# To whom it may Concern:

The Board of Forestry and Fire Protection is seeking your assistance in evaluating the financial Impacts specific to the Board of Forestry and Fire Protection rule plea “Utility and Public Agency ROW Exemption”,14 CCR 1104.1 New section 14 CCR 1114. The Board of Forestry and Fire Protection has reviewed and revised regulations specific to the use of the Public Utility Right-of-Way Utility Exemption.

Current Regulations require public utilities to file a Notice of Exemption pursuant to 14 CCR 1104.1 of the Forest Practice Rules.

*“Timber Operations conducted under this subsection shall be exempt from Conversion Permit and timber harvesting plan requirements of this article except no tree that existed before 1800 A.D and is greater than sixty (60) inches in diameter at stump height for Sierra or Coastal Redwoods, and forty-eight (48) inches in diameter at stump height for all other tree species shall be harvested unless done so under the conditions or criteria set forth in subsection 1104.1 (I). Timber Operations shall comply with all other applicable provisions of the Z’ berg-Nejedly Forest Practice Act, regulations of the Board and currently effective provisions of county general plans, zoning ordinances and any implementing ordinances. The Notice of Conversion Exemption Timber Operations shall be considered synonymous with the term "plan" as defined in 14 CCR 895.1 when applying the operational Rules and regulations of the Board.*

*(b) Construction or maintenance of right-of-way by a public agency on its own or any other public property.*

*(c) The clearing of trees from Timberland by a private or public utility for construction of gas, water, sewer, oil, electric, and communications (transmitted by wire, television, radio, or microwave) rights-of-way, and for maintenance and repair of the utility and right-of-way. The said right-of-way, however, shall not exceed the width specified in the Table of Normal Rights-of-Way Widths for Single Overhead Facilities and Single Underground Facilities and the supplemental allowable widths.”*

Consider the increase in Wildfire activity and the specific attention given to utility right-of-way clearing and maintenance the Board of Forestry and Fire Protection took the opportunity to improve the organizational clarity of existing Section 1104.1 exemptions. Additionally, the Board included revisions to the substantive requirements for right-of-way maintenance practices conducted through timber operations, ensuring that those operations are carried out responsibly with the respect for forest resources, as will as the rights of timberland owners.

Given consideration to current right-of-way maintenance efforts conducted under 14 CCR 1104.1 and associated current costs, the Board of Forestry and Fire Protection is inquiring on the potential fiscal impacts associated with the proposed rule plea specific to 14 CCR 1114. The Rule Plea has been provided for reference along with a table which identifies the various requirements. Please note existing regulatory language under 1104.1 requires timber operations to be conducted for right-of-way maintenance shall comply with all other applicable provisions of the Zuber-Nejedly Forest Practice Act, regulations of the Board and currently effective provisions of county general plans, zoning ordinances and any implementing ordinances. The rule plea prepared now specifically identifies the requirements under 14 CCR 1114. The requirements identified in 14 CCR 1114 in many cases currently exist, however, there have been modifications to provide clarity which are greater than current regulatory standards.

Examples:

* The Notice of exemption now is required to be submitted by an RPF and has continued requirements of an RPF or a supervised designee during the life of the exemption.
* There are new mapping requirements.
* Hazard reduction standards must be completed on a shorter timeline then previously existed.
* There is an increase in Notification requirements to work with landowners.

The Board of Forestry and Fire Protection is requesting information to better understand the potential financial impacts this proposed regulation may have on maintenance operations being conducted around utility infrastructure within timberlands. The Board recognizes and appreciates the efforts currently being undertaken and understands there are current cost associated with these efforts. The Board is inquiring about what the potential increase of cost may be with the proposed rule plea.

If you have any questions or comments you would like to discuss please contact the Regulations Program Manager, Daniel Craig by email at dan.craig@fire.ca.gov or phone at (916) 956-4920 or the Regulations Program Coordinator, Jane VanSusteren at Jane.VanSusteren@bof.ca.gov or phone at (916) 619-9795