



Central Coast Forest Association

DIESEL REGULATIONS UPDATE

By Cate Moore

The hearings are completed and the rules have been put in place. Despite testimony from hundreds of small trucking operators, the California Air Resources Board (ARB) has once again demonstrated that it, and the State of California in general, does not have the impacts to businesses on their radar when formulating and implementing regulations.

CCFA, after sending representatives to the ARB hearings on the proposed regulations and getting disappointing answers, sent a lengthy letter to the governor and all of the state representatives from CCFA's area pointing out that impacts to businesses equated to impacts on state revenues and the State of California could ill afford to lose these revenues in its current fiscal dilemma. This also proved fruitless.

The Farm Bureau had better luck; according to Ag Alert dated 12/17/2008, we still do not have a grandfather clause for existing trucks, but we do have the following:

- * Most farm vehicles have until January 1, 2017 to meet the standard.
- * Trucks used less than 10,000 miles annually have until January 1, 2023.
- * Heavy-duty diesel trucks that are not classified as agricultural must install soot traps or take them off the road in 2011.

Agricultural vehicles are defined as "those vehicles that are used exclusively in agricultural and forest operations, those used exclusively to transport agricultural products to the first point of processing after harvest, and certain heavy-duty vehicles that exclusively deliver fertilizer or crop protection products from a distribution center to farms."

Additional exceptions for agricultural vehicles include:

- * Pickups and other vehicles less than 14,000 lbs are exempt
- * Off-road vehicles are exempt
- * Vehicles operating 100 hours or 1,000 miles per year are exempt
- * Vehicles operating less than 10,000 miles per year are exempt until 1/1/2023
- * Specialty vehicles such as nurse rigs, cotton module movers, water trucks, feed trucks or mixer-feed trucks used exclusively at feed lots are exempt until 1/1/2023.

Limited mileage agricultural vehicles are exempt until 1/1/2017. These include:

- * Pre-1996 model year engines operating less than 15,000 miles per year
- * 1996-2005 model year engines operating less than 20,000 miles per year
- * 2006 or newer model year engines operating less than 25,000 miles per year.

If you have vehicles that meet this definition, you have until January 31, 2010 to report to the ARB which of the vehicles you

owned as of January 2009 will be designated as agricultural vehicles.

There are more regulations that bear inspection. See www.arb.ca.gov/regact/2008/truckbus08.htm for specifics.

ADVISORY NOTICE

Here is a chance for those of you in the First District of the Santa Cruz County Board of Supervisors to meet and get acquainted with your new supervisor. It's also a chance to let him know you exist and have interests he should be aware of:

County Supervisor John Leopold will be meeting with constituents from the First District, including Live Oak and Soquel. Come share concerns and ideas.

- Wednesday, February 25, 4:30 - 6:00 PM
Porter Memorial Library, 3050 Porter St., Soquel

There were other dates, but our newsletter was too late to be of use to our readers. Sorry!

WATER QUALITY UPDATE

By CCFA Board

As many of you are aware, the Water Quality Control Board requires that landowners secure a waiver prior to timber harvesting. This waiver is separate from the Timber Harvest Plan (THP) process. The waiver is conditional, and requires post-harvest monitoring of the plan area. This monitoring includes visual monitoring, photo documentation, stream temperature monitoring and/or turbidity monitoring. The amount of monitoring required is dependent upon potential soil disturbance, drainage density, and watershed cumulative effects. Water Quality uses a system where they assign Tier I, Tier II, Tier III or Tier IV to your THP. The majority are assigned to Tier III, where all of the above monitoring may be required. The landowner pays for the inspections, data collection, and the cost of the temperature data loggers and lab work. The landowner must submit an annual report to Water Quality, and if any data is missing or incomplete, the landowner may be penalized.

Unfortunately, this requirement for a waiver from the Water Quality Control Board has caused significant delays. Waivers are not processed by Water Quality until the THP is approved, and then it typically takes between one to six months for them to process the waiver. This additional delay to the already slow process of securing the proper permits to harvest timber has been very costly to landowners.

However, there is good news to report! Water Quality has changed the way that they process waivers. If the THP is considered a Tier I, Tier II or Tier III, then Water Quality will all

See **Water Quality** (Continued on page 2)

Water Quality *(Continued from page 1)*

low landowners to commence harvest operations two weeks after plan approval if they have received the waiver application. This is not allowed if the THP is considered Tier IV, as these still require a public hearing and will take months to be approved. Water Board staff also recently stated that they are proposing to eliminate temperature and turbidity monitoring from Tier III and lower projects. The scientific validity of this data has been questionable from the beginning.

Water Quality staff has attributed these changes in the waiver program to State budget cuts. Whatever the reason, the CCFA Board appreciates any attempt by Water Quality staff to re-evaluate the waiver program and reduce the delays and the cost of monitoring. ■

NEW RULES ARE PROPOSED FOR PROTECTION OF WATERCOURSES IN THREATENED AND IMPAIRED WATERSHEDS

By Gary Paul

The Board of Forestry is considering a new rules package addressing the T&I watersheds i.e. those containing Coho salmon and steelhead trout. After much scientific review, new rules have been proposed to provide more protections for these listed salmonids.

Changes to the Class I protections involve new definitions of the channel zone. The channel zone, the edge of which is called the Watercourse Transition Line, is defined by the bank-full width. Indicators for this width are under consideration. These are based mostly on type of vegetation, such as existence of trees at least 25 years in age, or a switch from annual water tolerant species to perennial water tolerant species. Where there are multiple channels (where a stream has migrated in the past from one to another channel), the channel zone includes the entire width of the area where these multiple channels are found. This is called the Channel Migration Zone (CMZ). In addition, there is a definition for unconfined channels with a broad flat adjacent to it. This is called a flood prone area (FPA), and the channel zone includes the entire width of the FPA.

Once the channel zone has been determined based on the above considerations, a 30 foot Core Zone (also called the Streamside Bank Protection Zone) will be established next to the channel zone. In the core zone, no harvesting will be allowed. However, in lieu practices may be allowed for thinning for increased conifer growth, restoration of conifer deficient areas, or improvement of fish habitat. In our area, we may be allowed an in lieu practice for light thinning for improved growth. After harvest requirements, include retention of 80% of the angular canopy density (ACD) and retention of large trees for large woody debris recruitment (already required by the current rules).

Next to the Core Zone is the Inner Zone, which extends from the edge of the Core Zone to 100 feet from the channel zone. In this zone, harvesting will be allowed, when it increases the average diameter of the conifer trees in the zone. This means that only the smaller trees will be allowed to be removed. In addition, 240 square feet of basal area must be retained. As with the Core Zone, 80% of the ACD must be

retained, as well as the large trees for LWD.

Next the Inner Zone is the Outer Zone, which extends from 100 to 150 feet from the channel zone. In our area, since we practice single tree selection silviculture, no Outer Zone is required. This is the one bright spot in the proposal. Currently we are required to maintain 65% canopy in a Class I WLPZ, in the area that is 75 to 150 feet from the edge of the channel zone. We will no longer be required to maintain that level of canopy beyond 100 feet and we will also be allowed to have ground based equipment operations in this area.

Class II protections will first involve dividing them into Class II-1 (first order watercourses i.e. no tributaries), Class II-2 (second order watercourse i.e. joining of two first order watercourses), Class II-3 (third order watercourse i.e. joining of two second order Class II watercourses), and so on. The WLPZ width is 50-100 feet, depending upon slope and stream order. The definition of the Watercourse Transition Line is followed, as described above for Class I watercourses, except that flood prone areas (unconfined channels) are not protected as channel zones.

For Class II-2 watercourses within 1000 feet upstream of a Class I watercourse, and Class II-3 watercourses, protection measures in the 30 foot Core Zone are the same as for Class I. In the Inner Zone (an additional 70 feet), 80% ACD must be retained. A light thinning of smaller trees may be allowed, raising the average diameter.

For Class II-1 and Class II-2 beyond 1000 feet above a Class I watercourse, the Streamside Bank Protection Zone is 15 feet, except when side slopes are under 10%, this zone is not required. Protection measures for this zone are the same as Class I. The balance of the Core and Inner Zone will vary from 35 feet to 85 feet depending upon slope. In this area, the current Class II protection rules will apply, which means maintaining 50% vertical canopy.

Class III watercourses will require a 30 foot equipment exclusion zone. When sideslopes exceed 30%, an additional 20 foot wide equipment limitation zone will be required. In addition, retention of all hardwood will be applied in both these zones, as well as conifers which show indications of providing bank or bed stability, such as roots that permeate the bank or bed.

If you wish to have input into this process, email Chris Zimny, CAL Fire Regulations Coordinator. ■

NOTES ON THE STATE BUDGET

By Jim Hildreth

State budget cuts have caused CDF and DFG to "furlough" their employees two days a month for the next 18 months. This will no doubt cause additional delays in the already painfully slow THP review process. But more importantly, CCFA is concerned about the reduction in pay for these employees and their families in an already difficult economy.

Some budget issues hit close to home. The Water Quality Control Board has cut their budget for THP review. Proposed changes to this program are scheduled to come before the Board in July. WQ indicated that they will have a report ready in April for public comment. CCFA is hopeful that this will result in a scientifically valid and cost effective regulatory program. ■

Central Coast Forest Association
Membership / Renewal / Contribution

Name _____ Date _____
Enclosed is \$ _____ for: New Membership Membership Renewal Legal Fund
Home phone _____ Work phone _____
Address _____ City _____ ST _____ Zip _____
Signature _____ E-mail _____

Please make checks payable to:

Central Coast Forest Association P.O. Box 1670 Capitola, CA 95010

Membership Category	Dues
Individual	-----\$50
Business	-----\$500

CCFA appreciates your support

CCFA is a 501-(c) 4 tax-exempt organization. Donations may be tax-deductible as a business expense.

Notes From the Nut-House

NON SEQUITUR



Human beings, who are almost unique in having the ability to learn from the experience of others, are also remarkable for their apparent disinclination to do so.

Douglas Adams (1952-2001)

We're on the web!
www.ccfassociation.org



Central Coast Forest Association
P.O. Box 1670
Capitola, CA 95010



WE APOLOGIZE !

This newsletter is a month late, primarily because there no emergency issues at the moment. However, the anti-timber organizations are always working on something and state agencies continue to formulate regulatory controls. We are always watchful and will publish important news as it comes out.

INSIDE THIS ISSUE:

Diesel Regulations Update Advisory Notice Water Quality Update	1
New rules Proposed For Protection of Watercourses Notes on the State Budget	2
Notes From the Nuthouse	3
CCFA's Mission	4

The forests must be, and will be, not only preserved but used, and the experience of all civilized countries that have faced and solved the question show that the forests, like perennial fountains, may be made to yield a sure harvest of timber while at the same time all their far-reaching beneficent uses may be maintained unimpaired.

John Muir

Founder of the Sierra Club in 1895

CCFA's Mission

The Central Coast Forest Association is a non-profit alliance of small forestland owners, forestry professionals and forest-oriented businesses with close affinity to the woods, mountains, streams and wildlife of the Central Coast. Our purpose is to uphold and preserve our values, our property rights and our way of life. To advance this objective, CCFA will:

- *Interact with community, political and environmental interests as a voice for forestland owners.*
- *Understand the news, law and technology of forestry and apply this knowledge for the benefit and protection of forestland owners.*
- *Inform members of matters affecting their lands and forests.*
- *Take political and legal action to defend the rights and property of all Central Coast forestland owners.*