

1 **Board of Forestry and Fire Protection**
2 **“UTILITY NOTICE OF OVERHEAD OPERATIONS AMENDMENTS, 2016”**

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

4 **Division 1.5, Chapter 4,**

5 **Subchapter 1, Article 1**

6 **Subchapter 7, Article 2**

7
8 **Amend:**

9 **§ 895.1 Definitions**

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

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22 *******Note: Authority cited: Sections 4551, 4551.5, 4553, 4561, 4561.5, 4562, 4562.5,**
23 **4562.7 and 4591.1, Public Resources Code. Reference: Sections 4512, 4513, 4525.5,**
24 **4525.7, 4526, 4528, 4551, 4551.5, 4561, 4562, 4562.5, 4562.7, 4583.2, 4584, 4591.1,**
25 **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),

1 *Laupheimer v. State* (1988) 200 Cal.App.3d 440; 246 Cal.Rptr. 82 and *Joy Road Area*
2 *Forest and Watershed Association, v. California Department of Forestry & Fire*
3 *Protection*, Sonoma County Superior Court No. SCV 229850.

4
5 **Amend:**

6 **§ 1032.7 Plan Submittal and Notice of Intent**

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

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

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

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

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

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

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

6 (4) The acres proposed to be harvested.

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

8 (6) The estimated earliest date that the Director may approve the plan.

9 This is 15 days from receipt of the Plan by the Department, except in counties for
10 which rules and regulations have been adopted pursuant to Sec. 4516.5 and
11 4516.8 of the PRC where the earliest date the Director may approve the Plan is
12 45 days after the receipt of the plan by the Department.

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

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

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

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

23 (e) The RPF preparing the plan shall furnish to the Department at the time of
24 submission of the plan, the names and mailing addresses of all property owners within
25 300 ft. of the plan boundary. Either a list compiled from the latest equalized assessment

1 roll or a list provided by a title company doing business in California compiled within 60
2 days of submission of the plan shall be deemed sufficient for compliance with the
3 subsection.

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

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

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

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16 *****Note: Authority cited: Sections 4551 and 4582.3, Public Resources Code.

17 Reference: 4551, 4581, 4582.3, 21080 and 21092, Public Resources Code.
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