

**State of California
Office of Administrative Law**

In re:
Board of Forestry and Fire Protection

Regulatory Action:

Title 14, California Code of Regulations

Adopt sections:
Amend sections: 916.9, 936.9, 956.9
Repeal sections:

**NOTICE OF APPROVAL OF REGULATORY
ACTION**

Government Code Section 11349.3

OAL Matter Number: 2022-0823-03

OAL Matter Type: Regular (S)

This rulemaking action by the Board of Forestry and Fire Protection amends regulations relating to Class II-Large Determinations. Pursuant to Public Resources Code, section 4554.5, subdivision (a), these amendments become effective January 1, 2023.

OAL approves this regulatory action pursuant to section 11349.3 of the Government Code. This regulatory action becomes effective on 1/1/2023.

Date: October 5, 2022



Kevin D. Hull
Senior Attorney

For: Kenneth J. Pogue
Director

Original: Matt Dias, Executive Officer
Copy: Eric Hedge

NOTICE PUBLICATION/REGULATION SUBMISSION

REGULAR

STD. 400 (REV. 10/2019)

For use by Secretary of State only

ENDORSED - FILED in the office of the Secretary of State of the State of California

OCT 05 2022

1:53 pm

Form header with fields: OAL FILE NUMBERS (Z-), NOTICE FILE NUMBER, REGULATORY ACTION NUMBER (2022-0823-035), EMERGENCY NUMBER, AGENCY WITH RULEMAKING AUTHORITY (Board of Forestry and Fire Protection), AGENCY FILE NUMBER (If any).

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

Form A: PUBLICATION OF NOTICE. Fields include: 1. SUBJECT OF NOTICE, 2. REQUESTED PUBLICATION DATE, 3. NOTICE TYPE, 4. AGENCY CONTACT PERSON, TELEPHONE NUMBER, FAX NUMBER (Optional), OAL USE ONLY, ACTION ON PROPOSED NOTICE, NOTICE REGISTER NUMBER, PUBLICATION DATE.

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

Form B: SUBMISSION OF REGULATIONS. Fields include: 1a. SUBJECT OF REGULATION(S) (Class II-L Determination Amendments, 2022), 1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S), 2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related), 3. TYPE OF FILING, 4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE, 5. EFFECTIVE DATE OF CHANGES, 6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY.

Form C: CONTACT PERSON. Fields include: 7. CONTACT PERSON (Eric Hedge), TELEPHONE NUMBER (916.917.3170), FAX NUMBER (Optional), E-MAIL ADDRESS (Optional) (eric.hedge@bof.ca.gov).

8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

Form D: SIGNATURE OF AGENCY HEAD OR DESIGNEE. Fields include: Eric Hedge, DATE (August 23, 2022), TYPED NAME AND TITLE OF SIGNATORY (Eric Hedge, Regulations Program Manager, Board of Forestry and Fire Protection).

For use by Office of Administrative Law (OAL) only
ENDORSED APPROVED
OCT 05 2022
Office of Administrative Law

1
2 **Board of Forestry and Fire Protection**
3 **“Class II-L Determination Amendments, 2022”**
4 **Title 14 of the California Code of Regulations (14 CCR),**
5 **Division 1.5, Chapter 4,**
6 **Subchapters 4, 5, and 6 Article 6**
7

8 **Amend:**

9 **§ 916.9. Protection and Restoration of the Beneficial Functions of the Riparian**
10 **Zone in Watersheds with Listed Anadromous Salmonids.**

11 In addition to all other Rules, the following requirements shall apply in any watershed
12 with listed anadromous salmonids. Requirements of 14 CCR § 916.9 precede other
13 sections of the FPRs.*****

14 *****

15 **(g) Class II Watercourses**

16 The following are the minimum requirements for Class II WLPZ delineation and Timber
17 Operations. Differing Rules are specified for Watersheds in the Coastal Anadromy
18 Zone, the Southern Subdistrict of the Coast Forest District, and areas outside the
19 coastal anadromy zone. WLPZ width ranges from 50 to 100 feet slope distance,
20 depending on side slope steepness in the WLPZ and the Watercourse type. Additional
21 site-specific measures may be incorporated into the Plan as necessary to protect
22 Beneficial Uses of water relative to Riparian function pursuant to 14 CCR §§ 916.2(c),
23 916.4(a)(1), and 916.9(b).

- 24 (1) Determine the Class II Watercourse Type: Class II Watercourses are
25 composed of two types - Class II-S (standard) Watercourses and Class II-L

1 (large) Watercourses. Class II-S Watercourses are those classified as Class II
2 Watercourses pursuant to 14 CCR § 916.5, but do not possess the
3 characteristics of a Class II-L Watercourse.

4 (A) A Class II-L Watercourse is defined as a Class II Watercourse having
5 either of the following characteristics:

6 ~~1. A a contributing drainage area of \geq 100 acres in the Coast Forest~~
7 ~~District, or \geq 150 acres for the Northern and Southern Forest~~
8 ~~Districts, as measured from the confluence of the receiving Class I~~
9 ~~Watercourse.~~

10 ~~2. An average Active Channel Width of five feet (5 ft.) or greater~~
11 ~~near the confluence with the receiving Class I Watercourse. Where~~
12 ~~field measurements are necessary to make this determination,~~
13 ~~Active Channel Width measurements shall be taken at~~
14 ~~approximately fifty foot (50 ft.) intervals beginning at the point~~
15 ~~where the Class II Watercourse intersects the Class I WLPZ~~
16 ~~boundary and moving up the Class II Watercourse for a distance of~~
17 ~~approximately two hundred feet (200 ft.) The combined average of~~
18 ~~these five (5) measurements shall be used to establish the average~~
19 ~~Active Channel Width. Measurement points may be adjusted based~~
20 ~~upon site specific conditions, and should occur at riffle locations~~
21 ~~and outside the influence of Watercourse crossings to the extent~~
22 ~~Feasible.~~

23 (B) All Class II-L Watercourses shall incorporate requirements stated in 14
24 CCR § 916.9, subsection (g)(2) for a distance of one-thousand feet (1,000
25 ft.), or total length of Class II, whichever is less, as measured from the

1 confluence with a Class I Watercourse. The RPF shall include the mapped
2 location of Class II-L Watercourse segments receiving protections
3 pursuant to 14 CCR § 916.9, subsection (g)(2) in the Plan area. Where
4 such Class II-L Watercourses branch prior to the end of the one-thousand
5 foot (1,000 ft.) protection distance, the branch that meets or exceeds the
6 drainage area standards of 14 CCR § 916.9, subsection (g)(1)(A) shall
7 receive the remainder of the one-thousand foot (1,000 ft.) protection
8 distance. If two or more branches meet or exceed the drainage area
9 standards of 14 CCR § 916.9, subsection (g)(1)(A)1., then the remainder
10 of the one-thousand foot (1,000 ft.) protection distance shall be applied to
11 all branches exceeding the standard. If no individual branch exceeds the
12 drainage area standards of 14 CCR § 916.9, subsection (g)(1)(A)1., then
13 the single branch with the largest drainage area shall receive the
14 remainder of the one-thousand foot (1,000 ft.) protection distance.

15 ~~(C) The above method for determination of Class II Watercourse type shall~~
16 ~~sunset on January 1, 2023 pending further evaluation of the efficacy of~~
17 ~~Class II WLPZ widths and operational requirements in relationship to~~
18 ~~Watercourse characteristics and achievement of the goals specified in 14~~
19 ~~CCR § 916.9 subsection (a).~~

20 (2) Class II WLPZ Widths and Operational Requirements: All Class II WLPZs
21 shall be composed of two zones regardless of the Watercourse type: a Core
22 Zone and an Inner Zone. The Core Zone is nearest to the water, the Inner Zone
23 is contiguous to the Core Zone and is furthest from the water. The width of the
24 Core and Inner Zones vary depending on the following three factors: (i) side
25 slope steepness in the WLPZ, (ii) whether the Watercourse is a Class II-S or

1 Class II-L Watercourse type, and (iii) whether the Watercourse is within a
2 watershed in the coastal anadromy zone or outside the coastal anadromy zone.
3 Graphic depictions of zones and the abbreviated descriptions of the silvicultural
4 prescriptions and operational requirements are shown in Figure 7.

5 (A) Core Zone: The width of Core zone varies from 10 feet to 30 feet
6 measured from the Watercourse or Lake Transition Line. When
7 established, no Timber Operations are permitted in this zone except for
8 those listed in 14 CCR § 916.9, subsection (e)(1)(A)-(F), or practices
9 approved pursuant to 14 CCR § 916.9, subsection (v). Sanitation-Salvage
10 is prohibited except as provided in § 916.9, subsections (s), (t), and (u).
11 Table 4. summarizes the minimum width for the Core Zone.

12 (B) Inner Zone: The widths of the Inner Zone vary from 35 feet to 90 feet
13 and shall be measured from the landward edge of Core Zone or WTL,
14 whichever is greater. Timber Operations are permitted in this zone when
15 conducted to meet the goals of this section, including those for the Inner
16 Zone in 14 CCR § 916.9, subsections (c)(2) and (4), pursuant to 14 CCR §
17 916.9, subsections (e)(1)(A)-(F) or pursuant to 14 CCR § 916.9 subsection
18 (v). Harvesting prescriptions should focus on practices that use thinning
19 from below. Inner Zone widths are summarized in Table 4.

20 1. Class II-S Watercourses: Any Class II-S Watercourses shall
21 receive protection in conformance with 14 CCR §§ 916 through
22 916.7 in addition to the requirements listed under 14 CCR §§
23 916.9(g)(2)(A) and (B).

24 2. Class II-L Watercourses in the coastal anadromy zone:
25 Silvicultural Systems for harvesting are limited to the use of

1 commercial thinning or single tree selection modified to meet the
2 following requirements:

3 (i) When commercial thinning is used, the QMD of conifer
4 trees greater than 8 inches dbh in the preharvest Project
5 area shall be increased in the postharvest stand.

6 (ii) Sanitation-Salvage is prohibited except as provided in 14
7 CCR § 916.9, subsections (s), (t) and (u).

8 (iii) Postharvest stand shall have a minimum 80% Overstory
9 Canopy cover in the Coast and Southern Forest Districts of
10 the coastal anadromy zone and a minimum 70% Overstory
11 Canopy cover in the Northern Forest District of the coastal
12 anadromy zone. The postharvest Canopy may be composed
13 of both conifers and hardwood Species and shall have at
14 least 25% Overstory conifer Canopy.

15 (iv) Postharvest stand shall retain the 13 largest conifer trees
16 (live or dead) on each acre of the area that encompasses
17 the Core and Inner Zones.

18 (v) Large trees retained to meet 14 CCR § 916.9,
19 subsections (g)(2)(B)3.(i) and (iii) above that are the most
20 conducive to recruitment to provide for the Beneficial
21 Functions of Riparian Zones (e.g. trees that lean towards the
22 channel, have an unimpeded fall path toward the
23 Watercourse, are in an advanced state of decay, are located
24 on Unstable Areas or downslope of such Unstable Areas, or

1 have undermined roots) are to be given priority to be
2 retained as future recruitment trees.

3 3. Class II-L Watercourses outside Watersheds in the Coastal
4 Anadromy Zone: Silvicultural Systems for harvesting are limited to
5 the use of commercial thinning or single tree selection modified to
6 meet the following requirements:

7 (i) When commercial thinning is used, the QMD of conifer
8 trees greater than 8 inches dbh in the preharvest Project
9 area shall be increased in the postharvest stand.

10 (ii) Sanitation-Salvage is prohibited except as provided in 14
11 CCR § 916.9, subsections (s), (t), and (u).

12 (iii) Postharvest stand shall have a minimum 70% Overstory
13 Canopy cover. The postharvest Canopy may be composed
14 of both conifers and hardwood Species and shall have at
15 least 25% Overstory conifer Canopy.

16 (iv) Postharvest stand shall retain the 7 largest conifer trees
17 (live or dead) on each acre of the area that encompasses
18 the Core and Inner Zones.

19 (v) Large trees retained to meet 14 CCR § 916.9,
20 subsections (g)(2)(B)3.(i) and (iii) above that are the most
21 conducive to recruitment to provide for the Beneficial
22 Functions of Riparian Zones (e.g. trees that lean towards the
23 channel, have an unimpeded fall path toward the
24 Watercourse, are in an advanced state of decay, are located
25 on Unstable Areas or downslope of such an Unstable Areas,

1 or have undermined roots) are to be given priority to be
2 retained as future recruitment trees.

3 Table 4. Core and Inner Zone widths.

4 *[Note: No change to image]*

5 (3) Class II Watercourses in the Southern Subdistrict of the Coast Forest District
6 In addition to all other Forest Practice Rules applicable to timber harvesting
7 within the Southern Subdistrict of the Coast Forest District, the following Rules
8 apply within a Class II WLPZ. These requirements supersede any other
9 requirements for Class II Watercourses contained in 14 CCR § 916.9(g).

10 (A) Retain all trees within the Class II WLPZ that meet the following
11 criteria:

- 12 1. all trees located within the Channel Zone;
- 13 2. all trees that have boles that overlap the edge of the Channel
14 Zone; and
- 15 3. all trees with live roots permeating the bank or providing channel
16 grade control, with the following exception:

17 (i) 1/3 of the stems of redwoods with live roots permeating
18 the bank or providing channel grade control may be
19 harvested.

20 (B) Where sufficient spacing exists prior to harvesting, retained redwood
21 trees greater than or equal to 12 inches dbh shall not be spaced more
22 than 25 feet apart.

23 (C) A minimum of 80% Overstory Canopy shall be maintained within the
24 Channel Zone. If 80% Overstory Canopy is not present within the Channel

1 Zone, the existing Overstory Canopy within the channel shall not be
2 reduced.

3 (D) No more than 1/3 of the conifers 18" dbh or larger may be harvested.

4 *****

5 *[Note: No changes to the remainder of the section]*

6
7 NOTE: Authority cited: Sections 4551, 4562.7 and 21000(g), Public Resources Code.
8 Reference: Sections 751, 4512, 4513, 4551.5, 21000(g), 21001(b) and 21002.1, Public
9 Resources Code; Sections 100, 1243 and 13050(f), Water Code; and Sections 1600
10 and 5650(c), Fish and Game Code.

11 *****

12 **§ 936.9. Protection and Restoration of the Beneficial Functions of the Riparian**
13 **Zone in Watersheds with Listed Anadromous Salmonids.**

14 In addition to all other Rules, the following requirements shall apply in any watershed
15 with listed anadromous salmonids. Requirements of 14 CCR § 936.9 precede other
16 sections of the FPRs.

17 *****

18 (g) Class II Watercourses -

19 The following are the minimum requirements for Class II WLPZ delineation and Timber
20 Operations. Differing Rules are specified for Watersheds in the Coastal Anadromy
21 Zone, the Southern Subdistrict of the Coast Forest District, and areas outside the
22 coastal anadromy zone. WLPZ width ranges from 50 to 100 feet slope distance,
23 depending on side slope steepness in the WLPZ and the Watercourse type. Additional
24 site-specific measures may be incorporated into the Plan as necessary to protect

1 Beneficial Uses of water relative to Riparian function pursuant to 14 CCR §§ 936.2(c),
2 936.4(a)(1), and 936.9(b).

3 (1) Determine the Class II Watercourse Type: Class II Watercourses are
4 composed of two types - Class II-S (standard) Watercourses and Class II-L
5 (large) Watercourses. Class II-S Watercourses are those classified as Class II
6 Watercourses pursuant to 14 CCR § 936.5, but do not possess the
7 characteristics of a Class II-L Watercourse.

8 (A) A Class II-L Watercourse is defined as a Class II Watercourse having
9 either of the following characteristics:

10 1. ~~A~~ contributing drainage area of ≥ 100 acres in the Coast Forest
11 District, or ≥ 150 acres for the Northern and Southern Forest
12 Districts, as measured from the confluence of the receiving Class I
13 Watercourse.

14 2. ~~An average Active Channel Width of five feet (5 ft.) or greater~~
15 ~~near the confluence with the receiving Class I Watercourse. Where~~
16 ~~field measurements are necessary to make this determination,~~
17 ~~Active Channel Width measurements shall be taken at~~
18 ~~approximately fifty foot (50 ft.) intervals beginning at the point~~
19 ~~where the Class II Watercourse intersects the Class I WLPZ~~
20 ~~boundary and moving up the Class II Watercourse for a distance of~~
21 ~~approximately two hundred feet (200 ft.) The combined average of~~
22 ~~these five (5) measurements shall be used to establish the average~~
23 ~~Active Channel Width. Measurement points may be adjusted based~~
24 ~~upon site specific conditions, and should occur at riffle locations~~

1 ~~and outside the influence of Watercourse crossings to the extent~~
2 ~~Feasible.~~

3 (B) All Class II-L Watercourses shall incorporate requirements stated in 14
4 CCR § 936.9, subsection (g)(2) for a distance of one-thousand feet (1,000
5 ft.), or total length of Class II, whichever is less, as measured from the
6 confluence with a Class I Watercourse. The RPF shall include the mapped
7 location of Class II-L Watercourse segments receiving protections
8 pursuant to 14 CCR § 936.9, subsection (g)(2) in the Plan area. Where
9 such Class II-L Watercourses branch prior to the end of the one-thousand
10 foot (1,000 ft.) protection distance, the branch that meets or exceeds the
11 drainage area standards of 14 CCR § 936.9, subsection (g)(1)(A) shall
12 receive the remainder of the one-thousand foot (1,000 ft.) protection
13 distance. If two or more branches meet or exceed the drainage area
14 standards of 14 CCR § 936.9, subsection (g)(1)(A)1., then the remainder
15 of the one-thousand foot (1,000 ft.) protection distance shall be applied to
16 all branches exceeding the standard. If no individual branch exceeds the
17 drainage area standards of 14 CCR § 936.9, subsection (g)(1)(A)1., then
18 the single branch with the largest drainage area shall receive the
19 remainder of the one-thousand foot (1,000 ft.) protection distance.

20 ~~(C) The above method for determination of Class II Watercourse type shall~~
21 ~~sunset on January 1, 2023 pending further evaluation of the efficacy of~~
22 ~~Class II WLPZ widths and operational requirements in relationship to~~
23 ~~Watercourse characteristics and achievement of the goals specified in 14~~
24 ~~CCR § 936.9 subsection (a).~~

1 (2) Class II WLPZ Widths and Operational Requirements: All Class II WLPZs
2 shall be composed of two zones regardless of the Watercourse type: a Core
3 Zone and an Inner Zone. The Core Zone is nearest to the water, the Inner Zone
4 is contiguous to the Core Zone and is furthest from the water. The width of the
5 Core and Inner Zones vary depending on the following three factors: (i) side
6 slope steepness in the WLPZ, (ii) whether the Watercourse is a Class II-S or
7 Class II-L Watercourse type, and (iii) whether the Watercourse is within a
8 watershed in the coastal anadromy zone or outside the coastal anadromy zone.
9 Graphic depictions of zones and the abbreviated descriptions of the silvicultural
10 prescriptions and operational requirements are shown in Figure 7.

11 (A) Core Zone: The width of Core zone varies from 10 feet to 30 feet
12 measured from the Watercourse or Lake Transition Line. When
13 established, no Timber Operations are permitted in this zone except for
14 those listed in 14 CCR § 936.9, subsection (e)(1)(A)-(F), or practices
15 approved pursuant to 14 CCR § 936.9, subsection (v). Sanitation-Salvage
16 is prohibited except as provided in § 936.9, subsections (s), (t), and (u).
17 Table 4. summarizes the minimum width for the Core Zone.

18 (B) Inner Zone: The widths of the Inner Zone vary from 35 feet to 90 feet
19 and shall be measured from the landward edge of Core Zone or WTL,
20 whichever is greater. Timber Operations are permitted in this zone when
21 conducted to meet the goals of this section, including those for the Inner
22 Zone in 14 CCR § 936.9, subsections (c)(2) and (4), pursuant to 14 CCR §
23 936.9, subsections (e)(1)(A)-(F) or pursuant to 14 CCR § 936.9 subsection
24 (v). Harvesting prescriptions should focus on practices that use thinning
25 from below. Inner Zone widths are summarized in Table 4.

1 1. Class II-S Watercourses: Any Class II-S Watercourses shall
2 receive protection in conformance with 14 CCR §§ 936 through
3 936.7 in addition to the requirements listed under 14 CCR §§
4 936.9(g)(2)(A) and (B).

5 2. Class II-L Watercourses in the coastal anadromy zone:
6 Silvicultural Systems for harvesting are limited to the use of
7 commercial thinning or single tree selection modified to meet the
8 following requirements:

9 (i) When commercial thinning is used, the QMD of conifer
10 trees greater than 8 inches dbh in the preharvest Project
11 area shall be increased in the postharvest stand.

12 (ii) Sanitation-Salvage is prohibited except as provided in 14
13 CCR § 936.9, subsections (s), (t) and (u).

14 (iii) Postharvest stand shall have a minimum 80% Overstory
15 Canopy cover in the Coast and Southern Forest Districts of
16 the coastal anadromy zone and a minimum 70% Overstory
17 Canopy cover in the Northern Forest District of the coastal
18 anadromy zone. The postharvest Canopy may be composed
19 of both conifers and hardwood Species and shall have at
20 least 25% Overstory conifer Canopy.

21 (iv) Postharvest stand shall retain the 13 largest conifer trees
22 (live or dead) on each acre of the area that encompasses
23 the Core and Inner Zones.

24 (v) Large trees retained to meet 14 CCR § 936.9,
25 subsections (g)(2)(B)2.(i) and (iii) above that are the most

1 conducive to recruitment to provide for the Beneficial
2 Functions of Riparian Zones (e.g. trees that lean towards the
3 channel, have an unimpeded fall path toward the
4 Watercourse, are in an advanced state of decay, are located
5 on Unstable Areas or downslope of such Unstable Areas, or
6 have undermined roots) are to be given priority to be
7 retained as future recruitment trees.

8 3. Class II-L Watercourses outside Watersheds in the Coastal
9 Anadromy Zone: Silvicultural Systems for harvesting are limited to
10 the use of commercial thinning or single tree selection modified to
11 meet the following requirements:

12 (i) When commercial thinning is used, the QMD of conifer
13 trees greater than 8 inches dbh in the preharvest Project
14 area shall be increased in the postharvest stand.

15 (ii) Sanitation-Salvage is prohibited except as provided in 14
16 CCR § 936.9, subsections (s), (t), and (u).

17 (iii) Postharvest stand shall have a minimum 70% Overstory
18 Canopy cover. The postharvest Canopy may be composed
19 of both conifers and hardwood Species and shall have at
20 least 25% Overstory conifer Canopy.

21 (iv) Postharvest stand shall retain the 7 largest conifer trees
22 (live or dead) on each acre of the area that encompasses
23 the Core and Inner Zones.

24 (v) Large trees retained to meet 14 CCR § 936.9,
25 subsections (g)(2)(B)3.(i) and (iii) above that are the most

1 conducive to recruitment to provide for the Beneficial
2 Functions of Riparian Zones (e.g. trees that lean towards the
3 channel, have an unimpeded fall path toward the
4 Watercourse, are in an advanced state of decay, are located
5 on Unstable Areas or downslope of such an Unstable Areas,
6 or have undermined roots) are to be given priority to be
7 retained as future recruitment trees.

8 Table 4. Core and Inner Zone widths.

9 *[Note: No changes to image]*

10 (3) Class II Watercourses in the Southern Subdistrict of the Coast Forest
11 District

12 In addition to all other Forest Practice Rules applicable to timber
13 harvesting within the Southern Subdistrict of the Coast Forest District, the
14 following Rules apply within a Class II WLPZ. These requirements
15 supersede any other requirements for Class II Watercourses contained in
16 14 CCR § 916.9(g).

17 (A). Retain all trees within the Class II WLPZ that meet the
18 following criteria:

- 19 1. all trees located within the Channel Zone;
- 20 2. all trees that have boles that overlap the edge of the
21 Channel Zone; and
- 22 3. all trees with live roots permeating the bank or providing
23 channel grade control, with the following exception:

1 (i) 1/3 of the stems of redwoods with live roots
2 permeating the bank or providing channel grade
3 control may be harvested.

4 (B) Where sufficient spacing exists prior to harvesting, retained
5 redwood trees greater than or equal to 12 inches dbh shall not be
6 spaced more than 25 feet apart.

7 (C) A minimum of 80% Overstory Canopy shall be maintained
8 within the Channel Zone. If 80% Overstory Canopy is not present
9 within the Channel Zone, the existing Overstory Canopy within the
10 channel shall not be reduced.

11 (D) No more than 1/3 of the conifers 18" dbh or larger may be
12 harvested.

13 ***

14 *[Note: no changes to the rest of the section]*

15
16 Note: Authority cited: Sections 4551, 4562.7 and 21000(g), Public Resources Code.
17 Reference: Sections 751, 4512, 4513, 4551.5, 21000(g), 21001(b) and 21002.1, Public
18 Resources Code; Sections 100, 1243 and 13050(f), Water Code; and Sections 1600
19 and 5650(c), Fish and Game Code.

20 ***

21 **§ 956.9. Protection and Restoration of the Beneficial Functions of the Riparian**
22 **Zone in Watersheds with Listed Anadromous Salmonids.**

23 In addition to all other Rules, the following requirements shall apply in any watershed
24 with listed anadromous salmonids. Requirements of 14 CCR § 956.9 precede other
25 sections of the FPRs.

1 ***

2 (g) Class II Watercourses -

3 The following are the minimum requirements for Class II WLPZ delineation and Timber
4 Operations. Differing Rules are specified for Watersheds in the Coastal Anadromy
5 Zone, the Southern Subdistrict of the Coast Forest District, and areas outside the
6 Coastal Andromy Zone. WLPZ width ranges from 50 to 100 feet slope distance,
7 depending on side slope steepness in the WLPZ and the Watercourse type. Additional
8 site-specific measures may be incorporated into the Plan as necessary to protect
9 Beneficial Uses of water relative to Riparian function pursuant to 14 CCR §§ 916.2(c),
10 916.4(a)(1), and 916.9(b).

11 (1) Determine the Class II Watercourse Type: Class II Watercourses are
12 composed of two types - Class II-S (standard) Watercourses and Class II-L
13 (large) Watercourses. Class II-S Watercourses are those classified as Class II
14 Watercourses pursuant to 14 CCR § 956.5, but do not possess the
15 characteristics of a Class II-L Watercourse.

16 (A) A Class II-L Watercourse is defined as a Class II Watercourse having
17 ~~either of the following characteristics:~~

18 1. ~~A~~ contributing drainage area of ≥ 100 acres in the Coast Forest
19 District, or ≥ 150 acres for the Northern and Southern Forest
20 Districts, as measured from the confluence of the receiving Class I
21 Watercourse.

22 2. ~~An average Active Channel Width of five feet (5 ft.) or greater~~
23 ~~near the confluence with the receiving Class I Watercourse. Where~~
24 ~~field measurements are necessary to make this determination,~~
25 Active Channel Width measurements shall be taken at

1 approximately fifty foot (50 ft.) intervals beginning at the point
2 where the Class II Watercourse intersects the Class I WLPZ
3 boundary and moving up the Class II Watercourse for a distance of
4 approximately two hundred feet (200 ft.). The combined average of
5 these five (5) measurements shall be used to establish the average
6 Active Channel Width. Measurement points may be adjusted based
7 upon site specific conditions, and should occur at riffle locations
8 and outside the influence of Watercourse crossings to the extent
9 Feasible.

10 (B) All Class II-L Watercourses shall incorporate requirements stated in 14
11 CCR § 956.9, subsection (g)(2) for a distance of one-thousand feet (1,000
12 ft.), or total length of Class II, whichever is less, as measured from the
13 confluence with a Class I Watercourse. The RPF shall include the mapped
14 location of Class II-L Watercourse segments receiving protections
15 pursuant to 14 CCR § 956.9, subsection (g)(2) in the Plan area. Where
16 such Class II-L Watercourses branch prior to the end of the one-thousand
17 foot (1,000 ft.) protection distance, the branch that meets or exceeds the
18 drainage area standards of 14 CCR § 956.9, subsection (g)(1)(A) shall
19 receive the remainder of the one-thousand foot (1,000 ft.) protection
20 distance. If two or more branches meet or exceed the drainage area
21 standards of 14 CCR § 956.9, subsection (g)(1)(A)1., then the remainder
22 of the one-thousand foot (1,000 ft.) protection distance shall be applied to
23 all branches exceeding the standard. If no individual branch exceeds the
24 drainage area standards of 14 CCR § 956.9, subsection (g)(1)(A)1., then

1 the single branch with the largest drainage area shall receive the
2 remainder of the one-thousand foot (1,000 ft.) protection distance.

3 ~~(C) The above method for determination of Class II Watercourse type shall~~
4 ~~sunset on January 1, 2023 pending further evaluation of the efficacy of~~
5 ~~Class II WLPZ widths and operational requirements in relationship to~~
6 ~~Watercourse characteristics and achievement of the goals specified in 14~~
7 ~~CCR § 956.9 subsection (a).~~

8 (2) Class II WLPZ Widths and Operational Requirements: All Class II WLPZs
9 shall be composed of two zones regardless of the Watercourse type: a Core
10 Zone and an Inner Zone. The Core Zone is nearest to the water, the Inner Zone
11 is contiguous to the Core Zone and is furthest from the water. The width of the
12 Core and Inner Zones vary depending on the following three factors: (i) side
13 slope steepness in the WLPZ, (ii) whether the Watercourse is a Class II-S or
14 Class II-L Watercourse type, and (iii) whether the Watercourse is within a
15 watershed in the coastal anadromy zone or outside the coastal anadromy zone.
16 Graphic depictions of zones and the abbreviated descriptions of the silvicultural
17 prescriptions and operational requirements are shown in Figure 7.

18 (A) Core Zone: The width of Core zone varies from 10 feet to 30 feet
19 measured from the Watercourse or Lake Transition Line. When
20 established, no Timber Operations are permitted in this zone except for
21 those listed in 14 CCR § 956.9, subsection (e)(1)(A)-(F), or practices
22 approved pursuant to 14 CCR § 956.9, subsection (v). Sanitation-Salvage
23 is prohibited except as provided in § 956.9, subsections (s), (t), and (u).
24 Table 4. summarizes the minimum width for the Core Zone.

1 (B) Inner Zone: The widths of the Inner Zone vary from 35 feet to 90 feet
2 and shall be measured from the landward edge of Core Zone or WTL,
3 whichever is greater. Timber Operations are permitted in this zone when
4 conducted to meet the goals of this section, including those for the Inner
5 Zone in 14 CCR § 956.9, subsections (c)(2) and (4), pursuant to 14 CCR §
6 956.9, subsections (e)(1)(A)-(F) or pursuant to 14 CCR § 956.9 subsection
7 (v). Harvesting prescriptions should focus on practices that use thinning
8 from below. Inner Zone widths are summarized in Table 4.

9 1. Class II-S Watercourses: Any Class II-S Watercourses shall
10 receive protection in conformance with 14 CCR §§ 956 through
11 956.7 in addition to the requirements listed under 14 CCR §§
12 956.9(g)(2)(A) and (B).

13 2. Class II-L Watercourses in the coastal anadromy zone:
14 Silvicultural Systems for harvesting are limited to the use of
15 commercial thinning or single tree selection modified to meet the
16 following requirements:

17 (i) When commercial thinning is used, the QMD of conifer
18 trees greater than 8 inches dbh in the preharvest Project
19 area shall be increased in the postharvest stand.

20 (ii) Sanitation-Salvage is prohibited except as provided in 14
21 CCR § 956.9, subsections (s), (t) and (u).

22 (iii) Postharvest stand shall have a minimum 80% Overstory
23 Canopy cover in the Coast and Southern Forest Districts of
24 the coastal anadromy zone and a minimum 70% Overstory
25 Canopy cover in the Northern Forest District of the coastal

1 anadromy zone. The postharvest Canopy may be composed
2 of both conifers and hardwood Species and shall have at
3 least 25% Overstory conifer Canopy.

4 (iv) Postharvest stand shall retain the 13 largest conifer trees
5 (live or dead) on each acre of the area that encompasses
6 the Core and Inner Zones.

7 (v) Large trees retained to meet 14 CCR § 956.9,
8 subsections (g)(2)(B)2.(i) and (iii) above that are the most
9 conducive to recruitment to provide for the Beneficial
10 Functions of Riparian Zones (e.g. trees that lean towards the
11 channel, have an unimpeded fall path toward the
12 Watercourse, are in an advanced state of decay, are located
13 on Unstable Areas or downslope of such Unstable Areas, or
14 have undermined roots) are to be given priority to be
15 retained as future recruitment trees.

16 3. Class II-L Watercourses outside Watersheds in the Coastal
17 Anadromy Zone: Silvicultural Systems for harvesting are limited to
18 the use of commercial thinning or single tree selection modified to
19 meet the following requirements:

20 (i) When commercial thinning is used, the QMD of conifer
21 trees greater than 8 inches dbh in the preharvest Project
22 area shall be increased in the postharvest stand.

23 (ii) Sanitation-Salvage is prohibited except as provided in 14
24 CCR § 956.9, subsections (s), (t), and (u).

1 (iii) Postharvest stand shall have a minimum 70% Overstory
2 Canopy cover. The postharvest Canopy may be composed
3 of both conifers and hardwood Species and shall have at
4 least 25% Overstory conifer Canopy.

5 (iv) Postharvest stand shall retain the 7 largest conifer trees
6 (live or dead) on each acre of the area that encompasses
7 the Core and Inner Zones.

8 (v) Large trees retained to meet 14 CCR § 956.9,
9 subsections (g)(2)(B)3.(i) and (iii) above that are the most
10 conducive to recruitment to provide for the Beneficial
11 Functions of Riparian Zones (e.g. trees that lean towards the
12 channel, have an unimpeded fall path toward the
13 Watercourse, are in an advanced state of decay, are located
14 on Unstable Areas or downslope of such an Unstable Areas,
15 or have undermined roots) are to be given priority to be
16 retained as future recruitment trees.

17 Table 4. Core and Inner Zone widths.

18 *[Note: no change to image]*

19 (3) Class II Watercourses in the Southern Subdistrict of the Coast Forest District
20 In addition to all other Forest Practice Rules applicable to timber harvesting
21 within the Southern Subdistrict of the Coast Forest District, the following Rules
22 apply within a Class II WLPZ. These requirements supersede any other
23 requirements for Class II Watercourses contained in 14 CCR § 956.9(g).

24 (A). Retain all trees within the Class II WLPZ that meet the following
25 criteria:

1. all trees located within the Channel Zone;
2. all trees that have boles that overlap the edge of the Channel Zone; and
3. all trees with live roots permeating the bank or providing channel grade control, with the following exception:

(i) 1/3 of the stems of redwoods with live roots permeating the bank or providing channel grade control may be harvested.

(B) Where sufficient spacing exists prior to harvesting, retained redwood trees greater than or equal to 12 inches dbh shall not be spaced more than 25 feet apart.

(C) A minimum of 80% Overstory Canopy shall be maintained within the Channel Zone. If 80% Overstory Canopy is not present within the Channel Zone, the existing Overstory Canopy within the channel shall not be reduced.

(D) No more than 1/3 of the conifers 18" dbh or larger may be harvested.

[Note: No changes to the remainder of the section]

Note: Authority cited: Sections 4551, 4562.7 and 21000(g), Public Resources Code.

Reference: Sections 751, 4512, 4513, 4551.5, 21000(g), 21001(b) and 21002.1, Public Resources Code; Sections 100, 1243 and 13050(f), Water Code; and Sections 1600 and 5650(c), Fish and Game Code.