursuant to an erosion and drainage plan approved by the County of Santa Cruz.
- (d) All new tractor roads shall be abandoned pursuant to 14 CCR Section 923.8 immediately following cessation of active logging operations. 14 CCR 914.2(f)(3)[Coast only] shall not apply in Santa Cruz County.

A comparison of the BOS approved Rule and the staff proposed Rule, section by section, follows:

(a) The staff proposed Rules change adds a statement that defines a new logging road as all new temporary, seasonal or permanent roads.

(a)(1) The staff proposed Rule adds the phrase 'for more than 100 feet' to the language in sub-sections (i) and (ii) from the BOS approved Rules. This new language is consistent with the existing Rules regarding the construction of tractor roads and skid trails and limits the construction of all new roads (temporary, seasonal and permanent) across steep slopes and where there is insufficient energy dissipation near a watercourse, but allows some flexibility in the design and construction of these roads.

(a)(2) The staff proposed Rule is a new Rule which requires geologic review for any exceptions to this Rule.

(a)(3) The staff proposed Rule was originally (a)(2) in the BOS approved Rules. The staff proposed Rule regarding the abandonment of temporary logging roads addresses the concerns raised by the Forest Practice Committee regarding the use of the term 're-contouring' by eliminating the reference to that term and making all abandonment subject to the provisions of 14 CCR Section 923.8 upon cessation of logging operations. This existing Rule requires blockage of roads, stabilization of soils, 'pulling or shaping of fills and sidecast where necessary to prevent discharge of materials into watercourses...', etc. as was required in the BOS approved Rule.

(a)(4) This is an existing Rule ((a)(3) in the BOS approved Rules).

(a)(5) No change from the BOS approved Rules (a)(4).

The BOS approved Rule (a)(5) regarding the need to secure County permits for roads and bridges to be used for uses other than logging was not included in the staff proposed Rules because the same language was already approved by the Board of Forestry in 14 CCR Section 926.23(d).

(b) The staff proposed Rule moves the phrase 'for any purpose during the winter period, as defined by 14 CCR Section 926.18' referring to existing permanent roads to a new Rule (see (b)(4)). The staff proposed Rule also adds seasonal roads under the purview of this Rule.

(b)(1) The surfacing requirement has been modified in response to concerns regarding the use of a thick layer of gravel.

(b)(2) This Rule has been changed to put the correct term in place.

(b)(3) No change

(b)(4) The staff proposed Rule is a new Rule that addresses the need for surfacing existing roads, as needed, to eliminate erosion problems.

BOARD OF SUPERVISORS' OCTOBER 1998 APPROVED RULE

3. 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 intervisible 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.

PLANNING STAFF 1999 RECOMMENDED RULE

3. 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 926.25 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 intervisible 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.

No change is proposed except for a change in the reference to the residential buffer Rule (926.25 instead of 926.24)

BOARD OF SUPERVISORS' OCTOBER 1998 APPROVED RULE

4. 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); ~~rule~~ feasible, such road or landing shall be abandoned, stabilized, recontoured, revegetated, and restricted from vehicular use, including motorcycles, by the installation 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.

PLANNING STAFF 1999 RECOMMENDED RULE

4. 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, ~~rules then, where feasible,~~ such road or landing shall be abandoned, pursuant to 14 CCR 923.8, stabilized, re-vegetated, and restricted from vehicular use by the installation of gates and/or other devices to prevent access, following a cessation of active logging operations, 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.~~

The staff proposed Rule modifies the earlier version by eliminating the option of a landowner to modify the road or landing to meet current standards. Instead, the road or landing must be abandoned according to the abandonment standards of the Forest Practice Rules, including vehicular restrictions, immediately after logging ceases. The is more stringent than the earlier version, because the caveat 'where feasible' has been eliminated and there is no exception which allows these roads to remain.

BOARD OF SUPERVISORS' OCTOBER 1998 APPROVED RULE926.22 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.

*This Rule was not proposed for re-submittal because staff could not adequately address the concerns of the FPC regarding safety **of** the timber operators attempting to comply with the specificity of the Rule. Slash treatment near residential areas is proposed in 14 CCR Section 926.25.*

BOARD OF SUPERVISORS' OCTOBER 1998 APPROVED RULE

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 unless the residential property owner's written consent in writing is submitted with the plan. This prohibition does not apply to the removal of 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.

Staff has included the residential buffer and slash treatment in the Special Harvesting Methods Rule, below.

BOARD OF SUPERVISORS' OCTOBER 1998 APPROVED RULE

5. 926.25 Special Harvesting Methods [Santa Cruz County]

In addition to 14 CCR 9 13.8 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 at-eater than 35.6 cm. (14 in.) and less than 45.7 cm (18 in.) d.b.h. shall be harvested.

ATTACHMENT 1

(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 harvested in a the riparian no cut zone, but for the provisions of 14 CCR 926.26 or in the residential buffer zone, but for the provisions of 14 CCR 926.24, and trees that could have been cut in a WLPZ but for the provisions of 14 CCR 926.26 shall be counted for the purpose of determining compliance with the cutting standards under 14 CCR 926.25(a) and (b) may be credited one time only, by the allowed harvest of additional trees over 45.7 cm (18 in.) d.b.h. outside the WLPZ, credit of trees result in a harvest of over 60% of the trees over 45.7 cm (18 in.) d.b. h. on TPZ parcels, or 40% of the trees over 45.7 cm (18 in.) d.b.h. on non-TPZ parcels.
- (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

PLANNING STAFF 1999 RECOMMENDED RULE

5 926.25 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 for all harvests approved after January 1, 2000, are as follows:

- (1) For areas where the proposed harvest rate is ~~51-60~~ 41-50% 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~~ 40% 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) On non-TPZ parcels the cutting standards are as follows:

- (1) Harvesting or other timber operations are prohibited within 200 feet of any ~~occupied~~ legal dwelling used for residential purposes permanently located structure 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.
 - (2) If timber operations do occur within 200 feet of any ~~occupied legal dwelling~~ permanently located structure currently maintained for human habitation, 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.
- (c) No old growth conifer shall be harvested. As used herein "old growth conifers" are described as predominant trees that are at least 200 years old.

The FPC discussed the 1998 Rule and recommended to the BOF approval of the first section only, that section dealing with the proposed cutting standards in the TPZ, with the deletion of 'for TPZ parcels' to indicate that this applies County-wide. The FPC had concerns about some of the silviculture prescriptions in sub-paragraphs (b), (c) and (d), and felt these sections required further work.

*The proposed language reduces the cutting percentage in all zone districts. The intent of adding the effective date of the harvest was to clearly state when these cutting and re-entry standards become effective. Staff has reviewed the proposed non-TPZ cutting standards proposed in the BOS approved Rules Any cutting and re-entry prescription must be justified by silvicultural standards, the benchmark established by State law for BOF review of FPR's. These standards are based on resource sustainability and **economics**. Staff has researched and proposed the appropriate cutting standards that could be justified based on sound silviculture in Santa Cruz County.*

The staff proposed Rules include the residential buffer as a cutting prescription on non-TPZ properties. The residential buffer areas were proposed as 200-feet because of the resource protection corollary with the existing agricultural buffers in the County General Plan and ordinances, designed to provide noise, dust and nuisance protection. The proposed 200-foot buffer also provides an adequate wind-throw setback as well as providing a noise and dust buffer. The slash treatment and old growth protection language is the same as the 1998 version. Staff has changed the phrase "occupied legal dwelling" to "any permanently located structure currently maintained for human habitation" as suggested in the letter of Herbert et al for consistency with FPR language.

Sub-section (c) involving the credit for the no-cut riparian and residential areas was not proposed for re-submittal because it would have been too difficult to monitor and it would have resulted in an over-harvest outside the WLPZ. In addition, staff's proposal reduces the width of the no-cut zone on non-TPZ lands. Sub-section (d) was deleted for simplicity.

BOARD OF SUPERVISORS' OCTOBER 1998 APPROVED RULE

6. 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:

ATTACHMENT 1

- (1) At least 5.2 m (50 feet) from Class I and II watercourses and wetlands wet meadows and other wet areas.
 - (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 bank.
 - (4) Exceptions are allowed for temporary stream crossings (fords, bridges, culverts) if no other feasible 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 wet meadows and other wet areas.
 - (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 bank.
 - (4) Exceptions are allowed for temporary stream crossings (fords, bridges, culverts, cable corridors) if no other feasible 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.

PLANNING STAFF 1999 RECOMMENDED RULE6. 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) 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 and Class II watercourses: and wet meadows and other wet areas.
 - (2) At least 10 feet from Class III watercourses.

ATTACHMENT 1

- (3) The width of the riparian corridor shall be measured horizontally out from each side of the watercourse bank.
- (4) Exceptions are allowed for temporary stream crossings (fords, bridges, culverts and cable corridors) if no other feasible alternative exists as explained and justified in the ~~TPZ~~ ~~Plan~~ ~~approved by the Director.~~ It be limited to 10 feet in width for every 100 feet of lineal stream length.

A member of the FPC recommended that the County re-submit this Rule with revised language that included consistently applied setbacks, provisions for cable logging, etc. The staff proposed Rule creates one set of standards for timber harvesting on both TPZ and non-TPZ zoned properties, based on the current standards of the County General Plan and Riparian Corridor Protection Ordinance.

The proposed exceptions are the same as the 1998 version except for the cable corridors. Cable yarding is a superior alternative to tractor yarding, primarily because of the significant reduction in road construction and ground disturbance. To conduct a cable operation, two parallel cables are laid across the ground between tower locations. Vegetation must be cleared in this corridor to allow for the lightening and dropping of the cables during operations. Because there is no ground disturbance under these cable areas, there is a reduced erosion potential. However, staff recognized that there have been occurrences of multiple intersecting cable corridors that have resulted in excessive riparian corridor disturbance. Therefore, staff has proposed a limited exception to allow cable corridors across riparian areas. These cable corridors are limited to a maximum of 10 feet of width for every 100 feet of lineal stream length, maintaining at least 90% of the riparian area undisturbed by logging activities. If wider corridors are necessary for particular harvest, say 15 feet wide, then 150 feet of corridor is necessary to allow for that exception and to maintain the 90% undisturbed area.

BOARD OF SUPERVISORS' OCTOBER 1998 APPROVED RULE

7. 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.

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PLANNING STAFF 1999 RECOMMENDED RULE

7. 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 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

Same Rule except it is proposed to be mandatory (shall), not advisory (should).

BOARD OF SUPERVISORS' OCTOBER.1998 APPROVED RULE

8. 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. Helicopter flights for log 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 a r p e r i o d , 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. o n e d a y s h a l l be defined as a total of 10 hours of flight time, which may occur on more than one calendar day.

PLANNING STAFF 1999 RECOMMENDED RULE

8. 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. Helicopter flights for log 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

ATTACHMENT1

occur within 1,000 feet horizontally of an occupied legal dwelling permanently located structure currently maintained for human habitation. 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

The staff proposed Rule eliminates the cumulative use restrictions for helicopter logging. Staff reviewed the requirements and applications of this Rule. Because the Rule limits the use of helicopters to TPZ properties and most of the TPZ properties have well defined road systems already in place, staff deleted the cumulative use language as being unnecessary and difficult to justify before the BOF. Staff has changed the phrase "occupied legal dwelling" to "any permanently located structure currently maintained for human habitation" as suggested in the letter of Herbert et al for consistency with the Forest Practice Rules.

BOARD OF SUPERVISOR,!? OCTOBER 1998 APPROVED RULE

9. 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.

PLANNING STAFF 1999 RECOMMENDED RULE

9. 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 can be done without any significant adverse impact on the environment.

The staff proposed Rule deletes the reference to 'minor in scope' and 'on any adjoining landowner, including others with the right to use private roads proposed to be used by the plan submitter' or, 'because there are no definitions of these terms in the existing Rules. 'Significant adverse impact on the environment' is defined in the existing Rules and the definition includes references to 'potentially substantial adverse changes to land, air, water,ambient noise, ...' This definition appears to be adequate to protect existing residential and other uses.

BOARD OF SUPERVISORS' OCTOBER 1998 APPROVED RULE

10. 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 during the conduct 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.

PLANNING STAFF 1999 RECOMMENDED RULE

10. 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 during the conduct of timber harvest plan activities on the land and after 24 hours notice to the landowner, CDF, 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. 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.

Staff has deleted the specific language regarding the use of photographic and/or other instruments to record violations. It is inherent in the inspection authority that photographic and other technical evidence can be collected.

PROPOSED FOREST PRACTICE RULES
FOR 1999 BOARD OF FORESTRY REVIEW

New text is **bold and underlined**

Deleted text is shown as ~~over-strike~~

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 A. of a property line, **and the approximate boundaries of all residential buffer areas.**

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 50% for more than 100 feet where the erosion hazard rating is high or extreme.

(iii) Across 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 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

- (2) Roads with gradients between 10% and 15% require a 5-inch layer of Class II baserock and oil and screenings seal coat.
- (3) Roads with gradients greater than 15% require a 5-inch layer of Class II baserock with 1-1 1/2 inches of asphaltic concrete overlay.
- (4) Existing permanent appurtenant roads used for any purpose 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.
- (c) Until abandoned, all new and existing seasonal roads in the plan area shall be regularly maintained pursuant to an erosion and drainage plan approved by the County of Santa Cruz.
- (d) All new tractor roads shall be abandoned pursuant to 14 CCR Section 923.8 immediately following cessation of active logging operations. 14 CCR 914.2(f)(3)[Coast only] shall not apply in Santa Cruz County.
3. 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 926.25 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 intervisible 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,

I. 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, ~~rules~~ then such road or landing shall be abandoned, pursuant to I4 CCR 923.8, stabilized, re-vegetated, and restricted from vehicular use by the installation of gates and/or other devices to prevent access, following cessation of active logging operations 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.~~

5. 926.25 Special Harvesting Methods [Santa Cruz County]

In addition to I4 CCR 9 13.8 subsection (a), the harvesting limitation, re-entry period and leave tree standards shall be modified as follows:

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

- (1) For areas where the proposed harvest rate is ~~51-60%~~ 41 - 50% 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%~~ 40% 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) On non-TPZ parcels the cutting standards are as follows:

(1) Harvesting or other timber operations are prohibited within 200 feet of any permanently located structure currently maintained for human habitation used for residential purposes 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.

(2) If timber operations do occur within 200 feet of any permanently located structure currently maintained for human habitation, 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.

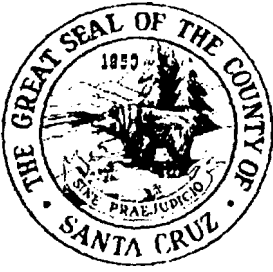
(c) No old growth conifer shall be harvested. As used herein "old growth conifers" are described as predominant trees that are at least 200 years old.

6. 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) 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 and Class II watercourses: and wet meadows and



County of Santa Cruz 746

PLANNING DEPARTMENT

701 OCEAN STREET, 4TH FLOOR, SANTA CRUZ, CA 95060

(831) 454-2580 FAX: (931) 454-2131 TDD: (831) 454-2123

ALVIN D. JAMES, DIRECTOR

January 5, 1999

AGENDA: January 12, 1999

Board of Supervisors
County of Santa Cruz
70 I Ocean Street
Santa Cruz, CA 95060

RE: PROPOSED FOREST PRACTICE RULES CHANGES FOR PROCESSING I-N 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

other wet areas.

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

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

(4) Exceptions are allowed for temporary stream crossings (fords, bridges, 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 limited to 10 feet in width for every 100 feet of lineal stream length.

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 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.

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. Helicopter flights for log transport between the area where the felling is occurring and the landing must occur only over property contained within the approved TH P. No helicopter flight may occur within 1,000 feet horizontally of any

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5 holidays.

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7 9. 926.29 Emergency Conditions [Santa Cruz County]

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12 authorization can be done without any significant adverse impact on the environment.

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

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



County of Santa Cruz 746

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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.

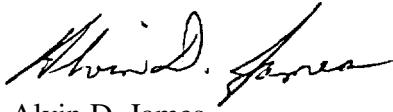
Emergency adoption of the statutes is an option provided for in State statutes. Staff has reviewed these statutes and the findings required to be made by the Board of Forestry for such an action. The findings require that there be irrefutable evidence that there is an immediate health and safety issue 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

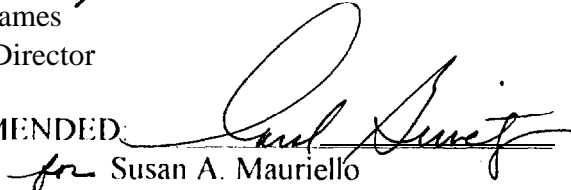
3. Direct Planning staff to return with a status report on the processing of the 1998 Forest Practice Rules by the Office of Administrative Law on March 23, 1999.

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 I2 (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 50% for more than 100 feet where the erosion hazard rating is high or extreme.

(iii) Across 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 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
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- 25
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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 overlay.**
- 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**
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- 12 **(c) Until abandoned, all new and existing seasonal roads in the plan area shall be regularly**
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- 17 **immediately following cessation of active logging operations. 14 CCR 914.2(f)(3)[Coast**
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- 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 intervisible 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,

4. 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 the Forest Practice Rules, then such road or landing shall be abandoned, pursuant to 14 CCR 923.8, stabilized, re-vegetated, and restricted from vehicular use by the installation of gates and/or other devices to prevent access following cessation of active logging operations.

5 926.25 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 all harvests approved after January 1, 2000, are as follows:

(1) For areas where the proposed harvest rate is 50% 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 40% 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.

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

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

(4) Exceptions are allowed for temporary stream crossings (fords, bridges, 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 limited to 10 feet in width for every 100 feet of lineal stream length.

7. 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 alone harvest roads and landings 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.

8. 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. Helicopter flights for log 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.

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 IO. 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.

ATTACHMENT

STATE OF CALIFORNIA - THE RESOURCES AGENCY

PETE WILSON, Governor

DEPARTMENT OF FORESTRY
AND FIRE PROTECTION

6059 Highway 16 • PA. Drawer P-2

Felton, CA 95018

(408) 3356740

January 4, 1999

Post-it® Fax Note 7671		Date	# of pages 3
To MARK DEMING	From N. DRINKARD		
Co./Dept.	Co. CDF		
Phone #	Phone #		
Fax #	Fax #		

756

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 tie 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.

All 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?

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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 **watercourse 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** **is** 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** ^{not} 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

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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**.

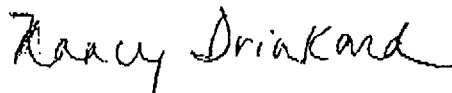
10. Emergency Conditions

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



ATTACHMENT 3

759

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

Jan. 4, 1999

Dear Mr. Deming:

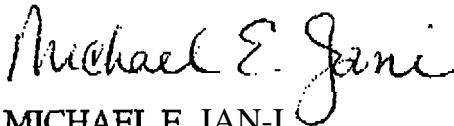
The following are our comments on the most recent draft of proposed special rules for timber harvesting in Santa Cruz County.

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 petit 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 these 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. JAN-I
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

761

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-erodible 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 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 5-8 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 **flagged** 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 installation 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.~~

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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.) d.b.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.**

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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 in.) 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 Limber 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 on 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 Member Bob Heald.

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 zoned 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 **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 addresscd~~.

926.24 Residential Buffer Zones

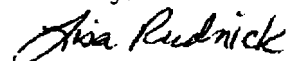
To **prohibit** commercial logging within these ~~zones~~ places all liability for these areas on the County of Santa Cruz and the State of California. It has been **stated** numerous times that the exorbitant costs associated with hazard removals ~~near structures~~ virtually ~~prevents~~ these removals 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 3

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

January 4, 1999

Rc: 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.

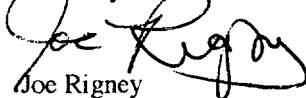
The California Native Plant Society is very concerned with the spread of invasive exotic species into our native ecosystems. I was very pleased when I learned that the county was proposing rule 926.27 as a possible solution to this problem. On behalf of the chapter, I would like to thank your office 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 USC 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
California Native Plant Society, Santa Cruz County Chapter
PO Box 8098
Santa Cruz, CA 95061
(831)425-3238
wildlands@butterflydreams.com



ATTACHMENT 4

Tom Harvey

769

•635 Sunset Rd •Boulder Creek •CA •95006 • 408-338-6034 •theharv@ix.netcom.com

Santa Cruz County
Board of Supervisors
701 Ocean St.
5th Fl
Santa Cruz CA 95060

Fax # 454-3262

January 12, 1999

Dear Jeff, Mardi, Jan et al:

New year, same problem. I am writing you to express the concerns and wishes of a number of my friends, neighbors and myself regarding the vote today 1/12/99 on what rules package will be re-presented to the Board of Forestry this year.

Though it may be true that we have made some progress with the Board, I am convinced the progress made is only a token gesture. Furthermore it is widely held that the Board, left to its own, would certainly not consider adopting the rules of substance they chose to ignore when they were proposed in September by Santa Cruz County. I am convinced that the only reason the Board made a gesture to revamp their clearly outdated Forest Practice Rules, is because they were intimidated by the prospect of having to face absolute local controls such as our zoning restrictions. The fact that we have declared our intention to use these controls looms large on their landscape.

Any one with an open mind would recognize that, generally speaking, no one is saying stop logging all together. However it is because we can stop it completely in inappropriate zones that the Board finds itself in a position where they now must pay attention and seriously consider the rules package we have presented.

It is absolutely imperative that they approve the rules as they were proposed and that you as our representatives here in Santa Cruz County not flag under the pressures the timber industry wields. With this letter I am asking that you stay on course with the rules package proposal. Protect our community, protect our finite resources, establish once and for all that lives and homes and families are at least as important as logging in Santa Cruz County and set the limits on resource extraction so that nature doesn't have to.

Please remain steadfast on the following points.

- No road building on slopes steeper than 65% or across slopes steeper than 50%
- A 300' residential buffer
- Tree height no cut zones for all riparian corridors
- 40% maximum harvests
- Restrict helicopter activity to 10 days in an area over a five year term
- Regulate all new logging roads and bridges using county grading and bridge pen-nits

Thank you for your consideration and hard work. We are counting on you to support this much needed resource management reform for our county, please remain committed.


Tom Harvey
Wildwood Residence Alliance
CRFM

80

Jan. 8, 1999

ATTACHMENT 4

County Supervisors:

770

Regarding vote on the county logging rules, on Tuesday, Jan. 12, Item #69,

Apparently the staff has watered down the rules again, probably to make it more appealing to the Board of Forestry, but we need solutions; NOT A WATERED DOWN SET OF RULES. .

The following needs to be included:

1. No road building on slopes steeper than 65% and across slopes steeper than 50% where the erosion hazard is high or extreme. (No exceptions)
2. 300 foot no-cut zones around residences. (The County staff wants to reduce this to 200 feet).
3. No-cut buffer zones in riparian corridors. The WIDTH of the buffers should be defined by the current rules, but the buffer zones should be NO-CUT zones rather than allowing timber operations. Science supports a 1 .1 tree-height no-cut zone around streams.
4. We must have a lighter cut (25-40%) of the biggest trees every 20 years), and bigger leave trees on lands (3 trees of each size class per acre must be left standing) that are not zoned primarily for timber harvesting (like SU). The county has removed the two-tiered cutting approach for the county, and has applied heavier cutting standards to all forest land. This is unacceptable.
5. 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. The county staff wants to change this to THREE, which is not acceptable.
6. All new logging roads and bridges that will be used for other purposes should be subject to county grading and bridge permits.

Sincerely,

Meade Fischer

270 Charles Rd. #72

Corralitos, CA 9 5076

Central Coast Forest Association**771**

January 12, 1999

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

Dear Board Members:

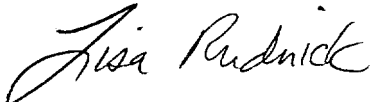
Once again county taxpayers, forest landowners and legitimate businesses are faced with the ongoing political witch hunt surrounding timber harvesting. Local government appears to have learned little during the process. The Board of Supervisors has already incurred costly and unnecessary litigation because of ill-conceived zoning ordinances. The county of Santa Cruz Planning Department continues in this vein by reconstructing proposed State Forest Practice Rules changes which are not only unjustified, but are also potentially illegal. The proposed buffer zones in the rules package before you clearly remain unconstitutional.

The Central Coast Forest Association wants your board to know that forest landowners of this county will defend our rights against all illegal and confiscatory regulations, regardless of which government agency creates them. There is a misconception that a turnover in membership to the State Board of Forestry will somehow translate into a willingness to pass blanket timber harvesting restrictions.

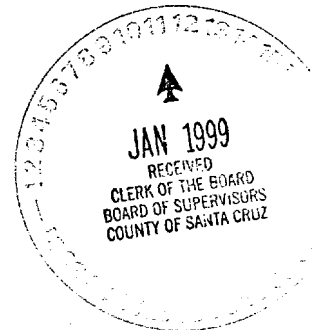
Your Board needs to realize that not a single peer reviewed, scientific document has come forward that substantiates any of the claims of environmental harm from timber harvesting in this county. Local government has continuously failed to provide the documentation which would demonstrate the necessity for any of the more onerous proposed rule changes.

This county has many serious and real issues that need to be addressed. Our county road system is so in need of repair, that county funds and personnel could be exhausted dealing with that problem alone. Instead, we watch as untold thousands of taxpayer dollars and county staff time are wasted forwarding the agenda of a handful of anti-logging zealots. If this county was serious about creating meaningful and justifiable changes in forest management policy, it would pursue performance based rather than restrictive regulations. C.C.F.A. urges you to begin working with local forestry professionals and other residents to create well thought out policy which will hold up to the scrutiny of state and federal law. You should reject the current rules proposal, go back to the drawing board and create policy which is fair, justifiable and above all, legal.

Sincerely,



Lisa Rudnick
C.C.F.A. Interim Executive Director

**C.C.F.A. P.O. Box 1670 Capitola, CA 95010 (831) 469-6016**

Donita Hurd
915 Third Street
Santa Cruz, CA 95060

January 11, 1999

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

To the Board of Supervisors:

I learned this weekend that the county is about to submit a watered-down rules package to the state Board of Forestry, since the previous package was rejected. Unfortunately this effort doesn't take into account the real needs of Santa Cruz County regarding logging. Nor does it take into account the fact that there has been a change in state administration, and that the new one will be more sympathetic to environmental concerns-such as those of the distinctly environment-friendly county of Santa Cruz.

Please do change your tactic and resubmit a more effective logging-rules proposal.

As you think about what the people of this county need, I'd like you to **take** into account the observation of the naturalist Barry Lopez (in his book *The Rediscovery of North America*) that we have an obligation "to develop a hard and focused anger at what continues to be done to the land not so that people can survive, but so that a relatively few people can amass wealth." He notes that "if we ask ourselves what has heightened our sense of loss in North America, what has made us feel around in the dark for a place where we might take a stand, we would have to answer that it is the particulars of what is now called the environmental crisis. Acid rain. Soil erosion. Times Beach. Falling populations of wild animals. Clearcutting. Three Mile Island."

Most significant, Lopez goes on to say that "one of our deepest frustrations as a culture, I think, **must** be that we have made so extreme an investment in mining the continent, created such an infrastructure of nearly endless jobs predicated on the removal and distribution of trees, water, minerals, fish, plants, and oil, that we cannot imagine stopping. In the part of the country where I live, thousands of men are now asking themselves what jobs they will **have-for they** can see the handwriting on the wall-when they are told they cannot cut down the last few trees and that what little

replanting they've done--if it actually works---will not produce enough timber soon enough to ensure their jobs.

"The frustration of these men, who are my neighbors, is a frustration I am not deeply sympathetic to--their employers have behaved like wastrels, and they have known for years that this was coming. But in another way I am sympathetic, for these men are trying to live out an American nightmare which our system of schools and our voices of government never told them was ill-founded. There is not the raw material in the woods, or beyond,, to make all of us rich. And in striving for it; we will only make ourselves, all of us, poor.

"When people have railed against environmentalism for the restrictions it has sought to impose, they have charged--I'm thinking of loggers in Oregon, and shrimp fishermen in the Gulf, and oil drillers on the North Slope--that environmentalists are out to destroy the independent spirit of the American entrepreneur. They've meant to invoke an image of self-reliance and personal responsibility. They've meant by their words to convey this: If something is truly wrong here, we'll see it and fix it. We don't need anyone to tell us what to do.

"The deep and tragic confusion here is that this pose of responsibility, this harkening to a heritage of ennobled independence, has no historical foundation in America. Outside of single individuals and a few small groups that attended to the responsibilities of living on the land, attended to the reciprocities involved, the history of the use of the American landscape has been lawless exploitation. When an industry asks to police itself, we must have the courage to note that there is no precedent, that the entrenched precedent, from the time of the Spanish, is lawlessness in the quest for wealth, with the extension of enough local generosity to keep from being run out of town, enough respect for institutions to keep from being hauled before the bar, and enough patriotism to be given the benefit of the doubt by society."

The logging industry will not willingly take care of the land in our county. You must oblige them to do so--with a strict set of rules and the will to back them up. I hope you'll read the rest of Lopez's thoughtful essay and be guided by his observations, particularly these I've included here.

Sincerely,
Bonita Hurd
Telephone/fax-modem: 425-1303

Fax: 454-3262
774

*The Valley Women's Club
of San Lorenzo Valley, Inc.
PO Box 574
Ben Lomond, CA 95005*

ATTACHMENT 4

Mr. Jeffrey Aimquist, Supervisor
Member, Board of Supervisors
Santa Cruz County
701 Ocean St.
Santa Cruz, CA 95060

Dear Jeffrey,

El Nino reminded us all of the enormous problems facing our county due to accelerated erosion caused by many human activities, including logging and unmaintained roads. In the 1970's the San Lorenzo River was declared "dead" because the fish were gone. The Watershed Management Plan was written and adopted by the County to help restore the River, to improve the quality of surface water drinking sources, and to restore the fisheries which had brought many millions of dollars to the County in previous decades. The Plan's major focus was on reducing accelerated erosion due to roads, land grading and clearing, logging and other such activities. In response, ordinances like the erosion control, riparian corridor and grading ordinances were created. Now, over twenty **years** later, in reevaluating the impacts of the Watershed Management Plan, human-accelerated erosion is still the number one problem facing water quality and our waterways!

Erosion causes **slides** and floods, and it **removes** topsoil -- the living layer of soil which takes hundreds of years to create and which is needed to support the ecosystem which supports us, provides us with clean water, and provides habitat and food for wildlife -- not to mention providing beautiful vistas for locals and tourists to enjoy. Harvesting trees, whether via roads or helicopter, exposes the soil to the sun, drying **it** out and turning it to dust which then can be blown away. Losing the canopy of trees exposes the soil to rain which compacts it, reducing its ability to grow things, or simply washes it away, so it silts up waterways. Canopy reduction also decreases fog drip, thus adding further to reduced moisture which is **not** only detrimental to soil and streams but increases fire hazard.. Further, reducing the canopy over

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waterways increases the water temperature, making it impossible for fish to survive.

while it may be true that logging in Santa Cruz County is more tightly regulated and has less of an impact than the clearcutting that is allowed in other counties, the claims that it **is** not only benign but helps the forest are absurd. Logging has always and still does cause problems, even when done responsibly. Some of those effects are immediate as discussed **above**, and **some** are not evident for years. The folks whose home was destroyed a few years ago in south Boulder Creek when a mud flow from **an** old logging road roared through their property and across Hwy 9 are an example, as is the severe damage Kings Creek Rd. **suffered** in February, just below a recent logging cut. Even the SLV Water District has used thousands of dollars in grant monies amending problems caused by old logging roads below Waterman Gap.

The Valley Women's Club and **many** neighborhood and environmental groups are still urging resubmitting those carefully formulated, science-based regulations already offered, with appropriate improvements in language based comments by the Board of Forestry during this last attempt at getting new regulations. Now that **there will** be a new, more sympathetic Board of Forestry, we have hope **that** these real improvements can be achieved. We feel **that** several of the changes and omissions in the Planning Department's *Draft 1999 Forest Practice Rules Changes* have gone too far, gutting important, long-pursued environmental improvements.

We urge the following:

- Strict regulations must be kept in place to reduce the number of roads, to limit **them** to slopes less steep than 65% (50% where erosion **hazard rating is high or extreme**), **to require non-erodible** surfacing materials **and to assure the abandonment of** roads which do not meet criteria designed to prevent environmental degradation.
- There must be adequate no-cut buffer zones in residential areas to protect our homes and families; we suggest that the 300 -foot. buffer is already a compromise, first from 1000 and then 500 feet, especially if the zone is from one's **home and not** one's property line. Why drop it to 200 feet?
- There must be stringent no-cut buffer zones, based on science, along all waterways **since even seasonal** streams **bring enormous amounts** of topsoil into the waterways in the rainy season when damaged.

ATTACHMENT 4

- There must be no further cutting of Old Growth; we should cherish the few ancient trees we have left. The goal must be to create forested areas which can eventually be restored and behave as climax forests, thus the regulations should result in forest areas of healthy trees of various species and a wide range of ages.
- The second tier cutting standards for non-TP zones must be retained! This is important to maintain a win-win resolution and is integral to allowing harvests in non-TPZ zones.
- Regulations to curtail the invasive non-natives which grow so readily in the disturbed soils should definately be retained.

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We hope you agree that we should not lose this opportunity to support regulations which look to the **future**, which honor the higher worth of trees as part of an invaluable ecosystem providing clean water, valuable **fisheries**, extraordinary beauty and stable hillsides, as well as their value **as** lumber. Please retain these important aspects of the original 1998 proposal to the Board of Forestry,

Sincerely,

Myra Angell

Myra Angell, President

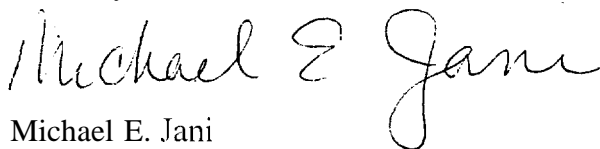
January 12, 1999

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

Members of the Board:

Please be informed that my letter, on behalf of Big Creek Lumber Company, attached to the proposed rules for timber harvesting in Santa Cruz County is not in reference to the proposed rules upon which it is attached. The letter, dated January 4, 1999, is addressed to Mark Deming of County Planning and refers to a previous draft of the proposed rules circulated for review by Mr. Deming. I have attached to this letter, a copy of those draft rules, dated December 23, 1998. Though we were given a very limited amount of time in which to review the latest iteration of the proposed rules, it is clear that they are quite different from those we were asked to review and comment upon in December. It is even clearer that Big Creek **could** not support these latest proposed rules. We further believe that even a newly configured Board of Forestry would find it difficult to pass **such** a package.

Sincerely,



Michael E. Jani
RPF #1856



ATTACHMENT 4

778

Santa Cruz County
Board of Supervisors
701 Ocean Sr.
5th Fl
Santa Cruz CA 95060

Fax # 454-3262

January 12, 1999

Dear Jeff, Mardi, Jan et al:

New year, same problem. I am writing you to express the concerns and wishes of a number of my friends, neighbors and myself regarding the vote today 1/12/99 on what rules package will be represented to the Board of Forestry this year.

Though it may be true that we have made some progress with the Board, I am convinced the progress made is only a token gesture. Furthermore it is widely held that the Board, left to its own, would certainly not consider adopting the rules of substance they chose to ignore when they were proposed in September by Santa Cruz County. I am convinced that the only reason the Board made a gesture to revamp their clearly outdated Forest Practice Rules, is because they were intimidated by the prospect of having to face absolute local controls such as our zoning restrictions. The fact that we have declared our intention to use these controls looms large on their landscape.

It is absolutely imperative that they approve the rules as they were proposed and that you as our representatives here in Santa Cruz County not flag under the pressures the timber industry wields. With this letter I am asking that you stay on course with the rules package proposal. Protect our community, protect our finite resources, establish once and for all that lives and homes and families are at least as important as logging in Santa Cruz County and set the limits on resource extraction so that nature doesn't have to.

Please remain steadfast on the following points.

- Σ No road building on slopes steeper than 65% or across slopes steeper than 50%
- Σ A 300' residential buffer
- Σ Tree height no cut zones for all riparian corridors
- Σ 40% maximum harvests
- Σ Restrict helicopter activity to 10 days in an area over a five year term
- Σ Regulate all new logging roads and bridges using county grading and bridge permits

Thank you for your consideration and hard work.

Gary Byrd

ATTACHMENT 4

January 12, 1999

779

Santa Cruz County
Board of Supervisors
701 Ocean St.
5th Fl
Santa Cruz CA 95060

Dear Jeff, Mardi, Janet, all:

New year, same problem. I am writing you to express the concerns and wishes of a number of my friends, neighbors and myself regarding the vote today 1/12/99 on what rules package will be re-presented to the Board of Forestry this year.

Though it may be true that we have made some progress with the Board, I am convinced the progress made is only a token gesture. Furthermore it is widely held that the Board, left to its own, would certainly not consider adopting the rules of substance they chose to ignore when they were proposed in September by Santa Cruz County. I am convinced that the only reason the Board made a gesture to revamp their clearly outdated Forest Practice Rules, is because they were intimidated by the prospect of having to face absolute local controls such as our zoning restrictions. The fact that we have declared our intention to use these controls looms large on their landscape.

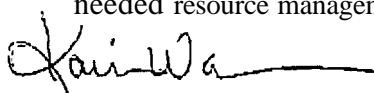
Anyone with an open mind would recognize that, generally speaking, no one is saying stop logging all together. However it is because we can stop it completely in inappropriate zones that the Board finds itself in a position where they now must pay attention and seriously consider the rules package we have presented.

It is absolutely imperative that they approve the rules as they were proposed and that you as our representatives here in Santa Cruz County not flag under the pressures the timber industry wields. With this letter I am asking that you stay on course with the rules package proposal. Protect our community, protect our finite resources, establish once and for all that lives and homes and families are at least as important as logging in Santa Cruz County and set the limits on resource extraction so that nature doesn't have to.

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- * Restrict helicopter activity to 10 days in an area over a five year term
- * Regulate all new logging roads and bridges using county grading and bridge permits

Thank you for your consideration and hard work, We are counting on you to support this much needed resource management reform for our county, please remain committed.


Karin Walsh

ATTACHMENT 4

780

Santa Cruz County
Board of Supervisors
701 Ocean St., 5th Fl
Santa Cruz CA 95060

January 12, 1999

Dear Jeff, Mardi, Jan et al:

I am writing you to express my concerns and wishes regarding the vote today 1/12/99 on what rules package will be presented to the Board of Forestry this year.

I believe that it is absolutely imperative that the Board approve the rules as they were proposed and that you as out representatives here in Santa Cruz County not yield to the pressures of the timber industry. With this letter I am asking that you stay on course with the rules package proposal. Protect our community, protect our finite resources, establish once and for all that lives and homes and families are at least as important as logging in Santa Cruz County and set the limits on resource extraction so that nature doesn't have to.

Please remain steadfast on the following points.

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- * 40% maximum harvests
- * Restrict helicopter activity to 10 days in an area over a five year ten-n
- * Regulate all new logging roads and bridges using county grading and bridge pen-nits

Thank you for your consideration and hard work. We are counting on you to support this much needed resource management reform for our county, please remain committed.

Sincerely,



Gabriela Giacchino
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