

BOARD OF FORESTRY AND FIRE PROTECTION



Resource Protection Committee Active Notice of Overhead Power Lines July 21, 2015

- IDENTIFY THE PROBLEM.
 - Registered Professional Foresters (RPFs) are required to disclose known overhead power lines within the plan area when filing a Notice of Intent to Harvest Timber. This information is not usually forwarded to the Utility responsible for the maintenance of those power lines. If the utilities were made aware of impending operations in close proximity to their power lines, they would be able to perform work necessary to ensure public safety.
- GATHERING RELEVANT LEGAL INFORMATION.

Authority: PRC §740, §4551

Reference: PRC § 4582.3

Consistency:
- GATHERING RELEVANT FACTUAL INFORMATION.

Utilities have easements to protect their power lines from the encroachment of adjacent vegetation, including trees that may fall onto their power lines. Utilities spend significant time and resources to manage vegetation within this easement, and retain staff or contractors with specialized training in removing difficult trees that may impact power lines. Trees felled by Utilities generally are left in place and the landowner does not recover any economic value from these trees.

Timber harvesting routinely occurs adjacent to overhead power lines. In general, LTO's are not properly trained to work in close proximity to power lines and many times leave behind trees that may pose a danger to their employees or the power line.

Utilities, if informed of the timber operations could provide their expertise in removing trees they deem a threat to their power lines during timber harvesting activities. This would mitigate current and future problems along the section of power line for the Utility, and allow the landowner to realize the full economic benefit of those trees growing adjacent them.

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- DRAFT THE PROPOSED TEXT OF THE REGULATION.

895.1 Definition

Utility Contact List means the list that identifies those Utilities that must be notified or consulted pursuant to the Forest Practice Rules. The Department shall maintain this list utilizing information and advice provided by Utilities. Each Utility shall identify one (1) appropriate contact to be notified or consulted during preparation or review of Timber Harvesting Plans. The list shall be posted on the Department's internet site to make it readily available to RPFs and others needing the list to comply with these rules. The list shall also be available by mail through written request to the appropriate CAL FIRE Review Team Offices. The Utility shall be responsible for providing accurate contact information. Should an update be required, each update will reflect a new revision date, so users of the list may identify which version of the list they were using.

1032.7 Plan Submittal and Notice of Intent

(a) A plan shall be submitted by the person who owns, leases, contracts, or operates on timberland to harvest timber for commercial purposes.

(b) Where the land or timber is owned or operated by parties other than the person executing the plan the person submitting the plan shall give prompt written notice of such plan to those parties.

(c) The RPF preparing the plan shall submit to the Director, with the plan, a Notice of Intent to Harvest Timber (Notice of Intent): (1) if any proposed boundary lies within 300 feet of any property not owned by the timberland owner, or (2) any plan amendment that changes a plan boundary so that the new boundary lies within 300 ft. of property not owned by the timberland owner, ~~or~~ (3) with any plan amendment that changes the silvicultural method if a Notice of Intent was required for the plan by condition (1) or (2) above, (4) any overhead electrical power line is present inside or within 200 ft. of the plan boundary, or (5) any plan amendment changes a plan boundary so that the new boundary contains or is within 200 ft. of an overhead electric power line.

(d) A Notice of Intent shall include the following information:

(1) The names of the timberland owner, the RPF who prepared the Plan, and the Plan Submitter.

(2) The location of the plan area by county, section, township, and range, and the approximate direction and distance to the plan area from the nearest community or well-known landmark.

(3) The name of and distance from the nearest perennial stream and major watercourse flowing through or downstream from the Plan area.

(4) The acres proposed to be harvested.

(5) The regeneration methods and intermediate treatments to be used.

(6) The estimated earliest date that the Director may approve the plan. This is 15 days from receipt of the Plan by the Department, except in counties for which rules and regulations have been adopted pursuant to Sec. 4516.5 and 4516.8 of the PRC where the earliest date the Director may approve the Plan is 45 days after the

Comment [KC1]: Optional language to compel submission of a NOI when power lines are present, but adjacent property owners are not.

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receipt of the plan by the Department.

(7) A statement that the public may review the plan at the appropriate CAL FIRE Review Team Office and that a copy of the plan may be obtained from the Department upon payment of the applicable charge.

(8) A map which provides the approximate boundary of the THP area, a map legend, and a scale. This map shall be posted with the Notice of Intent.

(9) A statement that questions or concerns regarding the specific plan should be directed to the applicable CAL FIRE Review Team Office for public input incorporation into an Official Response Document.

(10) A statement of whether there is a known overhead electric power line on the proposed plan area except lines from transformers to service panels.

(e) The RPF preparing the plan shall furnish to the Department at the time of submission of the plan, the names and mailing addresses of all property owners within 300 ft. of the plan boundary. Either a list compiled from the latest equalized assessment roll or a list provided by a title company doing business in California compiled within 60 days of submission of the plan shall be deemed sufficient for compliance with the subsection.

(f) The RPF preparing the plan shall furnish to the Department at the time of submission of the plan, the names and mailing addresses of Utilities operating overhead electrical power lines within 200 feet of the plan boundary. This information shall be obtained from the Utility Contact List.

~~(f)~~ (g) The Department shall mail copies of the Notice of Intent within two working days of receipt of the plan to all persons identified in (e) and (f) above.

~~(g)~~ (h) Prior to plan submission, the person submitting the Plan shall post a copy of the Notice of Intent including a map as described in (d)(8) at a conspicuous location on the public road nearest the Plan site. Said Notice of Intent shall be on colored paper or identified with colored flagging so as to be easily visible to the public.

- DETERMINE PURPOSE AND DEMONSTRATE THE NECESSITY FOR THE DRAFTED REGULATIONS.

Purpose: To specify how Utilities will be notified when timber harvesting is proposed in close proximity to overhead power lines.

Benefits: This regulation is expected to benefit timberland owners, Utilities, and the general public. Timberland owners are expected to benefit economically by realizing the commercial value in trees growing near overhead power lines that may otherwise be left behind during timber harvesting activities. Utilities will benefit by being able to provide specially trained crews to perform work in close proximity to overhead power lines and preventing untrained crews from attempting this work. The Utility will also have an opportunity to work with the landowner to remove trees that may become a future threat to the overhead power lines, which may potentially prevent the need for future emergency work along that section of line. The general public will benefit from this preventative treatment by maintenance of a reliable energy grid.

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Necessity:

895.1 Definition – Utility Contact List

This section is necessary to define which Utilities need to be contacted, who is responsible for maintaining the Utility Contact List, and how the list will be made available to the regulated public.

1032.7 Plan Submittal and Notice of Intent

(f) This section is necessary to specify that the RPF filing the Notice of Intent to Harvest Timber is responsible for providing Utility contact information. This is similar to the method which adjacent landowners are notified of timber harvesting. This section also specifies the maximum distance from the plan boundary that the presence of overhead electrical power lines must be disclosed. 200 feet was determined to be an adequate distance to capture most trees that could become hazardous to overhead electrical power lines.

Documents Relied Upon: None

- ANALYZE THE FISCAL / ECONOMIC EFFECTS OF THE REGULATION.

Economic Impact Assessment (EIA):

- This regulation will not create or elimination of jobs within the State of California,
- This regulation will not create new businesses or eliminate existing businesses within the State of California,
- This regulation will not lead to the expansion of any businesses currently doing business within the State of California, and
- This regulation may benefit worker safety to the extent that specially trained crews representing the Utility perform work in close proximity to overhead electric power lines that would otherwise be performed by untrained LTOs.

The regulation involves a minor change to the requirements of an RPF submitting a Notice of Intent (NOI) to Harvest Timber. The RPF is already required to notify the Department of overhead power lines within the plan area. This regulation further specifies that the notification requirements apply to overhead power lines within 200 feet of the plan area and requires the Department to send the effected Utility the NOI in a timely manner.

It is expected through this process that the Utility will have an opportunity to evaluate the impacted section of line for hazardous trees, and work with the RPF

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to treat those trees. Trees considered to present hazards to untrained workers may be treated by specially trained crews provided by the Utility. This is expected to be a small number of trees, most of which would otherwise be left on site.

Cost Impacts On Representative Person or Business:

The cost to comply with this regulation is nominal. Compliance involves the RPF providing the correct name and address of the responsible Utility from a list maintained and provided by CAL FIRE. Utilities will be responsible for identifying a single point of contact for this list. Utilities already regularly inspect and treat overhead power lines under their control. The regulation only compels the notification of timber operations in close proximity to their overhead power lines. The regulation does not compel any modified treatment of the site after consultation between the Utility and RPF. Any work performed by the Utility after this consultation is expected to be work that the Utility would have already performed according to their treatment schedule. This may lead to some shifting in timing in when these costs would be incurred.

Reporting Requirement:

This regulation does not establish a reporting requirement that applies to business.

Effects on Small Business:

Small businesses, specifically consulting RPFs, will be impacted by this regulation. As indicated above, the added work is expected to be nominal, limited to providing a name and address of the effected Utility from a list maintained and provided by CAL FIRE.

- ADDITIONAL CONSIDERATIONS.

Consistency With Existing State Regulations:

The regulation is not inconsistent or incompatible with existing state regulations.

Federal Conformity:

No substantially comparable federal regulation or statute has been identified.