

## Road Rules Proposal

### Remaining Issues to be Reviewed

Prepared by Staff  
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Issue	Sections	Status
Road distance from watercourse or WLPZs (comment 3)	923.1 (b); 923.4(m)	Partially completed
Roads on slopes greater than 65% (comment 5, 5A)		No work to date
Unstable areas (comments 11 - others to be added)		No work to date
Road Density (comment 12- 12A)		No work to date
Ditch standards (comment 13 – 13B)		Partially completed
Culvert design (comment 14)		No work to date
Water break spacing (RRTF)	923.5 (f)	No work to date
Temp Road blocking (RRTF)	925.6 (f)	No work to date
Watercourse crossings (RRTF) (comments 18 -18K)	923.10 through 923.17	No work to date
Maintenance Period and monitoring	923.7 and 923.16	No work to date
Mapping and Identification Options (RRTF)	923.3 (b), (c)	No work to date
Flagging Roads Options (RRTF)	923.3 (e)	No work to date
Definitions edits (comments 16-16G)	895.1	Partially complete
Contents of Plan (RRTF) –mapping of non-appurtenant roads; new road distance disclosures; road system layout pattern ; crossing descriptions; culvert passage;	1034 (hh)(jj) (kk) and (mm)	No work to date
ASP Intent, goals, objectives, “upstream watersheds”	923, 916.9,	Partially completed
Dip construction	923.5 (p)(1)	No work to date
Water drafting	923.7 (l.) (1) and (3)(D)	No work to date
Appurtenant roads	923.6 (h) (4)	No work to date
Road maintenance in ASP watersheds	923.7 (m)	No work to date
abandoned roads maintenance free drainage structures	923.8 a	No work to date

Yellow Highlight indication priority issues to be considered in June 2011

## Suggested Decisions Points for June 2011

**Definitions** --- Below are new or amended definitions having decision points by FPC.

### **FPC Decision Points**

**Appurtenant road** -- Two options. Cal Fire option provides greater detail.

**Extended wet weather period** - Public comments raised questions regarding the arbitrary calendar dates for establishing requirements related to the extended wet weather period (EWWP). The public comments suggested using rainfall triggers or dates based on the ground conditions instead of or in addition to arbitrary dates.

**Inside ditch hydrologic capacity** -- Defer discussion of this until addressing in context of DFG proposal for 923.7 maintenance and monitoring.

**Road maintenance** - DFG comments adds examples of road maintenance to RRTF definition. No rationale stated for inclusion of examples.

**Road prism** -- DFG comments adding this definition. Used in RRTF road maintenance definition.

**Scour** --- DFG comment. Term not found in rule text except for 895.1. Need clarification why this term is included.

**Sediment filter strip** - DFG comments adding this definition. Term is used in erosion site assessment section in 923.2 (d)(3)(F). It was also proposed for use in 923.5 (c) and (d). CGS noted the term is not necessary because of requirements in 923.5 (h).

# FPC Decision Points - Definitions

## Sediment filter strip

### Background:

- DFG comments added this definition.
- It is a new term and definition.
- Term is used in erosion site assessment section in 923.2 (d) (3)(F) rules and erosion control rules in 923.5 (c)(4) and (d).

### Proposed Definition of Sediment Filter Strip:

**(DFG Option) 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.

**(CGS Option) Sediment Filter Strip** means topographic features, vegetation surface cover or structural material, such as woody debris or mulch, in combination with slope characteristics, such as hillslope gradient, that reduces the velocity of flowing water and filters sediment. A sediment filter strip is designed to minimize the potential for significant sediment delivery to a waterbody.

### Discussion:

“Sediment Filter Strip” is added to describe the conditions where road runoff should be discharged to prevent erosion. For example,

**923.2 (d) (3) (F)** The length of hydrologic connectivity of a road segment, the physical properties of the connected segment and the presence or absence of a **DFG Option sediment filter strip** along the connected segment.

**923.5 (c)** Ditch drains, associated necessary protective structures, and other features associated with the ditch drain shall:

- (1) Be adequately sized to transmit runoff.
- (2) Minimize erosion of logging road and landing surfaces.
- (3) Avoid discharge onto fill.
- (4) **DFG Option: Drain to stable sediment filter strips.**
- (4)(5) Minimize potential adverse impacts to slope stability.

**923.5 (d)** Waterbreaks and rolling dips installed across logging roads and landings shall be of sufficient size and number and be located to **DFG Option drain to stable sediment filter strips** and avoid collecting and discharging concentrated runoff onto fills, erodible soils, unstable areas, and connected headwall swales.

The many characteristics and specific properties of the DFG sediment filter strip definition are included in the RRTF proposal in 14 CCR § 923.5 (h), without use of the definition.

923.5 (h) Drainage facilities and ditch drains shall discharge into vegetation or rock wherever possible. Where erosion-resistant material is not present, slash, rock, or other energy dissipating material shall be installed below the drainage facility or drainage structure outlet.

**Decision Points:**

- Should the any of the new definitions for “sediment filter strip” be added or are the current requirements for drainage discharge locations adequate?

**Staff recommendation:**

- 923.5 (h) appears to include the principles of a sediment filter strip proposed by the DFG rule and may be adequate without other new definitions.
- CGS noted the term is not necessary because of requirements in 923.5 (h).
- Reference to the new definition or the language in 923.5 (h) for discharge requirements should be included in the list of factors to consider for erosion site assessment treatment measures in 923.2 (d) (3) (F)

## **Extended wet weather period (EWWP)**

### **Background:**

- The EWWP dates, October 15 to May 1<sup>st</sup>, are currently being used for erosion requirements in the ASP rules, and have been so used since 2000.
- The effect of the EWWP term is to extend certain erosion control requirements beyond the “winter period” of November 15<sup>th</sup> to April 1<sup>st</sup>. The Winter Period dates are the current standard for all non-ASP watersheds in the FPRs.
- The winter period dates for certain coastal counties are October 15<sup>th</sup> to April 15<sup>th</sup>.
- The DFG proposed EWWP term could be inserted in many sections, mostly in ASP watersheds: 916.9(l); 923.4 (s), 923.5 (p) (3) (D) and (E), and (4); 923.6 (h), 923.7 (m) (4) (A); 923.13 (m); 923.14(b)(4) (D) (E); and 1034 (kk)(4).
- The EWWP term could also be inserted into some non-ASP watersheds rules: Erosion Control; 923.5 (i, (j.), (n,); 923.13 (l); and 923.14(b)(3). Existing FPRs for these sections use the October 15<sup>th</sup> date now, so there is no change in policy on dates.

### **Proposed Definition of Extended wet weather period:**

**DFG OPTION: Extended Wet Weather Period** means the period from October 15 to May 1.

**Stakeholder Option: Extended Wet Weather Period** means October 15 through May 1 after 4 inches of cumulative rainfall from following October 15 or after 2 inches cumulative rainfall following April 1.

### **Issues**

- DFG adds the EWWP definition for brevity due to the repeated use of the dates October 15th to May 1st in the RRTF proposal.
- Public comments question the fixed calendar dates for establishing requirements related to the extended wet weather period (EWWP). These dates are arbitrary and may not accurately reflect wet times of the year when erosion controls are needed.

## Discussion:

- The dates for the EWWP are used in many sections of the RRTF proposal, most often in ASP subsections. These were transferred from the existing FPRs rules. For example,

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

- Public comments suggested using rainfall triggers or dates based on the ground conditions instead of, or in addition to, fixed dates. This is needed because site specific conditions need to be considered to determine when erosion control requirements should kick-in, not a fixed calendar date.

Staff notes that modifications to the fixed calendar dates are routinely modified for THPs using “alternatives”, but mainly for the fall period where the ground is not already saturated.

## Decision Point:

- Should the fixed dates (for triggering erosion control requirements) be eliminated and replaced with site specific characteristics?
- Where the EWWP dates are used, does the definition need to be included for brevity?

## Staff recommendation:

- Use the definition for brevity.
- Task RRTF subcommittee to review standards needed for triggering the erosion control requirements based on site specific conditions.

## Flagging Roads 923.3 (e)

### Background:

- The is an existing FPR in section 923. 1 (i)
- It is being transferred to the 923.3(e) as part of the RRTF reorganization.
- In addition to the reorganization transfer, the existing rules (923.1 (i)) has been modified by the RRTF in 923.3 (e):
  - The proposed rule now requires both new and reconstructed roads to be flagged;
  - Existing rule requires all new roads to be flagged; proposed rule adds “if necessary”
  - The proposed rule adds “or prior to logging road construction or reconstruction”
- The proposed rule has two ‘Options’ for when flagging occurs:
  - before plan submission or
  - before PHI

### Proposal Options:

**923.3 (e)** The location of all logging roads to be constructed or reconstructed shall be flagged or otherwise identified on the ground **RRTF Option 1: before submission of a plan or substantial deviation RRTF Option 2: prior to the pre-harvest inspection, if necessary, or prior to logging road construction or reconstruction. Exceptions may be explained and justified in the plan and agreed to by the Director if flagging is unnecessary as a substantial aid to examining: (1) compatibility between logging road location and yarding and silvicultural systems, or (2) possible significant adverse effects of logging road location on the factors listed under 14 CCR § 923(b) [943(b), 963(b)].**

### Issues

- Options: The timing of when flagging occurs centered on the frequent need to reflag constructed roads prior to the PHI, particularly if time elapses between when a plan is initially submitted and when the PHI occurs. Sometimes the flagging is removed or deteriorated resulting in the need to reflag.
- The rationale is not evident on why the proposed rule deviated from the existing rule in terms of
  - adding whether the flagging is “necessary” ;

- why flagging “prior to logging road construction or reconstruction” is a suitable alternative to flagging prior to plan submission, which is the existing rule in 923.1 (i)

**Discussion:**

- Flagging prior to submission of THPs can result in duplicating work because flagging is gone by the time the PHI happens.
- No one looks at the flagging prior to plan submission.
- It is not clear if the flagging prior to plan submission is necessary for some CEQA/public disclosure reason.
- It appears a third Option is being introduced in the proposed rule. The third option is flagging prior to construction. It is not clear if this flagging is in addition to other pre-THP or pre-PHI options.

**Decision Point:**

- Should the Option 1 pre THP or Option 2 pre PHI flagging be used in the rule?
- How should flagging “if necessary “prior to logging road construction or reconstruction” be handled?

**Staff recommendation:**

- Use RRTF Option 2, flagging prior to preharvest inspection to avoid unnecessary flagging requirements and eliminate redundant flagging requirements resulting in reducing costs to THP preparation.

## Water break spacing

### Background:

- The is an existing FPR in section 916.4 (c )
- It is being repeated in 923.5(f) as part of the RRTF reorganization.

### Issue:

- Main issue is whether the table should be repeated in 923.5 (this is Option 2) or just referenced (Option 1).
- It appears that other language related to road waterbreaks associated with 914.6 (c) and 914.6 (b) were not repeated in the proposed 923. 5 (f)

### Proposal:

**923.5 (f) RRTF Option 1:** Distances between waterbreaks shall not exceed the standards specified in 14 CCR § 914.6(c) [(934.6(c), 954.6(c)]. **RRTF Option 2:** Distances between waterbreaks shall not exceed the following standards:

Estimated Hazard Rating	MAXIMUM DISTANCE BETWEEN WATERBREAKS		
	Logging Road 10 or less	Gradient in Percent 11-25	Gradient in Percent >25
	Feet	Feet	Feet
Extreme	100	75	50
High	150	100	75
Moderate	200	150	100
Low	300	200	150

### Discussion:

- The RRTF Options appear only to be a question of whether to repeat information on waterbreak standards elsewhere contained in the regulations.
- Repeating information, while redundant, is consistent with the reorganization concepts used throughout the Road Rules. This concept centers around having each major section of the Road Rules be self-contained, without the need for citing other sections of the FPRs, which would otherwise require operators to constantly move back and forth in the rulebook.

- The standards for waterbreaks related to roads stated in 914.6 are not fully repeated in the proposed 923.5 (f). Some of the information that was not repeated, such as requirements in 914.6 (b) related to the completion of water break installation immediately upon conclusion of road construction, and the statement in 916.4 (c) "the appropriate water breaks bracing shall be based upon erosion hazard rating and road or trail gradient", appear to be important information for developing waterbreaks and should also be repeated.

**Decision: Point:**

- Should the waterbreak spacing requirements be restated in the 923.5 (f) section or should they just reference 914.6?
- Should other waterbreak information from 914.6 (b) and 914.6 (c) also included in 923.5 (f)?

**Staff Recommendation:**

- Repeat all requirements road related requirements of 914.6 in 923.5 (f). While redundant, this is consistent with the concept throughout the reorganization of the road rules where each main section can stand alone and be used by operators without having to reference back to other sections.

end