

ATTACHMENT 5

SANTA CRUZ COUNTY

AMENDMENTS TO THE CALIFORNIA FOREST PRACTICE RULES

APPROVED BY THE BOARD OF FORESTRY -NOVEMBER 3, 1998

- ◆ New text is underlined
- ◆ Deletions are shown with ~~strikeout~~

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

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

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

Subsequent to plan approval, but prior to commencement of timber operations, the RPF responsible for preparing the plan, the RPF who will advise the timber operator during timber operations (if different), and the timber operator shall meet in the field to review the specifics of the plan. The Director may attend and participate in such meeting, and shall be given advance notice of the meeting by the plan submitter. After such meeting and prior to commencement of timber operations, or upon the filing of any subsequent maior amendment to the plan, the licensed timber operator shall execute and file with the Department a written certification that such timber operator or a supervised designee familiar with on-site conditions actively participated in ~~the~~ a field review. is familiar with all state and local rules applicable to the proposed timber operation including without limitation the requirements of 14 CCR 1035.2 and 1035.3. understands the plan or such maior amendment and each of the conditions that have been placed upon the plan or such maior amendment by the Department as part of the review process, and is familiar with and acknowledges the responsibility to communicate this information to those persons hired to carry out the proposed timber operation under his/her direction. The term "supervised designee" means any representative whose activities are controlled by the LTO in the same manner that an RPF would control the activities of a "supervised designee" as defined in 14 CCR 895.1.

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

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

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

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- (1) A statement that the approximate property lines have been flagged for review where truck roads, tractor roads or harvest areas are within 100 feet of the property line.
 - (2) In the event helicopter yarding is proposed, the Notice of Intent will include a map that clearly identifies the areas within the proposed timber harvest plan area that are proposed for helicopter operations, including helicopter log landing and service area sites and a statement about the approximate duration of helicopter yarding activities.
- (b) The plan submitter shall furnish to the Department at the time of submission of the plan, the names and addresses of all property owners within 300 ft. of the exterior boundaries of assessor’s parcels upon which a plan has been submitted, and the names and addresses of property owners with property fronting or bordering that portion of the haul route lying between the plan area and the nearest public road, and the addresses of all private road association members. “Private road association” as used in this section and all other rules specific to Santa Cruz County shall mean those road associations appearing on a list maintained by the County and provided to the Director which are either a County Service Area which maintains any private road or any other private road association that has recorded by-laws or other organizing instruments recorded in the official records of Santa Cruz County from which it can be ascertained the assessor parcel numbers of the properties owned by the members. If helicopter yarding is proposed, the list shall also include the names and addresses of property owners with property located within three thousand (3,000) feet of any location in the proposed timber harvest area in which logs are to be picked up, carried, or landed, or helicopters are to be used for servicing. It is the intent of the notice provisions of this paragraph to direct the notice to both owners and residents of properties lying within the 3,000 foot notice area; accordingly, if any property owner to be noticed by mail on a proposed helicopter yarding has a mailing address located outside of the three thousand foot notice area and such property owner’s property within such area has a street address within such area, the list shall also contain the street address of the property within the three thousand (3,000) foot radius, and shall list the addressee at such property as “Occupant.” The list shall be compiled from the latest equalized assessment roll of the county or a list provided by a title insurance company. Any list prepared for noticing an operation with helicopter yarding shall be deemed accurate provided that it contains accurate information regarding at least 95% of the property owners and situs addresses entitled to notice under these Rules based upon the County Tax Assessor’s records.
- (c) The plan submitter shall mail copies of the Notice of Intent to all property owners and members of those applicable private road associations on the list provided by the County identified pursuant to (b) at least 10 days prior to plan submission and at this time shall post a copy of the Notice of Intent including a map as described in 14 CCR 1032.7 (d)(8) at a conspicuous location on the private road where a majority of the road association members can view the notice and, if helicopter yarding is proposed, at a minimum of one conspicuous location every half mile on all public roads within a 2 mile radius of the proposed area of operations. The posted Notice of Intent shall be on colored paper or identified with colored

flagging so as to be easily visible to the public. The plan submitter shall further mail the Notice of Intent to:

- (1) All members of the Board of Supervisors in whose district any timber operation is proposed;
 - (2) The local school district;
 - (3) Any The publicly-owned water district or community water system which maintains any water production or water storage facility in the watershed downstream from any location within which any timber operation is proposed. At the time of plan submission, the plan submitter shall certify to the Director in writing that this procedure has been followed.
- (d) The plan submitter shall have the Notice of Intent published in a newspaper of general circulation in the area, concurrently with the submission of the plan to the Director. Proof of publication of notice shall be provided to the Director prior to his/her determination made pursuant to 14 CCR 1037.6.
- (e) For plan amendments, the submitter of the amendment shall certify in writing at the time the amendment is submitted that copies of a new Notice of Intent have been mailed to:
- (1) All property owners not previously noticed under sub-section (b) who, because of the plan amendment, would be required to receive the notice provided in subsection (b).
 - (2) All property owners previously noticed under subsection (b) when there is a change in silvicultural method.
- (f) The plan submitter shall include with the mailed Notice of Intent sent to the persons identified above, other than members of the Board of Supervisors, local school district, publicly-owned water district or community water systems, any available printed general informational material that has been jointly approved by the County of Santa Cruz and the Department, describing the review process and the rights of adjacent landowners and other neighbors under applicable rules, ordinances or statutes.
- (g) The RPF shall simultaneously file with the Department any notice of deviation given to the plan submitter or landowner required under Public Resources Code section 4583.2.
- (h) In the event the Director shall approve a timber harvest plan which provides in whole or in part for helicopter yarding and where such harvest operations are not commenced within the same harvest season in which the plan is approved, the plan submitter shall, not less than 14

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days prior to the estimated commencement of helicopter operations and not more than 28 days prior to the estimated commencement of such operations:

(1) Mail a notice to all persons previously notified of the Notice of Intent of the original application or any amendment under (b) above, providing notice of the fact that the helicopter yarding was approved, containing a map showing the location of the harvest areas, landing area, and service area approved in the Plan, the hours of operation, the estimated starting date of helicopter yarding activities, the estimated completion date, and any conditions placed on the helicopter yarding activity by the Director as part of the approval; and

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

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

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

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

Any review team member may, on request, accompany the Department as an advisor to the Department, on any field review the Department conducts prior to approval of the plan. A member of the review team shall have five working days following the date of the review team meeting; in which to file any notice of non-concurrence as provided for in 14 CCR 1037.5(e).

When a proposed timber harvest area is adjacent to a residential neighborhood; when the only access to the proposed timber harvest area is through neighboring property; or when multi-owner private road(s) are to be used for hauling; the residents of the adjacent neighborhood or the owners of the private road(s) may designate one person as their representative to attend the pre-harvest inspection and all Review Team field inspections and meetings that are scheduled. The Director and plan submitter shall be provided with written notice of the designated representative's name, address and telephone number. Such person may only enter the property of the landowner where the harvest is proposed with the consent of the landowner. Such person shall be entitled to receive advance notice of the time and place of the pre-harvest inspection and Review Team field reviews, may make inquiries of the review team members, but shall not be a member of the Review Team.

5. 926.9 Hours of Work [Santa Cruz County]

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- (a) Except as provided in paragraph (b) below, the operation of chain saws and other power-driven saw equipment shall be restricted to the hours between 7:00 a.m. and 9:00-7:00 p.m., and shall be prohibited on Saturdays, Sundays, and nationally designated legal holidays. An exception to this rule may be granted by the Director where s/he has found that no disturbance will result from the use of such equipment.
- (b) Within 300 feet of any occupied legal dwelling, the operation of chain saws and all other power equipment, except licensed highway vehicles, within 300 ft. of an occupied dwelling shall be restricted to the hours between 6:00-8:00 a.m. and 9:00-6:00 p.m., and shall be prohibited on Saturdays, Sundays and nationally designated legal holidays.- this rule may be granted by the Director where he/she has found that no disturbance will result to the occupants of the dwelling from the use of such equipment.
The Director may grant an exception to allow operations between 7:00 a.m. and 7:00 p.m. within 300 feet of residences if a determination of no disturbance can be made based upon the occupant(s) agreement to a written request submitted by the RPF to the Director before plan approval.
- (c) When it is anticipated that there will be staging of licensed vehicles outside the plan submitter's property between the hours of 9:00 p.m. and 7:00 a.m., the RPF shall provide an operating plan which reduces noise impacts to nearby residences.

6. 926.10 Log Hauling [Santa Cruz County]

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

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

~~In addition to other flagging requirements in Subchapter 3 of Title 14 CCR, the Director, where necessary to protect adjoining properties may require flagging of The RPF or his/her supervised~~

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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.**

8. 926.13 Performance Bonding [Santa Cruz County]

When hauling logs pursuant to a THP, the LTO shall provide for the repair of any damage to a county road that is willfully or negligently caused by the LTO's log hauling operations or to a private road which is caused by the LTO's log hauling operations, and shall provide for the repair of any damage caused by the LTO's log hauling operations to appurtenant structures, including, but not limited to, guard rails, signs, traffic signals, culverts, curbs and similar facilities. If necessary to ensure compliance with this section, the county, owner(s)/easement holder(s) of private road or private road association may request, and the Department, upon such request, **may shall** require the timber operator or responsible party to post adequate financial security to restore paved or unpaved county or private roads and appurtenant structures which are damaged by log hauling operations. The request for posting of financial security shall be made to the Department during the THP review procedure and no later than five days before the Director's decision date. The timber operator or responsible party shall post a certificate of deposit, certificate of insurance or performance bond, or other financial security in favor of the Department in a reasonable amount set by the Director, not to exceed \$5,000 per mile of ~~county~~ road used or \$50,000, whichever is less and subject to provisions of Division 3, Part I, Chapter 1, Article 8, Sec. 11110 through 11113 of the Government Code. Such cash deposit or other acceptable financial security shall cover a period not to exceed the effective period of the plan. When a form of financial security is required, logging trucks shall not use the ~~county~~ roads until the required security is posted with the Department. The Director shall release the bond or equivalent to the principal of the security upon completion of log hauling operations and compliance with the requirements of this section. If and when repairs are necessary, the Director shall request the operator to provide for making the repairs. If the repairs are not made the Department may take corrective action and may order the bond, or equivalent, forfeited in an amount not to exceed actual damage. When a bond or equivalent has been posted, the Department shall provide the county with a copy of the Work Completion Report. The county shall advise the Department in writing within 30 days of its receipt of notification of completion of hauling operations or the Work Completion Report if damage has occurred repairs need to be made. If the county fails to notify the Director within 30 days, the bond of surety shall be released.

12. 926.19 Erosion Control Maintenance [Santa Cruz County]

The plan submitter shall maintain all drainage structures, and-drainage facilities and gating or other devices to prevent access required by these rules in effective working condition throughout **the required one maintenance winter periods** after completion of timber operations **unless other stricter measures are required under the FPR.** ***A work completion report may not be filed until this requirement has been met.*** **All Skid trails, landings and work areas shall be reseeded, mulched or**

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protected by compacting slash and debris from harvest operation. The Director may require further measures to prevent unnecessary damage to road surfaces from unauthorized use and to protect the quality and beneficial uses of water. The County representative responsible for review of timber harvests shall receive advanced notice and may attend the work completion inspection with the Department to review erosion control measures. ~~A work completion report may not be filed until this these requirements has have been met.~~

14. 926.23 Contents of Plan [Santa Cruz County]

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

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

16. 926.25 Special Harvesting Methods [Santa Cruz County]

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

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

- (1) For areas where the proposed harvest rate is 51-60% of the trees greater than 45.7 cm (18 in.) d.b.h., the minimum re-entry period shall be 14 years.
- (2) For areas where the proposed harvest is 50% or less of the trees greater than 45.7 cm (18 in.) d.b.h., a 10 year re-entry period shall apply.
- (3) Regardless of re-entry period, no more than 40% of the trees greater than 35.6 cm. (14 in.) and less than 45.7 cm (18 in.) d.b.h. shall be harvested.

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

- ~~(1) For areas where the harvest rate is 25% or less of those trees greater than 61.0 cm (24 in.) d.b.h. present prior to commencement of current timber operations, the re-entry period shall be 10 years.~~
- ~~(2) For areas where the harvest rate is 26-35% of those trees greater than 61.0 cm (24 in.) d.b.h. present prior to commencement of current timber operations, the re-entry period shall be 14 years.~~
- ~~(3) Regardless of re-entry period, no more than 40% of the trees greater than 30.5 cm. (12 in.) and less than 61.0 cm (24 in.) d.b.h. shall be harvested.~~
- ~~(4) No conifer shall be cut which is more than 22.9 m (75 ft.) from a leave tree of equal size class. Equal size class is defined as follows:~~
 - ~~(a) Over 81.3 cm (32 in.) to 91.4 cm (36 in.) d.b.h.~~
 - ~~(b) Over 91.4 cm (36 in.) to 106.7 cm (42 in.) d.b.h.~~
 - ~~(c) Over 106.7 cm (42 in.) to 121.9 cm (48 in.) d.b.h.~~
 - ~~(d) Any tree over 121.9 cm (48 in.) d.b.h.~~
- ~~(5) No old growth conifer shall be harvested in any non-TP zone property. As used herein "old growth conifers" are described as predominant trees that are at least 200 years old.~~

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(e) — 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. At no time can the 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.