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**Board of Forestry and Fire Protection**

**Title 14 of the California Code of Regulations**

**Division 1.5, Chapter 4,**

**Subchapters 4, 5, &6, Article 4**

DRAFT RULE PLEAD – **Tethered Section**

**§ 895.1. Definitions**

“Tractor Operations” means any activity which is associated with Timber Operations and is performed by tractors or skidders.

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“Tethered Operations” means those Tractor Operations which utilize cable winch systems to stabilize and assist equipment utilized in felling and Yarding.

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**§ 914 [934, 954]. Purposes.**

Timber Operations shall be conducted to: meet the goal of maximum sustained production of high quality timber products; minimize breakage of merchantable timber; prevent unreasonable damage to residual trees, Reproduction, and fish and wildlife habitat as identified in the Plan~~THP,~~ or contained in the Rules~~, reproduction, and Riparian vegetation~~; prevent degradation of the quality and Beneficial Uses of water; prevent degradation of the Beneficial Functions of Riparian Zones; and maintain site productivity by minimizing soil disturbance~~loss~~.

~~The following provisions shall be applied in a manner which achieves this standard.~~

Note: Authority cited: Sections 4551, 4551.5 and 4553 Public Resources Code. Reference: 33 U.S.C.A. Section 1288; and Sections 4512, 4513, 4514.3, 4527, 4562.5, 4562.7 and 4582, Public Resources Code.

**§ 914.2 [934.2, 954.2]. Ground Based~~Tractor~~ Operations.**

The following standards are applicable to Tractor and non-cable Operations with the exception of Tethered Logging:

(a) Tractor Operations shall be conducted in a manner which complies with 14 CCR § 914 [934, 954].

(b) Tractors, or other heavy equipment which is equipped with a blade, shall not operate on skid roads or slopes that are so steep as to require the use of the blade for braking.

(c) Tractor Roads shall be limited in number and width to the minimum necessary for removal of logs. When less damage to the resources specified in 14 CCR § 914 [934, 954] will result, existing Tractor Roads shall be used instead of constructing new Tractor Roads. **[Northern Only]** The RPF may propose exceptions for ~~s~~Silvicultural reasons when explained and justified in the Plan~~THP~~.

(d) Heavy equipment shall not operate on Unstable Areas. If such areas are unavoidable, the RPF shall develop specific measures to minimize the effect of operations on slope instability. These measures shall be explained and justified in the Plan and approved by the Director, and must meet the intent of the Act~~the requirements of 14 CCR § 914 [934, 954]~~.

(e) Slash and debris from Timber Operations shall not be bunched adjacent to residual trees required for silvicultural or wildlife purposes or placed in locations where they could be discharged into a Class I or II Watercourse, or Lake.

(f)~~Tractor Operations shall be subject to~~ ~~t~~The following limitations apply:

(1) Heavy equipment shall be prohibited where any of the following conditions are present:

(A~~i~~) sSlopes steeper than 65%

(B~~ii~~) sSlopes steeper than 50% where the Erosion Hazard Rating is high or extreme

(C~~iii~~) sSlopes over 50% which lead without flattening to sufficiently dissipate water flow and trap sediment before it reaches a Watercourse or Lake.

(2) On slopes between 50% and 65% where the Erosion Hazard Rating is moderate, and all slope percentages are for Average Slope steepness based on sample areas that are 20 acres, or less if proposed by the RPF or required by the Director, heavy equipment shall be limited to:

(A~~i~~) ~~e~~Existing Tractor Roads that do not require reconstruction, or

**(B~~ii~~)** **[Coast only]** new Tractor Roads at a location that has been shown on the Plan~~THP~~ map, flagged by an RPF or Supervised Designee prior to the pre-harvest inspection or, when a pre-harvest inspection is not required, prior to the start of Timber Operations, and approved by the Director.

**(B~~ii~~)** **[Northern and Southern]** N~~n~~ew Tractor Roads that have been flagged by an RPF or supervised designee prior to use.

(3) The RPF may propose exceptions to the limitations on Tractor Operations described in paragraphs (1) and (2) above if the proposed exception will comply with 14 CCR § 914 [934, 954], and if the Plan~~THP~~ both clearly explains the proposed exception and justifies why application of the standard rule is either not Feasible, or would not comply with 14 CCR § 914 [934, 954]. The location of Tractor Roads to be used under such exceptions shall be flagged prior to the pre-harvest inspection or, when a pre-harvest inspection is not required, prior to the start of Timber Operations.

(g) Where Tractor Roads are constructed, Timber Operators shall use Tractor Roads only, both for Skidding logs to Landings and on return trips.

(h) Timber Operators shall exercise due diligence so that desirable residual trees and seedlings will not be damaged or destroyed in Timber~~Tractor~~ Operations.

~~(i) Where Waterbreaks cannot effectively disperse surface runoff, other Erosion Controls shall be installed as needed.~~

**~~(j)~~****~~[Southern only]~~** ~~Except where terracing will disturb less than 50% of the soil surface, mechanical Site Preparation shall not be conducted on any of the following:~~

~~(1) Any slopes over 40%.~~

~~(2) Slopes over 30% which lead without flattening to a class I or class II Watercourse or to a Lake.~~

~~(3) Areas having average slopes over 30%, where the Erosion Hazard Rating is high or extreme. The area sampled for the average shall not exceed 20 acres.~~

**~~(k)~~****~~[Southern only]~~** ~~The Director may approve exceptions to (j)(1), (j)(2), and (j)(3) above when damage to soil and water quality caused by the use of heavy equipment will not exceed that caused by other Site Preparation methods if explained and justified in the PlanTHP.~~

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

**§ 914.3 [934.3, 954.3]. Cable Yarding.**

The following standards are applicable to Cable Yarding:

(a) Due diligence shall be exercised in the installing, and operating, of cable lines so that residual trees will not incur unreasonable damage by such installation or use.

(b) Residual trees required to be left upon completion of Timber Operations shall not be used for rub trees, corner blocks, Rigging or other cable ties unless effectively protected from damage.

(c) The practice of Tight-Lining ~~for the purpose of changing location of cable lines~~ is prohibited unless such practice can be carried on without damaging residual trees.

(d) Cable Yarding settings shall take maximum advantage of the natural topography and timber types so that Yarding operations will protect residual trees.

(e) Tractor~~s~~ Operations may occur ~~shall not be used~~ in areas designated for Cable Yarding. The limitations of 14 CCR § 914.2 (a) through (h), and any other limitations on Tractor Operations throughout this Chapter, as applicable, apply.~~except to pull trees away from Streams, to yard logs in areas where deflection is low, where swing Yarding is advantageous, to construct firebreaks and/or Layouts, and to provide tail-holds. Such exception(s) shall be explained and justified in the THP, and require Director's approval.~~

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

**§ 914.X [934.X, 954.X]. Tethered Operations**

(a) Tethered Operations shall be conducted in a manner which complies with 14 CCR § 914 [934, 954].

(b) Any heavy equipment used in Tethered Operations which is equipped with a blade, shall not operate on skid roads or slopes that are so steep as to require the use of the blade for braking.

(c) Established paths used in Tethered Operations shall be limited in number and width to the minimum necessary for removal of logs.

(d) Tethered Operations shall not occur on Unstable Areas. If such areas are unavoidable, the RPF shall develop specific measures to minimize the effect of operations on slope instability. These measures shall be explained and justified in the Plan and approved by the Director, and must meet the intent of the Act.

(e) Slash and debris from Timber Operations shall not be bunched adjacent to residual trees required for silvicultural or wildlife purposes or placed in locations where they could be discharged into a Class I or II Watercourse, or Lake.

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

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**§ 914.6. Waterbreaks.**

The following standards are applicable to the construction of Waterbreaks:

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(d) Cable Roads and established paths used in Tethered Operations that are so deeply cut as to divert and carry water away from natural drainage patterns for more than 100 feet shall have Waterbreaks installed on them at 100 feet intervals, or other appropriate erosion control measures may be applied if specified in the Plan.

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

**§ 1034. Contents of Plan**

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(x) On titled USGS (if available) or equivalent topographic maps of a scale not less than 2” to the mile, the information in subsections (1)-(3), (4)(A), (B) and (E) ((4)(B) and (E) for sites within the Harvest Area), (8), (9), and (11)-(13) shall be clearly shown. Additional maps, which may be topographic or planimetric, may be used to provide the information required in the other subsections, to show specific details, and to improve map clarity. The Appurtenant Roads referenced in subsections (4)(B), (C), (D), and (E) ((4)(B) and (E) for sites not within the Harvest Area) may be shown on a map which may be planimetric with a scale as small as one-half inch equals one mile. Color coding shall not be used. A legend shall be included indicating the meaning of the symbols used. See the District Rules for the appropriate minimum mapping acreages.

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(3) boundaries of Yarding (logging) systems, if more than one system is to be used.
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(17) Boundaries of areas where Tractor Operations are proposed for use on areas designated for Cable Yarding.

**\*\*Rulemaking note:** *Similar language may be included within:*

 *14 CCR §§: 1038.2 (Mapping Standards for Notices of Exemption),*

*1038.4 (Mapping Standards for the Forest Fire Prevention Exemption),*

*1052 (Emergency Notice),*

*1090.5 (Contents of NTMP),*

*1090.7 (Notice of Timber Operations Content),*

*1092.09 (PTHP Contents),*

*1094.6 (Contents of WFMP),*

*1094.8 (Working Forest Harvest Notice Content)*

Note: Authority cited: Sections 4551 and 4552, Public Resources Code. Reference: Sections 4527, 4582 and 4583, Public Resources Code.

**Site Preparation Re-Structuring**

**§ 915.1 [935.1, 955.1]. Use of Heavy Equipment for Site Preparation.**

~~(a) Use of heavy equipment for Site Preparation shall comply with the provisions set forth in 14 CCR § 914.2.~~

(a~~b~~) Heavy equipment shall not be used for Site Preparation under Saturated Soil Conditions that may produce Significant Sediment Discharge; or when it cannot operate under its own power due to wet conditions.

(b~~c~~) Watercourse crossings for heavy equipment shall be planned, constructed, maintained, and removed in accordance with the requirements for Tractor Roads in 14 CCR § 914.8.

(c~~d~~) Undisturbed areas or energy dissipators shall be used to control and disperse concentrated runoff from roads, Landings, Tractor Roads, firebreaks and erosion control facilities where it flows into Site Preparation areas.

**(d)** **[Southern only]** Except where terracing will disturb less than 50% of the soil surface, mechanical Site Preparation shall not be conducted on any of the following:

(1) Any slopes over 40%.

(2) Slopes over 30% which lead without flattening to a class I or class II Watercourse or to a Lake.

(3) Areas having average slopes over 30%, where the Erosion Hazard Rating is high or extreme. The area sampled for the average shall not exceed 20 acres.

**(e)** **[Southern only]** The Director may approve exceptions to (d)(1), (d)(2), and (d)(3) above when damage to soil and water quality caused by the use of heavy equipment will not exceed that caused by other Site Preparation methods if explained and justified in the Plan.

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