

# Road Rules Review of the Forest Practice Rules

Status Report Updated March 8, 2010

**Executive Summary:** California Forest Practice Rules related to protection of watersheds with anadromous salmonid species, currently termed the “Anadromous Salmonid Protection Rules (ASP)” ,formally termed the “Threatened or Impaired Watershed” rules (T/I rules), are continuing to be reviewed and updated by the State Board of Forestry and Fire Protection. The ASP rules related to riparian buffers were reviewed in 2008 and revised in 2009. The “Road Rules” portions of the ASP rules, along with other road related rules in the Forest Practice Rules, are the next group of rules to be considered by the Board. The rules are being reviewed by the Board’s Road Rule Committee and the Forest Practice Committee (FPC) to determine their adequacy in protecting the species and meeting the Forest Practice Act and other legal mandates. The review will result in regulatory actions that could be adopted in late 2010 and become effective in 2011.

The review is based on work conducted by the FPC’s Road Rules Committee (RRC) which began its work in 2005. The RRC work focused on reorganizing the FPRs related to roads and landing for clarity and consistency among terms and standards used in the FPRs. The RRC completed a regulatory proposal dated March 2, 2010, and this document is subject of the FPC review.

The FPC began its review of the RRC regulatory proposal in March 2010. The FPC has created a schedule of review for the various subsection of the RRC proposal and will review various sections each month. The FPC completed the section 923 Intent and is in progress on 923.1 Logging Road and Landing Planning.

**Review Scope:** This review is focusing on the roads, landings and watercourse crossing regulations of the State Forest Practice Rules, termed “road rules”. The review will cover both general road rules in the Forest Practice Rules (FPRs) and those specific to watersheds with listed anadromous salmonid species and 303 (d) impaired waterbodies. The review includes sections of the FPRs that were originally adopted in 2000 under the “Threatened or Impaired Watershed” rules (T/I rules), rules adopted in 2007 for facilitating incidental take of coho salmon through DF&G §2112 regulation, and many other existing sections of the FPRs related to roads and landings (see below).

## Existing FPRs being proposed for amendment

§895.1 Definitions

§914.8 Tractor Road Watercourse Crossings

§916.3 General Limitations Near Watercourses...

§ 916.9 [936.9, 956.9] (a), (c), (k)-(p) Protection and Restoration and the Beneficial Functions of the Riparian Zone in Watersheds with listed Anadromous Salomnids

918.3 Roads to be Kept Passable

923 Logging Roads and Landings

923.1 Logging Road and Landing Planning

923.2 Road Construction

923.3 Watercourse Crossings

923.4 Road Maintenance

923.5 Landing Construction

923.6 Conduct of Operations on Roads and Landings

923.7 licensed timber Operator responsibility for roads and landings  
923.8 Planned abandonment of the roads, watercourse crossings, and landings  
§ 923.9 [943.9, 963.9] Roads and Landings in Watersheds with Listed anadromous salmonids  
1034 Contents of Plan  
1034 (x) *map type and scale and description requirements*  
1034 (aa)-(mm)  
1051.5 Contents of Modified THP  
1090.5 Contents of NTMP  
1090.7 Notice of Timber Operations Content\  
1092.09 PTHP Contents

The FPC's road Rules Committee proposal amendments to the above existing regulations are listed below:

Road Rules committee Proposal date march 2, 2010

895.1 Definitions  
914.8 Tractor Road Watercourse Crossings  
916.3 General Limitations Near Watercourses  
916.9 (f) Class I watercourses  
916.9 (k) Year-round tractor road use  
916.9 (l) Extended wet weather period  
916.9 (n) Treatments to stabilize soils  
916.9 (q) Water drafting  
918.3 Roads to be Kept Passable  
923 Intent  
923.1 Logging Road and Landing Planning  
923.2 Design and Implementation (Roads & Landings)  
923.3 Mapping and Identification (Roads & Landings)  
923.4 Construction & Reconstruction (Roads & Landings)  
923.5 Erosion Control (Roads & Landings)  
923.6 Use (Roads & Landings)  
923.7 Maintenance & Monitoring (Roads & Landings)  
923.8 Abandonment & Deactivation (Roads & Landings)  
923.9 LTO Responsibility (Roads & Landings)  
923.10 Logging Road Watercourse Crossing Planning  
923.11 Design and Implementation (Crossings)  
923.12 Mapping and Identification (Crossings)  
923.13 Construction & Reconstruction (Crossings)  
923.14 Erosion Control (Crossings)  
923.15 Use  
923.16 Maintenance & Monitoring (Crossings)  
923.17 Removal (Crossings)  
1034 Contents of Plan

1034 (x) *map type and scale and description requirements*

1034 (aa)-(mm)

1090.5 Contents of Modified THP and NTMP

1090.7 Notice of Timber Operations Content

1092.09 PTHP Contents

### **Project Goals:**

- Road related FPRs are logically and clearly organized;
- Establishment of road related rules measures are adequate for listed anadromous salmonid species, and consistent with water quality control basin plan and 303 (d) impaired waterbodies requirements.
- Complete review of road related rules and adopt any new regulations to go into effect on January, 2011 or January, 2012, depending on the complexity of the regulatory proposal.
- Rules adopted shall be permanent with no expiration date.
- Adopted rules will be consistent with contemporary science information.
- Adopted rules will be consistent with other state laws.

### **Review Process**

- **Review oversight:** The Board's Forest Practice Committee (FPC) is the responsible body for organizing and approving the review.
- **Road Rules Committee (RRC):** The review will be conducted by the Board's Road Rules Committee (RRC). The RRC is an interagency and public stakeholder group that has been in place since 2005 reviewing the entire set of road related forest practices rules and formulating organizational changes. The Road Rules Committee will serve as a first stop for review and vetting of proposals for new measures/new language that stakeholders wish the FPC to consider. The RRC will meet periodically and report monthly back to the FPC.
- **Science literature review:** Compilation, review, and synthesis of scientific literature, and evaluation of the adequacy of existing rules based upon current science. A review of the literature will be conducted and will include scientifically robust, peer reviewed, data rich documents. Stakeholders will be encouraged to submit appropriate science literature. It is expected that there will be no funds available to finance a Technical Advisory Committee or for a contracted literature review.
- **Legal authorities review:** An assessment of the rules for consistency with the Board's statutory authority.
- **Consistency with other agencies:** An assessment of the rules for consistency with other pertinent state/federal laws.

- **Stakeholder input:** Consideration of comments provided by stakeholders.
- **Evaluate existing road related rules:** Consider the effectiveness of current rules in preventing significant adverse impacts, cumulative impacts, and take of listed species.
- **Regulatory concepts:** Draft regulations will be developed by the RRC.
- **Alternative and impacts:** An assessment of the economic and fiscal impact and environmental impacts of each regulatory alternative.

**Key Topics** Below is an initial list of likely important regulatory topics and outcomes that will be the focus of the review. These include:

- regional/geographic scope of rules;
- consistency with science information;
- modifications/development of goal/intent statements;
- organizational clarity with other non-anadromous salmonid road related sections of the FPRs;
- consistency with other state and federal laws.;
- watercourse crossing standards and implementation;
- road surface and erosion control; and
- role of RMPs.

#### **Time frame and Calendar of Activities**

- Assemble review team – **November 2009**
- Notify stakeholders and agencies of review – **December 2009**
- Complete draft reorganization of existing rules -- **March 2010**
- Make assessments of existing rules and new proposal: Conduct science reviews, develop key legal, agency consistency, and stakeholder proposal. – **March 2010 to October 2010**
- Develop regulatory concepts and alternative assessments **March -October 2010**
- Prepare formal regulatory proposals – **November 2010**
- Notice Rulemaking Action - **January 2011**
- Adopt Rulemaking Actions – **May 2011**

**Meetings:** FPC meetings are the primary venue for discussing this topic. Meetings are held monthly (first Tuesday in Sacramento) and will be formally noticed by the BOF to a contact list established for the project. The FPC will next meet on April 6, 2010, at 8:00 am, in Sacramento, to review progress and provide direction.

End