

1 Operations on Saturated Soils and Stable Operating Surfaces, 2010

2  
3 [45 Day Notice Published July 9, 2010]

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5 Amend:

6 14 CCR § 895.1 Definitions.

7 14 CCR § 914.7 [934.7, 954.7]. Timber Operations, Winter Period.

8 14 CCR § 915.1 [935.1, 955.1]. Use of Heavy Equipment for Site  
9 Preparation.

10 14 CCR § 916.9 (k)[936.9(k), 956.9 (k)]. Year-round logging road,  
11 landing and tractor road use  
12 limitations.

13 14 CCR § 916.9 (l) [936.9(l), 956.9 (l)]. Extended Wet Weather Period.

14 14 CCR § 923.1, [943.1, 963.1]. Planning for Roads and Landings.

15 14 CCR § 923.2 [943.2, 963.2]. Road Construction.

16 14 CCR § 923.5 [943.5, 963.5]. Landing Construction.

17 14 CCR § 1093.2. Contents of Road Management Plan.

18 14 CCR § 1104.1. Conversion Exemptions.

1 **Amend 14 CCR § 895.1. Definitions.**

2 \*\*\*\*\*"Vegetative protection" is the term\*\*\*\*\*

3 **"Water Quality Requirements** means a water quality objective  
4 (narrative or numeric), prohibition, TMDL implementation plan, policy,  
5 or other requirement contained in a water quality control plan adopted  
6 by the Regional Board and approved by the State Water Board. [OPTION  
7 X: and all other applicable plans or policies adopted by the Regional  
8 Board or State Water Board, including, but not limited to, the State  
9 Water Board Resolution No. 68 -- 16, Statement of Policy with Respect  
10 to Maintaining High Quality Waters in California.

11 "Waterbreak" means a ditch, dike, or dip\*\*\*\*\*

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13 Note: Authority cited: Sections 4551, 4551.5, 4553, 4561, 4561.5,  
14 4561.6, 4562, 4562.5, 4562.7 and 4591.1, Public Resources Code.  
15 Reference: Sections 4512, 4513, 4526, 4551, 4551.5, 4561, 4561.6,  
16 4562, 4562.5, 4562.7, 4583.2, 4591.1, 21001(f), 21080.5, 21083.2 and  
17 21084.1, Public Resources Code; CEQA Guidelines Appendix K (printed  
18 following Section 15387 of Title 14 Cal. Code of Regulations), and  
19 Laupheimer v. State(1988) 200 Cal.App.3d 440; 246 Cal.Rptr. 82.

18 **14 CCR § 914.7 [934.7, 954.7]. Timber Operations, Winter Period.**

19 During the winter period:

20 (a) Mechanical site preparation and timber harvesting, shall not be  
21 conducted unless a winter period operating plan is incorporated in the  
22 timber harvesting plan and is followed, or unless the requirements of  
23 subsection (c) are met. Cable, helicopter and balloon yarding methods  
24 are exempted.

25 (b) The winter period operating plan shall include the specific  
measures to be taken in winter timber operations to minimize damage  
due to erosion, soil movement into watercourses and soil compaction  
from felling, yarding, loading, mechanical site preparation, and  
erosion control activities. A winter period operating plan shall  
address the following subjects:

- (1) Erosion hazard rating.
- (2) Mechanical site preparation methods.
- (3) Yarding system (constructed skid trails).

- (4) Operating Period.
- (5) Erosion control facilities timing.
- (6) Consideration of form of precipitation-rain or snow.
- (7) Ground conditions (soil moisture condition, frozen).
- (8) Silvicultural system-ground cover.
- (9) Operations within the WLPZ.
- (10) Equipment use limitations.
- (11) Known unstable areas.

(c) In lieu of a winter period operating plan, the RPF can specify the following measures in the THP:

(1) Tractor yarding or the use of tractors for constructing layouts, firebreaks or other tractor roads shall be done only during dry, rainless periods ~~where soils are not saturated~~ and shall not be conducted on saturated soils conditions that may produce sediment in quantities sufficient to cause a visible increase in turbidity of downstream waters in receiving Class I, II, III or IV waters or that violate Water Quality Requirements.

(2) Erosion control structures shall be installed on all constructed skid trails and tractor roads prior to the end of the day if the U.S. Weather Service forecast is a "chance" (30% or more) of rain before the next day, and prior to weekend or other shutdown periods.

(3) Site specific mitigation measures needed to comply with 14 CCR 914 [934, 954] for operations within the WLPZ and unstable areas during the winter period. The provisions of subsection (c) do not apply to mechanical site preparation.

Note: Authority cited: Sections 4551, 4551.5 and 4553, Public Resources Code. Reference: Sections 4512, 4513, 4527, 4562.5, 4562.7 and 4582, Public Resources Code.

1 **14 CCR § 915.1 [935.1, 955.1]. Use of Heavy Equipment for Site**

2 **Preparation.**

3 (a) Use of heavy equipment for site preparation shall comply with  
4 the provisions set forth in 14 CCR 914.2 [934.2, 954.2].

5 (b) Heavy equipment shall not be used for site preparation under  
6 saturated soil conditions that may produce sediment in quantities  
7 sufficient to cause a visible increase in turbidity of downstream  
8 waters in receiving Class I, II, III or IV waters; that violate Water  
9 Quality Requirements; or when it cannot operate under its own power  
10 due to wet conditions.

11 (c) Watercourse crossings for heavy equipment shall be planned,  
12 constructed, maintained, and removed in accordance with the  
13 requirements for tractor roads in 14 CCR 914.8 [934.8, 954.8].

14 (d) Undisturbed areas or energy dissipators shall be used to control  
15 and disperse concentrated runoff from roads, landings, tractor roads,  
16 firebreaks and erosion control facilities where it flows into site  
17 preparation areas.

18 Note: Authority cited: Sections 4551, 4551.5 and 4551.7, Public  
19 Resources Code. Reference: Sections 4512, 4513, 4527, 4551.5, 4551.7,  
20 4562.5 and 4562.7, Public Resources Code.

21 **14 CCR § 916.9 (k) [936.9(k), 956.9 (k)]. Year-round logging road,**  
22 **landing and tractor road use limitations.**

23 (1) Logging roads, landings or tractor roads shall not be used  
24 when visibly turbid water from the road, landing or tractor road (skid  
25 trail) or an inside ditch associated with the logging road, landing  
or tractor road may produce sediment in quantities sufficient to cause  
a visible increase in turbidity of downstream waters in receiving  
Class I, II, III or IV waters or violate Water Quality Requirements

1 ~~reach a watercourse or lake in amounts sufficient to cause a turbidity~~  
2 ~~increase in Class I, II, III or IV waters.~~

3 (2) Log hauling on logging roads and landings shall be limited  
4 to those which are hydrologically disconnected from watercourses  
5 to the extent feasible, and exhibit a stable operating surface  
6 in conformance with (1) above.

7 (3) Concurrent with use for log hauling, approaches to logging road  
8 watercourse crossings shall be treated for erosion control as needed  
9 to minimize soil erosion and sediment transport and to prevent the  
10 discharge of sediment into watercourses and lakes in quantities  
11 deleterious to the beneficial uses of water.

12 (4) Concurrent with use for log hauling, all traveled surfaces of  
13 logging roads in a WLPZ or within any ELZ or EEZ designated for  
14 watercourse or lake protection shall be treated for erosion control as  
15 needed to minimize soil erosion and sediment transport and to prevent  
16 the discharge of sediment into watercourses and lakes in quantities  
17 deleterious to the beneficial uses of water.

18 (5) Grading to obtain a drier running surface more than one time  
19 before reincorporation of any resulting berms back into the road  
20 surface is prohibited.

21 Note: Authority cited: Sections 4551, 4562.7 and 21000(g), Public  
22 Resources Code. Reference: Sections 751, 4512, 4513, 4551.5, 21000(g),  
23 21001(b) and 21002.1, Public Resources Code; Sections 100, 1243 and  
24 13050(f), Water Code; and Sections 1600 and 5650(c), Fish and Game  
25 Code.

14 CCR § 916.9 (1) [936.9(1), 956.9 (1)]. **Extended Wet Weather Period**

18 October 15 to May 1 shall be considered the extended wet weather  
19 period and the following shall apply:

20 (1) No timber operations shall take place unless the approved  
21 plan incorporates a complete winter period operating plan  
22 pursuant to 14 CCR § 914.7 [934.7, 954.7] subsection (a) that  
23 specifically addresses, where applicable, proposed logging road,  
24 landing= or tractor road construction, reconstruction and use  
25 during the extended wet  
26 weather period. Where logging road watercourse crossing  
27 construction or reconstruction is proposed an implementation  
28 schedule shall be specified.

29 (2) Unless the winter period operating plan proposes  
30 operations during an extended wet weather period with low  
31 antecedent soil wetness, no tractor roads shall be constructed,  
32 reconstructed, or used on slopes that are over 40 percent and  
33 within 200 feet of a Class I, II, or III watercourse, as

1 measured from the watercourse or lake transition line during the  
2 extended wet weather period.

3 (3) Logging roads, landings and tractor roads shall not be used when  
4 sediment from the logging road, landing or tractor road surface may be  
5 is transported to a watercourse or a drainage facility in quantities  
6 sufficient to cause a visible increase in turbidity of downstream  
7 waters in receiving Class I, II, III or IV waters or that violate  
8 Water Quality Requirements discharges into a watercourse in amounts  
9 sufficient to cause a visible increase in turbidity in Class I, II,  
10 III, or IV waters.

11 (4) Logging roads and landings shall not be used for log hauling  
12 when saturated soil conditions may produce sediment in quantities  
13 sufficient to cause a visible increase in turbidity of downstream  
14 waters in receiving Class I, II, III or IV waters or that violate  
15 Water Quality Requirements result in the visible increase in turbidity  
16 specified in (3) above.

17 Note: Authority cited: Sections 4551, 4562.7 and 21000(g), Public  
18 Resources Code. Reference: Sections 751, 4512, 4513, 4551.5, 21000(g),  
19 21001(b) and 21002.1, Public Resources Code; Sections 100, 1243 and  
20 13050(f), Water Code; and Sections 1600 and 5650(c), Fish and Game  
21 Code.  
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1 **14 CCR § 923.1, [943.1, 963.1]. Planning for Roads and Landings.**

2 The following standards for logging roads and landings shall be  
3 adhered to\*\*\*\*\*

4 \*\*\*\*\***(j)** If logging roads will be used from the period of October 15  
5 to May 1, hauling shall not occur when saturated soil conditions exist  
6 on the road that may produce sediment in quantities sufficient to  
7 cause a visible increase in turbidity of downstream waters in  
8 receiving Class I, II, III or IV waters or that violate Water Quality  
9 Requirements.

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11 Note: Authority cited: Sections 4551, 4551.5 and 4553, Public  
12 Resources Code. Reference: Sections 4512, 4513, 4551 and 4551.5,  
13 Public Resources Code; 33 USC 1288(b) and 40 CFR 130.2(q); California  
14 Case Law: Natural Resources Defense Council, Inc. v. Arcata Natl.  
15 Corp. (1972) 59 Cal.App.3d 959, 131 Cal. Rptr. 172.

16 **14 CCR § 923.2 [943.2, 963.2]. Road Construction [All Districts]**

17 Logging roads shall be constructed or reconstructed in accordance  
18 with the following requirements or as proposed by the RPF, justified  
19 in the THP, and found by the Director to be in conformance with the  
20 requirements of this Article.\*\*\*\*\*

21 \*\*\*\*\***(r)** No road construction shall occur under saturated soil  
22 conditions that may produce sediment in quantities sufficient to cause  
23 a visible increase in turbidity of downstream waters in receiving  
24 Class I, II, III or IV waters or that violate Water Quality  
25 Requirements, except that construction may occur on isolated wet spots  
arising from localized ground water such as springs, provided measures

1 are taken to prevent material from significantly damaging water  
2 quality.

3 (s) Completed road construction shall be drained by outsloping,  
4 waterbreaks and/or cross-draining before October 15. If road  
5 construction takes place from October 15 to May 1, roads shall be  
6 adequately drained concurrent with construction operations.

7 (t) Roads to be used for log hauling during the winter period shall  
8 be, where necessary, surfaced with rock in depth and quantity  
9 sufficient to maintain a stable road surface that does not produce  
10 sediment in quantities that may cause a visible increase in turbidity  
11 of downstream waters in receiving Class I, II, III or IV waters or  
12 would violate Water Quality Requirements throughout the period of use.  
13 Exceptions may be proposed by the RPF, justified in the THP, and found  
14 by the Director to be in conformance with the requirements of this  
15 subsection.

16 (u) Slash and other debris from road construction shall not be  
17 bunched against residual trees which are required for silvicultural or  
18 wildlife purposes, nor shall it be placed in locations where it could  
19 be discharged into Class I or II watercourses.

20 (v) Road construction activities in the WLPZ, except for stream  
21 crossings or as specified in the THP, shall be prohibited.

22 Note: Authority cited: Sections 4551, 4551.5 and 4553, Public  
23 Resources Code. Reference: Sections 4512, 4513, 4551, 4551.5, 4562.5  
24 and 4562.7, Public Resources Code; 33 USC 1288(b); Natural Resources  
25 Defense Council, Inc. v. Arcata Natl. Corp. (1976) 59 Cal.App.3d 959,  
131 Cal. Rptr. 172.

1 **14 CCR § 923.5 [943.5, 963.5]. Landing Construction [All Districts]**

2 Landings shall be constructed according to the following  
3 standards:\*\*\*\*\*

4 \*\*\*\*\***(e)** No landing construction shall occur under saturated soil  
5 conditions that may produce sediment in quantities sufficient to cause  
6 a visible increase in turbidity of downstream waters in receiving  
7 Class I, II, III or IV waters or that violate Water Quality  
8 Requirements.\*\*\*\*\*

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10 \*\*\*\*\*Note: Authority cited: Sections 4551, 4551.5 and 4553, Public  
11 Resources Code. Reference: Sections 4512, 4513, 4551, 4551.5, 4562.5  
12 and 4562.7, Public Resources Code; 33 USC 1288(b) and 40 CFR 130.2(q);  
California Case Law: Natural Resources Defense Council, Inc. v. Arcata  
13 Natl. Corp. (1976) 59 Cal.App.3d 959, 131 Cal. Rptr. 172.

14 **14 CCR § 1093.2. Contents of Road Management Plan.**

15 The Road Management Plan shall, at a minimum, contain the following  
16 information:\*\*\*\*\*

17 \*\*\*\*\***(3)** The operational element shall, at a minimum, address  
18 proposed road management operations, stated time frames for actions,  
19 clear lines of responsibility for implementation, and schedules to be  
20 implemented in a plan, including:

21 **(A)** A road construction, reconstruction and use component  
22 to ensure that operations occur on a stable operating surface that  
23 does not produce sediment in quantities that may cause a visible  
24 increase in turbidity of downstream waters in receiving Class I, II,  
25 III or IV waters or would violate Water Quality Requirements. This

1 component shall include, at a minimum, restrictions for wet weather  
2 operations, surfacing objectives, and provisions for water drafting.

3 (B) A road maintenance and inspection component that  
4 includes a description of erosion control and soil stabilization  
5 treatments that may be used under the RMP.\*\*\*\*\*

6 \*\*\*\*\*Note: Authority cited: Sections 4551, 4551.5, 4553, 4562.7 and  
7 21000(g), Public Resources Code. Reference: Sections 751, 4512, 4513,  
8 4551, 4551.5, 4562.5, 4562.7, 21000 and 21001, Public Resources Code;  
9 Sections 100, 1243 and 13050(f), Water Code; Sections 1600 and  
10 5650(c), Fish and Game Code; and NRDC v. Arcata National Corp. (1976)  
11 59 Cal. App. 3d 959, 131 Cal. Rptr. 172.

12 14 CCR § 1104.1. Conversion Exemptions.

13 Timber operations conducted under this subsection shall be exempt  
14 from conversion permit and timber harvesting plan requirements of this  
15 article\*\*\*\*\*

16 \*\*\*\*\***(E)** Timber operations may be conducted during the winter  
17 period. Tractor operations in the winter period are allowed under any  
18 of the following conditions:

19 1. During dry, rainless periods ~~where saturated soils~~  
20 conditions, as defined in 14 CCR 895.1, are not present and shall not  
21 be conducted on saturated soil conditions that may produce sediment in  
22 quantities sufficient to cause a visible increase in turbidity of  
23 downstream waters in receiving Class I, II, III or IV waters or that  
24 violate Water Quality Requirements. Erosion control structures shall  
25 be installed on all constructed skid trails and tractor roads prior to  
sunset if the National Weather Service forecast is a "chance" (30% or  
more) of rain within the next 24 hours.\*\*\*\*\*

1 \*\*\*\*\*Note: Authority cited: Sections 4551, 4553, 4584, 4604, 4611 and  
2 4628, Public Resources Code. Reference: Sections 4512, 4513, 4628 and  
3 4584, Public Resources Code.

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5 end