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**Board of Forestry and Fire Protection**

**“Class II-L Determination Amendments, 2022”**

**Title 14 of the California Code of Regulations (14 CCR),**

**Division 1.5, Chapter 4,**

**Subchapters 4, 5, and 6 Article 6**

**Amend:**

**§ 916.9 [936.9, 956.9]. Protection and Restoration of the Beneficial Functions of the Riparian Zone in Watersheds with Listed Anadromous Salmonids.**

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

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(g) Class II Watercourses

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

(1) Determine the Class II Watercourse Type: Class II Watercourses are composed of two types - Class II-S (standard) Watercourses and Class II-L (large) Watercourses. Class II-S Watercourses are those classified as Class II Watercourses pursuant to 14 CCR § 916.5, but do not possess the characteristics of a Class II-L Watercourse.

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

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

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

(B) All Class II-L Watercourses shall incorporate requirements stated in 14 CCR § 916.9, subsection (g)(2) for a distance of one-thousand feet (1,000 ft.), or total length of Class II, whichever is less, as measured from the confluence with a Class I Watercourse. The RPF shall include the mapped location of Class II-L Watercourse segments receiving protections pursuant to 14 CCR § 916.9, subsection (g)(2) in the Plan area. Where such Class II-L Watercourses branch prior to the end of the one-thousand foot (1,000 ft.) protection distance, the branch that meets or exceeds the drainage area standards of 14 CCR § 916.9, subsection (g)(1)(A) shall receive the remainder of the one-thousand foot (1,000 ft.) protection distance. If two or more branches meet or exceed the drainage area standards of 14 CCR § 916.9, subsection (g)(1)(A)1., then the remainder of the one-thousand foot (1,000 ft.) protection distance shall be applied to all branches exceeding the standard. If no individual branch exceeds the drainage area standards of 14 CCR § 916.9, subsection (g)(1)(A)1., then the single branch with the largest drainage area shall receive the remainder of the one-thousand foot (1,000 ft.) protection distance.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Table 4. Core and Inner Zone widths.

[​](https://govt.westlaw.com/calregs/Link/Document/Blob/I0b22f838e8f111dea38cad00d20c1341.png?targetType=admin-codes&originationContext=document&vr=3.0&rs=cblt1.0&transitionType=DocumentImage&uniqueId=3498b1cb-5566-44c1-b468-8a2c1a8dc56f&contextData=(sc.Search))

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

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

(A) Retain all trees within the Class II WLPZ that meet the following 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.

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Note: Authority cited: Sections 4551, 4562.7 and 21000(g), Public Resources Code. Reference: Sections 751, 4512, 4513, 4551.5, 4750, 4750.3, 4750.4, 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.