

1                   **Minimization and Mitigation Measures for Timber Operations**  
2                   **in Watersheds with Listed Anadromous Salmonids**

3  
4 **Substantive New Language Not Previously Presented to the Board**

5 ~~**Substantive Proposed Deletions Not Previously Presented to the Board**~~

6  
7 **Amend 14 CCR § 895.1. Definitions**

8       The definitions contained in the Z'berg-Nejedly Forest Practice Act of  
9 shall apply to this chapter, as well as the following definitions, unless the  
10 context clearly requires otherwise.

11           **Confidential Archaeological Letter means . . . .**

12  
13           **Connected Headwall Swale** means a geomorphic feature consisting of a  
14 concave depression, with convergent slopes typically of 65 percent or  
15 greater, that is connected to a watercourse or lake by way of a continuous  
16 linear depression. A linear depression interrupted by a landslide deposit is  
17 considered to be continuous.

18  
19           **Countable Tree see 4528(b).**

20  
21           **Harvesting Method means . . . .**

22  
23           **Hydrologic Disconnection** means the removal of direct routes of drainage  
24 or overland flow of road runoff to a watercourse or lake by directing  
25 drainage or overland flow onto stable portions of the forest floor to

**Comment [DOH2]:** This definition was presented to the Board August 30, 2006.

1 dissipate energy, facilitate percolation, and resist or prevent erosion or  
2 channelization.

3  
4 **Inner Gorge** means a geomorphic feature formed by coalescing scars  
5 originating from landsliding and erosional processes caused by active  
6 watercourse erosion. The feature is identified as that area beginning  
7 immediately adjacent to the watercourse channel below the first break in  
8 slope.

**Comment [DOH3]:** The changes to this definition were presented to the Board August 30, 2006.

9  
10 **Inside Ditch Hydraulic Capacity** means the ability of an inboard ditch  
11 to contain flow from a runoff event without overflowing to the road surface  
12 or substantially downcutting the inboard ditch.

**Comment [DOH4]:** This definition was presented to the Board August 30, 2006.

13  
14 **Intermediate Treatments** means . . . .

15  
16 **Resource Conservation Standards** see PRC § 4525.3.

**Comment [DOH5]:** Inserted the section symbol where appropriate for consistency.

17  
18 **Restorable Habitat** means habitat where the Department of Fish and Game  
19 has determined that 1) any life stage of an anadromous salmonid is fully or  
20 partially blocked by a temporary barrier from accessing historically occupied  
21 habitat or suitable habitat, or 2) current or historic presence data are not  
22 available and suitable habitat exists that is not blocked by a naturally  
23 existing total barrier. Temporary barriers include, but are not limited to  
24 large woody debris pieces or log jams, in-stream landslide or torrent  
25 deposits, filled-in channels from historic logging, any stream crossing that  
prevents fish passage, agricultural diversions, and most small dams (where

**Comment [DOH6]:** This definition was presented to the Board August 30, 2006.

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1 fishway construction or removal is feasible). The basis for determining  
2 restorable habitat in a planning watershed shall be determined through data  
3 that document historical use by anadromous salmonids, the presence of  
4 suitable habitat, or habitat that could become suitable through restoration,  
5 which is not blocked by a naturally existing total barrier to fish passage.  
6 Permanent non-restorable barriers include large dams (where fishway  
7 construction is not feasible), and natural barriers such as long term bed-  
8 rock falls and large, static, ancient landslides with high-gradient or high-  
9 velocity barriers. Planning watersheds upstream from permanent non-restorable  
10 barriers shall be defined as non-restorable.

11

12 **Rigging** means . . .

13

14 **Rip-Rap** means . . . .

15

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

22

23 **Road Failure** means . . . .

24

25 **Road Maintenance** means activities used to maintain and repair roads  
involving minor manipulation of the road prism to produce a stable operating

**Comment [DOH7]:** This definition was presented to the Board August 30, 2006.

**Comment [DOH8]:** This definition was presented to the Board August 30, 2006.

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1 surface and to ensure road drainage facilities, structures, cutbanks and  
2 fillslopes are kept in a condition to protect the road, minimize erosion, and  
3 to prevent sediment discharge into a watercourse or lake. Examples of road  
4 maintenance include shaping and/or rocking a road surface; installation and  
5 maintenance of rolling and critical dips; restoring functional capacity of  
6 inboard ditches, cross drains, or culverts; and repairing water bars.

7  
8 **Road Prism** means all parts of a road including cut banks, ditches, road  
9 surfaces, road shoulders, and road fills.

**Comment [DOH9]:** This definition was presented to the Board August 30, 2006.

10  
11 **Rolling Dip** means . . . .

12  
13 **Scattered Parcel** means . . . .

14  
15 **Scour** means the process of erosion by flowing water.

**Comment [DOH10]:** This definition was presented to the Board August 30, 2006.

16  
17 **Screening Trees** means . . . .

18  
19 **Seasonal Road** means . . . .

20  
21 **Sediment Filter Strip** means a structure or vegetation that  
22 substantially prevents concentration, transport, and delivery of sediment to  
23 a watercourse or lake by reducing velocity and filtering water through  
24 features such as gradual slopes treated with vegetation, gentle slopes, woody  
25 debris and mulch or settling basins.

**Comment [DOH11]:** This definition was presented to the Board August 30, 2006.

1       **Seed Tree** a . . . . .

3       **Spotted Owl Resource Plan** means . . . . .

5       **Stable Operating Surface** means a road or landing surface that can  
6 support vehicular traffic and that routes water runoff off of the road  
7 surface or into drainage facilities without concentrating flow in ruts (tire  
8 tracks), pumping of the road bed, or ponding flow in depressions. A stable  
9 operating surface shall include a structurally sound road base appropriate  
10 for the intended use. The number, placement, and design of drainage  
11 facilities or drainage structures on a stable operating surface prevents the  
12 transport of fine-grained materials from the road or landing surface into  
13 watercourses in quantities deleterious to the beneficial uses of water.

15       **Stand Vigor** is . . . . .

17       **Watercourse Bank** means . . . . .

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

23       **Watercourse Sideslope Class** means the steepness of the watercourse  
24 sideslope categorized into one of three classes: <30 percent, 30 percent - 50  
25 percent, >50 percent). Where watercourse sideslope configurations are  
variable, a weighted average of the percent slope shall be used to determine

**Comment [DOH12]:** Except for the changes noted, this definition was presented to the Board August 30, 2006.

**Comment [DOH13]:** This definition was presented to the Board August 30, 2006.

**Comment [DOH14]:** This definition was presented to the Board August 30, 2006.

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1 the watercourse sideslope class. The weighted average shall be calculated  
2 based on distances of 200 feet or less along the watercourse.

3

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

**Comment [d15]:** This new definition was revised from previous versions to eliminate the reference to "restorable" habitat and to ensure that it was consistent with the definition proposed in the DFG regulations proposal.

7

8 **Watersheds with Listed Anadromous Salmonids** means any planning  
9 watershed where **the presence of** anadromous salmonids listed as threatened,  
10 endangered, or candidate under the State or Federal Endangered Species Act~~s~~,  
11 **has** been documented or restorable habitat exists.

**Comment [DOH16]:** Except for the changes noted, revisions to this definition were presented to the Board August 30, 2006.

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13 **Wet meadows and other wet areas** means . . . .

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1 **Amend 14 CCR § 898 - Feasibility Alternatives**

**Comment [d17]:** The changes to the following four sections are necessary for consistency with the T/I rule extensions proposed elsewhere in this alternative

2 \*\*\*\*\*The Director's evaluation of such impacts and mitigation measures will  
3 be done in consultation with the appropriate RWQCB.

4 ~~(a) The amendments to 14 CCR § 898 that became effective July 1, 2000,  
5 shall expire on December 31, 2007.~~

6  
7 **Amend 14 CCR §§ 914.8, 934.8, and 954.8 - Tractor Road Watercourse Crossing**

8 \*\*\*\*\***(f)** Consistent with the protection of water quality, exceptions may be  
9 provided through the Fish and Game Code and shall be indicated in the plan.

10 ~~(g) The amendments to 14 CCR § 914.8 [934.8, 954.8] that became effective  
11 July 1, 2000, shall expire on December 31, 2007.~~

12  
13 **Amend 14 CCR §§ 916, 936, and 956 - Intent of Watercourse and Lake Protection**

14 \*\*\*\*\***(d)** The measures set forth in this Section are meant to enforce the  
15 public's historical and legal interest in protection for wildlife, fish, and  
16 water quality and are to be used to guide timberland owners in meeting their  
17 legal responsibilities to protect public trust resources.

18 ~~(e) The amendments to 14 CCR § 916 [936, 956] that became effective July  
19 1, 2000 shall expire on December 31, 2007.~~

20 **Amend 14 CCR §§ 916.2, 936.2, and 956.2 - Protection of the Beneficial Uses  
21 of Water and Riparian Functions.**

22 \*\*\*\*\***(c)** When the protective measures contained in 14 CCR 916.5 [936.5,  
23 956.5] are not adequate to provide protection to beneficial uses, feasible  
24 protective measures shall be developed by the RPF or proposed by the Director  
25 under the provisions of 14 CCR 916.6 [936.6, 956.6], Alternative Watercourse  
and Lake Protection, and incorporated in the plan when approved by the  
Director.

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1 ~~(d) The amendments to 14 CCR § 916.2 [936.2, 956.2] that became effective~~  
2 ~~July 1, 2000 shall expire on December 31, 2007.~~

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1 **Amend 14 CCR §§ 916.4, 936.4, and 956.4 - Watercourse and Lake Protection**

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

**Comment [DOH18]:** The changes proposed in this section were presented to the Board August 30, 2006. The words "and lakes" were deleted here and elsewhere when appropriate because there are no Class III or IV lakes.

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

**Comment [DOH19]:** The changes proposed in this section were presented to the Board August 30, 2006. "THP" changed to "plan" for clarity and consistency here and in several places. "%" changed to "percent" for clarity and consistency here and in several places. "Director" was capitalized for consistency.

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

**Comment [DOH20]:** Except as indicated, the changes proposed in this section were presented to the Board August 30, 2006. These sections were renumbered for clarity.

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

**Comment [DOH21]:** The changes proposed in this section were presented to the Board August 30, 2006.

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

**Comment [DOH22]:** The changes proposed in this section were presented to the Board August 30, 2006. "which" was changed to "that" for clarity.

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

**Comment [DOH23]:** The changes proposed in this section were presented to the Board August 30, 2006.

25

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

**Comment [DOH24]:** The changes proposed in this section were presented to the Board August 30, 2006.

4 (A) The width of the WLPZ for Class III and Class IV watercourses  
5 shall be determined from on-site inspection.

**Comment [DOH25]:** The changes proposed in this section were presented to the Board August 30, 2006.

6 (i) Minimum protective measures required when Class III and Class  
7 IV protection zones are necessary are contained in Table I, 14 CCR § 916.5  
8 [936.5, 956.5].

**Comment [DOH26]:** The changes proposed in this section were presented to the Board August 30, 2006. A comma was added for clarity.

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

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

**Comment [DOH27]:** The changes proposed in this section were presented to the Board August 30, 2006. This section was renumbered for clarity.

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

**Comment [DOH28]:** The changes proposed in this section were presented to the Board August 30, 2006. A comma was added for clarity.

1 Amend 14 CCR §§ 916.5(e), 936.5(e), and 956.5(e) - Procedure for Determining  
2 Watercourse and Lake Protection Zone (WLPZ) Widths and Protective Measures

3 \*\*\*\*\*as determined in subsection (b) above.

4 (e) The letter designations shown in the "Protective Measures and Widths"  
5 column in Table I correspond to the following:

6 \*\*\*\*\*

7 "B" WLPZ shall be clearly identified on the ground by an RPF or  
8 supervised designee, with paint, flagging, or other suitable means, prior to  
9 the start of timber operations. In watersheds with listed anadromous  
10 salmonids threatened or impaired values, on the ground identification of the  
11 WLPZ shall be completed prior to the preharvest inspection. For all  
12 nonindustrial timber management plans, sample identification of the WLPZ prior  
13 to the preharvest inspection may be allowed. The sample shall be based upon a  
14 field examination and be consistent with the applicable provisions of 14 CCR  
15 §§ 916.4 [936.4, 956.4] and 916.5 [936.5, 956.5], representing the range of  
16 conditions found within the WLPZ. The Director shall determine if the sample  
17 identification is adequate for plan evaluation during the preharvest  
18 inspection. If sample identification is allowed, the remaining WLPZ shall be  
19 identified by an RPF or supervised designee prior to the start of timber  
20 operations within or adjacent to the WLPZ. The RPF shall notify the  
21 Department when the WLPZ has been identified.

22 \*\*\*\*\*

23 "D" To ensure retention of shade canopy filter strip properties of  
24 the WLPZ and the maintenance of a multi-storied stand for protection of values  
25 described in 14 CCR § 916.4(b) [936.4(b), 956.4(b)], residual or harvest trees  
shall be marked, including a base mark below the cut-line within the WLPZ by

**Comment [DOH29]:** This section of the rules was not presented in previous proposals. During the stakeholder meetings, it was noted that the changes to this section are necessary to make the Rules previously adopted by the Board under CLFA's "Watercourse Rules Streamlining, 2006" consistent with the revised definitions suggested in this proposal.

1 the RPF, or supervised designee. Outside of watersheds with listed anadromous  
2 salmonids threatened or impaired values, sample marking prior to the  
3 preharvest inspection is satisfactory in those cases where the Director  
4 determines it is adequate for plan evaluation. When sample marking has been  
5 used, all marking shall be done in advance of falling operations in the WLPZ  
6 by the RPF, or supervised designee. In watersheds with listed anadromous  
7 salmonids threatened or impaired values, trees shall be marked in advance of  
8 the preharvest inspection. For all nonindustrial timber management plans,  
9 sample marking of the WLPZ prior to the preharvest inspection may be allowed.  
10 The sample shall be based upon a field examination and shall be consistent  
11 with the applicable provisions of 14 CCR §§ 916.4 [936.4, 956.4] and 916.5  
12 [936.5, 956.5], representing the range of conditions found within the WLPZ.  
13 The Director shall determine if the sample mark is adequate for plan  
14 evaluation during the preharvest inspection. If sample marking is allowed,  
15 the remaining WLPZ shall be marked by an RPF, or supervised designee, prior to  
16 the start of timber operations within or adjacent to the WLPZ. The RPF shall  
17 notify the Department when the WLPZ has been identified.

18 "E" To ensure retention of shade canopy filter strip properties of  
19 the WLPZ and the maintenance of a multi-storied stand for protection of values  
20 described in 14 CCR § 916.4(b) [936.4(b), 956.4(b)], residual or harvest trees  
21 shall be marked, including a base mark below the cut line, within the WLPZ by  
22 the RPF or supervised designee. Outside of watersheds with listed anadromous  
23 salmonids threatened or impaired values, tree marking shall be done prior to  
24 timber falling operations. In watersheds with listed anadromous salmonids  
25 threatened or impaired values, trees shall be marked in advance of the  
preharvest inspection. For all nonindustrial timber management plans, sample

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1 marking of the WLPZ prior to the preharvest inspection may be allowed. The  
2 sample shall be based upon a field examination and shall be consistent with  
3 the applicable provisions of 14 CCR §§ 916.4 [936.4, 956.4] and 916.5 [936.5,  
4 956.5], representing the range of conditions found within the WLPZ. The  
5 Director shall determine if the sample mark is adequate for plan evaluation  
6 during the preharvest inspection. If sample marking is allowed, the remaining  
7 WLPZ shall be marked by an RPF or supervised designee prior to the start of  
8 timber operations within or adjacent to the WLPZ. The RPF shall notify the  
9 Department when the WLPZ has been identified.

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1 **Amend 14 CCR §§ 916.9, 936.9, and 956.9 Minimization and Mitigation Measures**  
2 **for Protection and Restoration in Watersheds with Listed Anadromous Salmonids**

3 In addition to all other District Forest Practice Rules, the following  
4 requirements shall apply in any watershed with listed anadromous salmonids:

5 (a) GOAL - Every timber operation shall be planned and conducted to  
6 prevent deleterious interference with the watershed conditions that primarily  
7 limit the values set forth in 14 CCR § 916.2 [936.2, 956.2](a) (e.g.,  
8 sediment load increase where sediment is a primary limiting factor; thermal  
9 load increase where water temperature is a primary limiting factor; loss of  
10 instream large woody debris or recruitment potential where lack of this value  
11 is a primary limiting factor; substantial increase in peak flows or large  
12 flood frequency where peak flows or large flood frequency are primary  
13 limiting factors). To achieve this goal, every timber operation shall be  
14 planned and conducted to meet the following objectives where they affect a  
15 primary limiting factor:

16 (1) Comply with the terms of a Total Maximum Daily Load (TMDL) that has  
17 been adopted to address factors that may be affected by timber operations if  
18 a TMDL has been adopted, or not result in any measurable sediment load  
19 increase to a watercourse system or lake.

20 (2) Not result in any measurable decrease in the stability of a  
21 watercourse channel or of a watercourse or lake bank.

22 (3) Not result in any measurable blockage of any aquatic migratory  
23 routes for anadromous salmonids or listed species.

24 (4) Not result in any measurable stream flow reductions during critical  
25 low water periods except as part of an approved water drafting plan pursuant  
26 to 14 CCR § 916.9(r) [936.9(r), 956.9(r)].

27 (5) Consistent with the requirements of 14 CCR § 916.9(i), 14 CCR §  
28 936.9(i), or 14 CCR § 956.9(i); protect, maintain, and restore trees  
29 (especially conifers), snags, or downed large woody debris that currently, or  
30 may in the foreseeable future, provide large woody debris recruitment needed  
31 for instream habitat structure and fluvial geomorphic functions.

**Comment [DOH30]:** The changes proposed in sections (a)(1) through (7), including the title, were presented to the Board August 30, 2006. "District" was capitalized for consistency. "Planning" was deleted because it was redundant. A watershed with listed anadromous salmonids is defined as a planning watershed.

1 (6) Consistent with the requirements of 14 CCR § 916.9(g), 14 CCR §  
2 936.9(g), or 14 CCR § 956.9(g); protect, maintain, and restore the quality  
3 and quantity of vegetative canopy needed to: (A) provide shade to the  
4 watercourse or lake, (B) minimize daily and seasonal temperature  
5 fluctuations, (C) maintain daily and seasonal water temperatures within the  
6 preferred range for anadromous salmonids or listed species where they are  
7 present or restorable habitat exists, and (D) provide hiding cover and a food  
8 base where needed.

9 (7) Result in no substantial increases in peak flows or large flood  
10 frequency.

11 (b) Pre-plan adverse cumulative watershed effects on the populations and  
12 habitat of anadromous salmonids shall be considered. The plan shall  
13 specifically acknowledge or refute that such effects exist. Where  
14 appropriate, the plan shall set forth measures to effectively reduce such  
15 effects.

16 ~~(e)~~

17 (c) (1) The plan shall fully describe:

18 (A) the type and location of each measure needed to fully offset  
19 sediment loading, thermal loading, and potential significant adverse  
20 watershed effects from the proposed timber operations, and

21 (B) the person(s) responsible for the implementation of each  
22 measure, if other than the timber operator.

23 (2) In proposing, reviewing, and approving such measures, preference  
24 shall be given to the following:

25 (A) measures that are both onsite (i.e., on or near the plan area)  
and in-kind (i.e., erosion control measures where sediment is the problem),  
and

(B) sites that are located to maximize the benefits to the impacted  
portion of a watercourse or lake. Out-of-kind measures (i.e., improving  
shade where sediment is the problem) shall not be approved as meeting the  
requirements of this subsection.

(d) **Channel zone requirements**

(1) There shall be no timber operations within the channel zone with  
the following exceptions:

**Comment [DOH31]:** The changes proposed in this section were presented to the Board August 30, 2006. The first paragraph of this subsection addressed protection for both Class I and Class II watercourses. For clarity, this proposal relocated the applicable provisions to 916.9 [936.9, 956.9](e)(1) and 916.9 [936.9, 956.9](f)(1). This provision applies to all watersheds with anadromous salmonids. No substantive changes were made to the existing language.

**Comment [DOH32]:** The second paragraph of this subsection addressed protection for Class I watercourses only. For clarity, this proposal relocated these provisions to 916.9 [936.9, 956.9](e)(8). These provisions apply to all watersheds with anadromous salmonids. Minor changes were made to the existing language for clarity and to be consistent with new definitions. While the changes proposed in this section were presented to the Board August 30, 2006, this section was moved to (e)(9) rather than (e)(8) in that alternative. This section was renumbered for clarity.

**Comment [DOH33]:** This section was renumbered for clarity.

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1 (A) timber harvesting that is directed to improve salmonid habitat  
2 through the limited use of the selection or commercial thinning silvicultural  
3 methods with review and comment by DFG.

4 (B) timber harvesting necessary for the construction or  
5 reconstruction of approved watercourse crossings.

6 (C) timber harvesting necessary for the protection of public health  
7 and safety.

8 (D) to allow for full suspension cable yarding when necessary to  
9 transport logs through the channel zone.

10 (E) Class III watercourses where exclusion of timber operations is  
11 not needed for protection of listed salmonids.

12 (2) In all instances where trees are proposed to be felled within the  
13 channel zone, a base mark shall be placed below the cut line of the harvest  
14 trees within the zone. Such marking shall be completed by the RPF that  
15 prepared the plan prior to the preharvest inspection.

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

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

24 (2) The minimum WLPZ width for Class I watercourses and lakes shall be  
25 150 feet from the watercourse or lake transition line.

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

**Comment [DOH34]:** This provision was addressed under Class III provisions when the proposal addressed all anadromy (ref. 916.9 [936.9, 956.9](g) August 30, 2006). However, since this alternative is focused on coho salmon, this section needs to remain intact.

**Comment [DOH35]:** The changes proposed in sections (e)(1) through (5) were presented to the Board August 30, 2006. Section (e) was added at that time to combine all Class I protection measures under one section. Some sections were renumbered for consistency. Under (e)(2)(A) and (4)(A), the word "will" was replaced with the word "shall". Under (e)(5), a capital "H" was removed for clarity. These provisions apply to all watersheds with anadromous salmonids. No substantive changes were made to the existing language.

**Comment [DOH36]:** This subsection addressed protection for Class I watercourses only. For clarity, this proposal relocated these provisions from 916.9 [936.9, 956.9](c).

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

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

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

18           (5) Within a WLPZ for Class I watercourses and lakes, harvesting of  
19 hardwoods shall only occur for the purpose of enabling conifer regeneration.

20           ~~(1)~~

21           ~~(2)~~

22           ~~(3)~~

23           (6) Except within watersheds with coho salmon, recruitment of large  
24 woody debris for aquatic habitat in Class I anadromous fish-bearing  
25 watercourses or other restorable habitat shall be ensured by retaining the  
ten (10) largest dbh conifers (live or dead) per 330 feet of stream channel

**Comment [DOH37]:** This section was moved from 916.9 [936.9, 956.9](h)(1) for clarity.

**Comment [DOH38]:** The 8/30/06 DRAFT for Special Board Meeting proposed new language pertaining to shade canopy retention under a new subsection (e)(6). This section has been relocated to 916.9.2 [936.9.2](a)(1) in the 12/20/06 DRAFT for Special Board Meeting. The language remains the same, but pertains only to watersheds with coho present.

**Comment [DOH39]:** The changes proposed in sections (h)(1) through (3) were presented to the Board August 30, 2006. Subsections (h)(1), (2) and (3) included provisions pertaining to both watercourse protection and road crossing construction and use. As the first subsection addressed protection for Class I watercourses only, this proposal relocated the applicable provisions to 916.9 [936.9, 956.9](e)(3). Subsections (h) (2) and (3) included provisions pertaining to road crossing construction and use. For clarity, this proposal relocated the applicable provisions to 923.9 [943.9, 963.9](a)(1) and (2). These provisions apply to all watersheds with anadromous salmonids. No substantive changes were made to the existing language.

**Comment [DOH40]:** While the only significant change to existing rules in the 12/20/06 DRAFT for Special Board Meeting is the addition of the phrase "Except within watersheds with coho salmon"; the 8/30/06 DRAFT for Special Board Meeting proposed several other changes [shown in brackets] that were not included in this section, but are reflected in the 12/20/06 DRAFT for Special Board Meeting under 916.9.2 [936.9.2](a)(2). Additionally, the second paragraph was proposed to be stricken in the 8/30/06 DRAFT for Special Board Meeting.

**Comment [DOH41]:** A capital "R" was removed for clarity.

**Comment [DOH42]:** The number "(10)" was added for clarity and consistency.

1 length ~~[on each side of the watercourse that are most conducive to~~  
2 ~~recruitment]~~ that are the most conducive to recruitment to provide for the  
3 beneficial functions of riparian zones. The retained conifers shall be  
4 selected from within the plan area that lies within ~~[100 50]~~ 50 feet of the  
5 watercourse transition line. Where the plan boundary is an ownership  
6 boundary, a class I watercourse, and the WLPZ on both sides of the  
7 watercourse currently meets the stocking standards listed under 14 CCR §  
8 912.7[932.7,952.7](b)(2)}; the ~~[five (5) ten (10)]~~ five (5) largest dbh  
9 conifers (live or dead) per 330 feet of stream channel length that are the  
10 most conducive to recruitment to ~~[are the most conducive to recruitment to]~~  
11 provide for the beneficial functions of riparian zones within the plan area  
12 shall be retained within 50 feet of the watercourse transition line.

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

19 (7) Where an inner gorge extends beyond a Class I WLPZ and slopes are  
20 greater than 55 percent, a special management zone shall be established where  
21 the use of evenaged regeneration methods is prohibited. This zone shall  
22 extend upslope to the first major break-in-slope to less than 55 percent for  
23 a distance of 100 feet or more, or 300 feet as measured from the watercourse  
24 or lake transition line, which ever is less. All operations on slopes  
25 exceeding 65 percent within an inner gorge of a Class I or II watercourse  
shall be reviewed by a Professional Geologist prior to plan approval,

Comment [DOH43]: The changes proposed in this section were presented to the Board August 30, 2006.

1 regardless of whether they are proposed within a WLPZ or outside of a WLPZ  
2 and disclosed and incorporated in the plan as appropriate.

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

13 (f) Class II Watercourse and Lake Protection Measures - The following  
14 shall apply to all Class II watercourses and lakes [mapped on current  
15 1:24,000 scale U.S. Geological Survey topographic map] within watersheds with  
16 listed anadromous salmonids.

17 (1) Any timber operation or silvicultural prescription within 100 feet  
18 of any Class II watercourse or lake transition line shall have protection,  
19 maintenance, or restoration of the beneficial uses of water or the  
20 populations and habitat of anadromous salmonids or listed aquatic or  
21 riparian-associated species as significant objectives.

22 (g) From October 15 to May 1, no timber operations shall take place  
23 unless the approved plan incorporates a complete winter period operating plan  
24 pursuant to 14 CCR § 914.7(a) [934.7(a), 954.7(a)].

25 (1)

(m)

**Comment [DOH44]:** The changes proposed in this section were presented to the Board August 30, 2006. This subsection addressed protection for Class I watercourses only. For clarity, this proposal relocated these provisions from 916.9 [936.9, 956.9](c). These provisions apply to all watersheds with anadromous salmonids. Minor changes were made to the existing language for clarity and to be consistent with new definitions.

**Comment [DOH45]:** This section was added, combining all Class II protection measures under one section. The 8/30/06 DRAFT for Special Board Meeting included the text in brackets. While this text is not included in this section of the 12/20/06 DRAFT for Special Board Meeting, it has been included under 916.9.2 [936.9.2](b).

**Comment [DOH46]:** This subsection addressed protection for Class II watercourses. For clarity, this proposal relocated these provisions from 916.9 [936.9, 956.9](c). These provisions apply to all watersheds with anadromous salmonids. No change was made to the existing language.

**Comment [DOH47]:** The changes proposed in this section were presented to the Board August 30, 2006.

**Comment [DOH48]:** The 8/30/06 DRAFT for Special Board Meeting included sections (f)(2) and (3). These sections have been relocated in the 12/20/06 DRAFT for Special Board Meeting and are now under 916.9.2 [936.9.2](b)(2) and (3). Additionally, the 8/30/06 DRAFT for Special Board Meeting included section (f)(1) [936.9.2](b)(1).

**Comment [DOH49]:** The following sections were renumbered for consistency.

**Comment [DOH50]:** The changes proposed in this section were presented to the Board August 30, 2006.

**Comment [DOH51]:** Subsection (g) (2) included provisions pertaining to tractor road construction and use. For clarity, this proposal relocated the applicable provisions to 923.9 [943.9] (2).

**Comment [DOH52]:** Subsection (g) (3) included provisions pertaining to the operation of equipment on roads and landings. For clarity, this proposal relocated the applicable provisions to 923.9 [943.9] (3).

**Comment [DOH53]:** Subsection (l) pertained to roads and landings and was relocated to 923.9 [943.9, 963.9](h).

**Comment [DOH54]:** Subsection (m) included provisions pertaining to tractor roads. For clarity, this proposal relocated the applicable provisions to 923.9 [943.9, 963.9](i).

**Comment [DOH55]:** The changes proposed in this section were presented to the Board August 30, 2006.

1 (h) Within the WLPZ, and within any ELZ or EEZ designated for watercourse  
2 or lake protection, treatments to stabilize soils, minimize soil erosion, and  
3 prevent the discharge of sediment into waters in amounts deleterious to  
4 aquatic species or the quality and beneficial uses of water, or that threaten  
5 to violate applicable water quality requirements, shall be applied in  
6 accordance with the following standards:

- 7 (1) The following requirements shall apply to all such treatments.  
8 (A) They shall be described in the plan.  
9 (B) For areas disturbed from May 1 through October 15, treatment  
10 shall be completed prior to the start of any rain that causes overland flow  
11 across or along the disturbed surface.  
12 (C) For areas disturbed from October 16 through April 30, treatment  
13 shall be completed prior to any day for which a chance of rain of 30 percent  
14 or greater is forecast by the National Weather Service or within 10 days,  
15 whichever is earlier.  
16 (2) The traveled surface of logging roads shall be treated to prevent  
17 waterborne transport of sediment and concentration of runoff that results  
18 from timber operations.  
19 (3) The treatment for other disturbed areas, including:  
20 (A) areas exceeding 100 contiguous square feet where timber  
21 operations have exposed bare soil,  
22 (B) approaches to tractor road watercourse crossings between the  
23 drainage facilities closest to the crossing,  
24 (C) road cut banks and fills, and  
25 (D) any other area of disturbed soil that threatens to discharge  
sediment into waters in amounts deleterious to the quality and beneficial  
uses of water;  
may include, but need not be limited to, mulching, rip-rapping, grass  
seeding, or chemical soil stabilizers. Where straw, mulch, or slash is used,  
the minimum coverage shall be 90 percent, and any treated area that has been  
subject to reuse or has less than 90 percent surface cover shall be treated  
again prior to the end of timber operations. The RPF may propose alternative  
treatments that will achieve the same level of erosion control and sediment  
discharge prevention.

Previous Proposals Comparison  
(08/30/06 v. 12/20/06 - Substantive Changes)

1 (4) Where the undisturbed natural ground cover cannot effectively  
2 protect beneficial uses of water from timber operations, the ground shall be  
3 treated by measures including, but not limited to, seeding, mulching, or  
4 replanting, in order to retain and improve its natural ability to filter  
5 sediment, minimize soil erosion, and stabilize banks of watercourses and  
6 lakes.

7 (i) As part of the plan, the RPF shall identify active erosion sites in  
8 the logging area, assess them to determine which sites pose significant risks  
9 to the beneficial uses of water, assess them to determine whether feasible  
10 remedies exist, and address in the plan feasible remediation for all sites  
11 that pose significant risk to the beneficial uses of water.

12 ~~(p)~~

13 (j) Site preparation activities shall be designed to prevent soil  
14 disturbance within, and minimize soil movement into, the channels of  
15 watercourses. Prior to any broadcast burning, burning prescriptions shall be  
16 designed to prevent loss of large woody debris in watercourses, and  
17 vegetation and duff within a WLPZ, or within any ELZ or EEZ designated for  
18 watercourse or lake protection. No ignition is to occur within any WLPZ, or  
19 within any ELZ or EEZ designated for watercourse or lake protection. When  
20 burning prescriptions are proposed, the measures or burning restrictions  
21 which are intended to accomplish this goal shall be stated in the plan and  
22 included in any required burning permit. This information shall be provided  
23 in addition to the information required under 14 CCR § 915.4 [935.4, 955.4].

24 ~~(r)~~

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

- (1) hauling on existing roads,

**Comment [DOH56]:** The changes proposed in this section were presented to the Board August 30, 2006.

**Comment [DOH57]:** Subsection (p) included provisions pertaining to roads. For clarity, this proposal relocated the applicable provisions to 923.9 [943.9, 963.9](j).

**Comment [DOH58]:** The changes proposed in this section were presented to the Board August 30, 2006.

**Comment [DOH59]:** Subsection (r) included provisions associated with drafting. For clarity, this proposal relocated the applicable provisions to 923.9 [943.9, 963.9](k).

**Comment [DOH60]:** The changes proposed in this section were not presented to the Board August 30, 2006. However, sections (k) and (l) are the exact language adopted by the Board to address the CLFA proposal under the rule package entitled "Watercourse Rules Streamlining, 2006". These provisions apply to all watersheds with anadromous salmonids. No change was made to the existing language.

Previous Proposals Comparison  
(08/30/06 v. 12/20/06 - Substantive Changes)

- 1 (2) road maintenance,  
2 (3) operations conducted for public safety,  
3 (4) construction or reconstruction of approved watercourse crossings,  
4 (5) temporary crossings of dry Class III watercourses which do not  
5 require a "Streambed Alteration Agreement" under the Fish and Game Code; or  
6 (6) harvesting recommended in writing by DFG to address specifically  
7 identified forest conditions.

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

- 11 (1) hauling on existing roads,  
12 (2) road maintenance,  
13 (3) operations conducted for public safety,  
14 (4) construction or reconstruction of approved watercourse crossings,  
15 (5) temporary crossings of dry Class III watercourses which do not  
16 require a "Streambed Alteration Agreement" under the Fish and Game Code,  
17 (6) harvesting recommended in writing by DFG to address specifically  
18 identified forest conditions,  
19 (7) the harvest of dead or dying conifer trees subject to the following  
20 conditions:

21 (A) Recruitment of large woody debris for aquatic habitat in Class I  
22 anadromous fish-bearing or restorable waters shall be ensured by retaining  
23 the ten largest dbh conifers (live or dead) per 330 feet of stream channel  
24 length that are the most conducive to recruitment to provide for the  
25 beneficial functions of riparian zones. The retained conifers shall be  
selected from within the area of operations that lies within 50 feet of the

1 watercourse transition line. Where the area of operations is bounded by an  
2 ownership boundary, a class I watercourse, and the WLPZ on both sides of the  
3 watercourse currently meets the stocking standards listed under 14 CCR §  
4 912.7[932.7,952.7](b)(2)}; the five (5) largest dbh conifers (live or dead)  
5 per 330 feet of stream channel length that are the most conducive to  
6 recruitment to provide for the beneficial functions of riparian zones shall  
7 be retained within 50 feet of the watercourse transition line within the area  
8 of operations.

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

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

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

22 (D) Within the WLPZ or ELZ/EEZ, if the stocking standards of 14 CCR  
23 § 912[932, 952].7 are not met upon completion of timber operations, unless  
24 the area meets the definition of substantially damaged timberlands, at least  
25 ten trees shall be planted for each tree harvested but need not exceed an  
average point count of 300 trees per acre.

1 (m) No salvage logging is allowed in a WLPZ.

Comment [DOH61]: The changes proposed in this section were presented to the Board August 30, 2006.

2 (1) This section does not apply to emergency operations under 14 CCR §  
3 1052.

Comment [DOH62]: Subsections (m) (1) is the exact language adopted by the Board to address the CLFA proposal under the rule package entitled "Watercourse Rules Streamlining, 2006". These provisions apply to all watersheds with anadromous salmonids. No change was made to the existing language.

4 (n) Nonstandard practices (i.e., waivers, exceptions, in-lieu practices,  
5 and alternative practices) shall comply with the goal set forth in subsection  
6 (a) above as well as with the other requirements set forth in the rules.

Comment [DOH63]: The changes proposed in this section were presented to the Board August 30, 2006.

7 (o) The Director may approve alternatives ~~provided the alternative~~  
8 ~~practice will that provide equal or better protection for listed anadromous~~  
9 ~~salmonids and~~ achieve the goal of this section.

Comment [DOH64]: The changes proposed in this section were not presented to the Board August 30, 2006. This language is intended to address protection of coho salmon.

10 (1) Any alternative proposed under this subsection for timber  
11 operations in a watershed with coho salmon shall only be included in a plan:  
12 i) after consultation and written concurrence from DFG prior to plan  
13 submittal, and ii) with a clear demonstration of compliance with the issuance  
14 criteria described under Fish and Game Code § 2081(b) as determined by DFG.

15 (2) The Director shall not accept for inclusion in a plan any  
16 alternative practice as described in this section where two or more agencies  
17 listed in § 4582.6 of the PRC and 14 CCR § 1037.3 have submitted written  
18 comments which lead to the Director's conclusion that the proposed  
19 alternative will not meet the goal of this section and the agency(ies)  
20 participated in the review of the plan, including an on-the-ground  
21 inspection.

Comment [DOH65]: The changes proposed in this section were presented to the Board August 30, 2006.

22 (p) Other measures that would effectively achieve the goal set forth in 14  
23 CCR § 916.9(a) [936.9(a), 956.9(a)] may be approved (i) in accordance with 14  
24 CCR § 916.6 [936.6, 956.6], or (ii) pursuant to a coho salmon watershed  
25 evaluation for timber operations when the plan incorporates minimization and  
mitigation measures based on the watershed evaluation, and with written

Comment [DOH66]: The changes proposed in section (p)(i) were presented to the Board August 30, 2006. The remaining changes are intended to provide a site-specific alternative conforming to F&G code 787.4(a)(3) for watershed evaluation.

1 concurrence from DFG. The watershed evaluation must include the components  
2 set forth below and shall be included in addition to all other District  
3 Forest Practice Rules.

4 (1) The following are required components of a watershed evaluation:

5 (A) Description of assessment area

6 (B) Status of coho salmon within each planning watershed in the  
7 assessment area

8 (C) Status of coho salmon habitat conditions and water quality  
9 within each planning watershed in the assessment area

10 (D) Identification and prioritization of limiting factors. A  
11 reasoned analysis shall assign ratings of high, moderate and low to those  
12 factors which may individually or cumulatively limit coho salmon distribution  
13 and abundance in the watershed.

14 (E) Proposed planning watershed specific management practices to  
15 prevent or control discharges and environmental impacts from timber  
16 operations that could contribute to the identified high and moderate risk  
17 limiting factors, and; corrective actions that would reduce or eliminate the  
18 high and moderate risk limiting factors on the landscape and mitigate the  
19 impacts of timber operations which cause or contribute to those limiting  
20 factors.

21 (F) A plan and schedule for implementing proposed management  
22 practices.

23 (G) A program for monitoring implementation and effectiveness of the  
24 management practices and, where the plan is not effective in limiting or  
25 eliminating the limiting factors as planned an adaptive management strategy

1 for changing the plan and schedule to ensure that limiting factors are  
2 reduced or eliminated in the watershed.

3 ~~(y) The provisions of 14 CCR § 916.9 [936.9, 956.9] shall not apply to a~~  
4 ~~plan that is subject to an incidental take permit based upon an approved~~  
5 ~~Habitat Conservation Plan that addresses anadromous salmonid protection.~~

6 (q) The operational provisions of 14 CCR §§ 916.9 [936.9, 956.9] and  
7 916.9.2 [936.9.2] shall not apply to a plan under which the incidental take  
8 from timber operations of each listed anadromous salmonid species within the  
9 planning watershed is already authorized pursuant to the following:

10 (1) a valid incidental take permit issued by DFG pursuant to Section  
11 2081(b) of the Fish and Game Code; or

12 (2) a federal incidental take statement or incidental take permit, for  
13 which a consistency determination has been made pursuant to Section 2080.1 of  
14 the Fish and Game Code; or

15 (3) Section 2835 of the Fish and Game Code under a valid natural  
16 community conservation plan approved by DFG; or

17 (4) a federal incidental take statement or incidental take permit for  
18 an anadromous salmonid species that is not state listed.

19 (r) The operational provisions of 14 CCR §§ 916.9 [936.9, 956.9] and  
20 916.9.2 [936.9.2] shall not apply to a plan that specifies project revisions,  
21 guidelines, or take avoidance measures pursuant to a memorandum of  
22 understanding or a planning agreement entered into between the plan submitter  
23 and DFG, which DFG has determined will avoid take of listed anadromous  
24 salmonid species.

25 ~~(z)~~

**Comment [DOH67]:** This section was replaced with section (q) below. This change was not reflected in The 8/30/06 DRAFT for Special Board Meeting.

**Comment [DOH68]:** This section replaced section (y) above. This change was not reflected in The 8/30/06 DRAFT for Special Board Meeting. These changes are intended

**Comment [DOH69]:** This deletion was reflected in The 8/30/06 DRAFT for Special Board Meeting.

1 **Adopt New 14 CCR §§ 916.9.1 and 936.9.1 Intent and Scope of Application of**  
2 **Minimization and Mitigation Measures for Protection and Restoration in**  
3 **Watersheds with Coho Salmon**

Comment [DOH70]: This change was not reflected in The 8/30/06 DRAFT for Special Board Meeting.

4 **(a) The minimization and mitigation measures for protection and**  
5 **restoration in watersheds with coho salmon are intended to serve the**  
6 **following purposes:**

7 **(1) To facilitate the process of obtaining incidental take permits for**  
8 **state-listed coho salmon from DFG for timber operations under the California**  
9 **Endangered Species Act (Fish & G. Code, § 2050 et seq.);**

10 **(2) To minimize potential cumulative effects of timber operations in**  
11 **watersheds with coho salmon for the state's timber harvest permitting**  
12 **program; and**

13 **(b) The scope of application of the minimization and mitigation measures**  
14 **for protection and restoration in watersheds with coho salmon is as follows:**

15 **(1) In addition to all other District Forest Practice Rules, in any**  
16 **watershed with coho salmon, the minimization and mitigation measures for**  
17 **protection and restoration in watersheds with coho salmon shall apply to all**  
18 **timber operations where DFG determines that take will, or is likely to result**  
19 **from such proposed timber operations, unless an incidental take of coho**  
20 **salmon is already authorized as specified under 14 CCR § 916.9 [936.9,**  
21 **956.9](q).**

**Adopt New 14 CCR §§ 916.9.2 and 936.9.2 Minimization and Mitigation Measures  
for Protection and Restoration in Watersheds with Coho Salmon**

(a) **Class I Watercourse and Lake Protection Measures** - The following shall apply to all Class I watercourses and lakes within watersheds with **[listed anadromous salmonids]** coho salmon.

(1) **Within a WLPZ for Class I watercourses and lakes, sufficient trees** shall be retained to maintain the preharvest level of direct shading to pools. The percentage of shade provided by Group A species shall not be reduced relative to other species.

(2) **Recruitment of large woody debris for aquatic habitat in Class I** coho salmon-bearing watercourses or other restorable habitat shall be ensured by retaining the ten (10) largest dbh conifers (live or dead) per 330 feet of stream channel length on each side of the watercourse to provide for the beneficial functions of riparian zones. The retained conifers shall be selected from within the plan area that lies within 100 feet of the watercourse transition line. Where the plan boundary is an ownership boundary, a class I watercourse, and the WLPZ on both sides of the watercourse currently meets the stocking standards listed under 14 CCR § 912.7(b)(2); the ten (10) largest dbh conifers (live or dead) per 330 feet of stream channel length that provide for the beneficial functions of riparian zones within the plan area shall be retained within 100 feet of the watercourse transition line.

(b) **Class II Watercourse and Lake Protection Measures** - The following shall apply to all Class II watercourses and lakes **mapped on current 1:24,000 scale U.S. Geological Survey topographic map** within watersheds with **[listed anadromous salmonids]** coho salmon.

**Comment [DOH71]:** This change was not reflected in The 8/30/06 DRAFT for Special Board Meeting.

**Comment [DOH72]:** Except as indicated in brackets, this change was reflected in The 8/30/06 DRAFT for Special Board Meeting under 916.9 [936.9, 956.9](e).

**Comment [DOH73]:** This change was reflected in The 8/30/06 DRAFT for Special Board Meeting under 916.9 [936.9, 956.9](e)(6).

**Comment [DOH74]:** This change was reflected in The 8/30/06 DRAFT for Special Board Meeting under 916.9 [936.9, 956.9](e)(7).

**Comment [DOH75]:** With the exception highlighted, this change was reflected in The 8/30/06 DRAFT for Special Board Meeting under 916.9 [936.9, 956.9](f).

1 (1) Any timber operation or silvicultural prescription within 100 feet  
2 of any Class II watercourse or lake transition line shall have protection,  
3 maintenance, or restoration of the beneficial uses of water or the  
4 populations and habitat of [anadromous salmonids] coho salmon or listed  
5 aquatic or riparian-associated species as significant objectives.

**Comment [DOH76]:** With the exception highlighted, this change was reflected in The 8/30/06 DRAFT for Special Board Meeting under 916.9 [936.9, 956.9](f)(1).

6 (2) Where an inner gorge extends beyond a Class II WLPZ and watercourse  
7 sideslopes are greater than 55 percent, a special management zone shall be  
8 established where the use of evenaged regeneration methods is prohibited.  
9 This zone shall extend upslope to the first major break-in-slope to less than  
10 55 percent for a distance of 100 feet or more, or 200 feet as measured from  
11 the watercourse or lake transition line, which ever is less. All operations  
12 within the special management zone shall be reviewed by a Professional  
13 Geologist prior to plan approval and disclosed and incorporated in the plan  
14 as appropriate.

**Comment [DOH77]:** This change was reflected in The 8/30/06 DRAFT for Special Board Meeting under 916.9 [936.9, 956.9](f)(2).

15 (3) The following shall apply to all WLPZs on Class II watercourses  
16 that are tributary to Class I watercourses with [listed anadromous salmonids]  
17 coho salmon in the planning watershed where timber operations are proposed or  
18 the planning watershed immediately downstream except as provided under 14 CCR  
19 § 916.9.2 [936.9.2] (b)(3)(E):

**Comment [DOH78]:** This change was reflected in The 8/30/06 DRAFT for Special Board Meeting under 916.9 [936.9, 956.9](f)(3).

20 (A) Inner Band: From 0-50 feet, retain a minimum of 85 percent post-  
21 harvest overstory canopy. The overstory canopy must be composed of at least  
22 25 percent overstory conifer canopy post-harvest.

23 (B) Outer Band with 0-30 percent watercourse sideslope: From 50-75  
24 feet, retain a minimum of 65 percent post-harvest overstory canopy. The  
25 overstory canopy must be composed of at least 25 percent overstory conifer  
canopy post-harvest.

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(C) Outer Band with 31-50 percent watercourse sideslope: From 50-100 feet, retain a minimum of 65 percent post harvest overstory canopy. The overstory canopy must be composed of at least 25 percent overstory conifer canopy post-harvest.

(D) Outer Band with >50 percent watercourse sideslope: From 50-125 feet, retain a minimum of 65 percent post-harvest overstory canopy. WLPZ width may be reduced to 100 feet for helicopter or cable yarding operations. The overstory canopy must be composed of at least 25 percent overstory conifer canopy post-harvest.

(E) 14 CCR § 916.9.2 [936.9.2] (b)(3)(B)(C) and (D) do not apply to plans in the Southern Subdistrict of the Coast Forest District or to NTMPs within watersheds with coho salmon.

Comment [DOH79]: This change was not reflected in The 8/30/06 DRAFT for Special Board Meeting.

(c) Class III Watercourse Protection Measures - The following shall apply to all Class III watercourses within watersheds with [listed anadromous salmonids] coho salmon in or adjacent to harvest units where evenaged management, rehabilitation of under-stocked stands, or variable retention prescriptions are proposed.

Comment [DOH80]: This change was reflected in The 8/30/06 DRAFT for Special Board Meeting under 916.9 [936.9, 956.9](g).

- (1) retain all trees situated within the channel zone and trees that have boles that overlap the edge of the channel zone;
- (2) within the ELZ, at least 50 percent of the understory vegetation shall be left post-harvest in an evenly distributed condition;
- (3) within the ELZ; retain all snags, large woody debris, and countable trees 10 inches dbh or less, except where necessary to allow for cable yarding corridors, safety, or crossing construction;
- (4) within the ELZ, prohibit initiation of any burning;

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1 (5) allow cable yarding when necessary to transport logs through a  
2 Class III ELZ;

3 (6) tractor yarding is prohibited, except for the use of feller-  
4 bunchers and shovel yarding that minimize soil compaction and disturbance  
5 and;

6 (7) retain at least 15 square feet basal area per acre of hardwoods  
7 where it exists before harvest, including the largest hardwoods available for  
8 this purpose. Retain all hardwoods when less than 15 square feet basal area  
9 per acre is present before harvest.

10 (d) Where harvesting is proposed on a connected headwall swale:

11 (1) only the selection regeneration method allowed under 14 CCR § 913.2  
12 [933.2, 953.2] (a) (2) (A) or the commercial thinning intermediate treatment  
13 allowed under 14 CCR § 913.3 [933.3, 953.3] (a) may be utilized in that area,

14 (2) Areas of ground based yarding shall be delineated on the ground as  
15 an equipment limitation zone and marked prior to the preharvest inspection.

16 (3) All proposed road construction or reconstruction shall be reviewed  
17 by a Professional Geologist and disclosed and incorporated in the plan as  
18 appropriate prior to plan approval.

**Comment [DOH81]:** This change was reflected in The 8/30/06 DRAFT for Special Board Meeting under 916.9 [936.9, 956.9](h).

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1 **Adopt New 14 CCR § 916.11, 936.11, and 956.11 Monitoring for Adaptive**  
2 **Management in Watersheds with Listed Anadromous Salmonids [All Districts]**

Comment [DOH82]: This section was presented to the Board November 8, 2006.

3 (a) Goal: The Board will develop a monitoring and adaptive management  
4 program for timber harvesting operations in watersheds with listed anadromous  
5 salmonids. The purpose of the program will be: (i) to determine whether or  
6 not the operational Forest Practice Rules and associated hillslope and  
7 instream mitigation measures afford a level of protection that is both  
8 appropriate and adequate to ensure protection of anadromous salmonids and  
9 their habitats, (ii) to provide monitoring necessary to ensure the Forest  
10 Practice Rules are being implemented in a manner consistent with the  
11 California Endangered Species Act as required under 14 CCR § 896, and (iii)  
12 to provide a timely feedback process for the Board to assess rule  
13 effectiveness in meeting the stated goals under subsections (i) and (ii).

14 (1) The monitoring component of the program will provide the  
15 information necessary to evaluate the effectiveness of mitigation measures  
16 and identify when site-specific mitigation or operational rules should be  
17 revised to better accomplish the goals of the Board.

18 (A) Four types of monitoring will be addressed under the program  
19 including: (i) compliance, (ii) implementation, (iii) effectiveness, and (iv)  
20 validation.

21 (B) Review Team agencies will continue to conduct mandated  
22 compliance and implementation monitoring as part of their regulatory  
23 responsibilities.

24 (C) Effectiveness monitoring will be undertaken by the landowner; or  
25 be a cooperative effort between landowners and the Department, Review Team  
agencies, or a cooperative interdisciplinary team.

1 (D) Long-term validation monitoring will be undertaken by the  
2 landowner, or facilitated through cooperative agreements among stakeholders  
3 and the agencies. This includes monitoring the species' responses.

4 (E) The Board or its designee may include any monitoring that meets  
5 the intent of this section, including any efforts that are already underway  
6 by the landowner, agencies or other cooperators.

7 (2) The adaptive management component of the program will be a process  
8 of action-based planning, monitoring, evaluating and adjusting through use of  
9 the scientific method; with the objective of improving habitat conditions and  
10 facilitating conservation of listed anadromous salmonids.

11 (A) Four elements of adaptive management will be addressed under the  
12 program including: (i) identification of substantial new information, (ii)  
13 collection of substantial new information, (iii) evaluation of substantial new  
14 information, and (iv) determination regarding the necessity or benefit of  
15 adjustments and improvements to mitigation and protective measures, including  
16 the Forest Practice Rules, based upon the substantial new information.

17 (b) The monitoring requirements listed under 14 CCR § 916.11 [936.11,  
18 956.11](b)(1) through (b)(5) or 14 CCR § 916.11 [936.11, 956.11](b)(5) and  
19 (b)(6) shall apply to timber harvesting operations in watersheds with listed  
20 anadromous salmonids in addition to the inspection requirements outlined in  
21 PRC § 4604:

22 (1) In collaboration with other Review Team agencies, the Director  
23 shall develop monitoring practices to evaluate the effectiveness of  
24 mitigation measures at the appropriate scale, on a case-by-case basis.

25 (A) In development of monitoring practices, the Director may also  
engage other experts in the field for assistance.

Previous Proposals Comparison  
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1 (B) The monitoring practices will be applied by the landowner; or be  
2 a cooperative effort between landowners and the Department, Review Team  
3 agencies, or a cooperative interdisciplinary team.

4 (2) Monitoring practices and strategies may be peer reviewed by a  
5 scientific technical advisory committee as directed by the Board.

6 (3) The design and implementation of monitoring shall be done in  
7 consultation with the Department and other Review Team agencies, and the  
8 sufficiency of information shall be judged in light of its scientific merit  
9 and what is reasonable and practical.

10 (A) Monitoring data shall be derived from agency monitoring  
11 programs, landowner monitoring programs, or cooperative projects.

12 (4) As a condition of plan approval, based upon substantial evidence in  
13 the record, the Director may require monitoring:

14 (A) Anytime after plan approval,

15 (B) Concurrent with timber operations, and

16 (C) After completion of operations during the remainder of the  
17 prescribed maintenance period.

18 (5) Monitoring data collected pursuant to (b)(4) or (b)(6) shall be  
19 provided to the Director annually.

20 (6) The plan shall incorporate monitoring requirements in conformance  
21 with the requirements of a valid incidental take permit for each listed  
22 anadromous salmonid species within the planning watershed that has been  
23 authorized pursuant to the following:

24 (A) a valid incidental take permit issued by DFG pursuant to Section  
25 2081(b) of the Fish and Game Code; or

Previous Proposals Comparison  
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1           **(B)** a federal incidental take statement or incidental take permit,  
2 for which a consistency determination has been made pursuant to Section  
3 2080.1 of the Fish and Game Code; or

4           **(C)** Section 2835 of the Fish and Game Code under a valid natural  
5 community conservation plan approved by DFG; or

6           **(D)** a federal incidental take statement or incidental take permit  
7 for an anadromous salmonid species that is not state listed.

8           **(c)** The Department shall prepare an annual report in conjunction with a  
9 Board appointed technical subcommittee summarizing progress and significant  
10 findings from monitoring activities collected throughout the year in  
11 accordance with subsection (b)(4) above. The report shall be **(i)** provided to  
12 the Board during the first quarter of each calendar year, **(ii)** made available  
13 to the public upon request, and **(iii)** placed on the Board's website for at  
14 least 180 days.

15           **(d)** Based upon the findings presented in the annual monitoring report(s),  
16 the Director may recommend additions, deletions or modifications to the  
17 Forest Practice Rules if the necessity for such a change is supported by  
18 substantial evidence in the reports. A specific recommendation based upon  
19 the findings that a rule requirement is no longer necessary shall also be  
20 supported by substantial evidence.

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1 **Amend 14 CCR §§ 916.12, 936.12, and 956.12 - Section 303(d) Listed Watersheds**

**Comment [d83]:** The changes to the following two sections are necessary for consistency with the T/I rule extensions proposed elsewhere in this alternative

2 \*\*\*\*\*(e) The watershed specific rules shall remain in effect until the water  
3 body has been removed from the 303(d) list, or that the Board finds, after  
4 consulting with the appropriate RWQCB, that timber operations are no longer a  
5 significant source of the pollutant or stressor that limits water quality in  
6 the listed water body.

7 ~~(f) This section shall expire on December 31, 2007.~~

8 **Amend 14 CCR §§ 923.3, 943.3, and 963.3 - Watercourse Crossings**

9 \*\*\*\*\*(g) Any new permanent culverts installed within class I watercourses  
10 shall allow upstream and downstream passage of fish or listed aquatic species  
11 during any life stage and for the natural movement of bedload to form a  
12 continuous bed through the culvert and shall require an analysis and  
13 specifications demonstrating conformance with the intent of this section and  
14 subsection.

15 ~~(h) The amendments to 14 CCR § 923.3 [943.3, 963.3] that became effective~~

16 ~~July 1, 2000, shall expire on December 31, 2007.~~

1 **Amend 14 CCR §§ 923.9, 943.9, and 963.9 Minimization and Mitigation Measures**  
2 **for Roads and Landings in Watersheds with Listed Anadromous Salmonids**

3 In addition to all other District Forest Practice Rules, the following  
4 requirements shall apply to construction, reconstruction, improvements,  
5 maintenance, and operation of roads within and appurtenant to plans in any  
6 watershed with listed anadromous salmonids:

7 (a) For Class I watercourses, any plan involving timber operations within  
8 the WLPZ shall contain the following information:

9 (1) A description of all crossings of Class I watercourses by logging  
10 roads and clear specifications regarding how these crossings are to be  
11 modified, used, and treated to minimize risks, giving special attention to  
12 allowing fish to pass both upstream and downstream during all life stages.

13 (2) Clear and enforceable specifications for construction and operation  
14 of any new crossing of Class I watercourses to prevent direct harm, habitat  
15 degradation, water velocity increase, hindrance of fish passage, or other  
16 potential impairment of beneficial uses of water.

17 (b) Where logging road or landing construction or reconstruction is  
18 proposed, the plan shall state the locations of and specifications for road  
19 or landing abandonment or other mitigation measures to minimize the adverse  
20 effects of long-term site occupancy of the transportation system within the  
21 watershed.

22 (c) Unless prohibited by existing contracts with the U.S.D.A. Forest  
23 Service or other federal agency, new and reconstructed logging roads shall be  
24 no wider than a single-lane compatible with the largest type of equipment  
25 specified for use on the road, with adequate turnouts provided as required  
for safety. The maximum width of these roads shall be specified in the plan.

**Comment [DOH84]:** This introductory section was presented to the Board August 30, 2006.

**Comment [DOH85]:** Subsections (a) (1) and (2) included provisions pertaining to road crossing construction and use. For clarity, this proposal relocated the applicable provisions from 916.9 [936.9, 956.9](h)(2) and (3). These provisions apply to all watersheds with anadromous salmonids and were presented to the Board in the 8/30/06 DRAFT for Special Board Meeting under 923.9 [943.9, 963.9](b). Minor changes were made to the existing language for clarity.

**Comment [DOH86]:** The 8/30/06 DRAFT for Special Board Meeting included a new section (a). This language has been moved to 923.9.2 [943.9, 963.9](a) in the 12/20/06 DRAFT for Special Board Meeting.

**Comment [DOH87]:** The following section has been renumbered for consistency. It is existing language and appeared in the 8/30/06 DRAFT for Special Board Meeting as subsection 923.9 [943.9, 963.9](d).

**Comment [DOH88]:** The 8/30/06 DRAFT for Special Board Meeting included a new section (c). This language has been moved to 923.9.2 [943.9, 963.9](b) in the 12/20/06 DRAFT for Special Board Meeting.

**Comment [DOH89]:** The following section has been renumbered for consistency. It is existing language and appeared in the 8/30/06 DRAFT for Special Board Meeting as subsection 923.9 [943.9, 963.9](f)(8).

**Comment [DOH90]:** The 8/30/06 DRAFT for Special Board Meeting included new sections 923.9 [943.9, 963.9](e) and (f)(1) through (7). This language has been moved to 923.9.2 [943.9.2](c) and (d)(1) through (7) in the 12/20/06 DRAFT for Special Board Meeting.

1 These roads shall be outsloped where feasible and drained with water breaks  
2 or rolling dips (where the road grade is inclined at 7 percent or less), in  
3 conformance with other applicable Forest Practice Rules.

4 (d) The following shall apply on slopes greater than 50 percent:

5 (1) Specific provisions of construction shall be identified and  
6 described for all new roads.

7 (2) Where cutbank stability is not an issue, roads may be constructed  
8 as a full-benched cut (no fill). Spoils not utilized in road construction  
9 shall be disposed of in stable areas with less than 30 percent slope and  
10 outside of any WLPZ, EEZ, or ELZ.

11 (3) Alternatively, roads may be constructed with balanced cuts and  
12 fills if properly engineered, or fills may be removed with the slopes  
13 recontoured prior to the winter period.

14 (e) In addition to the provisions listed under 14 CCR § 923.1(e)

15 [943.1(e), 963.1(e)], all permanent or seasonal logging roads with a grade of  
16 15 percent or greater that extends 500 continuous feet or more shall have  
17 specific erosion control measures stated in the plan.

18 (f) Where situations exist that elevate risks to the values set forth in

19 14 CCR § 916.2(a), [936.2(a), 956.2(a)] (e.g., road networks are remote, the  
20 landscape is unstable, water conveyance features historically have a high  
21 failure rate, culvert fills are large) drainage structures and erosion  
22 control features shall be oversized, low maintenance, or reinforced, or they  
23 shall be removed before the completion of the timber operation. The method  
24 of analysis and the design for crossing protection shall be included in the  
25 plan.

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

(1) no tractor roads shall be constructed, reconstructed, or used on  
slopes that are over 40 percent and within 200 feet of a Class I, II, or III  
watercourse, as measured from the watercourse or lake transition line unless  
a winter period operating plan required pursuant to 14 CCR § 914.7 [934.7,

Comment [DOH91]: The following section has been renumbered for consistency. It is existing language and appeared in the 8/30/06 DRAFT for Special Board Meeting as subsection [4]

Comment [DOH92]: The following section has been renumbered for consistency. It is existing language and appeared in the 8/30/06 DRAFT for [5]

Comment [DOH93]: The following section has been renumbered for consistency. It is existing language and appeared in the 8/30/06 DRAFT for [6]

Comment [DOH94]: Subsection (g) (1) included provisions pertaining to tractor road construction and use. For clarity, this proposal relocated the [7]

Comment [DOH95]: The 8/30/06 DRAFT for Special Board Meeting included new sections 923.9 [943.9, 963.9](m). This language was rev [8]

Comment [DOH96R95]: (n) The 8/30/06 DRAFT for Special Board Meeting included new sections 923.9 [943.9, 963.9](n). This language [9]

Comment [DOH97R96]: The 8/30/06 DRAFT for Special Board Meeting included new sections 923.9 [943.9, 963.9](o). This language [10]

Comment [DOH98R97]: The 8/30/06 DRAFT for Special Board Meeting included new sections 923.9 [943.9, 963.9](p). This language [11]

Comment [DOH99R98]: The 8/30/06 DRAFT for Special Board Meeting included new sections 923.9 [943.9, 963.9](q). This language [12]

Comment [DOH100R99]: The 8/30/06 DRAFT for Special Board Meeting included new sections 923.9 [943.9, 963.9](r). This language [13]

Comment [DOH101R100]: The 8/30/06 DRAFT for Special Board Meeting included new sections 923.9 [943.9, 963.9](s). This language [14]

Comment [DOH102R101]: The 8/30/06 DRAFT for Special Board Meeting included new sections 923.9 [943.9, 963.9](t). This language [15]

Comment [DOH103]: The 8/30/06 DRAFT for Special Board Meeting included new sections 923.9 [943.9, 963.9](l). This language was rev [16]

Comment [DOH104]: The 8/30/06 DRAFT for Special Board Meeting included new sections 923.9 [943.9, 963.9](k). This language was rev [17]

Comment [DOH105]: The 8/30/06 DRAFT for Special Board Meeting included new sections 923.9 [943.9, 963.9](j). This language has been [18]

1 954.7](a) has been approved for operations during an extended period with low  
2 antecedent soil wetness, and

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

5 (h) Construction or reconstruction of logging roads, tractor roads, or  
6 landings shall not take place during the winter period unless an approved  
7 winter period operating plan required pursuant to 14 CCR § 914.7 [934.7,  
8 954.7](a) specifically addresses such road construction. Use of logging  
9 roads, tractor roads, or landings shall not take place at any location where  
10 saturated soil conditions exist, where a stable logging road or landing  
11 operating surface does not exist, or when visibly turbid water from the road,  
12 landing, or skid trail surface or inside ditch may reach a watercourse or  
13 lake. Grading to obtain a drier running surface more than one time before  
14 reincorporation of any resulting berms back into the road surface is  
15 prohibited.

16 (i) All tractor roads shall have drainage and/or drainage collection and  
17 storage facilities installed as soon as practical following yarding and prior  
18 to either:

19 (1) the start of any rain which causes overland flow across or along  
20 the disturbed surface within a WLPZ or within any ELZ or EEZ designated for  
21 watercourse or lake protection, or

22 (2) any day with a National Weather Service forecast of a chance of  
23 rain of 30 percent or more, a flash flood warning, or a flash flood watch.

24 (j) The erosion control maintenance period on permanent and seasonal roads  
25 and associated landings that are not abandoned in accordance with 14 CCR §  
923.8 [943.8, 963.8] shall be three years.

**Comment [DOH106]:** Subsection (g) (2) included provisions pertaining to operation of equipment on roads and landings. For clarity, this proposal relocated the applicable provisions from 916.9 [936.9, 956.9](g)(3). These provisions apply to all watersheds with anadromous salmonids. No change was made to the existing language. This language was presented to the Board in the 8/30/06 DRAFT for Special Board Meeting under 923.9 [943.9, 963.9](u).

**Comment [DOH107]:** Subsection (h) pertained to roads and landings. For clarity, this proposal relocated the applicable provisions from 916.9 [936.9, 956.9](l). These provisions apply to all watersheds with anadromous salmonids. Minor changes were made to the existing language for clarity. This language was presented to the Board in the August 20, 2006 alternative under 923.9 [943.9, 963.9](v).

**Comment [DOH108]:** Subsection (i) included provisions pertaining to tractor roads. For clarity, this proposal relocated the applicable provisions from 916.9 [936.9, 956.9](m). These provisions apply to all watersheds with anadromous salmonids. No change was made to the existing language. This language was presented to the Board in the 8/30/06 DRAFT for Special Board Meeting under 923.9 [943.9, 963.9](w).

**Comment [DOH109]:** Subsection (j) included provisions pertaining to roads. For clarity, this proposal relocated the applicable provisions from 916.9 [936.9, 956.9](p). These provisions apply to all watersheds with anadromous salmonids. No change was made to the existing language. This language was presented to the Board in the 8/30/06 DRAFT for Special Board Meeting under 923.9 [943.9, 963.9](x).

**Comment [DOH110]:** Subsection (k) included provisions associated with drafting. For clarity, this proposal relocated the applicable provisions 916.9 [936.9, 956.9](r). These provisions apply to all watersheds with anadromous salmonids. No change was made to the existing language. This language was presented to the Board in the 8/30/06 DRAFT for Special Board Meeting under 923.9 [943.9, 963.9](w).

1 (k) Water drafting for timber operations from within a channel zone of a  
2 natural watercourse or from a lake shall conform with the following  
3 standards:

- 4 (1) The RPF shall incorporate into the plan:
- 5 (A) a description and map of proposed water drafting locations,
  - 6 (B) the watercourse or lake classification, and
  - 7 (C) the general drafting location use parameters (i.e., yearly  
8 timing, estimated total volume needed, estimated total uptake rate and  
9 filling time, and associated water drafting activities from other plans).
- 10 (2) On Class I and Class II watercourse where the RPF has estimated  
11 that:
- 12 (A) bypass flows are less than 2 cubic feet per second, or
  - 13 (B) pool volume at the water drafting site would be reduced by 10  
14 percent, or
  - 15 (C) diversion rate exceeds 350 gallons per minute, or
  - 16 (D) diversion rate exceeds 10 percent of the above surface flow;
- 17 no water drafting shall occur unless the RPF prepares a water drafting plan  
18 to be reviewed and, if necessary a streambed alteration agreement issued, by  
19 DFG and approved by the Director. The Director may accept the project  
20 description and conditions portion of an approved "Streambed Alteration  
21 Agreement" issued under the Fish and Game Code (F&GC 1600 et seq.) which is  
22 submitted instead of the water drafting plan described in 14 CCR § 916.9  
23 [936.9, 956.9] (r)(2)(D)(1-5).

24 The water drafting plan shall include, but not be limited to:

25 1. disclosure of estimated percent streamflow reduction and  
duration of reduction,

Previous Proposals Comparison  
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1           2. discussion of the effects of single pumping operations, or  
2 multiple pumping operations at the same location,

3           3. proposed alternatives and discussion to prevent adverse  
4 effects (e.g. reduction in hose diameter, reduction in total intake at one  
5 location, described allowances for recharge time, and alternative water  
6 drafting locations),

7           4. conditions for operators to include an operations log kept on  
8 the water truck containing the following information: Date, Time, Pump Rate,  
9 Filling Time, Screen Cleaned, Screen Conditions, and Bypass flow  
10 observations,

11           5. a statement by the RPF for a pre-operations field review with  
12 the operator to discuss the conditions in the water drafting plan.

13           (3) Intakes shall be screened in Class I and Class II watercourses and  
14 lakes. Screens shall be designed to prevent the entrainment or impingement of  
15 all life stages of fish or amphibians. Screen specifications shall be  
16 included in the plan.

17           (4) Approaches to drafting locations within a WLPZ shall be treated in  
18 accordance with the provisions of 14 CCR § 923.9.2 [943.9.2](d)(5).

19           ~~(f)~~

20           (1) The operational provisions of 14 CCR §§ 923.9 [943.9, 963.9] and  
21 923.9.2 [943.9.2] shall not apply to a plan under which the incidental take  
22 from timber operations of each listed anadromous salmonid species within the  
23 planning watershed is already authorized pursuant to the following:

24           (1) a valid incidental take permit issued by DFG pursuant to Section  
25 2081(b) of the Fish and Game Code; or

**Comment [DOH111]:** Section (f) was replaced with section (1) below. Neither change was reflected in the 8/30/06 DRAFT for Special Board Meeting.

1 (2) a federal incidental take statement or incidental take permit, for  
2 which a consistency determination has been made pursuant to Section 2080.1 of  
3 the Fish and Game Code; or

4 (3) Section 2835 of the Fish and Game Code under a valid natural  
5 community conservation plan approved by DFG; or

6 (4) a federal incidental take statement or incidental take permit for  
7 an anadromous salmonid species that is not state listed.

8 (m) The operational provisions of 14 CCR §§ 923.9 [943.9, 963.9] and  
9 923.9.2 [943.9.2] shall not apply to a plan that specifies project revisions,  
10 guidelines, or take avoidance measures pursuant to a memorandum of  
11 understanding or a planning agreement entered into between the plan submitter  
12 and DFG, which DFG has determined will avoid take of listed anadromous  
13 salmonid species.

14 ~~(g)~~ |

**Comment [DOH112]:** Section (g) was deleted in The 8/30/06 DRAFT for Special Board Meeting.

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1 **Adopt New 14 CCR §§ 923.9.1 and 943.9.1 Intent and Scope of Application of**  
2 **Minimization and Mitigation Measures for Roads and Landings in Watersheds**  
3 **with Coho Salmon**

Comment [DOH113]: This change was not reflected in The 8/30/06 DRAFT for Special Board Meeting.

4 **(a) The minimization and mitigation measures for roads and landings in**  
5 **watersheds with coho salmon are intended to serve the following purposes:**

6 **(1) To streamline and facilitate the process of obtaining incidental**  
7 **take permits for state-listed coho salmon from DFG for timber operations**  
8 **under the California Endangered Species Act (Fish & G. Code, § 2050 et seq.);**

9 **(2) To minimize potential cumulative effects of timber operations in**  
10 **watersheds with coho salmon for the state's timber harvest permitting**  
11 **program; and**

12 **(3) To provide the basis for an application to the National Marine**  
13 **Fisheries Service for a habitat conservation plan that would provide**  
14 **incidental take coverage for federally-listed anadromous salmonids for the**  
15 **state's timber harvest permitting program.**

16 **(b) The scope of application of the minimization and mitigation measures**  
17 **for roads and landings in watersheds with coho salmon is as follows:**

18 **(1) In addition to all other District Forest Practice Rules, in any**  
19 **watershed with coho salmon, the minimization and mitigation measures for**  
20 **roads and landings in watersheds with coho salmon shall apply to all timber**  
21 **operations where DFG determines that take will, or is likely to result from**  
22 **such proposed timber operations, unless an incidental take of coho salmon is**  
23 **already authorized as specified under 14 CCR § 923.9 [943.9, 963.9](1).**

**Adopt New 14 CCR §§ 923.9.2 and 943.9.2 Minimization and Mitigation Measures  
for Roads and Landings in Watersheds with Coho Salmon**

(a) An assessment of road surface and drainage conditions for all road segments within the plan area and appurtenant to proposed operations shall be included in the plan.

(1) The assessment shall contain a list of site-specific, field inventory information including proposed treatment of existing or potential sediment sources for all crossings, ditch relief culverts, road surfaces, road cuts, road fills, landings, turnouts and inboard ditches.

(A) Field inventory information shall be obtained by an RPF or supervised designee while traversing the road segments.

(2) The assessment shall be subject to approval by the Director, with written concurrence by DFG. Additional field inventory, work sites, and/or alternative treatments may be required.

(3) The results of the road assessment shall be used to, construct, reconstruct, or decommission road segments prior to filing a work completion report. Maintenance needs identified during and after the road assessment shall be addressed as soon as is feasible.

(b) Within WLPZs, any new road or landing construction, reconstruction, new watercourse crossings, use of Class I fords or opening of old roads (except for the purpose of decommissioning) will be subject to approval by the Director, with written concurrence by DFG. The Director will only approve such practices where protection for aquatic habitat provided by proposed practices is at least equal to the protection provided by the use of alternate routes or locations outside of the WLPZ.

**Comment [DOH114]:** This section was not presented to the Board November 8, 2006.

**Comment [DOH115]:** The language in this section was presented to the Board August 30, 2006 under 923.9 [943.9, 963.9](a).

**Comment [DOH116]:** The language in this section was presented to the Board August 30, 2006 under 923.9 [943.9, 963.9](c).

1 (c) The guidelines and performance standards for road decommissioning  
2 methods described in the California Salmonid Stream Habitat Restoration  
3 Manual, 1998, 3<sup>rd</sup> edition; pages X-53 through X-59 (published by State of  
4 California, Resources Agency, California Department of Fish and Game) shall  
5 be followed.

**Comment [DOH117]:** The language in this section was presented to the Board August 30, 2006 under 923.9 [943.9, 963.9](e).

6 (d) The following design features shall be included in the maintenance,  
7 construction, reconstruction, or decommissioning of roads, except where site-  
8 specific alternatives are explained, justified, and approved by the Director,  
9 with written concurrence by DFG. The Director may only approve alternatives  
10 where the consequences for aquatic habitat are no greater than would result  
11 from the standard measures. Except for maintenance needs that arise from  
12 October 15 to June 1, all work described below shall be completed before  
13 October 15 in the year that work begins.

**Comment [DOH118]:** The language in this section was presented to the Board August 30, 2006 under 923.9 [943.9, 963.9](f).

14 (1) Road surfaces shall be outsloped with rolling dips, wherever  
15 feasible.

16 (2) All road segments shall be hydrologically disconnected, to the  
17 extent feasible, from watercourses and lakes by site specific application of  
18 the following: outsloping, rocking, installation of rolling dips, cross  
19 drains, and/or waterbars, except where site-specific alternatives are  
20 explained and justified in the plan, and approved by the Director, with  
21 written concurrence by DFG. All of these features shall drain to stable  
22 sediment filter strips.

23 (3) Crossings and associated fills shall be removed or reconstructed  
24 where there is evidence of failure potential or sediment delivery to Class I,  
25 II, or III watercourses and lakes.

1           **(4)** Culverts shall be replaced or removed if they are crushed,  
2 perforated, piping, separated, not adequate to carry water from the fifty-  
3 year flood level, located in unstable fill, or causing erosion that may be  
4 expected to deliver sediment to Class I, II, or III watercourses and lakes.  
5 Replaced culverts shall be installed at or as close to the original stream  
6 grade and slope as feasible.

7           **(5)** Each road approach to a watercourse crossing shall be treated to  
8 create and maintain a stable operating surface, and to avoid the generation  
9 of fines during use, in accordance with subsection (A) through (F) below.  
10 The road approach encompasses either of the following areas, whichever is  
11 less:

12           **(i)** the area from the watercourse channel to the nearest drainage  
13 facility, but not less than 50 feet; or

14           **(ii)** the area from the watercourse channel to the first high point  
15 on the road where road drainage flows away from the watercourse.

16           **(A)** Road surfaces on the following shall consist of high-quality,  
17 durable, compacted rock or paving:

18                   **(i)** permanent roads

19                   **(ii)** seasonal roads crossing Class I watercourses

20                   **(iii)** roads used for hauling (logs, rock, heavy equipment)

21 from October 15 to June 1.

22           **(B)** Road surfaces on the following shall be treated with either:  
23 rock, slash, seed and straw mulch, seed and stabilized straw, or seed and  
24 slash:

25                   **(i)** all seasonal roads used for hauling in the current year

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1 (ii) all seasonal roads used from October 15 to June 1 for  
2 purposes other than hauling

3 (C) Approaches to temporary crossings shall be rocked as needed  
4 after crossing removal to avoid rutting or pumping fines during use.

5 (D) Ditches exhibiting downcutting along the following shall be  
6 lined with high-quality, durable rock:

7 (i) permanent roads

8 (ii) seasonal roads crossing Class I watercourses

9 (iii) roads used for hauling from October 15 to June 1.

10 (E) Ditches along the following shall be treated to prevent  
11 scour:

12 (i) seasonal roads used for hauling in the current year

13 (ii) seasonal roads used from October 15 to June 1 for  
14 purposes other than hauling.

15 (F) Bare soil on associated fill slopes, shoulders and cuts shall  
16 be treated to minimize erosion.

17 (6) Sediment discharge from unstable or eroding cutbanks, fillslopes  
18 and landing fills will be prevented by pulling, buttressing, or other means  
19 and by installing and maintaining effective erosion control materials.

20 (7) Bridges (including associated fill, rip rap, and abutments) and  
21 bridge approaches showing evidence of failure potential or sediment delivery  
22 to Class I, II, or III watercourses and lakes shall be repaired, replaced, or  
23 removed.

24 (e) Erosion control materials shall be applied in sufficient quantity  
25 prior to the onset of measurable precipitation with re-application as needed

Comment [DOH119]: The language in this section was presented to the Board August 30, 2006 under 923.9 [943.9, 963.9](j).

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1 to avoid any visible increase in surface erosion or turbidity in Class I, II  
2 or III receiving watercourses and lakes.

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

**Comment [DOH120]:** The language in this section was revised as indicated since it was presented to the Board August 30, 2006. The original language was presented under 923.9 [943.9, 963.9](k).

7 **(g) (1) No road or landing construction, reconstruction, or**  
8 decommissioning shall be undertaken from October 15th to **May 15th,** or at any  
9 time outside this period when saturated soil conditions exist, **except as**  
10 **provided in subsection (2) or (3).**

**Comment [DOH121]:** The language in this section was revised as indicated since it was presented to the Board August 30, 2006. The original language was presented under 923.9 [943.9, 963.9](l).

11 **(2) No road or landing construction, reconstruction, or**  
12 decommissioning shall be undertaken from October 15th to June 1st, or at any  
13 time outside this period when saturated soil conditions exist within **(i) all**  
14 **planning watersheds that drain into the Mattole watershed, (ii) all planning**  
15 **watersheds wholly or partially contained within Del Norte County, and (iii)**  
16 **the following specified planning watersheds in Humboldt County; where average**  
17 **May rainfall exceeds three inches.**

**Comment [DOH122]:** The language in this section was revised as indicated since it was presented to the Board August 30, 2006. The original language was presented under 923.9 [943.9, 963.9](l).

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<u>CALWATER 2.2</u>	<u>ID Number</u>	<u>Coho Status</u>	<u>Acres</u>
<u>Planning Watershed</u>			
<u>McGarvey Creek</u>	<u>1105.110806</u>	<u>Present</u>	<u>13,442.2</u>
<u>May Creek</u>	<u>1107.100201</u>	<u>Present</u>	<u>11,242.8</u>
<u>Lost Man Creek</u>	<u>1107.100104</u>	<u>Present</u>	<u>12,704.5</u>
<u>Skunk Cabbage Creek</u>	<u>1107.100203</u>	<u>Present</u>	<u>4,855.1</u>
<u>McArthur Creek</u>	<u>1107.100103</u>	<u>Present</u>	<u>6,814.1</u>
<u>McDonald Creek</u>	<u>1108.100002</u>	<u>Present</u>	<u>23,879.8</u>
<u>Bond Creek</u>	<u>1107.100102</u>	<u>Present</u>	<u>8,200.5</u>
<u>Tarup Creek</u>	<u>1105.110703</u>	<u>Present</u>	<u>12,429.2</u>
<u>Pitcher Creek</u>	<u>1108.100001</u>	<u>Present</u>	<u>13,179.4</u>
<u>Maple Creek</u>	<u>1108.100003</u>	<u>Present</u>	<u>16,841.5</u>
<u>Ah Pah Creek</u>	<u>1105.110702</u>	<u>Present</u>	<u>10,771.8</u>
<u>Bridge Creek</u>	<u>1107.100101</u>	<u>Present</u>	<u>15,055.9</u>

(3) The RPF may propose site-specific exceptions that are explained and justified in the plan, and approved by the Director, with written concurrence by DFG. The Director will only approve exceptions where the protection provided for aquatic habitat by the proposed practices is at least equal to the protection provided by the above time period or conditions. Access without specific approval by the Director is allowed to correct emergency, road-related problems demanding immediate action.

**Comment [DOH123]:** The language in this section was revised as indicated since it was presented to the Board August 30, 2006. The original language was presented under 923.9 [943.9, 963.9](l).

1 (h) Use of unpaved roads shall cease when precipitation is sufficient to  
2 generate overland flow off the road surface, use of any portion of the road  
3 results in rutting of the road surface, or a stable operating surface can not  
4 be maintained.

Comment [DOH124]: The language in this section was presented to the Board August 30, 2006 under 923.9 [943.9, 963.9](m).

5 (i) (1) Resumption of road use shall only occur when there is a stable  
6 operating surface.

Comment [DOH125]: The language in this section was presented to the Board August 30, 2006 under 923.9 [943.9, 963.9](n).

7 (2) Resumption of road or landing construction or reconstruction,  
8 shall not occur until the soil conditions allow a stable operating surface to  
9 be developed.

10 (j) (1) All roads within the plan area and appurtenant to proposed  
11 operations shall be inspected

Comment [DOH126]: Except as indicated, the language in this section was presented to the Board August 30, 2006 under 923.9 [943.9, 963.9](o).

12 (A) by the LTO at least twice annually - once between June 1st and  
13 October 15th and at least once after October 15th following the first storm  
14 event producing bankfull stage - prior to completion of operations;

15 (B) by the timberland owner during the same time period for the  
16 remainder of the prescribed maintenance period.

17 (2) The inspection shall be started as soon as conditions permit access  
18 (in accordance with 14 CCR § 923.9.2 [943.9.2](i)) to ensure that drainage  
19 structures and facilities are functioning to hydrologically disconnect the  
20 road prism from waters.

21 (3) Inspection results and follow up corrective measures shall be  
22 documented and shall be provided to CDF and DFG.

23 (k) Decommissioned roads shall be inspected following the first storm  
24 event producing bankfull stage after decommissioning and again prior to  
25 filing the completion report. The purpose of the inspection will be to  
verify the effectiveness of treatments in preventing sediment discharges to

Comment [DOH127]: The language in this section was presented to the Board August 30, 2006 under 923.9 [943.9, 963.9](p).

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1 waters and to ensure treatments are functioning to restore natural drainage  
2 and hillslope stability. If treatments are found to be ineffective prior to  
3 the end of the prescribed maintenance period, further treatments shall be  
4 applied if the volume of sediment prevented from entering a channel by  
5 additional treatments is greater than that incurred by re-entering the site.

6 (l) During road inspection and maintenance, measures shall be employed to  
7 ensure the following: waterbars fully capture run-off from road surfaces and  
8 discharge it without gully formation or sediment delivery to waters; culverts  
9 (including crossdrains) are not occluded by debris; inboard ditches are not  
10 downcutting or scouring; cutbank erosion is minimized, and the fine sediment  
11 present on road surfaces is prevented from delivery to Class I, II, or III  
12 watercourses and lakes.

13 (m) Routine corrective work that prevents diversion of water from a  
14 watercourse or ditch or helps maintain a stable operating surface (e.g.,  
15 repairing inboard ditches, cross drains, water bars, road surface and fill,  
16 unblocking of culverts) shall be performed as soon as possible, regardless of  
17 the time of year. Vehicle access for routine corrective work shall only be  
18 permitted in accordance with 14 CCR § 923.9.2 [943.9.2](i). Other  
19 maintenance needs of lower priority shall be undertaken between June 1st and  
20 October 15th.

21 (n) Forest floor discharge sites below the outlets of drainage facilities  
22 on all roads within the plan area and appurtenant to proposed operations  
23 shall be inspected by the LTO for evidence of sediment delivery to Class I,  
24 II, or III watercourses and lakes at least twice annually; once between June  
25 1 and October 15, and at least once after October 15 following the first  
storm event producing bankfull stage discharges prior to filing the notice of

**Comment [DOH128]:** The language in this section was presented to the Board August 30, 2006 under 923.9 [943.9, 963.9](q).

**Comment [DOH129]:** Except as indicated, the language in this section was presented to the Board August 30, 2006 under 923.9 [943.9, 963.9](r).

**Comment [DOH130]:** The language in this section was presented to the Board August 30, 2006 under 923.9 [943.9, 963.9](s).

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1 completion report. If evidence of sediment delivery is present, additional  
2 cross drains, waterbars, or rolling dips shall be installed to reduce the  
3 discharge volume to the site.

4 (o) Grading of road surfaces shall occur only when necessary to achieve a  
5 uniform, stable, and well-drained operating surface. Inboard ditches shall  
6 be graded only when they are blocked or lack adequate inside ditch hydraulic  
7 capacity, or driver safety is a concern. Where feasible, blading the segment  
8 of ditch between the watercourse and first drainage facility shall be  
9 avoided.

**Comment [DOH131]:** The language in this section was presented to the Board August 30, 2006 under 923.9[943.9, 963.9](t).

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**Page 19: [1] Comment [DOH48] dhall 12/20/2006 5:27:00 PM**

The 8/30/06 DRAFT for Special Board Meeting included sections (f)(2) and (3). These sections have been relocated in the 12/20/06 DRAFT for Special Board Meeting and are now under 916.9.2 [936.9.2](b)(2) and (3). Additionally, the 8/30/06 DRAFT for Special Board Meeting included sections (g) and (h) pertaining to Class III requirements and operations on headwall swales. These sections have been relocated in the 12/20/06 DRAFT for Special Board Meeting and are now under 916.9.2(c) and (d).

**Page 19: [2] Comment [DOH51] dhall 12/17/2006 5:28:00 PM**

Subsection (g) (2) included provisions pertaining to tractor road construction and use. For clarity, this proposal relocated the applicable provisions to 923.9 [943.9, 963.9](g)(1). With this change, the phrase “the following shall apply” was not necessary.

**Page 19: [3] Comment [DOH52] dhall 12/17/2006 5:29:00 PM**

Subsection (g) (3) included provisions pertaining to the operation of equipment on roads and landings. For clarity, this proposal relocated the applicable provisions to 923.9 [943.9, 963.9](g)(2).

**Page 38: [4] Comment [DOH91] dhall 12/20/2006 5:27:00 PM**

The following section has been renumbered for consistency. It is existing language and appeared in the 8/30/06 DRAFT for Special Board Meeting as subsection 923.9 [943.9, 963.9](g).

**Page 38: [5] Comment [DOH92] dhall 12/20/2006 5:27:00 PM**

The following section has been renumbered for consistency. It is existing language and appeared in the 8/30/06 DRAFT for Special Board Meeting as subsection 923.9 [943.9, 963.9](h).

**Page 38: [6] Comment [DOH93] dhall 12/20/2006 5:27:00 PM**

The following section has been renumbered for consistency. It is existing language and appeared in the 8/30/06 DRAFT for Special Board Meeting as subsection 923.9 [943.9, 963.9](i).

**Page 38: [7] Comment [DOH94] dhall 12/20/2006 5:27:00 PM**

Subsection (g) (1) included provisions pertaining to tractor road construction and use. For clarity, this proposal relocated the applicable provisions from 916.9 [936.9, 956.9](g)(2). These provisions apply to all watersheds with anadromous salmonids. Minor changes were made to the existing language for clarity. This language was presented to the Board in the 8/30/06 DRAFT for Special Board Meeting under subsection 923.9 [943.9, 963.9](u).

**Page 38: [8] Comment [DOH95] dhall 12/20/2006 5:30:00 PM**

The 8/30/06 DRAFT for Special Board Meeting included new sections 923.9 [943.9, 963.9](m). This language was revised and has been moved to 923.9.2 [943.9.2](h) in the 12/20/06 DRAFT for Special Board Meeting.

**Page 38: [9] Comment [DOH96R95] dhall 12/20/2006 5:30:00 PM**

(n) The 8/30/06 DRAFT for Special Board Meeting included new sections 923.9 [943.9, 963.9](n). This language was revised and has been moved to 923.9.2 [943.9.2](i) in the 12/20/06 DRAFT for Special Board Meeting.

**Page 38: [10] Comment [DOH97R96] dhall 12/20/2006 5:30:00 PM**

The 8/30/06 DRAFT for Special Board Meeting included new sections 923.9 [943.9, 963.9](o). This language was revised and has been moved to 923.9.2 [943.9.2](j) in the 12/20/06 DRAFT for Special Board Meeting.

**Page 38: [11] Comment [DOH98R97] dhall 12/20/2006 5:30:00 PM**

The 8/30/06 DRAFT for Special Board Meeting included new sections 923.9 [943.9, 963.9](p). This language was revised and has been moved to 923.9.2 [943.9.2](k) in the 12/20/06 DRAFT for Special Board Meeting.

**Page 38: [12] Comment [DOH99R98] dhall 12/20/2006 5:30:00 PM**

The 8/30/06 DRAFT for Special Board Meeting included new sections 923.9 [943.9, 963.9](q). This language was revised and has been moved to 923.9.2 [943.9.2](l) in the 12/20/06 DRAFT for Special Board Meeting.

**Page 38: [13] Comment [DOH100R99] dhall 12/20/2006 5:30:00 PM**

The 8/30/06 DRAFT for Special Board Meeting included new sections 923.9 [943.9, 963.9](r). This language was revised and has been moved to 923.9.2 [943.9.2](m) in the 12/20/06 DRAFT for Special Board Meeting.

**Page 38: [14] Comment [DOH101R100] dhall 12/20/2006 5:30:00 PM**

The 8/30/06 DRAFT for Special Board Meeting included new sections 923.9 [943.9, 963.9](s). This language was revised and has been moved to 923.9.2 [943.9.2](n) in the 12/20/06 DRAFT for Special Board Meeting.

**Page 38: [15] Comment [DOH102R101] dhall 12/20/2006 5:30:00 PM**

The 8/30/06 DRAFT for Special Board Meeting included new sections 923.9 [943.9, 963.9](t). This language was revised and has been moved to 923.9.2 [943.9.2](o) in the 12/20/06 DRAFT for Special Board Meeting.

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**Page 38: [16] Comment [DOH103]**

**dhall**

**12/20/2006 5:30:00 PM**

The 8/30/06 DRAFT for Special Board Meeting included new sections 923.9 [943.9, 963.9](l). This language was revised and has been moved to 923.9.2 [943.9.2](g)(1) through (3) in the 12/20/06 DRAFT for Special Board Meeting in recognition of differing mounts of rainfall in various specific regions in the state.

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**Page 38: [17] Comment [DOH104]**

**dhall**

**12/20/2006 5:30:00 PM**

The 8/30/06 DRAFT for Special Board Meeting included new sections 923.9 [943.9, 963.9](k). This language was revised and has been moved to 923.9.2 [943.9.2](f) in the 12/20/06 DRAFT for Special Board Meeting.

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**Page 38: [18] Comment [DOH105]**

**dhall**

**12/20/2006 5:30:00 PM**

The 8/30/06 DRAFT for Special Board Meeting included new sections 923.9 [943.9, 963.9](j). This language has been moved to 923.9.2 [943.9.2](e) in the 12/20/06 DRAFT for Special Board Meeting.