

Operations on saturated soils, wet conditions, or stable operating surfaces



Road Rules, 2011

Staff Report Forest Practice
Committee

3/1/11

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MAR 13 2002





**Hare Creek-
Wet Weather
Roads**





01/23/2009



01/23/20



01/23/2009











Road Surface and Hauling Impacts



Operations on saturated soils, wet conditions, or stable operating surfaces

Presentation Content

- **Issues/Needs/Science Basis**
- **Policy Recommendations**
- **Existing Regs**
- **Reg concepts**

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Issues/Needs/Science Basis

- **Not Clear**
- **Violate Water laws**
- **Conflicting requirements**
- **Redundancy**
- **Enforcement problems**
- **High risk of sediment discharge and salmonid impacts**

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Issue: Not Clear

Rules state:

“no operations on saturated soils”.

Yet really mean:

“operate on sat soils if you do no harm” .

Ref: 923.6 (g)

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Issue: Violates Water laws

“no visible increase in turbidity...” violates water board water quality requirements.

Ref: 923.6(j)(1)

Discussion by Dave Fowler

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Issue: Conflicts

Some sections allow operations on wet soils
others do not.

Ref: 923.6 (g) vs. 923.6 (c) and 923.6 (h)

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Issue: Redundancy

Over a dozen subsections essentially restate similar requirements.

- 914.7 (c) (1)..... winter operations
- 915.1 (b).....site prep
- 916.9 (k)(1)..... ASP tractor roads
- 923.4 (j).....road construction
- 923.6 (c), (g), and (h).....road use
- 923.6 (j) (1) - (5).....ASP road use
- 1093.2 (A).....RMP road
construction/use
- 1104.1 (E).....Conv. exempt.
tractor use

ISSUE: Enforcement

- Language is unenforceable: “may” discharge
- Reactionary: “increase in visible turbidity in watercourse”
- Inspectors prefer identifiable field indicators
- Violations occur, but common sense used for ceasing operations
- Some locations OK to operate on sat soils: McCloud/Modoc
- Some locations NOT OK to operate on sat soils: coastal ASP

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ISSUE: Science Basis

Pete Cafferata, CAL FIRE

Discussing science literature for road use on wet or saturated soils

Dan Wilson, NMFS

Discussing science literature on sediment discharge and anadromous salmonids

Steps to address issues

- Look at Road Use rules in 923.6
- FPC decide policy
- Develop concept rule language

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Current Road Use rules in 923.6

923.6 (b).... no use resulting in significant discharge

923.6 (c).....use only when firm and spot rock isolated areas

923.6 (g).... no use on sat. soils that result in signif. discharge

923.6 (h).....surface rock to maintain a SOS

923.6 (j) (1)..no use when visible increase in turbidity in watercourses (ASP)

923.6 (j) (2)..use only when hydro discon. and SOS (ASP)

923.6 (j) (3)..treat road approaches (ASP)

923.6 (j) (4)..treat WLPZ roads (ASP)

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Policy Decisions....staff recommendations

- Require use to be on a SOS at all times?....Yes, with exceptions
- Allow operations on saturated soils or not?... No, with exceptions
- Eliminate term “increase in visibly turbid water”?...Yes
- Treat road approaches? Which ones and how?...
Yes, certain ones

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Regulation concepts for Road Use rules in 923.6

- 1) Use limited to roads which have a SOS, with exceptions in (3) below. (modified 923.6 (h))

- 2) No use on saturated soil conditions, with exceptions in (3) below.
(modified 923.6 (g) and (j)(2))

- 3) Exception: Use on saturated soils conditions may be permitted when measures, as described in the plan, are implemented to prevent significant discharge.

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Regulation concepts for **ASP** Road Use rules in 923.6

all recommendations above plus:

- 4) Use prohibited when visible turbid water is in a drainage facility. (modified 923.6 (j)(1))
- 5) Road approaches, which are not hydrologically disconnected, used for hauling or other heavy equipment uses during the EWWP shall be rocked. (923.5 (p)(4)(5))
- 6) All new road approaches shall be rocked, with exceptions as described in plan. [Move to 923.4 road construction section.]