

12/20/06

Explanation of Rule Definitions and Where they Apply

The bullet points indicate the specific locations where each definition is used in the rules; in some cases the definitions only apply to the proposed 2112 rules, while in other cases they apply both to the existing rule language and the proposed 2112 rules. Proposed new definitions are provided below, as well as existing rule sections where the new definition applies. New rule sections where a new definition is applied has not been included to minimize the length of this document. Rule language has been provided below in red font.

Definitions and Proposed Changes:

1. Delete definition of *Functional Filter Strip*. Proposed as part of the DFG 2112 draft rule language but was eliminated from the 11-30-06 rule plead since the phrase is somewhat inconsistent with the phrase “filter strip” and how it is used in existing non-T&I forest practice rule language.
2. Definition “Headwall Swale” changed to *Connected Headwall Swale* to improve clarity and specificity. This term is not currently used in the FPRs and as proposed, only applies to watersheds with coho salmon.
 - New 916.9.2(d).
3. Definition of “Hydrologic Disconnection” was added to elaborate one of the purposes of “Road Decommissioning”. This term is not currently used in the FPRs and as proposed, only applies to watersheds with coho salmon.
 - New definition of *Road Decommissioning* (14 CCR § 895.1)
4. Definition “Hydraulic Capacity” changed to *Inside Ditch Hydraulic Capacity* for clarity. This term is not currently used in the FPRs and as proposed, only applies to watersheds with coho salmon.
 - New 923.9.2(o)
5. The existing definition of “Inner Gorge” was changed by replacing the word *stream* with the word *watercourse* since the definition was intended to be applied to all watercourses, not merely streams that are illustrated on USGS maps. Both words (“stream” and “watercourse”) are defined under 14 CCR 895.1. Replacing the word “stream” with “watercourse” improves clarity in regard to the protection of coho salmon, both in the proposed 2112 plead and the existing T&I rules.
 - Existing definition of *Inner Gorge* (14 CCR § 895.1)

Inner Gorge means a geomorphic feature formed by coalescing scars originating from landsliding and erosional processes caused by active ~~stream~~ watercourse erosion. The feature is identified as that area beginning immediately adjacent to the ~~stream~~ watercourse channel below the first break in slope.

6. Definitions of *Perennial and Intermittent Watercourse* were proposed originally as part of the DFG 2112 language but later were determined to be unnecessary upon harmonization with the existing T&I rules.

7. Added an improved definition of *Restorable Habitat*. This new definition is different from what was originally proposed by DFG in their original § 787 language. The definition is deemed necessary since determination of restorability is important to application of the existing T&I rules. This definition is proposed as an addition to the existing T&I rules for clarification and enforceability. This definition has application to the T&I rules, but not the 2112 rules. [Reminder: The 2112 rules only apply when coho are present within a watershed and DFG determines that take will, or is likely to result from timber operations.]

- New definition of *Restorable Habitat* (14 CCR § 895.1)

Restorable Habitat means habitat where the Department of Fish and Game has determined that 1) any life stage of an anadromous salmonid is fully or partially blocked by a temporary barrier from accessing historically occupied habitat or suitable habitat, or 2) current or historic presence data are not available and suitable habitat exists that is not blocked by a naturally existing total barrier. Temporary barriers include, but are not limited to large woody debris pieces or log jams, in-stream landslide or torrent deposits, filled-in channels from historic logging, any stream crossing that prevents fish passage, agricultural diversions, and most small dams (where fishway construction or removal is feasible). The basis for determining **restorable habitat** in a planning watershed shall be determined through data that document historical use by anadromous salmonids, the presence of suitable habitat, or habitat that could become suitable through restoration, which is not blocked by a naturally existing total barrier to fish passage. Permanent non-restorable barriers include large dams (where fishway construction is not feasible), and natural barriers such as long term bed-rock falls and large, static, ancient landslides with high-gradient or high-velocity barriers. Planning watersheds upstream from permanent non-restorable barriers shall be defined as non-restorable.

- New definition of *Watersheds with Listed Anadromous Salmonids* (14 CCR § 895.1) which replaces old definition *Watersheds With Threatened or Impaired Values*.

Watersheds with Listed Anadromous Salmonids threatened or impaired values means any planning watershed where ~~populations of the presence of~~ anadromous salmonids ~~that are~~ listed as threatened, endangered, or candidate under the State or Federal Endangered Species Acts, has been documented or **restorable habitat** exists with their implementing regulations, are currently present or can be restored.

- Existing 916.9(a)(6)

~~(6)~~ Consistent with the requirements of 14 CCR § 916.9(g), 14 CCR § 936.9(g), or 14 CCR § 956.9(g); protect, maintain, and restore the quality and quantity of vegetative canopy needed to: (A) provide shade to the watercourse or lake, (B) minimize daily and seasonal temperature fluctuations, (C) maintain daily and seasonal water temperatures within the

preferred range for anadromous salmonids or listed species where they are present or restorable habitat exists ~~could be restored~~, and (D) provide hiding cover and a food base where needed.

- Existing 916.9(e)(6)

~~(4)(6)~~ Except within watersheds with coho salmon, Recruitment of large woody debris for aquatic habitat in Class I anadromous fish-bearing watercourses or other restorable habitat water shall be ensured by retaining the ten (10) largest dbh conifers (live or dead) per 330 feet of stream channel length that are the most conducive to recruitment to provide for the beneficial functions of riparian zones. The retained conifers shall be selected from within the THP plan area that lies within 50 feet of the watercourse transition line. Where the THP plan boundary is an ownership boundary, a class I watercourse, and the WLPZ on both sides of the watercourse currently meets the stocking standards listed under 14 CCR § 912.7[932.7,952.7](b)(2); the five (5) largest dbh conifers (live or dead) per 330 feet of stream channel length that are the most conducive to recruitment to provide for the beneficial functions of riparian zones within the THP plan area shall be retained within 50 feet of the watercourse transition line.

The RPF may propose alternatives to substitute smaller diameter trees, trees that are more than 50 feet from the watercourse transition line, or other alternatives on a site specific basis. The RPF must explain and justify in the THP why the proposed alternative is more conducive to current and long-term Large Woody Debris recruitment, shading, bank stability, and the beneficial functions of riparian zones.

- New 916.9.2(a)(2)

8. The original DFG 2112 definition of *Road Decommissioning* was altered by removal of the word “complete” in front of “removal or stabilization of drainage structures and fills,....”. This change eliminates the absolute requirement of removal, especially in cases where complete removal is not practical or desirable. This term is not currently used in the FPRs and as proposed, only applies to watersheds with coho salmon.

- New definition of *Road Decommissioning* (14 CCR § 895.1)

Road Decommissioning means the temporary or permanent abandonment of a road prism and associated landings resulting in maintenance-free drainage and erosion control. This includes removal or stabilization of drainage structures and fills, as well as unstable road and landing fills, hydrologic disconnection of the road prism, stabilization of exposed excavated areas or material, and application of measures to prevent and control erosion.

- New 923.9.2(c)

9. The term *Road Maintenance* is used throughout the existing Forest Practice Rules; however, there has never been an established definition. This definition was created to help interpret and implement existing rules and would also have direct application to operations conducted in watersheds with anadromous salmonids. The performance standards associated with the new definition of *stable operating surface* were also imbedded in the new definition of *road maintenance* by design.

- New definition of *Road Maintenance* (14 CCR § 895.1)

Road Maintenance means activities used to maintain and repair roads involving minor manipulation of the road prism to produce a stable operating surface and to ensure road drainage facilities, structures, cutbanks and fillslopes are kept in a condition to protect the road, minimize erosion, and to prevent sediment discharge into a watercourse or lake. Examples of **road maintenance** include shaping and/or rocking a road surface; installation and maintenance of rolling and critical dips; restoring functional capacity of inboard ditches, cross drains, or culverts; and repairing water bars.

- Existing definition of *Berm* (14 CCR § 895.1)

Berm means a curb or dike constructed to control water and prevent roadway runoff waters from discharging onto roadside slopes and/or to provide material for subsequent **road maintenance**.

- Existing 916.9(k)(2)

~~(s)(k)~~ No timber operations are allowed in a WLPZ, or within any ELZ or EEZ designated for watercourse or lake protection, under ~~emergency notices or exemption notices~~ except for:

- (1) hauling on existing roads,
- (2) **road maintenance**,
- (3) operations conducted for public safety,
- (4) construction or reconstruction of approved watercourse crossings,
- (5) temporary crossings of dry Class III watercourses which do not require a “Streambed Alteration Agreement” under the Fish and Game Code; or
- (6) ~~forest conditions requiring harvesting that is approved by a letter of concurrence from DFG~~ harvesting recommended in writing by DFG to address specifically identified forest conditions.

- Existing 916.9(l)(2)

(l) No timber operations are allowed in a WLPZ, or within any ELZ or EEZ designated for watercourse or lake protection, under emergency notices except for:

- (1) hauling on existing roads,
- (2) **road maintenance**,
- (3) operations conducted for public safety,
- (4) construction or reconstruction of approved watercourse crossings,
- (5) temporary crossings of dry Class III watercourses which do not require a “Streambed Alteration Agreement” under the Fish and Game Code,
- (6) harvesting recommended in writing by DFG to address specifically identified forest conditions,
- (7) the harvest of dead or dying conifer trees subject to the following conditions:
 - (A) Recruitment of large woody debris for aquatic habitat in Class I anadromous fish-bearing or restorable waters shall be ensured by retaining the ten largest dbh conifers (live or dead) per 330 feet of stream channel length that are the most conducive to recruitment to provide for the beneficial functions of riparian zones. The retained conifers shall be selected from within the area of operations that lies within 50 feet of the watercourse transition line. Where the area of operations is bounded by an ownership boundary, a class I

watercourse, and the WLPZ on both sides of the watercourse currently meets the stocking standards listed under 14 CCR § 912.7[932.7,952.7](b)(2); the five (5) largest dbh conifers (live or dead) per 330 feet of stream channel length that are the most conducive to recruitment to provide for the beneficial functions of riparian zones shall be retained within 50 feet of the watercourse transition line within the area of operations.

The RPF may provide alternatives to substitute smaller diameter trees, trees that are more than 50 feet from the watercourse transition line, or other alternatives on a site specific basis. The RPF must provide with the notice an explanation and justification why the alternative provided is more conducive to current and long-term Large Woody Debris recruitment, shading, bank stability, and the beneficial functions of riparian zones.

(B) Within any WLPZ, ELZ, or EEZ designated for Class II or III watercourse protection, a minimum of two dead, dying, or diseased conifer trees per acre at least 16 inches diameter breast high and 50 feet tall shall be retained within 50 feet of the watercourse transition line.

(C) Trees to be harvested or retained shall be marked by, or under the supervision of, an RPF prior to timber operations within the WLPZ or ELZ/EEZ.

(D) Within the WLPZ or ELZ/EEZ, if the stocking standards of 14 CCR § 912[932, 952].7 are not met upon completion of timber operations, unless the area meets the definition of substantially damaged timberlands, at least ten trees shall be planted for each tree harvested but need not exceed an average point count of 300 trees per acre.

- Existing 921.5(c)

(c) Soil disturbance, other than that incident to necessary **road maintenance**, whether with tractor or by cable means, shall not occur under excessively wet ground conditions that could result in substantial soil compaction and erosion.

- Existing 961.5(f)

(f) Soil disturbance, other than that incident to necessary **road maintenance**, whether with tractor or by cable means, shall not occur under excessively wet ground conditions that could result in substantial soil compaction and erosion.

- Existing 923.4

923.4, 943.4, 963.4 Road Maintenance [All Districts]

Logging roads, landings, and associated drainage structures used in a timber operation shall be maintained in a manner which minimizes concentration of runoff, soil erosion, and slope instability and which prevents degradation of the quality and beneficial uses of water during timber operations and throughout the prescribed maintenance period. In addition those roads which are used in connection with stocking activities shall be maintained throughout their use even if this is beyond the prescribed maintenance period.

(a) The prescribed maintenance period for erosion controls on permanent and seasonal roads and associated landings and drainage structures which are not abandoned in accordance with 14 CCR 923.8 [943.8, 963.8] shall be at least one year. The Director may prescribe a maintenance period extending up to three years in accordance with 14 CCR 1050.

(b) Upon completion of timber operations, temporary roads and associated landings shall be

abandoned in accordance with 14 CCR 923.8 [943.8, 963.8].

(c) Waterbreaks shall be maintained as specified in 14 CCR 914.6 [934.6, 954.6].

(d) Unless partially blocked to create a temporary water source, watercourse crossing facilities and drainage structures, where feasible, shall be kept open to the unrestricted passage of water. Where needed, trash racks or similar devices shall be installed at culvert inlets in a manner which minimizes culvert blockage. Temporary blockages shall be removed by November 15.

(e) Before the beginning of the winter period, all roadside berms shall be removed from logging roads or breached, except where needed to facilitate erosion control.

(f) Drainage structures, if not adequate to carry water from the fifty-year flood level, shall be removed in accordance with 14 CCR 923.3(d) [943.3(d), 963.3(d)] by the first day of the winter period, before the flow of water exceeds their capacity if operations are conducted during the winter period, or by the end of timber operations whichever occurs first. Properly functioning drainage structures on roads that existed before timber operations need not be removed. An RPF may utilize an alternative practice, such as breaching of fill, if the practice is approved by the Director as providing greater or equal protection to water quality as removal of the drainage structure.

(g) Temporary roads shall be blocked or otherwise closed to normal vehicular traffic before the winter period.

(h) During timber operations, road running surfaces in the logging area shall be treated as necessary to prevent excessive loss of road surface materials by, but not limited to, rocking, watering, chemically treating, asphaltting or oiling.

(i) Soil stabilization treatments on road or landing cuts, fills, or sidecast shall be installed or renewed, when such treatment could minimize surface erosion which threatens the beneficial uses of water.

(j) Drainage ditches shall be maintained to allow free flow of water and minimize soil erosion.

(k) Action shall be taken to prevent failures of cut, fill, or sidecast slopes from discharging materials into watercourses or lakes in quantities deleterious to the quality or beneficial uses of water.

(l) Each drainage structure and any appurtenant trash rack shall be maintained and repaired as needed to prevent blockage and to provide adequate carrying capacity. Where not present, new trash racks shall be installed if there is evidence that woody debris is likely to significantly reduce flow through a drainage structure.

(m) Inlet and outlet structures, additional drainage structures (including ditch drains), and other features to provide adequate capacity and to minimize erosion of road and landing fill and sidecast to minimize soil erosion and to minimize slope instability shall be repaired, replaced, or installed wherever such maintenance is needed to protect the quality and beneficial uses of water.

(n) Permanent watercourse crossings and associated approaches shall be maintained to prevent diversion of stream overflow down the road should the drainage structure become plugged. Corrective action shall be taken before the completion of timber operations or the drainage structure shall be removed in accordance with 14 CCR Section 923.3(d) [943.3(d), 963.3(d)].

(o) Except for emergencies and maintenance needed to protect water quality, use of heavy equipment for maintenance is prohibited during wet weather where roads or landings are within a WLPZ.

(p) The Director may approve an exception to a requirement set forth in subsections (b) through (o) above when such exceptions are explained and justified in the THP and the exception would provide for the protection of the beneficial uses of water or control erosion to a standard at least equal to that which would result from the application of the standard rule.

- Existing 927.11(b)

(b) Soil disturbance, other than that incidental to necessary road maintenance, whether with tractor or by cable means, shall not occur under excessively wet ground conditions that could result in substantial soil compaction and erosion.

10. The words *Road Prism* are used in various places in the existing Forest Practice Rules; however, there has never been an established definition to reference. The definition will have bearing on new and existing rule language.

- New definition of *Road Prism* (14 CCR § 895.1)

Road Prism means all parts of a road including cut banks, ditches, road surfaces, road shoulders, and road fills.

- New 923.9.2(j)(2)

11. The term *Scour* is used in various places in the existing Forest Practice Rules; however, there has never been an established definition to reference. This term was defined to clarify its use in regard to the protection of coho salmon, as well as to provide clarity throughout the existing rules.

- New definition of *Scour* (14 CCR § 895.1)

Scour means the process of erosion by flowing water.

- New 923.9.2(d)(5)(E)
- New 923.9.2(l)

12. The proposed 2112 definitions of “sideslope” and “sideslope class” were modified by adding the word watercourse, so it now reads “*Watercourse sideslope* and *Watercourse sideslope class*. This was done to distinguish slopes near watercourses from general hillslopes. The term is used under 14 CCR § 916.4 [936.4, 956.4] of the existing Forest Practice Rules and has been captured without substantive change in the definitions (14 CCR § 895.1) to provide clarity throughout the existing rules.

- New definition of *Watercourse Sideslope* and *Watercourse Sideslope Class* (14 CCR § 895.1)

Watercourse Sideslope means the hillslope immediately adjacent to a watercourse or lake measured from the watercourse or lake transition line to a point 100 feet upslope.

Watercourse Sideslope Class means the steepness of the watercourse sideslope categorized into one of three classes: <30 percent, 30 percent – 50 percent, >50 percent). Where watercourse sideslope configurations are variable, a weighted average of the percent slope shall be used to determine the watercourse sideslope class. The weighted average shall be calculated based on distances of 200 feet or less along the watercourse.

- Amend existing 916.4(c)(1) and 916.4(c)(1)(A)

(c) The protection and WLPZ widths for Class III and Class IV watercourses and lakes shall prevent the degradation of the downstream beneficial use of water and shall be determined on a site-specific basis.

(1) Where operations occur adjacent to Class III watercourses, the RPF shall designate in the THP plan an equipment limitation zone (ELZ) of at least 25 feet where watercourse sideslope steepness is less than 30% percent and at least 50 feet where watercourse sideslope steepness is 30% percent or greater unless an exception is explained and justified otherwise in the THP plan and approved by the Director. Where exceptions are proposed within watersheds with coho salmon, the Director's approval shall be made with written concurrence from DFG.

(A) Except within watersheds with coho salmon, Class III watercourses within logging areas where the EHR is Low and the watercourse sideslopes are less than 30% percent shall not require an ELZ unless proposed by the RPF or required by the Director.

- Amend existing 916.9(e)(2)(A)

(e) Class I Watercourse and Lake Protection Measures – The following shall apply to all Class I watercourses and lakes within watersheds with listed anadromous salmonids.

(1) Any timber operation or silvicultural prescription within 150 feet of any Class I watercourse or lake transition line shall have protection, maintenance, or restoration of the beneficial uses of water or the populations and habitat of anadromous salmonids or listed aquatic or riparian-associated species as significant objectives.

(2) The minimum WLPZ width for Class I watercourses and lakes shall be 150 feet from the watercourse or lake transition line.

(A) Where a proposed plan THP is located within the Sacramento or San Joaquin river drainages, and the Director and DFG concur; the RPF may explain and justify other WLPZ widths on areas where evenaged regeneration methods, seed tree removal, shelterwood removal, alternative prescriptions, or rehabilitation will shall not be utilized adjacent to watercourse and lake protection zones and where watercourse sideslopes are less than 30% percent.

- Amend existing 916.9(e)(4)(A)

(4) Within a WLPZ for Class I watercourses and lakes, at least 85 percent overstory canopy shall be retained within 75 feet of the watercourse or lake transition line, and at least 65 percent overstory canopy within the remainder of the WLPZ. The overstory canopy must be composed of at least 25% percent overstory conifer canopy post-harvest.

(A) Where a proposed plan THP is located within the Sacramento or San Joaquin river drainages, and the Director and DFG concur; the RPF may explain and justify other canopy retention standards on areas where even aged regeneration methods, seed tree removal, shelterwood removal, alternative prescriptions, or rehabilitation will shall not be utilized adjacent to watercourse and lake protection zones and where watercourse sideslopes are less than 30% percent.

- Amend existing 916.9(e)(8)

(8) For evenaged regeneration methods and rehabilitation with the same effects as a clearcut that are adjacent to a Class I WLPZ, a special operating zone shall retain understory and mid-canopy conifers and hardwoods. These trees shall be protected during falling, yarding and site preparation to the extent feasible. If trees that are retained within this zone are knocked down during operations, that portion of the trees that is greater than 6" in diameter shall remain within the zone as Large Woody Debris. The zone shall be 25 feet above Class I WLPZs with watercourse sideslopes 0-30 percent and 50 feet above Class I WLPZs with watercourse sideslopes > 30 percent.

- New 916.9.2(b)(2)
- New 916.9.2(b)(3)(B), subsection (C), and (D)

13. The new proposed definition of *Sediment Filter Strip* was included upon recommendation by CGS for clarity. This term is not currently used in the FPRs and as proposed, only applies to watersheds with coho salmon.

- New definition of *Sediment Filter Strip* (14 CCR § 895.1)

Sediment Filter Strip means a structure or vegetation that substantially prevents concentration, transport, and delivery of sediment to a watercourse or lake by reducing velocity and filtering water through features such as gradual slopes treated with vegetation, gentle slopes, woody debris and mulch or settling basins.

- New 923.9.2(d)(2)

14. A new definition of *Stable Operating Surface* is proposed as a replacement for the current forest practice rule definition (14 CCR § 895.1) to address agency concerns for proper road maintenance, and the timing of road use, construction, and reconstruction. *Stable Operating Surface* was also included in the new 14 CCR § 895.1 definition of *Road Maintenance*. The existing intent language per 14 CCR § 923.4 [943.4, 963.4] is complimentary to this new definition.

- Replace old definition of *Stable Operating Surface* with new definition (14 CCR § 895.1)

~~**Stable operating surface** means that throughout the period of use, the operating surface of a logging road or landing does not either (1) generate waterborne sediment in amounts sufficient to cause a turbidity increase in downstream Class I, II, III, or IV waters, or in amounts sufficient to cause a turbidity increase in drainage facilities that discharge into Class I, II, III, or IV waters or, that is visible or would violate applicable water quality requirements; or (2) channel water for more than 50 feet that is discharged into Class I, II, III, or IV waters.~~

Stable Operating Surface means a road or landing surface that can support vehicular traffic and that routes water off of the road surface or into drainage facilities without concentrating flow in ruts (tire tracks), pumping of the road bed, or ponding flow in depressions. A stable operating surface shall include a structurally sound road base appropriate for the intended use. The number, placement, and design of drainage facilities or drainage

structures on a stable operating surface prevents the transport of fine-grained materials from the road or landing surface into watercourses in quantities deleterious to the beneficial uses of water.

- Existing 923.9(g)(2)

(g) From October 15 to May 1, the following shall apply:

(1) no tractor roads shall be constructed, reconstructed, or used on slopes that are over 40 percent and within 200 feet of a Class I, II, or III watercourse, as measured from the watercourse or lake transition line unless a winter period operating plan required pursuant to 14 CCR § 914.7 [934.7, 954.7](a) has been approved for operations during an extended period with low antecedent soil wetness, and

(2) operation of trucks and heavy equipment on roads and landings shall be limited to those with a **stable operating surface**.

- New 923.9.2(d)(5)
- New 923.9.2(f) and subsection (h)
- New 923.9.2(i)(1) and subsection (2)
- New 923.9.2(m)

15. The original 2112 rules included a new term “Waters”. This was changed to *Watercourses* to eliminate conflicts with existing forest practice rule language. Presently, there is no such thing as a Class I, II, III, or IV spring, seep, pond, or wetland, and Table I (14 CCR § 916.5) is used to designate appropriate watercourse classification, not classification of “waters”.

- Replace existing “waters” with “watercourses” [14 CCR § 916.4(c), and subsections(c)(2), (c)(2)(A), (c)(4)]

(c) The protection and WLPZ widths for Class III and Class IV **watercourses** and lakes shall prevent the degradation of the downstream beneficial use of water and shall be determined on a site-specific basis.

(1) Where operations occur adjacent to Class III watercourses, the RPF shall designate in the ~~THP~~ plan an equipment limitation zone (ELZ) of at least 25 feet where watercourse sideslope steepness is less than 30% percent and at least 50 feet where watercourse sideslope steepness is 30% percent or greater unless an exception is explained and justified otherwise in the ~~THP~~ plan and approved by the ~~d~~Director. Where exceptions are proposed within watersheds with coho salmon, the Director’s approval shall be made with written concurrence from DFG.

(A) Except within watersheds with coho salmon, Class III watercourses within logging areas where the EHR is Low and the watercourse sideslopes are less than 30% percent shall not require an ELZ unless proposed by the RPF or required by the Director.

(B) The RPF shall describe the limitations on the use of heavy equipment in the ~~THP~~ plan.

(C) Where appropriate to protect the beneficial uses of water, the RPF shall describe additional protection measures ~~which~~ that may include surface cover retention, vegetation protection and timber falling limitations.

(D) The location of the areas of heavy equipment use in any ELZ shall be clearly described in the plan, or flagged or marked on the ground before the preharvest inspection.

(2) When necessary to protect the beneficial use of water, the RPF shall designate and the Director may require a WLPZ for Class III and Class IV **watercourses and lakes** or an ELZ for Class IV watercourses and lakes.

~~(2)~~ (A) The width of the WLPZ for Class III and Class IV **watercourses and lakes** shall be determined from on-site inspection.

(i) Minimum protective measures required when Class III and Class IV protection zones are necessary are contained in Table I, 14 CCR § 916.5 [936.5, 956.5].

(3) Soil deposited during timber operations in a Class III watercourse other than at a temporary crossing shall be removed and debris deposited during timber operations shall be removed or stabilized before the conclusion of timber operations, or before October 15.

(A) Temporary crossings shall be removed before the winter period, or as approved by the Director.

(4) When approved by the Director on an individual plan basis as provided in Section 14 CCR § 916.4(c)(1) [936.4(c)(1), 956.4(c)(1)], Class IV **watercourses and lakes** shall be exempted from required protection when such protection is inconsistent with the management objectives of the owner of the manmade watercourse or lake.

- Replace existing “waters” with “watercourses” [14 CCR § 916.9(e)(2), and subsection (e)(4)]

(e) Class I Watercourse and Lake Protection Measures – The following shall apply to all Class I watercourses and lakes within watersheds with listed anadromous salmonids.

(1) Any timber operation or silvicultural prescription within 150 feet of any Class I watercourse or lake transition line shall have protection, maintenance, or restoration of the beneficial uses of water or the populations and habitat of anadromous salmonids or listed aquatic or riparian-associated species as significant objectives.

~~(2)~~ (2) The minimum WLPZ width for Class I **watercourses and lakes** shall be 150 feet from the watercourse or lake transition line.

(A) Where a proposed plan THP is located within the Sacramento or San Joaquin river drainages, and the Director and DFG concur; the RPF may explain and justify other WLPZ widths on areas where evenaged regeneration methods, seed tree removal, shelterwood removal, alternative prescriptions, or rehabilitation ~~will~~ shall not be utilized adjacent to watercourse and lake protection zones and where watercourse sideslopes are less than 30% percent.

(3) For Class I watercourses and lakes, any plan involving timber operations within the WLPZ shall contain clear and enforceable specifications of how any disturbance or log or tree cutting and removal within the Class I WLPZ shall be carried out to conform with 14 CCR §§ 916.2 [936.2, 956.2](a) and 916.9 [936.9, 956.9](a).

~~(g)~~ (4) Within a WLPZ for Class I **watercourses and lakes**, at least 85 percent overstory canopy shall be retained within 75 feet of the watercourse or lake transition line, and at least 65 percent overstory canopy within the remainder of the WLPZ. The overstory canopy must be composed of at least 25% percent overstory conifer canopy post-harvest.

16. A new definition of *Watersheds with Coho Salmon* has been added to distinguish between existing T&I rule requirements and the proposed rules which pertain only when a project is subject to incidental take permitting requirements.

- New definition of *Watershed with Coho Salmon* (14 CCR § 895.1)

Watersheds with Coho Salmon means any planning watershed where the presence of coho salmon (*Oncorhynchus kisutch*) has been documented or where coho salmon are known to exist.

17. The existing definition of *Watersheds with Threatened or Impaired values* was changed to *Watershed with Listed Anadromous Salmonids* to more accurately reflect the focus on anadromy rather than impaired water bodies. The definition was also changed by deleting the words: “populations of” and replacing them with “the presence of”. DFG recommends this change to avoid lengthy debate regarding salmonid populations. The phrase beginning with the words “with their implementing regulations....” was replaced with “has been documented or restorable habitat exists”. This is a proposed change to the existing T&I rule language to improve clarity and enforceability, and will apply throughout the Forest Practice Rules where this term is referenced.

- New definition of *Watersheds with Listed Anadromous Salmonids* (14 CCR § 895.1).

Watersheds with ~~Listed Anadromous Salmonids threatened or impaired values~~ means any planning watershed where ~~populations of the presence of~~ anadromous salmonids ~~that are~~ listed as threatened, endangered, or candidate under the State or Federal Endangered Species Acts, has been documented or restorable habitat exists with their implementing regulations, are currently present or can be restored.

- Amend existing title to section 916.9, and 923.9

Amend 14 CCR §§ 916.9, 936.9, and 956.9 **Minimization and Mitigation Measures for Protection and Restoration in Watersheds with Listed Anadromous Salmonids Threatened or Impaired Values**

Amend 14 CCR §§ 923.9, 943.9, and 963.9 **Minimization and Mitigation Measures for Roads and Landings in Watersheds with Listed Anadromous Salmonids Threatened or Impaired Values**

18. The proposed definition of *Watersheds with Coho Salmon* has been changed from the plead presented to the Board in August (8/30/06 version) and December (11/30/06 version). The change was necessary for two reasons: (1) to make both the 14 CCR § 895.1 definition and F&G Code § 787.1(4) definition the same; and (2) to recognize that known, documented presence of coho within a watershed is bound to change over time with the emphasis on implementing the coho recovery strategy through restoration activities.

- New definition of *Watersheds with Coho Salmon* (14 CCR § 895.1)

Watersheds with Coho Salmon means a planning watershed where historic or current runs of coho salmon (*Oncorhynchus kisutch*) have been documented.

19. The sunset clauses of (December 31, 2007) associated with the rule package entitled: ***Protection of threatened or Impaired Watershed Values Extension, 2006*** has been deleted from the proposed 2112 rule plead. This includes sections:

- § 895.1. Definitions
- § 898 Feasibility Alternatives
- § 914.8 [934.8,954.8] Tractor Road Watercourse Crossing
- § 916 [936, 956] Intent of Watercourse and Lake Protection.
- § 916.2 [936.2, 956.2] Protection of the Beneficial Uses of Water and Riparian Functions.
- § 916.9 [936.9, 956.9] Protection and Restoration in Watersheds with Threatened or Impaired Values.
- § 916.11 [936.11, 956.11] Effectiveness and Implementation Monitoring
- § 916.12 [936.12, 956.12] Section 303(d) Listed Watersheds
- § 923.3 [943.3, 963.3] Watercourse Crossings
- § 923.9 [943.9, 963.9] Roads and Landings in Watersheds with Threatened or Impaired Values.