

**IN THE SUPREME COURT OF CALIFORNIA**

BIG CREEK LUMBER CO. et al.,	)	
	)	
Plaintiffs and Appellants,	)	
	)	S123659
v.	)	
	)	Ct. App. 6 H023778
COUNTY OF SANTA CRUZ et al.,	)	
	)	Santa Cruz County Super. Ct.
Defendants and Appellants.	)	Nos. CV134816 & CV137992
_____	)	

**MODIFICATION OF OPINION**

**THE COURT:**

The opinion herein, filed on June 29, 2006, appearing at 38 Cal.4th 1139, is modified as follows:

The first sentence of the first paragraph on page 1148 is revised to read: “The TPA, as amended in 1982 (Stats. 1982, ch. 1489, §§ 1-39, pp. 5748-5766) reflects state policy, inter alia, ‘That timber operations conducted in a manner consistent with forest practice rules adopted by the [Board] shall not be or become restricted or prohibited due to any land use in or around the locality of those operations.’ (Gov. Code, 51102, subd. (b)).)”

The first sentence and subsequent citation of the third paragraph on page 1154 are revised to read: “Of greater import is that section 4516.5(d) was added to the FPA during the same legislative session in which the TPA was amended. (See Stats. 1982, ch. 1561, § 3, p. 6164 [adding § 4516.5] and *id.* ch. 1489, pp. 5748-5766.)”

The modifications do not affect the judgment.