

*Revised Rule Plead
for Workshop?*

March 22, 2024

Board of Forestry and Fire Protection

Utility and Public Agency ROW Exemption Amendments

Title 14 of the California Code of Regulations

Division 1.5, Chapter 4

Amend §§ 895.1, 929, 945.1, 945.3, 945.5, 949, 969, 1059, & 1104.1

Add Article 8 (commencing with § 1114) to Subchapter 7

§ 895.1. Definitions

Danger Tree means any tree located on or adjacent to a ~~utility right-of-way or facility that could damage utility facilities should it fall where (1) the tree leans toward the right-of-way, or (2) the tree is defective because of any cause, such as: heart or root rot, shallow roots, excavation, bad crotch, dead or with dead top, deformity, cracks or splits, or any other reason that could result in the tree or main-lateral of the tree falling. See chapter VII, Hazardous Tree Identification, Powerline Fire Prevention Field Guide 1977, A joint Publication of the California Department of Forestry, U.S. Forest Service, and U.S. Bureau of Land Management.~~ right-of-way for a utility or public agency facility or infrastructure, if the tree has been identified by an RPF or their Supervised Designee, or by a professionally certified arborist using the risk assessment tools and guidelines in the *Power Line Fire Prevention Field Guide*, CAL FIRE/ OSFM (2021) (hereby incorporated by reference) or the *Hazard Tree Guidelines For Forest Service Facilities*

1 and Roads in the Pacific Southwest Region, USDA, Forest Service (2012) (hereby
2 incorporated by reference), as satisfying both of the following criteria:

3 (a) The tree has one or more structural defects that make the tree susceptible to a risk
4 of failure and that warrants hazard abatement, as deemed appropriate by the RPF or
5 their Supervised Designee, or arborist. Structural defects of concern include any
6 observable tree condition that, in the RPF's, their Supervised Designee's, or arborist's
7 professional estimation, presents an unreasonable risk of failure in the near future.

8 (b) Tree failure due to the structural defect may cause contact with, damage to, or
9 disruption of service provided by, the facility or infrastructure located in the utility or
10 public agency right-of-way.

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12 **Timberland**, pursuant to PRC § 4526, means land, other than land owned by the
13 federal government and land designated by the Board as experimental forest land,
14 which is available for, and capable of, growing a Crop of Trees of a Commercial
15 Species used to produce lumber and other forest products, including Christmas trees.

16 ~~Nothing in this definition precludes a determination that lands subject to a utility or~~
17 ~~public agency right-of-way, as described in 14 CCR §1114, are "available for, and~~
18 ~~capable of, growing a Crop of Trees."~~ Commercial Species, on a District basis, is

19 defined in 14 CCR § 895.1.

20 ***

21 **Timber Operations** see PRC § 4527., ~~provided that "commercial purposes," as~~
22 ~~inclusively described in that section, also includes the construction or maintenance of a~~
23 ~~right-of-way, as described in 14 CCR § 1114, insofar as the cutting or removal of trees~~
24 ~~for those purposes has a reasonable nexus to a commercial activity, such as providing~~

safe and reliable utility service or ensuring safe travel for commercial traffic along transportation corridors.

Note: Authority cited: Sections 4551, 4551.5, 4553, 4561, 4561.5, 4561.6, 4562, 4562.5, 4562.7 and 4591.1, Public Resources Code. Reference: Sections 4511, 4512, 4512.5, 4513, 4521.3, 4523, 4524, 4525, 4525.3, 4525.5, 4525.7, 4526, 4526.5, 4527, 4527.5, 4528, 4551, 4551.5, 4561, 4562, 4562.5, 4562.7, 4583.2, 4584, 4591.1, 4597.1, 21001(f), 21080.5, 21083.2 and 21084.1, Public Resources Code; CEQA Guidelines Appendix K (printed following Section 15387 of Title 14 Cal. Code of Regulations), Laupheimer v. State (1988) 200 Cal.App.3d 440; 246 Cal.Rptr. 82; and Joy Road Area Forest and Watershed Association v. California Department of Forestry & Fire Protection, Sonoma County Superior Court No. SCV 229850.

§ 929. Statement of Purpose

The purpose of this article is to:

- (a) ensure that the significant archaeological and historical sites within the site survey area are adequately identified and protected,
- (b) to provide direction to RPFs preparing ~~Plans THPs (which includes all forms of THPs including, but not limited to, Modified THPs and NTMPs, WFMPs, Program Timber Harvesting Plans (PTHPs))~~, Notice of Emergency Timber Operations (Emergency Notices), and any ~~Exemption N~~otices pursuant to 14 CCR §§1038, ~~and~~ 1104.1, ~~and~~ 1114,
- (c) provide direction to the Timber Operator conducting Timber Operations,
- (d) provide direction to the Department of Forestry and Fire Protection in its review, approval and inspection programs.

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Note: Authority cited: Sections 4551 and 4551.5, Public Resources Code. Reference: Sections 4582(f), 4597, 21002, 21060.5, 21083.2 and 21084.1, Public Resources Code.

§ 945.1. Statement of Purpose

The purpose of these Rules is to:

- (a) ensure that the visual and aesthetic sites identified within the Scenic Combining District are adequately identified and protected,
- (b) provide direction to RPFs preparing Plans which, for the purposes of this section, include THPs, MTHPs, NTMPs, WFMPs, PTEIRs, Notices of Emergency Timber Operations, and any ~~Exemption Notices~~ pursuant to 14 CCR §§1038, ~~and~~ 1104.1, ~~and 1114,~~
- (c) provide direction to the ~~LTO Timber Operator~~ conducting Timber Operations,
- (d) provide direction to the Department in its review, approval, and inspection programs.

Note: Authority cited: Section 4516.5, Public Resources Code. Reference: Sections 4516.5 and 4597, Public Resources Code.

§ 945.3. Timber Harvest Prescriptions

The following Rules shall be applied to all areas designated Scenic Combining District. Limited timber harvesting may be allowed within the Scenic Combining Districts using the following criteria:

1 (a) Selection. In the areas designated as Scenic Combining Districts, only the selection
2 Regeneration Method and commercial thinning shall be used. The group selection
3 method (14 CCR §933.2(a)(2)(B)) shall not be used.

4 (1) A map that clearly defines the location and extent of the Scenic Combining District
5 occurring on the site to be harvested shall be submitted with the Plan.

6 (2) Trees to be harvested shall be marked by or under the supervision of an RPF. All
7 trees to be harvested shall be marked within the Scenic Combining District prior to a
8 preharvest inspection for evaluation.

9 (3) In all areas designated as Scenic Combining Districts, at least 75 square feet per
10 acre of conifer basal area shall be retained.

11 (4) Post harvest stand Stocking levels of conifers shall be stated in the Plan. The level
12 of residual Stocking shall be consistent with maximum sustained production for high
13 quality timber products. In no case shall conifer Stocking levels per acre be reduced
14 below the following standards:

15 (A) Within the first 150 feet of the Scenic Combining District, at least 50% of the trees
16 18 to 24 inches dbh, and 50% of the trees 26 inches dbh and larger, shall be retained.

17 (B) Between 150 and 300 feet of the Scenic Combining District, at least 50% of the
18 trees less than 18 inches dbh, 40% of the trees 18-24 inches dbh, and 33% of the trees
19 26 inches dbh and larger shall be retained.

20 (C) Between 300 feet and the outermost boundary of the Scenic Combining District, 75
21 square feet of Basal Area Per Acre shall be retained.

22 (b) Logging Roads, Tractor Roads, and Landings shall be screened from direct view to
23 the extent Feasible by leaving trees and vegetation between the disturbed areas and
24 vista points that would attract viewers.

1 (c) Hardwoods shall be considered for the purposes of aesthetic enhancement and a
2 minimum of 25% of the pre-harvest hardwood basal area shall be retained.

3 (d) A second harvest shall not be conducted sooner than ten years following
4 completion of an initial harvest unless an Emergency condition exists pursuant to 14
5 CCR §1052 et seq. in the interim, or pursuant to a conversion exemption (14 CCR
6 §1104.1), or pursuant to a right-of-way exemption (14 CCR §1114).

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8 Note: Authority cited: Section 4516.5, Public Resources Code. Reference: Section
9 4516.5, Public Resources Code.

11 **§ 945.5. Exempt and Emergency Notification Operations**

12 Timber Operations may be conducted within the Scenic Combining District in
13 compliance with an ~~E~~exemption pursuant to 14 CCR §1038, an ~~E~~exemption pursuant to
14 14 CCR §1104.1, an exemption pursuant to 14 CCR §1114, or an Emergency Notice
15 pursuant to 14 CCR §1052. Such operations, when Feasible, shall be conducted in a
16 manner consistent with the limitations described in 14 CCR §§945.3(a), subsections (1),
17 (2), and (3); 945.3(b); 945.3(c); and 945.4.

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19 Note: Authority cited: Section 4516.5, Public Resources Code. Reference: Section
20 4516.5, Public Resources Code.

22 **§ 949. Statement of Purpose**

23 The purpose of this article is to:

24 (a) ensure that the significant archeological and historical sites within the site survey
25 are adequately identified and protected,

1 (b) to provide direction to RPFs preparing ~~Plans~~THPs (which includes all forms of THPs
2 including, but not limited to, Modified THPs and NTMPs, WFMPs, Program Timber
3 Harvesting Plans (PThPs)), Notice of Emergency Timber Operations (Emergency
4 Notices), and any ~~E~~exemption ~~N~~otices pursuant to 14 CCR §§ 1038, and 1104.1, and
5 1114,

6 (c) provide direction to the ~~LTO~~Timber Operator conducting Timber Operations,

7 (d) provide direction to the Department ~~of Forestry and Fire Protection~~ in its review,
8 approval and inspection programs.

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10 Note: Authority cited: Sections 4551 and 4551.5, Public Resources Code. Reference:
11 Sections 4582(f), 4597, 21002, 21060.5, 21083.2 and 21084.1, Public Resources Code.

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13 **§ 969. Statement of Purpose**

14 The purpose of this article is to:

15 (a) ensure that the significant archaeological and historical sites within the site survey
16 area are adequately identified and protected,

17 (b) to provide direction to RPFs preparing ~~Plans~~THPs (which includes all forms of
18 THPs including, but not limited to, Modified THPs and NTMPs, WFMPs, Program
19 Timber Harvesting Plans (PThPs)), Notice of Emergency Timber Operations
20 (Emergency Notices), and any ~~E~~exemption ~~N~~otices pursuant to 14 CCR §§ 1038, and
21 1104.1, and 1114,

22 (c) provide direction to the ~~LTO~~Timber Operator conducting Timber Operations,

23 (d) provide direction to the Department ~~of Forestry and Fire Protection~~ in its review,
24 approval and inspection programs.

1 Note: Authority cited: Sections 4551 and 4551.5, Public Resources Code. Reference:
2 Sections 4582(f), 4597, 21002, 21060.5, 21083.2 and 21084.1, Public Resources Code.
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4 **§ 1059. Infractions**

5 (a) Pursuant to PRC § 4601.4(b), these Rules are procedural in nature, the violation of
6 which does not result in or cause environmental damage. The rule list consists of 14
7 CCR §§ 915.4, 935.4, 955.4; 918.1, 938.1, 958.1; 924.1; 925.2; 925.4; 926.2; 926.3;
8 926.23; 927.2; 927.14; 928.2; 929.1, 949.1, 969.1; 1029; 1032.7; 1032.10; 1034;
9 1035.2; 1035.3(c); 1038.2; 1042; 1051.1; 1052(a); 1075; 1080.4; 1090.2; 1090.5;
10 1090.7; 1090.11; 1090.12(b); 1090.13; 1090.26; 1091.4; 1092.04(d); 1092.07; 1092.09;
11 1092.13; 1092.14(c); 1092.15; 1104.1(a)(1); 1105; 1106.1; 1106.3(a); and 1114(b).

12 (b) Infractions shall not be prosecuted if they are corrected within 10 working days of
13 issuance of notification of the violation. Notification and response must be by certified
14 mail. Date of certification identifies date of notification and response.
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16 Note: Authority cited: Sections 4551, 4551.5, 4553 and 4601.4, Public Resources Code.
17 Reference: Section 4601.4, Public Resources Code.
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19 **§ 1104. Operations Requiring Conversion Permit.**

20 Except as exempted by 14 CCR §§ 1104.1, ~~and 1104.2, and 1114, of this article~~ a
21 Timberland conversion permit issued by the Director is required for conversion of
22 Timberland as defined in § 1100. Issuance of the Timberland Conversion Permit to the
23 Timberland owner must be completed before conversion operations begin. "Conversion
24 operations" include final immediate rezoning of Timberland production zone lands, and

1 Timber Operations as defined in PRC § 4527 on nontimberland production zone
2 Timberlands.

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4 Note: Authority cited: Sections 4621 and 4623, Public Resources Code. Reference:
5 Section 4527, Public Resources Code.

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7 **§ 1104.1. Conversion Exemptions**

8 Timber Operations conducted under this subsection shall be exempt from Conversion
9 Permit and timber harvesting plan requirements of this article except no tree that existed
10 before 1800 A.D and is greater than sixty (60) inches in diameter at stump height for
11 Sierra or Coastal Redwoods, and forty-eight (48) inches in diameter at stump height for
12 all other tree species shall be harvested unless done so under the conditions or criteria
13 set forth in subsection 1104.1(i)(c).

14 Timber Operations shall comply with all other applicable provisions of the Z'berg-
15 Nejedly Forest Practice Act, regulations of the Board and currently effective provisions
16 of county general plans, zoning ordinances and any implementing ordinances. The
17 Notice of Conversion Exemption Timber Operations shall be considered synonymous
18 with the term "plan" as defined in 14 CCR 895.1 when applying the operational Rules
19 and regulations of the Board.

20 (a) This conversion exemption is applicable to a conversion of Timberland to a non-
21 timber use only, of less than three acres in one contiguous ownership, whether or not it
22 is a portion of a larger land parcel and shall not be part of a THP. This conversion
23 exemption may only be used once per contiguous land ownership. If all or a portion of
24 the contiguous land ownership has been subject to prior, unpermitted Timberland
25 conversion, a conversion exemption hereunder shall not be accepted unless the

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1 Director determines that it would be consistent with the purposes of the Act. No person,
2 whether acting as an individual, acting as a member of a partnership, or acting as an
3 officer or employee of a corporation or other legal entity, may obtain more than one
4 exemption pursuant to this section in a five-year period. If a partnership has as a
5 member, or if a corporation or any other legal entity has as an officer or employee, a
6 person who has received this exemption within the past five years, whether as an
7 individual or as a member of a partnership, or as an officer or employee of a corporation
8 or other legal entity, then that partnership, corporation, or other legal entity is not eligible
9 for this exemption. "Person," for purposes of this section, means an individual,
10 partnership, corporation, or any other legal entity.

11 (1) A Notice of Conversion Exemption Timber Operations (notice) must be
12 prepared by an RPF and submitted to the Director. The notice shall contain the
13 following:

14 (A) The names, addresses, and telephone numbers of the Timber Owner,
15 owner of the Timberland to be converted, RPF, Timber Operator, and the
16 submitter of the Notice of Conversion Exemption Timber Operations;

17 (B) Legal description of the area where the timber operation is to be
18 conducted, showing section, township, range, county and assessor parcel
19 number;

20 (C) Maps showing the ownership boundaries, the location of the timber
21 operation, boundaries of the conversion, access routes to operation,
22 location and classification of all Watercourses, and Landing locations;

23 (D) Incorporation of a signed and dated statement from the authorized
24 designee of the County Board of Supervisors stating that the conversion is
25 in conformance with all county regulatory requirements, including county

1 public notice requirements. When counties do not have an authorized
2 designee, the RPF shall certify that the county has been contacted and
3 the conversion is in conformance with county regulatory requirements (this
4 may be incorporated into the notice);

5 (E) Incorporation of a statement by the owner of the Timberland to be
6 converted:

7 1. certifying that this is a one-time conversion to non-Timberland
8 use,

9 2. certifying that after considering the owner's own economic ability
10 to carry out the proposed conversion and the feasibility evaluation
11 required by 14 CCR § 1104.1(a)(6) that there is a "bona fide intent",
12 as defined in 14 CCR § 1100(b), to convert,

13 3. specifying what the non-Timberland use will be after conversion,
14 and

15 4. certifying and declaring under penalty of perjury that he/she
16 whether acting as an individual, acting as a member of a
17 partnership, or acting as an officer or employee of a corporation or
18 other legal entity, has not obtained an exemption pursuant to this
19 section in the last five years unless a waiver has been granted
20 pursuant to 14 CCR § 1104.1(a)(9); and

21 (F) signature of the submitter, Timberland Owner responsible for the
22 conversion, the Timber Operator, and the RPF.

23 (2) The following conditions apply to conversion exemption Timber Operations:

24 (A) All Timber Operations shall be complete within one year from the date
25 of acceptance by the Director.

1 (B) All conversion activities shall be complete within two years from the
2 date of acceptance by the Director unless under permit by local
3 jurisdiction. Failure to timely complete the conversion shall require
4 compliance with stocking standards of the PRC 4561 and stocking report
5 requirements of Forest Practice Act and Board regulations.

6 (C) The RPF or supervised designee shall visit the site and flag the
7 boundary of the conversion exemption timber operation and flag any
8 applicable WLPZs and equipment limitation zones.

9 (D) This section refers to Slash and woody debris resulting from Timber
10 Operations associated with conversion exemptions. The Timber Operator
11 shall be the responsible party for the treatment of logging Slash and
12 woody debris.

13 (1) Unless otherwise required, Slash greater than one inch in diameter and
14 greater than two feet long, and woody debris, except pine, shall receive full
15 treatment no later than April 1 of the year following its creation, or within one year
16 from the date of acceptance of the conversion exemption by the Director,
17 whichever comes first.

18 (2) All pine Slash three inches and greater in diameter and longer than four feet
19 must receive initial treatment if it is still on the parcel, within seven (7) days of its
20 creation.

21 (3) All pine woody debris longer than four feet must receive an initial treatment
22 prior to full treatment.

23 (4) Initial treatment shall include limbing woody debris and cutting Slash and
24 woody debris into lengths of less than four feet, and leaving the pieces exposed
25 to solar radiation to aid in rapid drying.

1 (5) Full treatment of all pine Slash and woody debris must be completed by
2 March 1 of the year following its creation, or within one year from the date of
3 acceptance of the conversion exemption by the Director, whichever comes first.

4 (6) Full Slash and woody debris treatment may include any of the following:

- 5 a. burying;
- 6 b. chipping and spreading;
- 7 c. piling and burning; or
- 8 d. removing Slash and woody debris from the site for treatment in
9 compliance with (a)-(b).

10 Slash and woody debris may not be burned by open outdoor fires except under
11 permit from the appropriate fire protection agency, if required, the local air
12 pollution control district or air quality management district. The burning must
13 occur on the property where the Slash and woody debris originated.

14 (7) Slash and woody debris, except for pine, which is cut up for firewood shall be
15 cut to lengths 24 inches or less and set aside for drying by April 1 of the year
16 following its creation. Pine Slash and woody debris which is cut up for firewood
17 shall be cut to lengths 24 inches or less and set aside for drying within seven (7)
18 days of its creation.

19 All treatment work must be completed prior to the expiration date for the
20 conversion exemption.

21 (8) Any treatment which involves burning of Slash or Woody Debris shall comply
22 with all state and local fire and air quality Rules.

23 (9) This section does not supersede more restrictive treatments or time frames
24 within a Forest district or subdistrict.

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1 (E) Timber Operations may be conducted during the Winter Period.
2 Tractor Operations in the winter period are allowed under any of the
3 following conditions:

4 1. During dry, rainless periods but shall not be conducted on
5 saturated soil conditions that may produce significant sediment
6 discharge. Erosion control structures shall be installed on all
7 constructed skid trails and tractor roads prior to sunset if the
8 National Weather Service forecast is a "chance" (30% or more) of
9 rain within the next 24 hours.

10 2. When ground conditions in the conversion exemption area and
11 appurtenant roads satisfy the "hard frozen" definition in 14 CCR
12 895.1.

13 3. Over-snow operations where no soil disturbance occurs.

14 (F) No Timber Operations within a WLPZ unless specifically approved by
15 local permit (e.g. County, City).

16 (G) The Timber Operator shall not conduct Timber Operations until receipt
17 of the Director's notice of acceptance. Timber Operations shall not be
18 conducted without a valid on-site copy of the Director's notice of
19 acceptance of operations and a copy of the Notice of Conversion
20 Exemption Timber Operations as filed with the Director.

21 (H) No sites of rare, threatened or endangered plants or animals shall be
22 disturbed, threatened or damaged and no Timber Operations shall occur
23 within the Buffer Zone of a sensitive species as defined in 14 CCR 895.1.

24 (I) No Timber Operations on significant historical or archeological sites,
25 except under the following conditions:

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1 1. If a significant archeological site is identified by the RPF
2 preparing the Notice of Conversion Exemption within the project
3 boundary, the site may be preserved in place by capping or
4 covering with a layer of soil prior to submission.

5 a. If a site has been preserved in place, the RPF preparing
6 the Notice of Conversion Exemption shall obtain written
7 concurrence from a Department Archeologist prior to
8 submission indicating operations will not cause damage to a
9 significant archeological site.

10 b. The written concurrence from a Department Archeologist
11 shall be submitted with the Notice of Conversion Exemption.

12 (J) The RPF and the Timber Operator shall meet (on-site, or off-site) if
13 requested by either party to ensure that sensitive on-site conditions and
14 the intent of the conversion regulations such as, but not limited to, Slash
15 disposal, will be complied with during the conduct of Timber Operations.

16 (K) Before beginning Timber Operations, the Timber Operator shall notify
17 the Department of the actual commencement date of operations. The
18 notification, by telephone, mail, or email, shall be directed to the
19 appropriate CAL FIRE Unit Headquarters, Forest Practice Inspector or
20 other designated personnel. If the notification is provided by mail, Timber
21 Operations may not commence until three (3) days after the postmark
22 date of notification.

23 (3) A neighborhood notification of conversion exemption Timber Operations shall
24 be posted on the ownership visible to the public by the RPF or supervised
25 designee, at least five (5) days prior to the postmark date of submission of the

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1 notice of Conversion Exemption Timber Operations to the Director. The date of
2 posting shall be shown on the neighborhood notice. In addition, immediately prior
3 to the submission of the exemption to the Director, the landowner shall mail a
4 letter to adjacent landowners within 300 feet of the boundaries of the exemption,
5 and to Native Americans, as defined in 895.1 notifying them of the intent to
6 harvest timber. The mailed letter of notice and the posted notice shall contain a
7 map of the project area and the following information on a form prepared by the
8 RPF:

9 (A) the name, address and telephone number of the Timberland Owner,
10 the Timber Operator, the agency of the county responsible for land use
11 changes and the designated representative; if any, and the RPF;

12 (B) the location of the project, parcel number, street address, section,
13 township and range, and;

14 (C) a statement explaining that this is a conversion from Timberland use to
15 a new land use, what the new land use will be, and that the maximum size
16 is less than three acres.

17 (4) The Director shall determine if the Notice of Conversion Exemption Timber
18 Operations is complete and accurate within fifteen (15) days from the date of
19 receipt.

20 (A) If the Notice of Conversion Exemption Timber Operations is not
21 complete and accurate it shall be returned to the submitter identifying the
22 specific information required. When found complete and accurate, the
23 Director shall immediately send a notice of acceptance of operations to
24 the submitter.

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1 (5) The Timberland Owner shall, within one month from the completion of
2 conversion exemption Timber Operations, which includes all Slash disposal
3 work, submit a work completion report to the Director.

4 (6) The Timberland Owner shall, using the services of an RPF to the extent the
5 information required is within the scope of professional forestry practice, provide
6 information documenting that the conversion to the stated non-timber use is
7 feasible based upon, at a minimum, the following:

8 (A) the extent of the vegetation removal and Site Preparation required for
9 the conversion;

10 (B) the suitability of soils, slope, aspect, and microclimate for the stated
11 non-timber use;

12 (7) The Department shall provide for inspections, as needed, to determine that
13 the conversion was completed.

14 (8) The notice shall expire if there is any change in Timberland ownership.

15 (A) If the conversion has not been completed, the Timberland Owner on
16 the notice shall notify the Department of the change in Timberland
17 ownership on or before five (5) days after a change in ownership.

18 (B) If operations have been conducted, but not completed under the
19 exemption, the Timberland Owner on the notice shall notify the new
20 Timberland Owner at least fifteen (15) days prior to the sale of the
21 Timberland of the requirements under 14 CCR § 1104.1(a)(8)(C).

22 (C) If operations have been conducted, but not completed under the
23 exemption, the new Timberland Owner shall:

24 1. submit a new notice, or

25 2. comply with the following:

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- a. harvest no additional timber;
- b. meet stocking requirements of 14 CCR § 1104.1(a)(2)(B);
- c. dispose of the Slash created under the exemption activities according to 14 CCR § 1104.1(a)(2)(D);
- d. provide erosion control for skid trails, roads, Landings, and disturbed areas as required by the Forest Practice Rules.
- e. submit a report within ninety (90) days of the change of Timberland ownership that items a through d above were completed.

(9) A Timberland Owner may request a waiver to the five-year limitation described in 14 CCR § 1104.1(a). The Director may grant the waiver upon finding that one of the following conditions exist:

- (A)
 - 1. the construction of a building approved by the appropriate county/city permitting process is listed in the accepted Notice of Conversion Exemption Timber Operations as the non-Timberland use after the conversion, and
 - 2. the Timberland Owner demonstrates to the Director that substantial liabilities for building construction have been incurred on each conversion exemption that the Timberland Owner has received in the last 5 years at the time the waiver is requested, and
 - 3. operations conducted on all exemptions issued to the Timberland Owner within the past 5 years, prior to the time the waiver is requested, have been conducted in a manner that meets or

1 exceeds the intent of the Act and Rules or any corrective work
2 required by the Director has been satisfactorily completed.

3 (B) the change of ownership which caused the previous notice to expire
4 was not the result of the sale of the Timberland and the new Timberland
5 Owner provides information demonstrating that the imposition of the 5-
6 year limitation described in 14 CCR § 1104.1(a) would impose an undue
7 hardship on the Timberland Owner.

8 (C) the notice has expired and no operations have been conducted.

9 (D) The Timberland Owner provides an explanation and justification for
10 the need of a waiver that demonstrates that the imposition of the 5-year
11 limitation described in 14 CCR § 1104.1(a) would impose an undue
12 hardship on the Timberland Owner.

13 ~~(b) Construction or maintenance of right-of-way by a public agency on its own or any
14 other public property. [MOVED TO ARTICLE 8]~~

15 ~~(c) The clearing of trees from Timberland by a private or public utility for construction of
16 gas, water, sewer, oil, electric, and communications (transmitted by wire, television,
17 radio, or microwave) rights-of-way, and for maintenance and repair of the utility and
18 right-of-way. The said right-of-way, however, shall not exceed the width specified in the
19 Table of Normal Rights-of-Way Widths for Single Overhead Facilities and Single
20 Underground Facilities and the supplemental allowable widths. [MOVED TO ARTICLE
21 8]~~

22 ~~Nothing in this section shall exclude the applicable provisions of PRC §§ 4292 and
23 4293, and 14 CCR §§ 1250 through 1258 inclusive for fire hazard clearance from being
24 an allowable supplement to the exempt widths.~~

~~Telephone cable or open wire when underbuilt _____~~

~~All _____ 30' [MOVED TO ARTICLE 8]~~

~~(e) The above right-of-way widths for above-ground facilities shall be allowed supplemental clearances as follows:~~

~~(1) Equal additional rights-of-way for each additional facility, including these allowable supplemental clearances under this section.~~

~~(2) Additional clearance widths for poles and towers, and for conductor sway as provided in PRC §§ 4292 and 4293, and 14 CCR §§ 1250 through 1258 inclusive, as applicable.~~

~~(3) Additional clearance for removal of Danger Trees as defined in 14 CCR § 895.1.~~

~~(4) Additional land area for substation and switch yards, materials storage and construction camps, with clearance for firebreaks, and security fencing [MOVED TO ARTICLE 8]~~

~~(f) Table of Rights-of-Way Widths for Single Underground Facilities~~

Utility	Size	Width
Electric, Underground		
	4"-6" Conduit	50'
	More than 6" Conduit	60'
Gas, Oil, Water and Sewer (Underground pipe)		
	6" diameter or smaller	50'
	Over 6"-12" diameter	60'
	Over 12"-24" diameter	75'
	Over 24" diameter	100'

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1 ~~Penstocks, Syphons All 100'~~
2 ~~Ditches and Flumes All 150'~~
3 ~~Access Roads All Access road widths may be up to~~
4 ~~14' with an additional 10' width at turnout locations, plus additional width for cuts and~~
5 ~~fills. Access roads shall be installed and maintained so as to comply with the stream~~
6 ~~protection requirements and erosion control requirements of the Forest Practice Act,~~
7 ~~related regulations, and the District Forest Practice Rules. [MOVED TO ARTICLE 8]~~

8 ~~(g) The above right-of-way widths for underground facilities and penstocks, syphons,~~
9 ~~ditches and flumes shall be allowed supplemental clearances as follows:~~

- 10 ~~(1) Additional width for cuts and Fills.~~
- 11 ~~(2) Removal of trees or plants with roots that could interfere with underground~~
12 ~~facilities, or with cuts and Fills for installation.~~
- 13 ~~(3) Additional clearance for removal of Danger Trees as defined in 14 CCR §~~
14 ~~895.1.~~
- 15 ~~(4) For compressor, metering and control stations on natural gas pipelines;~~
16 ~~including firebreaks and security fencing:~~
 - 17 ~~(A) 450 foot width at one side of right-of-way and 500 foot length along the~~
18 ~~compressor stations.~~
 - 19 ~~(B) 300 feet x 300 feet on or alongside the right-of-way for metering and~~
20 ~~control stations. [MOVED TO ARTICLE 8]~~

21 ~~(h)(b)~~ In-lieu practices for Watercourse and lake protection zones as specified under
22 Article 6 of these Rules, exceptions to Rules, and alternative practices are not allowed.

23 ~~(i)(c)~~ Harvesting of large old trees shall only occur when:

- 24 (1) the tree is not critical for the maintenance of a Late Successional Stand and

1 (2) an RPF attaches to the exemption an explanation and justification for the
2 removal based on the RPF's finding that one or more of the criteria or conditions
3 listed under subsection (A), (B), or (C) are met. The requirements of ~~(+)(c)~~(2)
4 need not be met if an approved management document; including but not limited
5 to a HCP, SYP, NTMP, WFMP, or PTEIR; addresses large old tree retention for
6 the area in which the large old tree(s) are proposed for removal and the removal
7 is in compliance with the retention standards of that document. All trees to be
8 harvested pursuant to this subsection shall be marked by an RPF prior to
9 removal.

10 (A) The tree(s) is a hazard to safety or property. The hazard shall be
11 identified in writing by an RPF or professionally certified arborist;

12 (B) The removal of the tree(s) is necessary for the construction of a
13 building as approved by the appropriate county/city permitting process and
14 as shown on the county/city approved site plan, which shall be attached to
15 the Notice of Exemption;

16 (C) The tree is dead or is likely to die within one year of the date of
17 proposed removal, as determined by an RPF or professionally certified
18 arborist.

19
20 Note: Authority cited: Sections 4551, 4553, 4584, 4584.1, 4604, 4611 and 4628, Public
21 Resources Code. Reference: Sections 4512, 4513, 4584, 4597, 4628 and
22 21083.2(b)(3), Public Resources Code.

23
24 **Article 8 Utility and Public Agency Exemptions**

25 **§ 1114. Utility and Public Agency Exemptions**

1 (a) Pursuant to PRC §§ 4584(a) and 4628(a), Timber Operations conducted under this
2 section shall be exempt from Conversion Permit and THP requirements but shall
3 comply with all other provisions of the Act, and Rules. The notice of right-of-way
4 exemption timber operations (notice of right-of-way exemption) shall be considered
5 synonymous with the term Plan as defined in 14 CCR § 895.1 when applying the Rules
6 and regulations of the Board. The following types of Timber Operations are exempt:

7 [FROM 1104.1]

8 (1) Construction or maintenance of a right-of-way by a public agency on its own
9 or any other public property located on Timberland. [FROM 1104.1(b)]. The only
10 provisions of this section that apply to construction or maintenance of a right-of-
11 way pursuant to this paragraph are subsection (a), paragraphs (1) to (5) of
12 subsection (b), subsections (c) to (e), and paragraphs (1), (10), (11), and (12) of
13 subsection (f).

14 (2) The clearing of trees from Timberland by a private or public utility for
15 construction of gas, water, sewer, oil, electric, and communications (transmitted
16 by wire, television, radio, or microwave) rights-of-way, and for maintenance and
17 repair of the utility and right-of-way. The right-of-way, however, shall not exceed
18 the total width specified in the Table of Normal Rights-of-Way Widths for Single
19 Overhead Facilities and Single Underground facilities and the supplemental
20 allowable widths. Nothing in this section shall exclude the applicable provisions
21 of PRC §§ 4292 and 4293, and 14 CCR §§ 1250 through 1258, inclusive, for fire
22 hazard clearance from being an allowable supplement to the exempt widths.

23 [FROM 1104.1(c)]

24 (A) The construction of a public or private utility right-of-way described in
25 this paragraph (2), shall be subject to all requirements of this section.

1 Maintenance and repair of a public or private utility right-of-way described
2 in this paragraph (2) that does not satisfy all criteria for the *de minimis*
3 exemption described in subparagraph (B) shall also be subject to all
4 requirements of this section.

5 (B) After completion of construction of a public or private utility right-of-
6 way, *de minimis* maintenance and repair of that right-of-way additionally
7 shall be exempt from the requirements of subdivisions (b) to (e), (f)(1), (2),
8 and (4)-(24), and (g), inclusive, of this section, and the provisions of the
9 Act and Rules, subject to the limitations provided in this subparagraph.

10 The *de minimis* maintenance and repair exemption applies to the cutting
11 or removal of trees and other vegetation that measures less than twelve
12 (12) inches d.b.h. and to tree topping and pruning as is necessary to
13 remediate a violation of mandatory minimum vegetation clearance
14 requirements consistent with the terms of the utility's easement and
15 located within the width, and consistent with the terms, of the public or
16 private utility's legally recorded easement, not to exceed the total width
17 specified in the Table of Normal Rights-of-Way Widths for Single
18 Overhead Facilities and Single Underground facilities described in 14
19 CCR §§ 1114(f)(20) and (f)(22). The additional right-of-way width
20 enhancements described in 14 CCR §§ 1114(f)(21) and (f)(23) do not
21 qualify for the *de minimis* maintenance and repair exemption. The *de*
22 *minimis* maintenance and repair exemption does not apply in the following
23 circumstances:

24 i. At sites where rare, threatened, or endangered plants or animals
25 would be disturbed, threatened, or damaged and where Timber

1 Operations would occur within the Buffer Zone of a Sensitive Species as
2 defined in 14 CCR § 895.1.

3 ii. Any site that satisfies the criteria listed in 14 CCR §895.1 for a
4 Significant Archaeological or Historical Site

5 iii. Within Special Treatment Areas

6 iv. Within a WLPZ.

7 (b) A notice of right-of-way exemption shall be prepared by an RPF on a form prepared
8 by the Department and submitted to the Director prior to the commencement of Timber
9 Operations. The notice of right-of-way exemption shall contain the following items:

10 (1) The type of exemption. [FROM 1038.1(a)(1)]

11 (2) The names, addresses, and telephone numbers of the Timber Owner,
12 Timberland owner, RPF, LTO, and the submitter of the notice of right-of-way
13 exemption. [FROM 1104.1(a)(1)]

14 (3) Legal description of the location of the Timber Operation, county and
15 assessor parcel number. [FROM 1104.1(a)(1)]

16 (4) A map that includes a seven-and-one-half (7 1/2) minute USGS quadrangle
17 map, or its equivalent, depicting the information as required by this paragraph
18 and represented at a scale of at least 1:12,000. Additional maps, which may be
19 topographic or planimetric, may be used to provide additional information, to
20 show specific details, and to improve map clarity. If additional maps are used, an
21 overview map representing the entire Logging Area shall be submitted for
22 purposes of reference. Applicants may consider submitting additional maps as
23 geospatial information as a KML/KMZ spatial file, shapefile, file geodatabase, or
24 other digital format which uses State Plane, UTM Zone 10 or 11, NAD83, or
25 Teale Albers NAD83 coordinate system. The appurtenant roads included within

1 the Logging Area pursuant to subparagraph (A) below may be shown on a map
2 which may be planimetric with a scale of 1:24,000 or less. Color coding shall not
3 be used. A legend shall be included indicating the meaning of the symbols used
4 and each map shall include the Public Land Survey System with Township,
5 Range, and Sections labeled. The submitted notice of right-of-way exemption
6 shall indicate if more than one (1) Yarding system is to be used and identify the
7 systems (if more than one is used). The maps shall indicate the following
8 information: [FROM 1038.2]

9 (A) Boundaries of the Logging Area.

10 (B) Location of all Roads to be used for, or potentially impacted by, Timber
11 Operations.

12 (C) Location of all Watercourses and Lakes with Class I, II, III or IV waters.

13 (D) Roads and Landings located in a WLPZ, Meadows, and Wet Areas
14 other than at road Watercourse crossings.

15 (E) Location of known Unstable Areas.

16 (F) Location of any Special Treatment Areas. [FROM 1038.2]

17 (5) The tentative date of commencement of Timber Operations. [FROM
18 1038.1(a)(6)]

19 (6) Written concurrence documentation pertaining to a Significant Archaeological
20 or Historical Site, if any, in the manner required by 14 CCR § 1114(f)(8).

21 (7) Certification pertaining to harvesting large old trees, if any, in the manner
22 required by 14 CCR § 1114(f)(13).

23 (8) Certification pertaining to the removal of qualifying Danger Trees, if any, in
24 the manner required by 14 CCR § 1114(f)(19).

25 (9) Signatures from the submitter, the LTO and the RPF. [FROM 1104.1(a)(1)(F)]

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1 (c) Within five (5) business days from the date of receipt by the Director, the Director
2 shall determine if the submitted notice of right-of-way exemption is complete and
3 accurate, and, if so, the Director shall immediately send a notice of acceptance of
4 Timber Operations to the submitter. If the notice of right-of-way exemption is not
5 complete and accurate it shall be returned to the submitter identifying the specific
6 information required. [FROM 1038.1(c)(13)]

7 (d) The Department shall provide the CDFW, appropriate RWQCB, and CGS with
8 copies of the submitted notice of right-of-way exemption upon acceptance of the notice
9 of right-of-way exemption. [FROM 1038.3(v)(1)]

10 (e) The LTO shall not conduct Timber Operations until receipt of the Director's notice of
11 acceptance. Timber Operations shall not be conducted without a valid on-site copy of
12 the Director's notice of acceptance of operations and a copy of the notice of right-of-way
13 exemption, as filed with the Director. [FROM 1104.1(a)(2)(G)]

14 (f) Except as otherwise provided in subsection (a), the following conditions apply to
15 Timber Operations under a notice of right-of-way exemption, as provided in Table 1
16 below:

17 Table 1

<u>Applicable Circumstances</u>	<u>Applicable Exemption</u>	<u>Timber Operation Conditions</u>
<u>Construction or maintenance of right-of-way by public agency on public property located on Timberland</u>	<u>14 CCR § 1114(a)(1)</u>	<u>14 CCR §§ 1114(f)(1)-(19), inclusive</u>
<u>All other utility construction and maintenance of rights-of-way</u>	<u>14 CCR § 1114(a)(2)</u>	<u>14 CCR §§ 1114(f)(1)-(24), inclusive, and (g)</u>

1
2 (1) All Timber Operations shall be complete within ~~three (3) years~~ ~~one (1) year~~
3 from the date of acceptance by the Director. [FROM 1104.1(a)(2)(A)]

4 (2) The RPF or Supervised Designee shall flag the boundary of the Harvest Area
5 and any applicable WLPZs and ELZs. [FROM 1104.1(a)(2)(C)]

6 (3) This section refers to logging Slash and Woody Debris resulting from Timber
7 Operations associated with right-of-way exemptions. The LTO shall be the
8 responsible party for the treatment of logging Slash and Woody Debris. Fuel
9 treatment shall be as follows: [FROM 1104.1(a)(2)(D)]

10 (A) All surface fuels created by Timber Operations within one-hundred-fifty
11 (150) feet of an ~~Approved and Legally Permitted Habitable Sstructure~~ that
12 could promote the spread of wildfire, including Slash or Woody Debris,
13 exceeding one (1) inch in diameter, and brush, shall be chipped, burned,
14 or removed within forty-five (45) days from the date of its creation. [FROM
15 1038 (c)(3)]

16 (B) All Slash and Woody Debris exceeding one (1) inch in diameter that
17 may impede the use of roads for access, egress, and public safety shall
18 be chipped, burned, or removed within forty-five (45) days from the date of
19 its creation.

20 (C) Slash and Woody Debris resulting from Timber Operations that are
21 one-hundred-fifty (150) feet or more from an ~~Approved and Legally~~
22 ~~Permitted Habitable Structure~~ shall be treated to achieve a maximum
23 post-harvest depth of eighteen (18) inches above the ground. All Slash
24 shall be lopped, removed, chipped, burned, or otherwise treated, within

1 one (1) year from the date of acceptance start of operations. [FROM
2 1038.3]

3 (4) Timber Operations may be conducted during the Winter Period. Tractor
4 Operations in the Winter Period are allowed under any of the following
5 conditions:

6 (A) During dry, rainless periods but shall not be conducted on Saturated
7 Soil Conditions that may produce Significant Sediment Discharge. Erosion
8 Control structures shall be installed on all Tractor Roads, roads, Layouts,
9 and Landings which do not have adequate natural drainage, drainage
10 structures, or Surface Cover or Woody Debris to dissipate water flow and
11 trap sediment to prevent soil loss prior to sunset if the National Weather
12 Service forecast is a "chance" (30% or more) of rain within the next 24
13 hours, and prior to weekend or other shutdown periods.

14 (B) When ground conditions in the exemption area and Appurtenant
15 Roads satisfy the "hard frozen" definitions in 14 CCR § 895.1.

16 (C) Over-snow operations where no soil disturbance occurs.

17 (D) For access and repair during a declared state of emergency. [FROM
18 1104.1(a)(2)(E)]

19 (5) No Timber Operations within a WLPZ, except for the following:

20 (A) Hauling on existing roads or Timber Operations where all equipment
21 remains entirely on existing roads.

22 (B) Road Maintenance.

23 (C) The abatement or removal of Danger Trees.

1 (D) Temporary crossings of dry Class III Watercourses that do not require
2 notification under the Fish and Game Code §1600 et seq. [FROM
3 916.9(s)]

4 (E) Operations for which an existing agreement with CDFW pursuant to
5 Fish and Game Code (F&GC § 1600 et seq.) and an agreement with the
6 applicable Regional Water Quality Control Board pursuant to §401 of the
7 Clean Water Act are in effect.

8 (6) In-lieu practices for WLPZs as specified under Article 6 of Subchapters 4, 5,
9 and 6, as appropriate, of these Rules, exceptions to Rules, notwithstanding 14
10 CCR § 1114(f)(5), and alternative practices are not allowed. [NOT NEW, BUT
11 REVISED, MOVED FROM 1104.1(h)]

12 (7) No sites of rare, threatened or endangered plants or animals shall be
13 disturbed, threatened, or damaged and no Timber Operations shall occur within
14 the Buffer Zone of a Sensitive Species as defined in 14 CCR § 895.1. [FROM
15 1104.1(a)(2)(H)] unless:

16 (A) A valid incidental take permit issued by CDFW pursuant to Section
17 2081(b) of the Fish and Game Code that addresses protection of the
18 relevant species; or

19 (B) A federal incidental take statement or incidental take permit that
20 addresses protection of the relevant species, for which a consistency
21 determination has been made pursuant to Section 2080.1 of the Fish and
22 Game Code; or

23 (C) A valid natural community conservation plan that addresses protection
24 of the relevant species approved by CDFW under Section 2835 of the Fish
25 and Game Code; or

1 (D) A valid Habitat Conservation Plan (HCP) that addresses protection of
2 the relevant species approved under Section 10 of the federal
3 Endangered Species Act of 1973; or

4 (E) Project revisions, guidelines, or take avoidance measures pursuant to
5 a memorandum of understanding or a planning agreement entered into
6 between the plan submitter and CDFW in preparation of obtaining a
7 natural community conservation plan that addresses protection of the
8 relevant species. [From 916.9(w) (1)-(5)]

9 (8) No Timber Operations on any site that satisfies the criteria listed in 14 CCR
10 §895.1 for a Significant Archaeological or Historical Site except under the
11 following conditions:

12 (A) If a Significant Archaeological or Historical Site is identified by the RPF
13 preparing the notice of right-of-way exemption within the Project boundary,
14 the site may be preserved in place by capping or covering with a layer of
15 soil prior to submission.

16 (AB) If a site has been preserved in place, the RPF preparing the notice of
17 right-of-way exemption shall obtain written concurrence from a
18 Department Archaeologist prior to submission indicating operations will
19 not cause damage to a Significant Archaeological or Historical Site.

20 (BC) The written concurrence from a Department Archaeologist shall be
21 submitted with the notice of right-of-way exemption. [FROM
22 1104.1(a)(2)(I)]

23 (9) The RPF shall comply with 14 CCR § 1035.2, relating to interaction between
24 the LTO and the RPF.

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1 (10) Prior to the commencement of Timber Operations, the LTO shall notify the
2 Department of the actual commencement date of operations. The notification, by
3 telephone, mail, or email, shall be directed to the appropriate CAL FIRE Unit
4 Headquarters, Forest Practice Inspector, or other designated personnel. If the
5 notification is provided by mail, Timber Operations may not commence until three
6 (3) days after the postmark date of notification. [FROM 1104.1(a)(2)(K)]

7 (11) The submitter of the notice of right-of-way exemption shall, within one month
8 from the completion of Timber Operations, which includes all slash disposal
9 work, submit a work completion report to the Director. Upon receipt of the work
10 completion report, the Director shall transmit a copy to the CDFW, the
11 appropriate RWQCB, and the CGS. [REVISED, FROM 1104.1(a)(5)]

12 (12) The Department may provide for inspections, as needed, to determine that
13 the Timber Operations were completed. [FROM 1104.1(a)(7)]

14 (13) Large old trees, defined as a tree that existed before 1800 A.D. and is
15 greater than sixty (60) inches in Diameter at stump height for Sierra or Coastal
16 Redwoods, and forty-eight (48) inches in Diameter at stump height for all other
17 tree Species, and Decadent and Deformed Trees with Value to Wildlife shall not
18 be harvested unless done pursuant to the following conditions, except that such
19 trees that are also Danger Trees may also be removed pursuant to 14 CCR
20 §1114(f)(19): [NOT NEW, FROM 1104.1(a)]

21 (A) The tree is not critical for the maintenance of a late successional
22 stand.

23 (B) An RPF attaches to the notice of right-of-way exemption a certification
24 that the removal is based on the RPF's finding that one or more of the
25 criteria or conditions listed under clauses 1. or 2., ~~or 3.~~ are met. The

1 requirements of this subparagraph need not be met if an approved
2 management document; including but not limited to a HCP, SYP, NTMP,
3 WFMP, or PTEIR; addresses large old tree retention for the area in which
4 the large old tree(s) are proposed for removal and the removal is in
5 compliance with the retention standards of that document. All trees to be
6 harvested pursuant to this subsection shall be marked by an RPF, or their
7 Supervised Designee, prior to removal.

8 1. The tree(s) is a hazard to safety or property. The hazard shall be
9 identified in writing by an RPF or professionally certified arborist.

10 2. The tree is dead or is likely to die within one year of the date of
11 submission of the notice of right-of-way exemption. [NOT NEW -
12 REVISED FROM 1104.1(i)]

13 (14) All Timber Operations conducted in the Lake Tahoe Region must have a
14 valid Tahoe Basin Tree Removal Permit, as defined by TRPA, or shall be
15 conducted under a valid TRPA Memorandum of Understanding, when such a
16 permit is required by TRPA. [FROM 1038.1]

17 (15) No tractor or heavy equipment operations on slopes greater than fifty (50)
18 percent. [FROM 1038.1]

19 (16) No construction of new Tractor Roads on slopes greater than forty (40)
20 percent. [FROM 1038.1]

21 (17) Timber Operations within any Special Treatment Area shall comply with the
22 rules associated with that Special Treatment Area excepting stocking
23 requirements. [FROM 1038.1]

24 (18) No tractor or heavy equipment operations on known Unstable Areas.
25 [FROM 1038.1]

1 (19) (A) Danger Trees shall be identified and assessed for failure risk by an
2 RPF, their Supervised Designee, or a professionally certified arborist, as
3 described in 14 CCR § 895.1.

4 (B) 1. For any Danger Tree located outside of the utility or public
5 agency right-of-way designated by 14 CCR §§ 1104.1(f)(20) and
6 (22), the RPF, their Supervised Designee, or professionally certified
7 arborist shall certify that the Danger Tree satisfies the requirements
8 of the definition of Danger Tree pursuant to 14 CCR § 895.1. Such
9 certification shall be attached to the notice of conversion
10 exemption.

11 ~~2. The certification described above need not be attached to the~~
12 ~~submitted notice of exemption if an approved Habitat Conservation~~
13 ~~Plan, Sustained Yield Plan, or Plan addresses Danger Tree~~
14 ~~abatement for the area in which the Danger Tree is proposed for~~
15 ~~removal and the removal is in compliance with the retention~~
16 ~~standards of that document.~~

17 ~~3. All trees to be harvested pursuant to this subparagraph shall be~~
18 ~~marked by the RPF, their Supervised Designee, or arborist prior to~~
19 ~~removal.~~

20 (C) This paragraph does not apply to tree topping, pruning, or other
21 maintenance that is necessary to remediate a violation of mandatory
22 minimum vegetation clearance requirements, such as clearance
23 requirements for electrical transmission or distribution lines pursuant to
24 PRC §§ 4292 and 4293 and Public Utilities Commission General Order
25 No. 95.

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(20) Table of Rights-of-Way Widths for Single Overhead Facilities (A single facility for overhead electric lines means a single circuit)

<u>Utility</u>	<u>Size</u>	<u>Width (total)</u>	
<u>Electric (Overhead Distribution and Transmission Single Circuits)</u>			
	0-33 KV	20'	<u>PG&E recommends: 50'</u>
	34-100 KV	45'	<u>PG&E recommends: 75'</u>
	101-200 KV	75'	<u>PG&E recommends: 100'</u>
	(pole)		
	101-200 KV	80'	<u>PG&E recommends: 125'</u>
	(tower)		
	201-300 KV	125'	
	(tower)		
	301- KV and above	200'	
	(tower)		
<u>Telephone cable or open wire when underbuilt</u>			
	All	30'	<u>PG&E recommends: 50'</u>
<u>Communications (Radio, Television, Telephone and Microwave)</u>			
	All	30'	
<u>Active or passive microwave repeater and/or radio sites</u>			
	All	40'	
<u>Microwave paths emanating from antennas or passive antenna or passive repeaters</u>			
	All	20' from edges of repeater, and	
		following centerline of path.	
<u>Radio and Television antennas</u>			
	All	30' In all directions	

Telephone cable or open wire when underbuilt

All 30'

[NOT NEW- FROM 1104.1(d)]

(21) The above right-of-way widths for above ground facilities shall be allowed supplemental clearances as follows:

(A) Equal additional rights-of-way for each additional facility, including these allowable supplemental clearances under this section.

(B) Additional clearance widths for poles and towers, and for conductor sway as provided in PRC §§ 4292 and 4293, and 14 CCR §§ 1250 through 1258 inclusive, as applicable.

(C) Additional clearance for removal of Danger Trees, as described in 14 CCR § 1114(f)(19).

(D) Additional land area for substation and switch yards, materials storage and construction camps, with clearance for firebreaks, and security fencing. [NOT NEW – FROM 1104.1(e)]

(22) Table of Rights-of-Way Widths for Single Underground Facilities

<u>Utility</u>	<u>Size</u>	<u>Width (total)</u>
<u>Electric, Underground</u>		
	<u>4"-6" Conduit</u>	<u>50'</u>
	<u>More than 6" Conduit</u>	<u>60'</u>
<u>Gas, Oil, Water and Sewer (Underground pipe)</u>		
	<u>6" diameter or smaller</u>	<u>50'</u>
	<u>Over 6"-12" diameter</u>	<u>60'</u>
	<u>Over 12"-24" diameter</u>	<u>75'</u>

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	Over 24" diameter	100'
Penstocks, Syphons	All	100'
Ditches and Flumes	All	150'
Access Roads	All	Access road widths may be up to 14' with an additional 10' width at turnout locations, plus additional width for cuts and fills. Access roads shall be installed and maintained so as to comply with the stream protection requirements and erosion control requirements of the Act, related regulations, and the District Rules. [NOT NEW – FROM 1104.1(f)]

(23) The above right-of-way widths for underground facilities and penstocks, syphons, ditches, and flumes shall be allowed supplemental clearances as follows:

- (A) Additional width for cuts and Fills.
- (B) Removal of trees or plants with roots that could interfere with underground facilities, or with cuts and Fills for installation.
- (C) Additional clearance for removal of Danger Trees, as described in 14 CCR § 1114(f)(19).
- (D) For compressor, metering and control stations on natural gas pipelines; including firebreaks and security fencing:
 - 1. Four hundred fifty (450) foot width at one (1) side of right-of-way and five hundred (500) foot length along the compressor stations.
 - 2. Three hundred (300) feet x three hundred (300) feet on or alongside the right-of-way for metering and control stations. [NOT NEW – FROM 1104.1(g)]

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1 (24) Except as otherwise provided by an [legally recorded](#) easement or by written
2 agreement with the landowner or Timber Owner, a public or private utility who is not the
3 Timber Owner shall, to the extent Feasible, not materially impair the ability of the
4 landowner or Timber Owner to sell, barter, exchange, or trade those trees felled by
5 Timber Operations pursuant to this section. The public or private utility shall notify a
6 landowner prior to the cutting or removal of trees located outside of an [legally recorded](#)
7 easement. Upon the Director's request, evidence of the notification shall be provided to
8 the Director.

9 (g) Evidence of the landowner notification required by PRC § 4295.5 and, if not included
10 in that notice, documentation of the corresponding opportunity to be heard shall be
11 provided to the Director, upon request.

12
13 Note: Authority cited: Sections 4551, 4551.5, 4584, 4584.1, 4604, and 4628, Public
14 Resources Code. Reference: Sections 4292, 4293, 4295.5, 4512, 4513, 4584, 4584.1,
15 4595.5, and 4628, Public Resources Code.

