FPC Road Rules Proposal
Issue summary and comments
Prepared by Staff
January 18, 2011

Issues and status list

Issue	Sections	Status
1. Hydraulic disconnection. (comments 1)	923. 2 (a) (4); 923.4 (s)(3); 923.5 (a); 923.5 (p)(5).	Done
2. Surface erosion prevention/approaches (road approach and ditch rocking) (comment 2A-2B)	923. 2 (a) (5); 923.5 (p)(4) and (5); 923.6 (c), (h)	In progress
3. Road distance from watercourse or WLPZs (comment 3)	923.1 (b); 923.4(m)	Partially completed
4. Use of Rolling Dips vs. waterbars (comment 4)		Done
5. Roads on slopes greater than 65% (comment 5, 5A)		No work to date
6. Redundancies/inconsistencies (comment 6 -6E)	Many sections	Done
7. Undefined Terms (comments 7 -7B)	Many sections	Done
8. Duplications and Redundancies (comment 8-8I)	Many sections	No work to date
9. Consistent language for preventing discharge of sediment –"deleterious quantities"/"visible turbidity increase" (comment 9-9C)	914.7; 915.1; 916.9 (k)(1), (l)(1), (n); 923.2 (a), (b), (c); 923.4 (j), (p)(2); 923.5 (b),(g), (i), (j), (k), (o), (p)(3)(A) (iii), (p)(3)(D); 926,6 (g), (j)(3)and (4.); 923.7(a) and(i); 923.16(c).	In-progress
10. Erosion site assessment (comment 10 – 10F)	923.1 (d),(e),(g)(h); 923.2 (f); 923.10 (f) (1) –(4); 923.13 (i); 923.16 (d).	Done
11. Unstable areas (comments 11 - others to be added)		No work to date
12. Road Density (comment 12- 12A)		No work to date
13. Ditch standards (comment 13 – 13B)		In progress
14. Road/culvert maintenance period (comment 14)		No work to date
15. Use of private roads (comment 15)		Done
16. Definitions edits (comments 16-16G)	895.1	In progress
17. Winter Ops/Extended Wet Weather Period /Saturated soils (comments 17 -17F)	EWWP: 923.4 (s)(2); 923.5 (i)(j)(n); 923.5 (p)(4), (5), (6) and (8); 923.6 (j)(5); 923.13 (n) Sat soils/winter ops: 914.7, 915.1(b), 923.4 (j), 923.6.(c), (g), (h), (j)	In-progress
18. Watercourse crossings (comments 18 -18J)		No work to date
19. Maintenance Period		No work to date
20. Mapping Options in (RRTF)	923.3	No work to date
21. Waterbreak spacing Options (RRTF)	923.5	No work to date
22. Contents of Plan –mapping of non-appurtenant roads; road system layout pattern ; crossing descriptions; culvert passage;	1034 (hh)(jj)and (mm)	No work to date
23. ASP Intent, goals, objectives, "upstream watersheds"	923, 916.9,	In-progress

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Relevant proposed rule section: **923.1 Planning ; 923.2 (a) Design ; 923.4 (s) (3) Construction; 923.5 (p)**

Comment 1 Hydraulic disconnection.

Provide specific guidance on how roads and crossings are to be hydraulically disconnected from watercourses. This term is introduced in 923.1 (a)(9) and used in other sections. The rule package (see 923.6, J (2)) specifies hydraulic disconnection to the extent feasible which could be difficult to enforce.
(comment: Laing 3/15/10)

Add term as proposed. 923. 2 (a) (5), 923.4 (s) (3) and 923.5 (p)(5).
(DFG 4/30/2010)

Status: Done. FPC added term for 923.2 (a)(5) in May meeting. In the May 20, 2010 version term was deleted in 923.4 (s) *(3) The subsection was deleted because it content is already contained in 923.4 (j) and 923.4 (s) (2). The mention of hydrologic disconnection was added by the FPC in 923.2 (a) (5).* Term was not include in 923.5 (p)(5) because the additional of 923.5 (ii) .

Relevant proposed rule section: **923.1 Planning ; 923.2 (a) Construction; 923.5 (p) Erosion; 923.6 (c), (h).**

Comment 2A Surface erosion. RRTF proposal provides a performance standard for surface erosion. No prescriptive standard.
(comment: RRTF Matrix; Staff review 3/22/10).

In addition, this section of the rules calls for rocking roads used during the winter where necessary. The question here is who determines when this is necessary? The landowner, CDF, NCWRCB, etc.
(comment: Laing 3/15/10)

Comment 2B Surface Erosion/approaches

See proposed DFG/CGS proposal of May 2010 below:

(p) In watersheds with listed anadromous salmonids and in planning watersheds immediately upstream of, and contiguous to, any watershed with listed anadromous salmonids, the following shall apply:

(4 DFG Option) *The following erosion control shall be completed:*

(A) *Logging road approach surfaces on the following shall consist of high-quality, durable, compacted rock or paving: (i) permanent roads, (ii) seasonal roads crossing Class I watercourses, (iii) roads used for hauling (logs, rock, heavy equipment) during the extended wet weather period.*

(B) *Logging road approach surfaces on the following shall be treated with either: rock, slash, seed and straw mulch, seed and stabilized straw, or seed and slash: (i) all seasonal roads used for hauling in the current year, (ii) all seasonal roads used during the extended wet weather period for purposes other than hauling.*

(C) *Logging road approaches to temporary crossings shall be stabilized and maintained after crossing removal to avoid rutting or pumping fines during administrative use after removal.*

(D) *Logging road approach ditches exhibiting downcutting shall be lined with high-quality, durable rock, installed with erosion control materials or structures to manufacturers*

specifications, or treated with other effective means as described in the plan, in the following locations: (i) permanent logging roads, (ii) seasonal roads crossing Class I watercourses, (iii) logging roads used for hauling during the extended wet weather period.

(E) *Logging road approach ditches shall be treated to minimize sediment transport in the following locations: (i) seasonal logging roads used for hauling in the current year, (ii) seasonal logging roads used during the extended wet weather period for purposes other than hauling.*

(5 DFG Option)*All segments of hydrologically connected logging roads in Class I and Class II WLPZs shall exhibit a rocked or paved stable operating surface*

. The surface shall consist of high quality, durable, compacted rock, or paving. The road surface and base shall be maintained to avoid generation of fines during use.

Status: Under consideration. Wording for "road surfacing to preventing erosion" proposed in sections 923.2 (a) (5) and 923.5 (p)(4)and (5) for ASP watersheds by Tom Spittler in consultation with Curt Babcock. FPC rejected wording for 923.2 (a) (5) 923.5 (p)(5) section because potential for requirement is in 923.5 ii.

DFG recommendations for Section 923.5 (p)(4) and (5) [as of 11/10 renumbered as (p) (4)-(8)] are still under consideration by FPC.

Relevant proposed rule section: 923.5 (ii)

Comment 2C Surface Erosion/approaches: CGS Option revised by FPC on 10/6/10.

(ii) indexing placeholder) **(CGS Option revised by FPC on 10/6/10)** Where logging road and landing surfaces, road approaches[1], inside ditches and drainage structures *cannot be hydrologically disconnected,* and where there is existing or potential discharge of sediment to watercourses or lakes in quantities that violate Water Quality Requirements or result in significant adverse impacts to the beneficial uses of water , necessary and feasible treatments to prevent the discharge will be described in the plan.

Status: Under consideration. Wording for statewide road approach surface erosion treatment nearly completed by FPC.

Relevant proposed rule section: **923.1 (b)**

Comment 3 New Roads in WLPZs . The rule package specifies that new roads need to be no closer than 100 ft. from a WLPZ boundary. Weaver and Hagans recommend for a slope of 50%, a distance of 250 ft between the road

[1] Inclusion this subsection recommended by the FPC in at the July 6th, 2010 committee meeting is to address surface erosion and for roads in all locations. Amendments were made to this section as a result of discussion at August 27 2010 RRTF subcommittee meeting. This subsection is currently being reviewed in context with 923.5 (p)(4)and (5) proposed amendments by DFG address and similar requirements for ASP watersheds. On 9/7/10, the FPC included the term "Road Approaches" to the subsection to ensure clarity and focus attention on the critical need to address road approaches for surface erosion preventions. Also at this meeting the FPC directed staff to reorganize the wording for clarity and proper language usage.

and a watercourse. Assuming a Class I buffer of 100 ft. in this case, the Weaver and Hagans recommendation would be 150 ft from the road to the WLPZ boundary not 100 ft.
(comment: Laing 3/15/10;4/21/10)

Status: Partially Done, Still Under Consideration. FPC rejected initial changes from RRTF 3/2/10 proposal during May meeting.

Relevant proposed rule section: **923.2 (a) (4)**;

Comment 4 Rolling grades and dips. The T/I rules should place a greater emphasis on preventing stream diversions at existing and newly constructed watercourse crossings by describing how diversions should be prevented. We strongly believe that well-constructed rolling dips ("Critical Dips") or grade breaks should be integral to all newly constructed or reconstructed crossings, and at existing crossings in the logging area where the potential for stream diversions exist. For example, §§ 923.3,943.3,963.3 (f) Watercourse Crossings could read as follows: "Permanent watercourse crossings and associated fills and approaches shall be constructed and maintained to prevent diversion of stream overflow down the road and to minimize fill erosion should the drainage structure become obstructed. Where the potential for diversion at a watercourse crossing exists, a rolling dip or grade break shall be constructed to prevent diversion. The RPF may propose an exception to the standard rule. Instead of using permanent well-constructed dips or grade breaks, foresters have relied too often on the use of standard waterbars. Waterbars are temporary structures and their effectiveness to prevent stream diversions relies on routine road maintenance. Maintenance periods for all roads are short-lived relative to the long-term potential impacts of roads. Waterbars are insufficient and are not a substitute for permanent, well-constructed dips or grade breaks, which if properly constructed, should require little or no maintenance.

We recognize that CAL FIRE inspectors for the past few years have been more consistent in requiring dips or grade breaks at crossings with no diversion potentials. Many landowners have also voluntarily adopted dips or grade breaks into crossing design. However, because the impacts from stream diversions are significant, we believe the requirement for dips or grade brakes to prevent diversions should be codified for enforceability of a practice that should be routine is long overdue.
(Public comment from 2008 BOF request letter)

Status: Done. No changes. FPC considered the comment and recommended no changes to any section . Topic was found to be adequately addressed in RRTF proposal.

Relevant proposed rule section: **923.2 (a) (6)**; **923.4 (m)**

Comment 5 Roads on slopes 65% . The rule package suggests that roads on slopes greater than 65% would be allowed. Both Meehan and Weaver and Hagans recommend not locating roads on slopes above 50-55%. If it is

necessary to locate roads on slopes above 60% then full bench construction with no side cast is the recommended approach.
(comment: Laing 3/15/10;4//21/10)

Status: To Do. Will be considered in 2010 at FPC.

Erosion Relevant proposed rule section:1034 (ii) (5) (A) Mapping

Comment 5A: Roads >20%
(Pg 92) Specific erosion control measures on roads with slopes of 20%, 500 ft. in length need to be defined in the plead of March 3.
(Laing 3/5/10)

Status: To Do. not yet directly addressed.

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Relevant proposed rule section: **923.2 (a) (6)**; **923.4 (m)**

Comment 6 Inconsistencies - Road standards. Language in 923.2 (a) (6) ("avoid") is different from 923.4 (m) (shall not") for standard for construction on slopes over 65%.
(Staff review 3/22/10)

Status: Done. FPC found in April 2010 meeting these differences are compatible.

Relevant proposed rule section: **923.2 (a) (6)**; **923.4 (m)**

Comment 6A Inconsistent ices - Duplicate Road Standards. Language in 923.2 (a) (6) and 923.4 (m) standard for construction on slopes over 65% is duplicate.
((Staff review 3/22/10)

Status: Done. No changes. FPC found at April 2010 meeting these duplications are insignificant.

Comment 6B 14 CCR 923.9 (c): Modify the lead-in phrase to require linkage between the specified practices and proximity to watercourses as follows: "The following shall apply on slopes greater than 50% that have access to a watercourse or lake unless the RPF in the plan describes how slope depressions, drainage ways or other natural retention and detention features are sufficient to control overland transport of eroded material: …". There may be situations where roads are proposed to cross steep slopes for short distances and potential access to a watercourse is mitigated by a wide bench acting as retention feature to store excess construction materials should failure occur.
(Public comment from 2008 BOF request letter)

Status: Done. No changes. FPC found at April 2010 the comment is addressed by RRTF plead.

Relevant proposed rule section: 923.1 (a); 923.1(a)(10); 923.1 (e) and (f)

Comment 6C Consistency with RMP requirements or other guidance documents. These subsections requires consideration of road location ("systematic layout"), road maintenance ("compatible with road classification and long-term usage"), "abandonment and deactivation", and "effects on long term occupancy". This requirement should be consistent with similar requirements for a Road Management Plan in section 1093 et seq. In other words, however these are considered in a RMP should be how they are considered in this proposal.

For example, in 923.1 (a), there is a "systematic layout" requirement. The proposed rule could be similar to 1093.2 (c)(1) or (2) which requires a description of the timberland owners long-term road planning process and objectives, and an inventory of roads and assessment of their location and condition relative to beneficial uses. For 923.1(a)(10) , 1093.2 (c)(3)(B) requires "a road maintenance and inspection component that includes a description of erosion control and stabilization treatments." (ref: Staff review 3/22/10)

Other relevant documents are cited in the FPRs that provide guidance and language for the proposed 923.1 (e). The FPC should consider referencing the *California Salmonid Habitat Restoration Manual of 1998 f*or guidelines for road decommissioning. By referencing this document, there is consistency among rules and incorporation of contemporary standards that can't practically be disclosed in a regulation.
(Staff review 3/22/10)

Status: Done. FPC found at April 2010 meeting these term are adequately organized.

Relevant proposed rule section: 923.1 (f) Option 1

Comment 6D Option 1, inconsistency with ASP rules. This option was not adopted in the ASP rules and should not be included here. RRTF notes this subsection needs to be re-visited.
(Staff review 3/22/10; RRTF matrix)

Status: Done. Include Option 1 as preferred text. FPC found at April 2010 meeting this wording is preferable because it provides general, flexible language for planning roads and requires offsetting measures to avoid watershed impacts from roads.

Relevant proposed rule section: 923.1 (g)

Comment 6E Consistency and Duplication of Roads in WLPZ . This section is duplicative to 923.1 (b).
(Staff review 3/22/10)

Status: To Do. Chris Browder to consider edits that consolidates two sections. No estimated date for consideration.

Relevant proposed rule section: **923; 923.1 (d); 923.2 (a) (1)**

Comment 7 Undefined Term. Clarity meaning of the term "public safety". Term is not defined in the FPRS.
(Staff review 3/22/10)

Status: Done. No changes. FPC found at April 2010 meeting these term are sufficiently self explanatory.

Comment 7A Undefined Term. Clarity meaning of the term "sensitive condition". Term is not defined in the FPRS.
(Staff review 3/22/10)

Status: Done. No changes. FPC found at April 2010 meeting these term are sufficiently self explanatory.

Comment 7B Undefined Term. Clarity meaning of the term "systematic layout pattern". Term is not defined in the FPRS.
(Staff review 3/22/10)

Status: Done. FPC found at April 2010 meeting these term are sufficiently self explanatory.

Relevant proposed rule section: Road use: 923.6(b), 923.6 (j)(1).

Comment 8A Consistency and Duplication. These sections address road use. The subsections are redundant and need to be consolidated.

-- **923.6(b)** prohibits use of roads when conditions could result in discharge.

-- **923.6 (j)(1)** requires no discharge from roads, landings or ditches in ASP watersheds during use.

Staff Recommendation: 923.6 (b) and 923.6 (j)(1) are redundant , all (j)() specifically lists types of discharges to avoid.
(Staff review 9/10)

Status: To Do.

Relevant proposed rule section: Road Use in FPAs/CMZs: 923.1 (j)(2), 923.6(i)(1) and 923.6 (i)(2)

Comment 8B: Consistency and Duplication. These sections address road use in FPAs/CMZs. The subsections conflict and need to be consolidated.

-- **923.1 (j)(2)** is a preferred management practice that suggest minimizing planned use of existing roads in flood prone areas.

923.6 (i)(2) is a preferred management practice that suggests minimizing [actual] use of existing roads in Inner Zone A and B of flood prone areas.

Staff Recommendation: 923.1 (j)(2) and 923.6 (i)(2) are redundant and could be consolidated.
(Staff review 9/10)

Status: To Do.

Relevant proposed rule section: Winter Use: 923.6 (c), 923.6 (g), and 923.6 (h), 923.6 (j)(2)

Comment 8C: Consistency and Duplication. These sections address road use in the winter period. The subsections conflict and need to be consolidated.

-- **923.1 (c)** restricts road use during general wet conditions with no specified calendar dates.

-- 923.6(g) prohibits use of roads during specific calendar when soils are saturated.

-- 923.6 (h) requires rocking of roads during the winter period to maintain a stable operating surface.

-- 923.6 (j)(2) requires hauling on roads be limited to those with stable operating surfaces.

Staff Recommendation: These sections conflict. (c) requires use "when firma and easily passable" and (g) and (h) allow use when saturated as long as there is no discharge.

923.6 (j)(2) is redundant to 923.6 (h), should be consolidated.

Status: To Do.

Relevant proposed rule section Road construction : 923.1 (b) and 923.1 (i) and (j) (1).

Comment 8D Consistency and Duplication. 923.1 (b) and 923.1 (i) and (j) (1)

are duplicate and redundant. They all prohibit planned or actual construction of roads or landing in various WLPZ zones.

Status: To Do.

Relevant proposed rule section: 923.2 (a) (5), 923.1 (h), 923.2 (c), 923.4 (j) and (p)(2),923.5 (k), (n), and (p).

Comment 9 Consistency with use of terminology and CWA: minimize, prevent , mitigate, significant, "deleterious quantities", "threaten to cause". This section uses a frequently repeated requirement: "minimized erosion and sediment transport and prevent discharge… in quantities deleterious to beneficial use of water". This phrase should be standardized throughout the FPRs, including here (see 916,916(c),916.9(a), 923 "significant). We note that input received from the NCRWQCB would add to this phrase the requirement for "mitigation or corrective actions" when it standard is not met. Also see 14 CCR 923.9.2 (o) for language on corrective actions.
(Staff review 3/22/10)

Status: Under Consideration. Edits and options to be considered by FPC for consistency and clarity of "deleterious quantities". Optional wording includes: 1) "prevent delivery of sediment into a watercourse or lake in quantities that violate Water Quality Requirements or result in significant adverse impacts to the beneficial uses of water.", as proposed by CGS, NCRWQCB wording in comment 9A below, 3) CALFIRE wording as proposed in their 8/23/10 letter to the BOF during a hearing on a regulatory proposal for "Definitions of Saturated Soils" ; and 4) BOF adopted language in "Definitions of Saturated Soils" at Sept. 2010 hearing.

Comment 9A

Re: 916.9(k)(3) and (4) Year-round logging road, landing and tractor road use limitations (page 62, line 21 through page 63, line 5)
The "quantities deleterious to the beneficial uses of water" requires interpretation and has in the past led to disagreements between the agencies and between the public and reviewing agencies. It causes conflict between the differing review and approval standards of the various agencies. The Regional Water Board suggests that the section be amended to prohibit sediment discharges that threaten to violate "Water Quality Requirements" as defined in Regional Board Orders R1-2004-0030 Section I.L and R1-2009-0038 Attachment A:

> "'Water Quality Requirements' means a water quality objective (narrative or numeric), prohibition, TMDL implementation plan, policy, or other requirement contained in a water quality control plan adopted by the Regional Board and approved by the State Water Board, and all other applicable plans or policies adopted by the Regional Board or State Water Board, including, but not limited to, the State Water Board Resolution No. 68-16, Statement of Policy with Respect to Maintaining High Quality Waters in California."

(State Board/NCRWQCB comments from 2009)

Status: Under Consideration. Edits and options to be considered by FPC for consistency and clarity of "deleterious quantities". Optional wording includes: 1) "prevent delivery of sediment into a watercourse or lake in quantities that violate Water Quality Requirements or result in significant adverse impacts to the beneficial uses of water.", as

proposed by CGS, NCRWQCB wording in comment 9A below, 3) CALFIRE wording as proposed in their 8/23/10 letter to the BOF during a hearing on a regulatory proposal for "Definitions of Saturated Soils" ; and 4) BOF adopted language in "Definitions of Saturated Soils" at Sept. 2010 hearing.

Relevant proposed rule section: many sections. Prominent in section 923.4, 923.5 and 923.6.

Comment 9B Consistency with CWA: Erosion offsets, "threaten to cause" and "deleterious"

Road Use, Winter Period Operations, Soil Stabilization, and Erosion Sites

Several of the proposed rules on these topics use language that is inconsistent with Water Board requirements. Under State and federal anti-degradation Policies (which are binding on State agencies) only a Regional Water Board can authorize any diminution of water quality where it is currently better than water quality standards; this is not within BOF or CalFire purview. Pursuant to Clean Water Act 303(d), the goal for sediment-impaired waters is to recover water quality to the point the waters can be de-listed. TMDL implementation plans to achieve this goal are required by federal regulations to provide a factor of safety to ensure that any new anthropogenic sediment discharges are more than offset by sediment discharge reductions. These requirements set a much higher standard than does the CEQA standard of avoiding "significant" impact (i.e., just don't make things much worse).

Under the proposed Rule package, visibly turbid water could be allowed to enter a watercourse from a logging road, etc., if: i) it did not "cause a turbidity increase" in receiving waters, ii) it did not cause a "visible turbidity increase", or iii) it was not "in quantities deleterious to the beneficial uses of water". Water Boards have become increasingly uncomfortable with the latter standard. It causes conflict between the differing review and approval standards applied by CalFire (i.e., mostly CEQA) and the Water Boards (i.e., anti-degradation policies and Clean Water Act requirements).

We suggest two approaches to this issue. First, we recommend that language be added to the pertinent subsections that, consistent with the new proposed intent language in 916, prohibits discharges which threaten to cause violation of applicable legal requirements. Second, we recommend that subsection 916.9 (o) be amended to require an RPF, upon finding that such a discharge could occur as a result of proposed timber operations, to develop and propose measures to offset them by an equal or greater amount in order to comply with Water Board requirements. These could be the same measures required by a Water Board Erosion Control Plan.

(State Board/NCRWQCB comments from 2009)

Status: Under Consideration. Edits and options to be considered by FPC for consistency and clarity of "deleterious quantities". Optional wording includes: 1) "prevent delivery of sediment into a watercourse or lake in quantities that violate Water Quality Requirements or result in significant adverse impacts to the beneficial uses of water.", as proposed by CGS, NCRWQCB wording in comment 9A below, 3) CALFIRE wording as proposed in their 8/23/10 letter to the BOF during a hearing on a regulatory proposal for "Definitions of Saturated Soils" ; and 4) BOF adopted language in "Definitions of Saturated Soils" at Sept. 2010 hearing.

Comment on 916.9 (o) I under consideration by June FPC.

Relevant proposed rule section: Any section that uses term “significant or deleterious”

Comment 9C Consistency with CWA: Threshold of visible turbidity and consistency with Basin Plans

Re: 916.9(k)(1) and (2) Year-round logging road, landing and tractor road use limitations (page 62, lines 15 through 20)

The threshold of visibly turbid water that may cause a turbidity increase in receiving waters is an inappropriate standard. The described conditions don't merely "threaten" to violate the applicable Basin Plan water quality standards, they are a violation of those standards. The threshold does not give adequate warning of when a Basin Plan violation may be imminent. Instead, they represent conditions where a violation has already occurred. The Regional Water Board recommends that the section be amended to prohibit sediment discharges that threaten to violate applicable legal requirements.

(State Board/NCRWQCB comments from 2009)

Winter Road Operations

As written, the proposed T/I rules would allow the discharge of visibly turbid water to a watercourse, in violation of existing Basin Plan prohibitions and water quality standards. In other words, the thresholds defined as indications of when "saturated soil conditions" exist do not give adequate warning of when a Basin Plan violation may be imminent. Instead, they represent conditions where a violation has already occurred. Regional Water Board staff recommend that thresholds with clear indicators of when a violation may be imminent, instead of when it has already occurred, be developed and implemented.

(State Board/NCRWQCB comments from 2009)

Status: Under Consideration. Edits and options to be considered by FPC for consistency and clarity of “deleterious quantities”. Optional wording includes: 1) “prevent delivery of sediment into a watercourse or lake in quantities that violate Water Quality Requirements or result in significant adverse impacts to the beneficial uses of water.”, as proposed by CGS, NCRWQCB wording in comment 9A below, 3) CALFIRE wording as proposed in their 8/23/10 letter to the BOF during a hearing on a regulatory proposal for “Definitions of Saturated Soils” ; and 4) BOF adopted language in “Definitions of Saturated Soils” at Sept. 2010 hearing.

Relevant proposed rule section: 923.1 (d) and (h) ver 11/29/10 and 923.2 (f)

Comment 10 Ongoing erosion site assessment: 923.2 (f) limits assessment and remedies for ongoing erosion assessment to ASP watersheds. The RMP

and 14 CCR 923.9.2 provides this for other geographic areas. FPC should 1) consider using standards proposed in 923.2 (f) for plans in any watershed (single statewide standard) and 2) make section s proposed in 4/30/10 plead in 923.1 (d)-(h) and 923.2 (f) consistent or condensed.

(Staff review 4/30/10)

Status: Under Consideration.: Substantial optional language recommended by stakeholders. See under comment 10 A and 10 B.

Relevant proposed rule section: **923.1 (d),and (h) Planning.; 923.2 (f) Design;**

Comment 10A Ongoing erosion site assessment: See proposed DFG/NMFS edits to 923..1 (h) as proposed for ASP watersheds in October 2010. Includes a wide geo scope (all logging roads) and more specific inventory data. And deleted 923.2 (f). (DFG 4/27/10)

Status: Under Consideration.: To be considered at Dec. FPC.

Relevant proposed rule section: **923.1(d) Planning.;**

Comment 10B Ongoing erosion site assessment: See proposed Pete Ribar edits to DFG recommendations:

(d) As part of the field examination of classified watercourses and lakes, the RPF or supervised designee shall evaluate ~~areas in and near~~ existing, constructed, and reconstructed logging roads and landings for **areas of potential sediment discharge to** sensitive conditions, including, but not limited to, **adjacent watercourses,** unstable and erodible watercourse banks, unstable upslope areas, channels with inadequate flow capacity, changeable channels, overflow channels, flood prone areas, debris jam potential, and riparian zones.
(PFR 5/3/10)

Status: Under Consideration. To be considered at Dec. 2010 FPC.

Relevant proposed rule section: **923.1(e) and (h) Planning.**

Comment 10C Ongoing erosion site assessment: See proposed Pete Ribar edits to delete DFG recommendations in 923.1 (e) and(h).

~~**(e DFG Option)** *The RPF or supervised designee shall evaluate logging road and landing surface and drainage conditions for all road segments, cuts, fills and inboard ditches, landings, drainage structures, and drainage facilities within the harvest area and on all other logging roads that will be used for timber operations between the harvest area and the first public road. Field inventory information shall be obtained by an RPF or supervised designee while traversing the road segments. Maintenance needs identified during and after the road assessment shall be addressed as soon as is feasible.*~~

923.1, 943.1, 963.1 Planning for Logging Roads and Landings

~~***DFG Option (h)*** *In watersheds with listed anadromous salmonids, and in planning watersheds immediately upstream, the RPF shall certify that the assessment conducted pursuant to 923.1(e) and 923.10(g) was completed. The plan shall identify the proposed treatment of all existing or potential sediment sources including drainage structures and facilities that are not functioning or*~~

~~*are discharging sediment into watercourses and lakes in quantities that violate Water Quality requirements or result in significant adverse impacts to the beneficial uses of water. The plan shall specify an implementation schedule for treatments. Maintenance needs identified during and after the road assessment shall be addressed as soon as is feasible.*~~

(h) In watersheds with listed anadromous salmonids and in planning watersheds immediately upstream of, and contiguous to, any watershed with listed anadromous salmonids, as part of the plan the RPF shall:

(1) Identify logging road and landing sites in the logging area, where erosion and sediment production are ongoing during any period of the year and which pose significant risks to the beneficial uses of water.

(2) Assess those sites identified in 14 CCR § 923.2(f)(1) [943.2(f)(1), 963.2(f)(1)] to determine whether feasible remedies exist.

(3) For sites that pose significant risks to the beneficial uses of water and where feasible remedies exist, the plan shall propose appropriate treatment.

923.2, 943.2, 963.2 Design and Implementation for Logging Roads and Landings

~~**(f)** In watersheds with listed anadromous salmonids and in planning watersheds immediately upstream of, and contiguous to, any watershed with listed anadromous salmonids, as part of the plan the RPF shall:~~

~~**(1)** Identify logging road and landing sites in the logging area, where erosion and sediment production are ongoing during any period of the year and which pose significant risks to the beneficial uses of water.~~

~~**(2)** Assess those sites identified in 14 CCR § 923.2(f)(1) [943.2(f)(1), 963.2(f)(1)] to determine whether feasible remedies exist.~~

~~**(3)** For sites that pose significant risks to the beneficial uses of water and where feasible remedies exist, the plan shall propose appropriate treatment.~~

(Ribar 5/3/10)

Status: Under Consideration. To be considered at Dec. FPC.

Relevant proposed rule section: **923.10 (f) (1) –(4) Planning for crossings; 923.13 (i); 923.16 (d).**

Comment 10D Ongoing erosion site assessment: Proposal from RRTF 3/2/10

Adopt § 923.10 [943.10, 963.10]. Planning for Logging Road Watercourse Crossings.

The following planning standards shall apply to logging road watercourse crossings:

(f) As part of the field examination of classified watercourses and lakes, the RPF or supervised designee shall evaluate areas at and near existing and constructed or reconstructed logging road watercourse crossings for sensitive conditions, including, but not limited to, past diversion, overtopping, plugging, significant inlet or outlet erosion, soil piping, fill slope erosion and significant mechanical damage or wear. **See CGS Option in 923.1 (e)**

(1) The RPF shall consider these conditions, and those measures needed to maintain, and restore to the extent feasible, the functions set forth in 14 CCR § 916.4(b) [936.4(b), 956.4(b)], when planning logging road watercourse crossings.

(2) The plan shall identify such conditions, including where they may interact with proposed timber operations, that individually or cumulatively, significantly and adversely affect the beneficial uses of water.

(3) The RPF shall describe in the plan feasible protection measures for identified sensitive conditions that consider the watercourse classification and the location and planned use of logging road watercourse crossings.

(4) Where feasible protection measures are proposed, the RPF shall specify an implementation schedule in the plan.

Adopt § 923.13 [943.13, 963.13]. Logging Road Watercourse Crossing Construction and Reconstruction.

The following construction and reconstruction standards shall apply to logging road watercourse crossings:

(i) Logging road watercourse crossings with sensitive conditions identified under 14 CCR § 923.10(f) [943.10(f), 963.10(f)] shall be upgraded to address these conditions, replaced in accordance with 14 CCR § 923.11 [943.11, 963.11] and this section, or removed in accordance with 14 CCR § 923.17 [943.17, 963.17].

Adopt § 923.16 [943.16, 963.16]. Logging Road Watercourse Crossing Maintenance and Monitoring.

The following maintenance and monitoring standards shall apply to logging road watercourse crossings:

(d) The plan shall identify measures to be used to reduce sediment delivery from logging road watercourse crossings where evidence of substantial soil erosion and discharge of sediment into watercourses and lakes in quantities deleterious to the beneficial uses of water is present at a logging road watercourse crossing used for timber operations. Where evidence of substantial soil erosion and discharge of sediment into watercourses and lakes in quantities deleterious to the beneficial uses of water is present at a logging road watercourse crossing used for timber operations, additional measures shall be stated in the plan and installed, as needed, to minimize soil erosion and sediment transport and to prevent the discharge of sediment into watercourses and lakes in quantities deleterious to the beneficial uses of water.

Status: Under Consideration. FPC would consider using same or similar language as is being considered in 923.1 (d) And (h) ver 11/30/10

Relevant proposed rule section: 923.2 (f).

Comment 10E Erosion Site Assessment

Subsection 916.9(o) (in 2000 T/I rules): Revise to improve clarity concerning which subset of the active erosion sites identified shall be treated. “As part of the plan the RPF shall: “1) Identify active erosion sites associated with logging roads and landing in the logging area, 2) Assess such sites to determine which ones pose significant risks to the beneficial uses of water, 3) Assess those sites, which pose significant risks to the beneficial uses of water, to determine whether feasible remedies exist, and 4) For sites pose that significant risks to the beneficial uses of water and where feasible remedies exist, propose appropriate treatment.”

(Peter Ribar Campbell Timberland Management. Public comment from 2008 BOF T/I request letter)

Status: To Do. To be considered at Dec. FPC. 916.9 (o) was re indexed to 923.2 (f).

Relevant proposed rule section: 923.2 (a)(5) and (f); 923.1 (c) and (d)

Comment 11 Unstable areas, wet weather operations, and erosion. During the listing process for these species, NMFS reviewed the FPR and in all cases concluded they do not adequately protect andromous salmonids or provide for properly functioning habitat conditions (61 FR 56141; 61 FR 56140; 62 FR 24593; 63 FR 13347; 65 FR 6960; 65 FR 36074). In fact, these Federal Register Notices conclude that California's non-Federal forestry practices are significant factors contributing to salmon and steelhead population declines: declines resulting from the degradation, simplification and fragmentation of habitats through the present or threatened destruction, modification, or curtailment of habitat and range, and the inadequacy of existing regulatory mechanisms.

4. All other winter operations and wet weather road and skid trail planning.
5. Road planning, construction, maintenance, and decommissioning.
6. Loss of riparian function and chronic sediment inputs from streamside roads.
7. Unstable areas except for inner gorges.

(Public comment from NMFS in 2008 BOF request letter)

Status: Under Consideration. See Comments 9 and 10 addressing erosion and sediment, and winter operations issues . Unstable area rules have not been reviewed by FPC to date

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Relevant proposed rule section: 923.1 (c) and (d)

Comment 11A Land forms and unstable areas.
The T/I Rules seem to be overly focused on using riparian zones as a primary means for buffering aquatic habitat for andramous salmonids from effects of timber operations. While we agree that such zones can be very effective in many instances, we are concerned that there is not adequate recognition of landforms and processes that are inherently sources of significant sediment pulses (e.g. debris flows) that can overwhelm watercourse and lake buffering capability and produce valley-bottom deposits that continue to leak into the stream for many decades. We recommend the T/I Rules be amended to address these deficiencies. We also recommend that a thorough review of the scientific literature be performed to better understand how to manage forest land where these landforms and processes are present.
(Public comment from 2008 BOF request letter)

Status: To Do. Comments not yet considered/reviewed in FPC.

Relevant proposed rule section: 923.1 (a((5) Planning

Comment 11B: Avoid or Minimize on unstable areas
(Pg 39) Clarify whether a condition is to be avoided or minimized. For example on page 39, (5) the plead states that activities in unstable areas and headwall swales should be minimized. On page 40 the plead states that roads and landings shall avoid unstable areas and headwall swales.
(Laing 3/5/10)

Status: To Do. Not yet directly addressed

Relevant proposed rule section: 923.1 Planning

Comment 12: Clarity on Intent of "reduce roads"
(Pg 39) Plead states that roads shall be located in order to reduce total road mileage. Is this a road density requirement?
(Laing 3/5/10)

Status: To Do. not yet addressed

Relevant proposed rule section: 923.1 Planning

Comment 12 A: Road Density

The road rules package should address road density. I had put together some comments on this issue last summer (see below) and would like to make sure the issues is fully addressed as part of the road rules package.

Hagans et al. (1986) estimated that 50 to 80% of the sediment that enters northwestern California streams stems from road-related erosion. Klein (2003) found a strong correlation of road density with turbidity levels that would limit juvenile salmonid growth (Figure 19).

U.S. Forest Service (1996) studies in the interior Columbia River basin found that bull trout were not found in basins with road densities greater than 1.7 mi/mi^2. They ranked risk road density of greater than 4.7 mi/mi^2 as extremely high. National Marine Fisheries Service (1996) guidelines for salmon habitat characterize watersheds with road densities greater than 3 mi/mi^2 as "not properly functioning" while "properly functioning condition" was defined as less than or equal to 2 mi/mi^2 with no or few stream side roads.

(J. Augustine, CBC)

Status: To Do. Not yet addressed

Relevant proposed rule section:923.5 (c) and 923.4 (p)()(8)Erosion control

Comment 13: Ditch standards for erosion control

Specific erosion control measures and design criteria for inboard ditches need to be identified, including rocking requirements and routing of inboard ditches uphill from the crossing.
(Laing 3/5/10)

Status: Under Consideration when road approach surface stabilization measures are discussed.

Relevant proposed rule section: 923.6 (j) (1)

Comment 13A Ditches and visible turbidity

This section of the rules 923.6 (j) (1) states that if visibly turbid water from a road or landing with an inside ditch may reach a watercourse and cause a turbidity increase in the receiving watercourse. In addition, the rule package states that the insideditch above a crossing can be as long as 300 ft. while the SRP recommends 100 ft. The question here is how will the increase in turbidity requirement be measured and who will measure it? Is there a upper limit for the allowable increase in turbidity (NTU units) in the receiving watercourse?

(Laing 3/5/10)

Status: Under Consideration. Will be addressed as Issue 9 /commenta 9-9C are discussed.

Relevant proposed rule section: 1092.9 (6)(E) PTHP content Planning

Comment 13B : Ditch Length

(Pg 103) The maximum allowable ditch drainage length in the rule plead is 300 ft. versus the SRP recommendation of 100 ft.
(Laing 3/5/10)

Status: To Do. not yet directly addressed.

Relevant proposed rule section:923.11 Watercourse crossings Design and Implementation

Comment 14: Removal of obsolete culverts. Criteria for removal of obsolete culverts need to be developed. Design criteria and method of analysis needs to be defined for new or replacement culverts including fish passage considerations.
(Laing 3/5/10)

Status: To Do.: not yet directly addressed.

Relevant proposed rule section: 923.6 Road Use

Comment 15 Permission to use private roads

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According to CDF staff, no rule, regulation or policy would prevent
> CDF from approving a timber harvest plan that utilizes private
> property as a log haul route, over the objection of the private
> property owner. If true, the new road rules need to specify that a
> timber operator must use public roads or private roads to which they
> hold an easement or a right of way agreement. Because CDF's board is
> comprised of three members who are also employed by timber operators,
> CDF may have an obligation to explicitly state rules for a timber
> operator's use of private property in order to preclude the
> possibility of CDF appearing complicit in actions of trespass for and
> on behalf of the board members. If it pleases the road policy
> committee, I will be happy to discuss specific cases or provide any
additional information that they may request.
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(Dave Clark 4/5/10)

Status: Done. Discussed at May and July FPC. Initial response by FPC was plans should not be disapproved because there are not disclosed and bona fide legal rights of way provided. CAL FIRE stated its plan review policy on addressing plans submitted with bonafide right way disclosed and spoke with stakeholder. No additional rules at this time decided by FPC at July 2010 meeting.

Relevant proposed rule section: 895.1 Definitions

Comment 16 Definitions

Inside Ditch Hydraulic Capacity means the ability of an inboard ditch to contain flow from a runoff event without overflowing to the road surface or substantially downcutting the inboard ditch.

(DFG comment 4/27/10)

Status: To Do. not yet directly addressed.

Comment 16A Definitions

Road approach means the *logging road surface* ~~area~~ from the watercourse channel *or crossing* to the nearest *functional* drainage *structure* or facility, ~~but not less than 50 feet;~~ or ~~the area from the watercourse channel~~ to the first high point on the road where road *surface* drainage flows away from the watercourse. *Crossings have two road approaches.*

(DFG comment 4/27/10)

Road approach means the *logging road surface* ~~area~~ from the watercourse channel *or crossing* to the nearest drainage *structure* or facility, ~~but not less than 50 feet;~~ or ~~the area from the watercourse channel~~ to the first high point on the road where road *surface* drainage flows away from the watercourse. *Crossings have two road approaches.*

(PFR comment 5/3/10)

Status: Done. See proposal in 10/2010 plead

Comment 16B Definitions

Road Maintenance means activities involving manipulation of the logging road prism to maintain stable operating surfaces, functioning logging road drainage facilities and structures, and stable cutbanks and fill slopes. 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.

(DFG comment 4/27/10)

Road Maintenance means activities involving manipulation of the logging road prism to maintain stable operating surfaces, functioning logging road drainage facilities and structures, and stable cutbanks and fill slopes. *Examples of road maintenance include shaping and/or rocking a road surface; outsloping, installation and maintenance of rolling and critical dips; restoring functional capacity of inboard ditches, cross drains, or culverts; and repairing water bars.*

(PFR comment 5/3/10)

Status: To Do. not yet directly addressed.

Comment 16C Definitions

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

(DFG comment 4/27/10)

Status: To Do. not yet directly addressed.

Comment 16D Definitions

Scour means the process of erosion by flowing water.

(DFG comment 4/27/10)

Status: To Do.not yet directly addressed.

Comment 16F Definitions

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.

(DFG comment 4/27/10)

Comment 16G Definitions

Sediment Filter Strip *means a* ***topographic feature,*** *structure, vegetation****, or surface cover*** *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.*

(PFR comment 5/3/10)

Status: To Do. not yet directly addressed.

Relevant proposed rule section: 923.4 Construction

Comment 17 Wet Weather Period See DFG amendments below:

923.4, 943.4, 963.4 Construction and Reconstruction for Logging Roads and Landings

(s) In watersheds with listed anadromous salmonids and in planning watersheds immediately upstream of, and contiguous to, any watershed with listed anadromous salmonids, the following shall apply:

(1) On slopes greater than 50 percent that have access to a watercourse or lake:

(A) Specific provisions shall be identified and described for all logging road construction.

(B) Where cutbank stability is not an issue, logging roads may be constructed as a full-benched cut (no fill). Spoils not utilized in logging road construction shall be disposed of in stable areas with less than 30 percent slope outside of any WLPZ, EEZ, or ELZ designated for watercourse or lake protection. The Director, with concurrence from other responsible agencies, may waive inclusion of these measures where the RPF can show that slope depressions and other natural retention and detention features are sufficient to control overland transport of eroded material.

(C) Logging roads may be constructed with balanced cuts and fills:

(i) If properly engineered, or,

(ii) If fills are removed and the slopes recontoured prior to the winter period.

(2) During the extended wet weather period, no timber operations shall take place unless the approved plan incorporates a complete winter period operating plan pursuant to 14 CCR § 914.7(a) [934.7(a), 954.7(a)] that specifically addresses, where applicable, proposed logging road or landing construction, reconstruction.

(3) No road or landing construction, reconstruction, or decommissioning shall be undertaken during the extended wet weather period, or at any time outside this period when saturated soil conditions exist, except on hydrologically disconnected road segments.

(DFG comment 4/27/10)

Status: **Done**. See Comment 1

Relevant proposed rule section: 923.5.(i), (j), (n), (p) Erosion

Comment 17A Extended Wet Weather Period See DFG amendments below on EWWP:

923.5, 943.5, 963.5 Erosion Control for Logging Roads and Landings

The following erosion control standards shall apply to logging roads and landings:

(i) All logging roads and landings used for timber operations shall have adequate drainage upon completion of use for the year or by October 15, whichever is earlier. An exception is that drainage facilities and drainage structures do not need to be constructed on logging roads in use *during the extended wet weather period* ~~after October 15~~ provided that all such drainage facilities and drainage structures are installed prior to the start of rain that generates overland flow.

(j) Where logging road or landing construction or reconstruction takes place ~~from October 15 to May 1~~ *during the extended wet weather period*, drainage facilities and drainage structures shall be installed concurrent with construction or reconstruction operations. *****

(n) Soil stabilization treatments shall be in place upon completion of operations for the year of use or prior to ~~October 15~~ *the extended wet weather operating period*, whichever comes first. An exception is that bare areas created ~~after October 15~~ *during the extended wet weather operating period* shall be treated within 10 days or as agreed to by the Director.

(p) In watersheds with listed anadromous salmonids and in planning watersheds immediately upstream of, and contiguous to, any watershed with listed anadromous salmonids, the following shall apply:

(1) Constructed and reconstructed logging roads shall be outsloped where feasible and drained with waterbreaks or rolling dips (where the road grade is inclined at seven (7) percent or less) in conformance with other applicable Forest Practice Rules.

(2) In addition to the provisions listed under 14 CCR § 923.2(d)(2) [943.2(d)(2), 963.2(d)(2)], all permanent and seasonal logging roads with a grade of 15 percent or greater that extend 500 continuous feet or more shall have specific erosion control measures stated in the plan.

(3) Within the WLPZ, and within any ELZ or EEZ designated for watercourse or lake protection, treatments to stabilize soils, minimize soil erosion, and prevent the discharge of sediment into watercourses or lakes in quantities deleterious to aquatic species or the quality and beneficial uses of water, or that threaten to violate applicable water quality requirements shall be described in the plan as follows:

(A) In addition to the requirements of subsections (k)-(o), soil stabilization is required for the following areas:

(i) Areas exceeding 100 continuous square feet where timber operations have exposed bare soil, and

(ii) Disturbed logging road *and landing* cut banks and fills, and

(iii) Any other area of disturbed soil that threatens to discharge sediment into water in quantities deleterious to the quality and beneficial uses of water.

(B) Where straw mulch is used, the minimum straw coverage shall be 90 percent, and any treated area that has been reused or has less than 90 percent surface cover shall be treated again by the end of timber operations.

(C) Where slash mulch is packed into the ground surface through the use of a tractor or equivalent piece of heavy equipment the minimum slash coverage shall be 75 percent .

(D) For areas disturbed ~~from May 1 to October 15~~ *outside of the extended wet weather period*, treatment shall be completed prior to the start of any rain that causes overland flow across or along the disturbed surface that could deliver

sediment into a watercourse or lake in quantities deleterious to the beneficial uses of water.

(E) For areas disturbed ~~from October 15 to May 1~~ *during the extended wet weather period*, treatment shall be completed prior to any day for which a chance of rain of 30 percent or greater is forecast by the National Weather Service or within 10 days of disturbance, whichever is earlier.

(F) Where the natural ability of ground cover is inadequate to protect the beneficial uses of water by minimizing soil erosion or by filtering sediments within any ELZ or EEZ designated for watercourse or lake protection, the plan shall specify protection measures to retain and improve the natural ability of the ground cover to filter sediment and minimize soil erosion.

*(**4**) The following erosion control shall be completed:*

(A) Logging road approach surfaces on the following shall consist of high-quality, durable, compacted rock or paving: (i) permanent roads, (ii) seasonal roads crossing Class I watercourses, (iii) roads used for hauling (logs, rock, heavy equipment) during the extended wet weather period.

(B) Logging road approach surfaces on the following shall be treated with either: rock, slash, seed and straw mulch, seed and stabilized straw, or seed and slash: (i) all seasonal roads used for hauling in the current year, (ii) all seasonal roads used during the extended wet weather period for purposes other than hauling.

(C) Logging road approaches to temporary crossings shall be stabilized ~~rocked~~ and maintained ~~as needed~~ after crossing removal to avoid rutting or pumping fines during administrative use after removal.

(D) Logging road approach ditches exhibiting downcutting ~~along the following~~ shall be lined with high-quality, durable rock, installed with erosion control materials or structures to manufacturers specifications, or treated with other effective means as described in the plan, in the following locations: (i) permanent logging roads, (ii) seasonal roads crossing Class I watercourses, (iii) logging roads used for hauling during the extended wet weather period.

(E) Logging road approach ditches shall be treated to minimize sediment transport in the following locations: (i) seasonal logging roads used for hauling in the current year, (ii) seasonal logging roads used during the extended wet weather period for purposes other than hauling.

(5) All segments of hydrologically connected logging roads in Class I and Class II WLPZs shall exhibit a rocked or paved stable operating surface. The surface shall consist of high quality, durable, compacted rock, or paving. The road surface and base shall be maintained to avoid generation of fines during use.

(DFG comment 4/27/10)

Status: Under Consideration. Amendments proposed for 923.5(p) are currently being considered at the Dec 2010 FPC meeting.

Relevant proposed rule section: 895.1, 923.5 (i) and 923.6 (g), 923.13 (l), 923.14 (b)

Comment 17B Winter Period

The "T&I" winter operating dates should be removed from the FPR. Dates on a calendar are meaningless. Operational limitations should be driven by ground conditions, not an arbitrary date.

(Dustin Lindel Jefferson Resource Company. Public comment from 2008 BOF T/I request letter)

Status: To Do.

Relevant proposed rule section: 914.7, 915.1(b), 923.4 (j), 923.6.(c), (g), (h), (j) Erosion

Comment 17C Operations on saturated soils

See CAL Fire's saturated soils operations comments of 2010.

Status: To Do.

Relevant proposed rule section: 923.6 (c)

Comment 17D Wet Season rocking

This section of the rules calls for rocking roads used during the winter where necessary. The question here is who determines when this is necessary? The landowner, CDF, NCWRCB etc.

(M.Laing, Federation of Fly Fishers 3//5/10)

Status: To Do.

Relevant proposed rule section:

Comment 18 Crossings

Code Section - 916.9(f)(2) (ASP rules) "A description of all existing permanent crossings of Class I waters by logging roads and clear specification regarding how these crossings are to be modified, used, and treated to minimize risks, giving special attention to allowing fish to pass both upstream and downstream during all life stages." Code Section - 943.3(c) "Drainage structures on watercourses that support fish shall allow for unrestricted passage of all life stages of fish that may be present, and shall be fully described in the plan in sufficient clarity and detail to allow evaluation by the review team and the public, provide direction to the LTO for implementation, and provide enforceable standards for the inspector."

- These rules are poorly written and cause undue debate during the review process. These rules have been cited when recommending removal of culverts that prevent fish passage. Neither of these rules clearly state that this needs to be done.
- Somewhere between these two rules the following should be clearly stated, if this is the intent of these code sections, "Where existing culverts prevent passage of all life stages of fish they shall be modified to allow said passage of fish, or the culvert shall be removed."
- As a side note, as commonly practiced, reviewing agencies cite these rules and require culvert removal. Cal DFG then requires a 1611 permit fee from the landowner for a project that has been required by the state. This appears to be extortive. CALFIRE, as the lead agency should remedy this situation.

(Dustin Lindel Jefferson Resource Company, Public comment from 2008 BOF T/I request letter)

Status: Under Consideration.

Relevant proposed rule section:

Comment 18A Crossings

Subsection 923.9(e) (in 2000 T/I rules): Modify as follows: “Where logging road networks are remote or are located where the landscape is unstable, where crossing fills over culverts are large, or where drainage structures and erosion control features historically have a high failure rate, drainage structures and erosion control features shall be oversized, designed for low maintenance, reinforced, or removed prior to the completion of timber operations.” This makes it very clear that where such conditions exist one of the four optional treatment approaches shall be followed. The method of analysis and design for crossing inspection can be required on a site-specific basis per the THP review and approval process instead of required at the time of plan submission for all such sites.

(Peter Ribar Campbell Timberland Management. Public comment from 2008 BOF T/I request letter)

Status: Partially done in 2009 ASP rules.

Relevant proposed rule section:

Comment 18B Crossings

FPR Sec. 923.3, (in 2000 T/I rules) Watercourse Crossing [All Districts], Exemption provided through 1601 and 1603 of Fish and Game Code. Is this section duplicative of those codes and therefore unnecessary? If so, repeal.

(California Forestry Association. Public comment from 2008 BOF T/I request letter)

Status: To Do.

Relevant proposed rule section:

Comment 18C Crossings

14 CCR 914.8 [934.8, 954.8] (in 2000 T/I rules)
Subsections (c) and (g) were amended as part of the T/I Rules. TPC strongly supports the concept of providing fish passage for anadromous fish. However, this rule should be amended to eliminate the fish passage requirements at crossing locations where upstream movement is not possible in the natural channel. Fish passage should also be limited to crossings on watercourses with listed fish. For example, high mountain lakes are often stocked with fish species and those fish are able to move downstream through steep watercourse gradients but not back upstream. In that case, a crossing installed on such a watercourse should not have to provide fish passage upstream since it is not possible in the natural channel.

(Chris Quirmbach Timber Products Company Public comment from 2008 BOF T/I request letter)

Status: To Do.

Relevant proposed rule section:

Comment 18D Crossings

Subsection 923.9 (c): (in 2000 T/I rules) with regard to fish passage, the comments provided above under the “14 CCR 914.8 [934.8, 954.8]” heading also apply to this section.

(Chris Quirmbach Timber Products Company Public comment from 2008 BOF T/I request letter)

Status: To Do.

Relevant proposed rule section:

Comment 18E Crossings

Subsection 923.9 (g): with regard to fish passage, the comments provided above under the "14 CCR 914.8 [934.8, 954.8]" heading also apply to this section. In addition, this language is largely duplicative to subsection (c).

(Chris Quirmbach Timber Products Company Public comment from 2008 BOF T/I request letter)

Status: To Do.

Relevant proposed rule section:

Comment 18F Crossing design

What is the criteria used to bring existing culverts up to standard i.e. 100 year flow, fish passage etc. Pg 71, 923.11 (c). What is the criteria for culvert replacement and analysis method to determine the design of the new culvert, including fish passage considerations.

(M.Laing, Federation of Fly Fishers 3//5/10)

Status: To Do.

Relevant proposed rule section:

Comment 18G Crossing/culvert size

The Road Rules Task Force does not recommend a minimum culvert size while the SRP recommends that the minimum culvert size is 18 inches for crossings and 12 inches for ditch relief culverts.
M.Laing, Federation of Fly Fishers 3//5/10)

Status: To Do.

Relevant proposed rule section:

Comment 18H Crossing upgrades

Sample of a crossing upgrade with sensitive conditions (Pg 76, 92313 (i), Pg 91, 923.13 1034 (1) (b) and enforceable road and crossing construction specifications

(M.Laing, Federation of Fly Fishers 3//5/10)

Status: To Do.

Relevant proposed rule section:

Comment 18I Crossing and ditch design

This section is not specific. Need to review sample of a crossing design showing how inside ditch drainage is managed and performance standards for ditch drains. (Pg. 52, 923.5 (b) (c)

(M.Laing, Federation of Fly Fishers 3//5/10)

Status: To Do.

Relevant proposed rule section:

Comment 18J Crossings/methods of overflow design

This section is not specific. Need to review sample from a THP where a RPF has proposed methods of preventing overflow diversions at a crossing. Pg 70, 923.10 (g)

(M.Laing, Federation of Fly Fishers 3//5/10)

Status: To Do.

Relevant proposed rule section:

Comment 19 Maintenance

Issue: The three year limitation on maintenance of permanent roads and crossings.

I compared the latest version of the proposed road rules against the recommendations of experts on the subject. Attached is an analysis of the proposed rule package verses the recommendations of the Scientific Review Panel, Legon et al, 1999 and the Weaver and Hagans "Manual for Forest and Ranch Roads". The preliminary conclusion that I reached as a result of this analysis was that although the proposed rule package has a number of improvements, there are still some areas that need strengthening. These are:

The SRP report identifies the three year limitation of the maintenance period as a major issue. The SRP states that all permanent roads and crossings should be maintained through out their useful life.

(M.Laing, Federation of Fly Fishers 3//5/10)

Status: To Do.

Relevant proposed rule section:

Comment 20 and 22 not yet entered

Appendix:

Entity that raised issue/comment:

Public comment Mike Laing dated 3/10 and 4/10
Public comment from 2008 BOF T/I request letter
DFG comments 2/10, 3/30/10 and 4/30/10.
RRTF matrix 3/2/10
Staff review 3/22/10
State Board/NCRWQCB, comments from 2009 and 4/30/10
CGS, Tom Spittler 4/30/10
Pete Ribar, 5/3/10
CAL FIRE 4/10
J. Augustine, CBC 6/10
CAL FIRE 8/10
NMFS-DFG 9/10