

RULE PLEA 1104.1, 1114 UTILITY RIGHT-OF-WAY FISCAL EVALUATION			
14 CCR 1114	Rule Language	Current costs	Project New cost
(b)	<b>NOTICING Requirements:</b> Requires RPF to prepare and submit Notice of Exemption		
(b)(1)	Identify the type of utility service & corresponding Right-of-Way width		
(b)(2)	Name address and telephone # of Timber Owner, Timberland Owner, RPF, LTO, & Submitter		
	Is an LTO a new practice for your Utility? If yes please indicate cost.		
(b)(3)	Legal Description and assessor parcel Number		
(b)(4)(A)	<b>MAPPING Requirements:</b>		
	USGS Map Scale 1:12,000, identifying the entire logging area.		
	Optional mapping considerations Geospatial Info		
	Features that must be identified.		
	(1) logging area		
	(2) location of roads to be used or potentially impacted by operations.		
	(3) Location of watercourse and lakes Class I, II, III, or IV.		
	(4) Roads and landings in a WLPZ, Meadows, and wet areas other than Watercourse crossings.		
	(5) Location of known unstable areas		
	(6) Location of Special Treatment Areas.		
	(7) Location of Danger Trees designated for harvest ....		
(b)(4)(B)	Submittal of preliminary overview map No operations until MAP described in (A) may commence		
(b)(5)	Tentative date of Commencement of operations		
(b)(6)	Written concurrence pertaining to Significant or Historical Sites		
(b)(7)	Certification pertaining to harvesting large old trees		
(b)(8)	Certification for the removal of qualifying Danger Trees located outside the designated widths.		
(b)(9)	Signatures		

(b)(10)	Utility confirmation the utility will comply with obligations to protect landowners rights to sell, barter, exchange, or trade trees felled.		
(c)	CAL FIRE REQUIREMENT		
(d)	CAL FIRE REQUIREMENT		
(e)	No ops for 5 days and until copy of Notice of exemption in hand		
(f)	<b>OPERATIONAL PROVISIONS:</b>		
(f)(1)	Completed within 3 years		
(f)(2)	RPF or Designee identify trees to be cut with paint on all sides. Flag WLPZs & ELZ		
(f)(3)	<b>LOGGING SLASH:</b>		
(f)(3)(A)	Clear surface fuel within 100 feet of structure Clear slash & Woody Debris 1 inch in diameter that could promote the spread of wildfire within 45 days of creation		
(f)(3)(B)	Clear surface fuels created by operations within 100 feet of the edge of any road accessible to the public within 45 days of creation.		
(f)(3)(C)	All Slash and Woody Debris exceeding one (1) inch in diameter that may impede access, egress, or public safety shall be chipped, burned, or removed within forty-five (45) days from the date of its creation.		
(f)(3)(D)	Slash resulting from Timber Operations not described in subparagraphs (A) to (C) shall be treated to achieve a maximum post-harvest depth of eighteen (18) inches above the ground. All Slash shall be lopped, removed, chipped, burned, or otherwise treated, within one (1) year from the start of operations.		

(f)(3)(E)	All Woody Debris not described by subparagraphs (A) to (C) whose location or physical arrangement constitutes a hazardous accumulation of flammable materials with enhanced risk of increased wildfire ignition, spread rate, duration, or intensity shall be lopped, chipped, burned, removed, or otherwise treated within forty-five (45) days from the date of its creation.		
(f)(3)(F)	Notwithstanding subparagraphs (A) to (E), Woody Debris may be left on site at the request of the landowner and shall not be subject to requirements for treatment of Woody Debris.		
(f)(3)(G)	The deadlines for treating Slash and Woody Debris imposed by this paragraph (3) may be extended for good cause shown, at the department's discretion.		
(f)(4)	<b>WINTER OPERATIONS:</b>		
(f)(4)(A)	May occur; During dry, rainless periods but shall not be conducted on Saturated Soil Conditions that may produce Significant Sediment Discharge.		
	Erosion Control structures shall be installed on all Tractor Roads, roads, Layouts, and Landings which do not have adequate natural drainage, drainage structures, or Surface Cover or Woody Debris to dissipate water flow and trap sediment to prevent soil loss prior to sunset if the National Weather Service forecast is a "chance" (30% or more) of rain within the next 24 hours, and prior to weekend or other shutdown periods.		
(f)(4)(B)	When ground conditions in the exemption area and Appurtenant Roads satisfy the "hard frozen" definitions in 14 CCR § 895.1.		
(f)(4)(C)	Over-snow operations where no soil disturbance occurs.		
(f)(4)(D)	For the maintenance or repair of a utility right-of-way following emergency work performed pursuant to subsection (h).		

	<b>WLPZ OPERATIONS</b>		
(f)(5)	No Timber Operations within a WLPZ, except for the following:		
(f)(5)(A)	Hauling on existing roads or Timber Operations where all equipment remains entirely on existing roads.		
(f)(5)(B)	Road Maintenance.		
(f)(5)(C)	The treatment or removal of Danger Trees.		
(f)(5)(D)	Temporary crossings of dry Class III Watercourses that do not require notification under the Fish and Game Code §1600 et seq.		
(f)(5)(E)	Operations for which an existing agreement with CDFW pursuant to Fish and Game Code (F&GC § 1600 et seq.) and an agreement with the applicable Regional Water Quality Control Board pursuant to Water Code §13260 et seq. are in effect.		
(f)(6)	No in-lieu practices allowed		
	<b>WILDLIFE:</b>		
(f)(7)	No sites of rare, threatened, or endangered plants or animals shall be disturbed, threatened, or damaged and		
	no Timber Operations shall occur within the Buffer Zone of a Sensitive Species as defined in 14 CCR § 895.1 unless:		
(f)(7)(A)	A valid incidental take permit issued by CDFW		
(f)(7)(B)	A federal incidental take statement or incidental take permit that addresses protection of the relevant species, for which a consistency determination has been made		
(f)(7)(C)	A valid natural community conservation plan that addresses protection of the relevant species approved by CDFW		
(f)(7)(D)	A valid Habitat Conservation Plan (HCP) that addresses protection of the relevant species		

(f)(7)(E)	Project revisions, guidelines, or take avoidance measures pursuant to a memorandum of understanding or a planning agreement entered into between the plan submitter and CDFW in preparation of obtaining a natural community conservation plan that addresses protection of the relevant species.		
	<b>HISTORICAL &amp; ARCHAEOLOGICAL SITES</b>		
(f)(8)	No Timber Operations on any site that satisfies the criteria listed in 14 CCR §895.1 for a Significant Archaeological or Historical Site except under the following conditions:		
(f)(8)(A)	If a site has been preserved in place, the RPF preparing the notice of utility right-of-way exemption shall obtain written concurrence from a Department Archaeologist prior to submission indicating operations will not cause damage to a Significant Archaeological or Historical Site		
(f)(8)(B)	The written concurrence from a Department Archaeologist shall be submitted with the notice of utility right-of-way exemption		
(f)(9)	Interaction between RPF and LTO		
(f)(10)	Notification of commencement of operations.		
(f)(11)(A)	Submit a completion report within 1 month of completion for the construction of a utility right-of-Way		
(f)(11)(B)	Within 3 months of completion file progress reports on a rolling basis reflecting identifiable areas where periodic maintenance Timber Operations have been completed under the notice		
(f)(12)	<b>CAL FIRE REQUIREMENT</b>		
(f)(13)	No harvesting of Large trees over 60" dbh for Sierra or Coast Redwoods.		

	No harvesting of Large trees over 48" dbh for all other species.		
	No harvesting of Decadent and Deformed Trees with Value to Wildlife		
	UNLESS		
(f)(13)(A)	The tree is not critical for the maintenance of a late successional stand		
(f)(13)(B)	Certification by the RPF's finding that one or more of the criteria in 1 & 2 below are meet. The requirements of this subparagraph need not be met if an approved management document; including but not limited to a HCP, SYP, NTMP, WFMP, or PTEIR; addresses large old tree retention for the area in which the large old tree(s) are proposed for removal and the removal is in compliance with the retention standards of that document		
(f)(13)(B)(1)	The tree(s) is a hazard to safety or property. The hazard shall be identified in writing by an RPF or professionally certified arborist.		
(f)(13)(B)(2)	The tree is dead or is likely to die within one year of the date of submission of the notice of utility right-of-way exemption.		
(f)(14)	All Timber Operations conducted in the Lake Tahoe Region must have a valid Tahoe Basin Tree Removal Permit, as defined by TRPA, or shall be conducted under a valid TRPA Memorandum of Understanding, when such a permit is required by TRPA.		
(f)(15)	No tractor or heavy equipment operations on slopes greater than fifty (50) percent.		
(f)(16)	No construction of new Tractor Roads on slopes greater than forty (40) percent.		
(f)(17)	Timber Operations within any Special Treatment Area shall comply with the rules associated with that Special Treatment Area excepting stocking requirements.		

(f)(18)	No tractor or heavy equipment operations on known Unstable Areas.		
(f)(19)(A)	Danger Trees shall be identified and assessed for failure risk by an RPF, their Supervised Designee, or a professionally certified arborist,		
(f)(19)(B)(1)	Tree located outside of the utility right-of-way designated by 14 CCR §§ 1104.1(f)(20) and (22), the RPF, their Supervised Designee, or professionally certified arborist shall certify that the Danger Tree satisfies the requirements of the definition of Danger Tree pursuant to 14 CCR § 895.1. Such certification shall be attached to the notice of conversion exemption.		
(f)(19)(B)(2)	All trees to be harvested pursuant to this subparagraph shall be marked by the RPF, their Supervised Designee, or arborist prior to removal.		
(f)(19)(C)	After submittal of the notice of exemption submit updates no more than 1 time every 2 weeks when danger trees are identified in the WLPZ, are large old Trees as described in paragraph (13) of subsection (f), are Decadent and Deformed Trees with Value to Wildlife, or are located on sites of rare, threatened, or endangered species Updates shall be provided at least 5 days before the tree is removed.		
(f)(19)(C)(1)	Information of danger trees shall include Certification that the Danger Tree(s) satisfies the requirements of the definition of Danger Tree		
(f)(19)(C)(2)	an updated map with Danger Tree locations or georeferenced location data for each Danger Tree		
(f)(19)(D)	CAL FIRE REQUIREMENT		
(f)(19)(E)	Does not apply to tree pruning or topping.		
(f)(20)	Table of widths ABOVE GROUND		
(f)(21)	The above right-of-way widths for above ground facilities shall be allowed supplemental clearances as follows		

(f)(21)(A)			
(f)(21)(B)			
(f)(21)(C)			
(f)(21)(D)			
(f)(21)(E)			
(f)(22)	Table of widths BELOW GROUND		
(f)(23)	underground facilities and penstocks, syphons, ditches, and flumes shall be allowed supplemental clearances as follows:		
(f)(23)(A)			
(f)(23)(B)			
(f)(23)(C)			
(f)(23)(D)			
(f)(24)(A)	public or private utility who is not the Timber Owner shall, to the extent Feasible, not materially impair the ability of the landowner or Timber Owner to sell, barter, exchange, or trade those trees felled		
(f)(24)(B)	utility shall undertake a good faith effort as part of its landowner notification process to notify landowners, or timber owners if different from the landowner, that the utility intends to fell trees of a commercial species on the landowner's property		
	The landowner notification shall advise of the landowner's or timber owner's right to commercialize timber harvested under the utility's notice of utility right-of-way exemption and provide information regarding the process for coordinating such efforts with the utility		
	The utility shall also undertake a good faith effort to coordinate scheduling of timber operations so as to allow those interested landowners, or timber owners if different from the landowner, to make concurrent arrangements to commercialize felled trees.		



	If a utility is required to skid felled trees pursuant to paragraph (3) of subsection (f) or any other provision of the Rules, those trees shall be skidded to a location that allows for the landowner or timber owner to reasonably arrange for decking, hauling of the timber		
	utility shall either leave timber in full tree lengths or bucked to commercial lengths.		
(g)	Evidence of the landowner notification required by PRC § 4295.5 and, if not included in that notice, documentation of the corresponding opportunity to be heard shall be provided to the Director, upon request.		
(h)(1)	Defines Emergency per this exemption		
(h)(2)	Operate in the response to emergency operations		
(h)(2)(A)	The immediate repair of, or prevention of imminent damage to, utility service lines and infrastructure that has caused or will result in imminent interruption of utility service.		
(h)(2)(B)	To provide for the immediate restoration of utility service interrupted by the emergency.		
(h)(3)(A)	The utility shall provide immediate notification to the appropriate CAL FIRE unit by phone or electronic mail of the nature of the emergency		
(h)(3)(B)	Timber Operations may commence upon submittal of the notification. No wait time for operations		
(h)(3)(C)	CAL FIRE REQUIREMENT		
(h)(4)	Timber Operations in response to an emergency performed pursuant to this subsection are exempt from the requirements of the Act and Rules for the duration of the emergency		
(h)(5)	Upon conclusion of the emergency, a utility shall immediately submit a regular notice of utility right-of-way exemption in connection with the emergency operations,		