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Board of Forestry and Fire Protection
DRAFT CONVERSION EXEMPTIONS RULE PLEAD
Title 14 of the California Code of Regulations
Division 1.5, Chapter 4,
Subchapter 7, Articles 3.2 and 7
Amend §§ 1059 & 1104
Amend and Renumber § 1104.2
Repeal §§ 1104.1, 1104.3, & 1105.1
Adopt §§ 1104.1, 1104.2, 1104.3, 1104.4, & 1104.5

§ 1059. Infractions

(a) Pursuant to PRC § 4601.4(b), these Rules are procedural in nature, the violation of which does not result in or cause environmental damage. The rule list consists of 14 CCR §§ 915.4, 935.4, 955.4; 918.1, 938.1, 958.1; 924.1; 925.2; 925.4; 926.2; 926.3; 926.23; 927.2; 927.14; 928.2; 929.1, 949.1, 969.1; 1029; 1032.7; 1032.10; 1034; 1035.2; 1035.3(c); 1038.2; 1042; 1051.1; 1052(a); 1075; 1080.4; 1090.2; 1090.5; 1090.7; 1090.11; 1090.12(b); 1090.13; 1090.26; 1091.4; 1092.04(d); 1092.07; 1092.09; 1092.13; 1092.14(c); 1092.15; ~~1104.1(a)(1); 1104.2~~; 1105; 1106.1; 1106.3(a).

(b) Infractions shall not be prosecuted if they are corrected within 10 working days of issuance of notification of the violation. Notification and response must be by certified mail. Date of certification identifies date of notification and response.

Commented [redacted] 1: Amended to update cross reference to §1104.1(a)(1), which plead moves to §1104.2.

1 Note: Authority cited: Sections 4551, 4551.5, 4553 and 4601.4, Public Resources Code.

2 Reference: Section 4601.4, Public Resources Code.

3
4 **§ 1104. Operations Requiring Conversion Permit**

5 Except as exempted by 14 CCR §§ 1104.1 and ~~1104.2~~ 1104.8 of this article a
6 Timberland conversion permit issued by the Director is required for conversion of
7 Timberland as defined in § 1100. Issuance of the Timberland Conversion Permit to the
8 Timberland owner must be completed before conversion operations begin. "Conversion
9 operations" include final immediate rezoning of Timberland production zone lands, and
10 Timber Operations as defined in PRC § 4527 on nontimberland production zone
11 Timberlands.

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13 Note: Authority cited: Sections 4621 and 4623, Public Resources Code. Reference:
14 Section 4527, Public Resources Code.

15
16 **§ 1104.1. Conversion Exemptions**

17 ~~Timber Operations conducted under this subsection shall be exempt from~~
18 ~~Conversion Permit and timber harvesting Plan requirements of this article~~
19 ~~except no tree that existed before 1800 A.D. and is greater than sixty (60)~~
20 ~~inches in Diameter at stump height for Sierra or Coastal Redwoods, and~~
21 ~~forty-eight (48) inches in Diameter at stump height for all other tree Species~~
22 ~~shall be harvested unless done so under the conditions or criteria set forth~~
23 ~~in subsection 1104.1(i). Timber Operations shall comply with all other~~
24 ~~applicable provisions of the Z'berg-Nejedly Forest Practice Act, regulations~~
25 ~~of the Board and currently effective provisions of county general plans,~~

Commented [2]: Amended to update cross reference to §1104.2, which plead rennumbers to §1104.8.

Commented [3]: §1104.1 is repealed and reorganized as new adopted §§ 1104.1 to 1104.5. The following comments indicate the new proposed location for each portion of existing §1104.1.

1 zoning ordinances and any implementing ordinances. The Notice of
2 Conversion Exemption Timber Operations shall be considered synonymous
3 with the term Plan as defined in 14 CCR § 895.1 when applying the
4 operational Rules and regulations of the Board.

Commented [4]: Remains §1104.1, except large old tree provision which is moved to §1104.3(d).

5 (a) This conversion exemption is applicable to a conversion of Timberland to a non-
6 timber use only, of less than three acres in one contiguous ownership, whether or not it
7 is a portion of a larger land parcel and shall not be part of a THP. This conversion
8 exemption may only be used once per contiguous land ownership. If all or a portion of
9 the contiguous land ownership has been subject to prior, unpermitted timberland
10 conversion, a conversion exemption hereunder shall not be accepted unless the
11 Director determines that it would be consistent with the purposes of the Act. No Person,
12 whether acting as an individual, acting as a member of a partnership, or acting as an
13 officer or employee of a corporation or other legal entity, may obtain more than one
14 exemption pursuant to this section in a five-year period. If a partnership has as a
15 member, or if a corporation or any other legal entity has as an officer or employee, a
16 Person who has received this exemption within the past five years, whether as an
17 individual or as a member of a partnership, or as an officer or employee of a corporation
18 or other legal entity, then that partnership, corporation, or other legal entity is not eligible
19 for this exemption. Person, for purposes of this section, means an individual,
20 partnership, corporation, or any other legal entity.

Commented [5]: Remains §1104.1(a).

21 (1) A Notice of Conversion Exemption Timber Operations (notice) must be
22 prepared by an RPF and submitted to the Director. The notice shall contain the
23 following:

Commented [6]: Moved to §1104.4(a).

Commented [7]: Moved to §1104.2(b)(1).

1 (A) the names, addresses, and telephone numbers of the Timber Owner,
2 owner of the Timberland to be converted, RPF, Timber Operator, and the
3 submitter of the Notice of Conversion Exemption Timber Operations;

4 (B) legal description of the area where the Timber Operation is to be
5 conducted, showing section, township, range, county and assessor parcel
6 number;

7 (C) maps showing the ownership boundaries, the location of the Timber
8 Operation, boundaries of the conversion, access routes to operation,
9 location and classification of all Watercourses, and Landing locations;

10 (D) incorporation of a signed and dated statement from the authorized
11 designee of the County Board of Supervisors stating that the conversion is
12 in conformance with all county regulatory requirements, including county
13 public notice requirements. When counties do not have an authorized
14 designee, the RPF shall certify that the county has been contacted and
15 the conversion is in conformance with county regulatory requirements (this
16 may be incorporated into the notice);

17 (E) incorporation of a statement by the owner of the Timberland to be
18 converted:

19 1. certifying that this is a one-time conversion to non-Timberland
20 use,

21 2. certifying that after considering the owner's own economic ability
22 to carry out the proposed conversion and the feasibility evaluation
23 required by 14 CCR § 1104.1(a)(6) that there is bona fide intent, as
24 defined in 14 CCR § 1100(b), to convert,

Commented [8]: Moved to §1104.2(a)(1), with modifications to consolidate notice content requirements for all 3 exemption types.

Commented [9]: Moved to §1104.2(a)(2)(A).

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3. specifying what the non-Timberland use will be after conversion,
and

4. certifying and declaring under penalty of perjury that he/she
whether acting as an individual, acting as a member of a
partnership, or acting as an officer or employee of a corporation or
other legal entity, has not obtained an exemption pursuant to this
section in the last five years unless a waiver has been granted
pursuant to § 1104.1(a)(9); and

(F) signature of the submitter, Timberland owner responsible for the
conversion, the Timber Operator, and the RPF.

(2) The following conditions apply to conversion exemption Timber Operations:

(A) All Timber Operations shall be complete within one year from the date
of acceptance by the Director.

(B) All conversion activities shall be complete within two years from the
date of acceptance by the Director unless under permit by local
jurisdiction. Failure to timely complete the conversion shall require
compliance with Stocking Standards of PRC § 4561 and Stocking report
requirements of Forest Practice Act and Board regulations.

(C) The RPF or Supervised Designee shall visit the site and flag the
boundary of the conversion exemption Timber Operation and flag any
applicable WLPZs and Equipment Limitation Zones.

(D) This section refers to Slash and Woody Debris resulting from Timber
Operations associated with conversion exemptions. The Timber Operator
shall be the responsible party for the treatment of logging Slash and
Woody Debris.

Commented [10]: Moved to §1104.2(b)(2) – (4).

Commented [11]: Moved to §1104.4(b).

Commented [12]: Moved to §1104.3(a).

1. Unless otherwise required, Slash greater than one inch in Diameter and greater than two feet long, and Woody Debris, except pine, shall receive full treatment no later than April 1 of the year following its creation, or within one year from the date of acceptance of the conversion exemption by the Director, whichever comes first.

2. All pine slash three inches and greater in Diameter and longer than four feet must receive initial treatment if it is still on the parcel, within seven (7) days of its creation.

3. All pine Woody Debris longer than four feet must receive an initial treatment prior to full treatment.

4. Initial treatment shall include limbing Woody Debris and cutting Slash and Woody Debris into lengths of less than four feet, and leaving the pieces exposed to solar radiation to aid in rapid drying.

5. Full treatment of all pine Slash and Woody Debris must be completed by March 1 of the year following its creation, or within one year from the date of acceptance of the conversion exemption by the Director, whichever comes first.

6. Full Slash and Woody Debris treatment may include any of the following:

- a. burying;
- b. chipping and spreading;
- c. piling and burning; or
- d. removing Slash and Woody Debris from the site for treatment in compliance with (a)-(b).

1 Slash and Woody Debris may not be burned by open outdoor fires
2 except under permit from the appropriate fire protection agency, if
3 required, the local air pollution control district or air quality
4 management district. The burning must occur on the property
5 where the Slash and Woody Debris originated.

6 7. Slash and Woody Debris, except for pine, which is cut up for
7 firewood shall be cut to lengths 24 inches or less and set aside for
8 drying by April 1 of the year following its creation. Pine Slash and
9 Woody Debris which is cut up for firewood shall be cut to lengths 24
10 inches or less and set aside for drying within seven (7) days of its
11 creation.

12 All treatment work must be completed prior to the expiration date
13 for the conversion exemption.

14 8. Any treatment which involves burning of Slash or Woody Debris
15 shall comply with all state and local fire and air quality Rules.

16 9. This section does not supersede more restrictive treatments or
17 time frames within a Forest district or subdistrict.

18 (E) Timber Operations may be conducted during the Winter Period.
19 Tractor Operations in the Winter Period are allowed under any of the
20 following conditions:

21 1. During dry, rainless periods but shall not be conducted on
22 Saturated Soil Conditions that may produce Significant Sediment
23 Discharge. Erosion Control structures shall be installed on all
24 constructed skid trails and Tractor Roads prior to sunset if the

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National Weather Service forecast is a "chance" (30% or more) of rain within the next 24 hours.

2. When ground conditions in the conversion-exemption area and Appurtenant Roads satisfy the "hard frozen" definitions in 14 CCR § 895.1.

3. Over-snow operations where no soil disturbance occurs.

(F) No Timber Operations within a WLPZ unless specifically approved by local permit (e.g. County, City).

Commented [13]: Moved to §1104.4(b)(1) – (5).

(G) The Timber Operator shall not conduct Timber Operations until receipt of the Director's notice of acceptance. Timber Operations shall not be conducted without a valid on-site copy of the Director's notice of acceptance of operations and a copy of the Notice of Conversion Exemption Timber Operations as filed with the Director.

Commented [14]: Moved to §1104.2(c)(1)(B).

(H) 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.

(I) No Timber Operations on significant historical or archeological sites, except under the following conditions:

1. If a significant archeological site is identified by the RPF preparing the Notice of Conversion Exemption within the Project boundary, the site may be preserved in place by capping or covering with a layer of soil prior to submission.

a. If a site has been preserved in place, the RPF preparing the Notice of Conversion Exemption shall obtain written

1 concurrence from a Department Archeologist prior to
2 submission indicating operations will not cause damage to a
3 significant archeological site.

4 b. The written concurrence from a Department Archeologist
5 shall be submitted with the Notice of Conversion Exemption.

6 (J) The RPF and the Timber Operator shall meet (on-site, or off-site) if
7 requested by either party to ensure that sensitive on-site conditions and
8 the intent of the conversion regulations such as, but not limited to, slash
9 disposal, will be complied with during the conduct of Timber Operations.

10 (K) Before beginning Timber Operations, the Timber Operator shall notify
11 the Department of the actual commencement date of operations. The
12 notification, by telephone, mail, or email, shall be directed to the
13 appropriate CAL FIRE Unit Headquarters, Forest Practice Inspector or
14 other designated personnel. If the notification is provided by mail, Timber
15 Operations may not commence until three (3) days after the postmark
16 date of notification.

17 (3) A neighborhood notification of conversion exemption Timber Operations shall
18 be posted on the ownership visible to the public by the RPF or Supervised
19 Designee, at least five (5) days prior to the postmark date of submission of the
20 Notice of Conversion Exemption Timber Operations to the Director. The date of
21 posting shall be shown on the neighborhood notice. In addition, immediately prior
22 to the submission of the exemption to the Director, the landowner shall mail a
23 letter to adjacent landowners within 300 feet of the boundaries of the exemption,
24 and to Native Americans, as defined in 14 CCR § 895.1 notifying them of the
25 intent to harvest timber. The mailed letter of notice and the posted notice shall

Commented [15]: Moved to §1104.4(b)(6) – (8).

Commented [16]: Moved to §1104.3(b).

1 contain a map of the project area and the following information on a form
2 prepared by the RPF:

3 (A) the name, address and telephone number of the Timberland owner,
4 the Timber Operator, the agency of the county responsible for land use
5 changes and the designated representative; if any, and the RPF;

6 (B) the location of the Project, parcel number, street address, section,
7 township and range, and;

8 (C) A statement explaining that this is a conversion from Timberland use
9 to a new land use, what the new land use will be, and that the maximum
10 size is less than three acres.

Commented [17]: Moved to §1104.4(c).

11 (4) The Director shall determine if the Notice of Conversion Exemption Timber
12 Operations is complete and accurate within fifteen (15) days from the date of
13 receipt.

14 (A) If the Notice of Conversion Exemption Timber Operations is not
15 complete and accurate it shall be returned to the submitter identifying the
16 specific information required. When found complete and accurate, the
17 Director shall immediately send a notice of acceptance of operations to
18 the submitter.

Commented [18]: Moved to §1104.2(c)(1)(A).

19 (5) The Timberland owner shall, within one month from the completion of
20 conversion exemption Timber Operations, which includes all slash disposal work,
21 submit a work completion report to the Director.

Commented [19]: Moved to §1104.3(e).

22 (6) The Timberland owner shall, using the services of an RPF to the extent the
23 information required is within the scope of professional forestry practice, provide
24 information documenting that the conversion to the stated non-timber use is
25 Feasible based upon, at a minimum, the following:

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~~(A) the extent of the vegetation removal and site preparation required for the conversion;~~

~~(B) the suitability of soils, slope, aspect, and microclimate for the stated non-timber use;~~

~~(7) The Department shall provide for inspections, as needed, to determine that the conversion was completed.~~

~~(8) The notice shall expire if there is any change in Timberland ownership.~~

~~(A) If the conversion has not been completed, the Timberland owner on the notice shall notify the Department of the change in Timberland ownership on or before five (5) days after a change in ownership.~~

~~(B) If operations have been conducted, but not completed under the exemption, the Timberland owner on the notice shall notify the new Timberland owner at least fifteen (15) days prior to the sale of the Timberland of the requirements under 14 CCR § 1104.1(a)(8)(C).~~

~~(C) If operations have been conducted, but not completed under the exemption, the new Timberland owner shall:~~

~~1. submit a new notice, or~~

~~2. comply with the following:~~

~~a. harvest no additional timber;~~

~~b. meet Stocking requirements of 14 CCR § 1104.1(a)(2)(B);~~

~~c. dispose of the slash created under the exemption activities according to 14 CCR § 1104.1(a)(2)(D);~~

1 d. provide Erosion Control for skid trails, roads, Landings,
2 and disturbed areas as required by the Forest Practice
3 Rules.

4 e. submit a report within ninety (90) days of the change of
5 Timberland ownership that items a through d above were
6 completed.

7 (9) A Timberland owner may request a waiver to the five-year limitation
8 described in 14 CCR § 1104.1(a). The Director may grant the waiver upon finding
9 that one of the following conditions exist:

- 10 (A) 1. the construction of a building approved by the appropriate
11 county/city permitting process is listed in the accepted Notice of
12 Conversion Exemption Timber Operations as the non-Timberland
13 use after the conversion, and
14 2. the Timberland owner demonstrates to the Director that
15 substantial liabilities for building construction have been incurred on
16 each conversion exemption that the Timberland owner has
17 received in the last 5 years at the time the waiver is requested, and
18 3. operations conducted on all exemptions issued to the
19 Timberland owner within the past 5 years, prior to the time the
20 waiver is requested, have been conducted in a manner that meets
21 or exceeds the intent of the Act and Rules or any corrective work
22 required by the Director has been satisfactorily completed.

23 (B) the change of ownership which caused the previous notice to expire
24 was not the result of the sale of the Timberland and the new Timberland
25 owner provides information demonstrating that the imposition of the 5-year

1 limitation described in 14 CCR § 1104.1(a) would impose an undue
2 hardship on the Timberland owner.

3 (C) the notice has expired and no operations have been conducted.

4 (D) The Timberland owner provides an explanation and justification for
5 the need of a waiver that demonstrates that the imposition of the 5-year
6 limitation described in 14 CCR § 1104.1(a) would impose an undue
7 hardship on the Timberland owner.

Commented [20]: Moved to §1104.4(d) – (g).

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

Commented [21]: Remains at §1104.1(b).

10 (c) The clearing of trees from Timberland by a private or public utility for construction of
11 gas, water, sewer, oil, electric, and communications (transmitted by wire, television,
12 radio, or microwave) rights-of-way, and for maintenance and repair of the utility and
13 right-of-way. The said right-of-way, however, shall not exceed the width specified in the

Commented [22]: Remains at §1104.1(c).

14 Table of Normal Rights-of-Way Widths for Single Overhead Facilities and Single
15 Underground facilities and the supplemental allowable widths.

16 Nothing in this section shall exclude the applicable provisions of PRC §§ 4292 and
17 4293, and 14 CCR §§ 1250 through 1258 inclusive for fire hazard clearance from being
18 an allowable supplement to the exempt widths.

Commented [23]: Moved to §1104.5(a).

19 (d) Table of Rights-of-Way Widths for Single Overhead Facilities (A single facility for
20 overhead electric lines means a single circuit)

Utility	Size	Width
Electric (Overhead Distribution and Transmission Single Circuits)		
	0-33 KV	20'
	34-100 KV	45'
	101-200 KV	75'

1	(pole)	
2	101-200 KV	80'
3	(tower)	
4	201-300 KV	125'
5	(tower)	
6	301- KV and above	200'
7	(tower)	
8	Telephone cable or open wire when underbuilt	
9	All	30'
10	Communications (Radio, Television, Telephone and Microwave)	
11	All	30'
12	Active or passive microwave repeater and/or radio sites	
13	All	40'
14	Microwave paths emanating from antennas or passive antenna or passive repeaters	
15	All	20' from edges of repeater, and
16		following centerline of path.
17	Radio and Television antennas	
18	All	30' In all directions
19	Telephone cable or open wire when underbuilt	
20	All	30'
21	(e) The above right-of-way widths for above ground facilities shall be allowed	
22	supplemental clearances as follows:	
23	(1) Equal additional rights-of-way for each additional facility, including these	
24	allowable supplemental clearances under this section.	

(2) Additional clearance widths for poles and towers, and for conductor sway as provided in PRC §§ 4292 and 4293, and 14 CCR §§ 1250 through 1258 inclusive, as applicable.

(3) Additional clearance for removal of Danger Trees as defined in 14 CCR § 895.1.

(4) Additional land area for substation and switch yards, materials storage and construction camps, with clearance for firebreaks, and security fencing

(f) Table of Rights-of-Way Widths for Single Underground Facilities

Utility	Size	Width
Electric, Underground	4"-6" Conduit	50'
	More than 6" Conduit	60'
Gas, Oil, Water and Sewer (Underground pipe)		
	6" diameter or smaller	50'
	Over 6"-12" diameter	60'
	Over 12"-24" diameter	75'
	Over 24" diameter	100'
Penstocks, Syphons	All	100'
Ditches and Flumes	All	150'

Access Roads All Access road widths may be up to 14' with an additional 10' width at turnout locations, plus additional width for cuts and fills. Access roads shall be installed and maintained so as to comply with the

1 stream protection requirements and erosion control requirements of the Forest Practice
2 Act, related regulations, and the District Forest Practice Rules.

3 (g) The above right-of-way widths for underground facilities and penstocks, syphons,
4 ditches and flumes shall be allowed supplemental clearances as follows:

5 (1) Additional width for cuts and Fills.

6 (2) Removal of trees or plants with roots that could interfere with underground
7 facilities, or with cuts and Fills for installation.

8 (3) Additional clearance for removal of Danger Trees as defined in 14 CCR §
9 895.1.

10 (4) For compressor, metering and control stations on natural gas pipelines;
11 including firebreaks and security fencing:

12 (A) 450 foot width at one side of right-of-way and 500 foot length along
13 the compressor stations.

14 (B) 300 feet x 300 feet on or alongside the right-of-way for metering and control
15 stations.

Commented [24]: Moved to §1104.5(b) – (e).

16 (h) In-lieu practices for Watercourse and Lake Protection Zones as specified under
17 Article 6 of these Rules, exceptions to Rules, and alternative practices are not allowed.

Commented [25]: Moved to §1104.3(c).

18 (i) Harvesting of large old trees shall only occur when:

19 (1) the tree is not critical for the maintenance of a Late Successional Stand and

20 (2) an RPF attaches to the exemption an explanation and justification for the
21 removal based on the RPF's finding that one or more of the criteria or conditions
22 listed under subsection (A), (B), or (C) are met. The requirements of (i)(2) need
23 not be met if an approved management document; including but not limited to a
24 HCP, SYP, NTMP, WFMP, or PTEIR; addresses large old tree retention for the
25 area in which the large old tree(s) are proposed for removal and the removal is in

1 compliance with the retention standards of that document. All trees to be
2 harvested pursuant to this subsection shall be marked by an RPF prior to
3 removal.

4 (A) The tree(s) is a hazard to safety or property. The hazard shall be identified in
5 writing by an RPF or professionally certified arborist;

6 (B) The removal of the tree(s) is necessary for the construction of a building as
7 approved by the appropriate county/city permitting process and as shown on the
8 county/city approved site Plan, which shall be attached to the Notice of
9 Exemption;

10 (C) The tree is dead or is likely to die within one year of the date of proposed
11 removal, as determined by an RPF or professionally certified arborist.

Commented [26]: Moved to §1104.3(d).

12
13 Note: Authority cited: Sections 4551, 4553, 4584, 4604, 4611 and 4628, Public
14 Resources Code. Reference: Sections 4512, 4513, 4584, 4597, 4628 and
15 21083.2(b)(3), Public Resources Code.

16
17 **§ 1104.1. Conversion Exemptions**

18 Timber Operations conducted under this section shall be exempt from the Conversion
19 Permit and THP requirements of this article. In addition to the supplemental
20 requirements in 14 CCR §§ 1104.2 to 1104.5, inclusive, Timber Operations shall comply
21 with all other applicable provisions of the Act, regulations of the Board, and currently
22 effective provisions of county general plans, zoning ordinances and any implementing
23 ordinances. The Notice of Conversion Exemption Timber Operations (notice of
24 conversion exemption) described in 14 CCR § 1104.2 shall be considered synonymous

1 with the term Plan as defined in 14 CCR § 895.1 when applying the operational Rules
2 and regulations of the Board. The following types of Timber Operations are exempt:
3 (a) Conversion of Timberland to a non-timber use only, of less than three (3) acres in
4 one contiguous ownership, whether or not it is a portion of a larger land parcel and shall
5 not be part of a THP.
6 (b) Construction or maintenance of a right-of-way by a public agency on its own or any
7 other public property.
8 (c) The clearing of trees from Timberland by a private or public utility for construction of
9 gas, water, sewer, oil, electric, and communications (transmitted by wire, television,
10 radio, or microwave) rights-of-way, and for maintenance and repair of the utility and
11 right-of-way.

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13 Note: Authority cited: Sections 4551, 4553, 4584, 4584.1, 4611, and 4628 Public
14 Resources Code. Reference: 4512, 4513, 4584, 4597, and 4628 Public Resources
15 Code.

16
17 **§ 1104.2. Notice of Conversion Exemption Requirements**

18 (a) (1) A notice of conversion exemption pursuant to 14 CCR § 1104.1 shall be
19 submitted to the Director, on a form provided by the Department, prior to the
20 commencement of Timber Operations. The form shall contain the following
21 information:
22 (A) The type of exemption.
23 (B) Name(s), address, and telephone number(s) of the Timber Owner(s),
24 Timberland owner(s), the LTO, and the submitter of the notice of
25 conversion exemption;

1 (C) Name, address, and telephone number and license number of the
2 RPF, if applicable.

3 (D) Legal description of the location of the Timber Operation, including
4 section, township, range, county and assessor parcel number.

5 (E) The tentative date of commencement of Timber Operations.

6 (F) The maps required pursuant to paragraph (2).

7 (G) A signature of the landowner certifying that they are the landowner
8 and have read and understand the information contained within the notice
9 of conversion exemption.

10 (2) A submitted notice of conversion exemption shall include a seven-and-one-
11 half (7 1/2) minute USGS quadrangle map, or its equivalent, depicting the
12 information as required by this subsection. Additional maps, which may be
13 topographic or planimetric, may be used to provide additional information, to
14 show specific details, and to improve map clarity. The appurtenant roads
15 included within the Logging Area pursuant to subparagraph (B)(i) below may be
16 shown on a map which may be planimetric with a scale as small as one-half inch
17 equals one (1) mile. Color coding shall not be used. A legend shall be included
18 indicating the meaning of the symbols used. The submitted notice of conversion
19 exemption shall indicate if more than one (1) Yarding system is to be used and
20 identify the systems (if more than one is used).

21 (A) A map submitted with a notice of conversion exemption pursuant to 14
22 CCR § 1104.1(a) shall depict each of the following:

23 (i) Ownership boundaries.

24 (ii) Location of the Timber Operation.

25 (iii) Boundaries of the conversion.

1 (iv) Access routes to the operation.

2 (v) Location and classification of all Watercourses.

3 (vi) Location of Landings.

4 (B) A map submitted with a notice of conversion exemption pursuant to 14
5 CCR §§ 1104.1(b) or 1104.1(c) shall depict each of the following:

6 (i) Boundaries of the Logging Area.

7 (ii) Location of all Roads to be used for, or potentially impacted by,
8 Timber Operations.

9 (iii) Location of all Watercourses and Lakes with Class I, II, III or IV
10 waters.

11 (iv) Location of any Special Treatment Areas.

12 (b) A notice of conversion exemption filed pursuant to 14 CCR § 1104.1(a) shall
13 additionally include the following:

14 (1) The notice of conversion exemption shall be prepared, signed, and submitted
15 by a RPF.

16 (2) Incorporation of a signed and dated statement from the authorized designee
17 of the County Board of Supervisors stating that the conversion is in conformance
18 with all county regulatory requirements, including county public notice
19 requirements. When counties do not have an authorized designee, the RPF shall
20 certify that the county has been contacted and the conversion is in conformance
21 with county regulatory requirements (this may be incorporated into the notice of
22 conversion exemption).

23 (3) Incorporation of a statement by the owner of the Timberland to be converted,
24 as to each of the following:

25 (A) Certifying that this is a one-time conversion to non-Timberland use.

1 (B) Certifying that after considering the owner's own economic ability to
2 carry out the proposed conversion and the feasibility evaluation required
3 by 14 CCR § 1104.4(d) that there is bona fide intent, as defined in 14 CCR
4 § 1100(b), to convert.

5 (C) Specifying what the non-Timberland use will be after conversion.

6 (D) Certifying and declaring under penalty of perjury that Timberland
7 owner, whether acting as an individual, acting as a member of a
8 partnership, or acting as an officer or employee of a corporation or other
9 legal entity, has not obtained an exemption pursuant to this section in the
10 last five (5) years unless a waiver has been granted pursuant to 14 CCR §
11 1104.4(g).

12 (4) Signature of the submitter, the Timberland owner responsible for the
13 conversion, the LTO, and the RPF.

14 (c) The notice of conversion exemption pursuant to 14 CCR § 1104.1 shall be submitted
15 to the Director for acceptance before Timber Operations may commence.

16 (1) (A) For purposes of a notice of conversion exemption submitted pursuant
17 to 14 CCR § 1104.1(a), the Director shall determine if the notice of
18 conversion exemption is complete and accurate within fifteen (15) days
19 from the date of receipt, and, if so, the Director shall immediately send a
20 notice of acceptance of operations to the submitter. If the notice of
21 conversion exemption is not complete and accurate it shall be returned to
22 the submitter identifying the specific information required.

23 (B) The LTO shall not conduct Timber Operations until receipt of the
24 Director's notice of acceptance. Timber Operations shall not be conducted
25 without a valid on-site copy of the Director's notice of acceptance of

1 operations and a copy of the notice of conversion exemption, as filed with
2 the Director.

3 (2) (A) For purposes of a notice of conversion exemption submitted pursuant
4 to 14 CCR §§ 1104.1(b) or 1104.1(c), the Director shall notify the
5 submitter of the date of receipt of the notice of conversion exemption.
6 Timber Operations may not commence for five (5) working days from the
7 date of the Director's receipt of the notice unless this delay is waived by
8 the Director. The Director shall determine whether the notice of conversion
9 exemption is complete, and, if so, shall send a notice of acceptance to the
10 submitter. If the notice of conversion exemption is not complete and
11 accurate, it shall be returned to the submitter and the LTO may not
12 proceed. If the Director does not act within five (5) days of receipt of the
13 notice of conversion exemption, timber operations may commence.

14 (B) Timber Operations shall not be conducted without a valid on-site copy
15 of the Director's notice of acceptance of the notice of conversion
16 exemption, except where the Director has failed to act within the five (5)
17 working-day review period, and a copy of the notice of conversion
18 exemption, as filed with the Director.

19
20 Note: Authority cited: Sections 4551, 4553, 4584, 4584.1, and 4628 Public Resources
21 Code. Reference: 4512, 4513, 4584, 4584.1, and 4597 Public Resources Code.

22
23 **§ 1104.3. Additional requirements for conversion exemptions**

24 (a) All Timber Operations shall be complete within one (1) year from the date of
25 acceptance by the Director or, if the Director failed to act within the five (5) working-day

1 review period as described in 14 CCR § 11042(c)(2), within one (1) year from the date
2 that Timber Operations may commence.

3 (b) Before beginning Timber Operations, the LTO, RPF, or person responsible for
4 submittal of the notice of conversion exemption shall notify the Department of the actual
5 commencement date of operations. The notification, by telephone, mail, or email, shall
6 be directed to the appropriate CAL FIRE Unit Headquarters, Forest Practice Inspector
7 or other designated personnel. If the notification is provided by mail, Timber Operations
8 may not commence until three (3) days after the postmark date of notification. The
9 provisions of this paragraph do not supersede the requirements of 14 CCR § 1104.2(c).

10 (c) In-lieu practices for Watercourse and Lake Protection Zones as specified under
11 Article 6 of these Rules, exceptions to Rules, and alternative practices are not allowed.

12 (d) No large old trees, defined as a tree that existed before 1800 AD and is greater than
13 sixty (60) inches in diameter at stump height for Sierra or Coast Redwoods, and forty-
14 eight (48) inches in diameter at stump height for all other tree species, Decadent and
15 Deformed Trees with Value to Wildlife, or Danger Trees shall be harvested unless the
16 following apply:

17 (1) The tree is not critical for the maintenance of a Late Successional Stand.

18 (2) An RPF attaches to the notice of conversion exemption an explanation and
19 justification for the removal based on the RPF's finding that one or more of the
20 criteria or conditions listed under subparagraph (A), (B), or (C) are met. The
21 requirements of this paragraph need not be met if an approved management
22 document; including but not limited to a HCP, SYP, NTMP, WFMP, or PTEIR;
23 addresses large old tree retention for the area in which the large old tree(s) are
24 proposed for removal and the removal is in compliance with the retention

1 standards of that document. All trees to be harvested pursuant to this subsection
2 shall be marked by an RPF prior to removal.

3 (A) The tree(s) is a hazard to safety or property. The hazard shall be
4 identified in writing by an RPF or professionally certified arborist.

5 (B) The removal of the tree(s) is necessary for the construction of a
6 building as approved by the appropriate county/city permitting process and
7 as shown on the county/city approved site Plan, which shall be attached to
8 the notice of conversion exemption.

9 (C) The tree is dead or is likely to die within one (1) year of the date of
10 proposed removal, as determined by an RPF or professionally certified
11 arborist.

12 (e) The Timberland Owner shall submit a work completion report to the Director within
13 one (1) month from the completion of Timber Operations, which includes Slash disposal
14 work for a conversion exemption under 14 CCR § 1104.1(a).

15
16 Note: Authority cited: Sections 4551, 4553, 4584, 4584.1, 4585, and 4628 Public
17 Resources Code. Reference: 4512, 4513, 4584, 4584.1, and 4597 Public Resources
18 Code.

19
20 **§ 1104.4. Additional requirements: Less than 3-acre conversion exemption**

21 Each of the following additional requirements shall apply to a conversion exemption
22 pursuant to 14 CCR § 1104.1(a):

23 (a) This conversion exemption may only be used once per contiguous land ownership. If
24 all or a portion of the contiguous land ownership has been subject to prior, unpermitted
25 timberland conversion, a submitted notice of conversion exemption shall not be

1 accepted unless the Director determines that it would be consistent with the purposes of
2 the Act. No Person, whether acting as an individual, acting as a member of a
3 partnership, or acting as an officer or employee of a corporation or other legal entity,
4 may obtain more than one (1) exemption pursuant to 14 CCR § 1104.1(a) in a five (5)
5 year period. If a partnership has as a member, or if a corporation or any other legal
6 entity has as an officer or employee, a Person who has received this exemption within
7 the past five (5) years, whether as an individual or as a member of a partnership, or as
8 an officer or employee of a corporation or other legal entity, then that partnership,
9 corporation, or other legal entity is not eligible for this exemption. Person, for purposes
10 of this section, means an individual, partnership, corporation, or any other legal entity.

11 (b) The following conditions apply to Timber Operations:

12 (1) All conversion activities shall be complete within two (2) years from the date
13 of acceptance by the Director unless under permit by local jurisdiction. Failure to
14 timely complete the conversion shall require compliance with Stocking Standards
15 of PRC § 4561 and Stocking report requirements of the Act and the Rules.

16 (2) The RPF or Supervised Designee shall visit the site and flag the boundary of
17 the Timber Operation and flag any applicable WLPZs and Equipment Limitation
18 Zones.

19 (3) This section refers to [REDACTED] Slash and Woody Debris resulting from Timber
20 Operations associated with conversion exemptions. The LTO shall be the
21 responsible party for the treatment of logging Slash and Woody Debris.

22 (A) Unless otherwise required, Slash greater than one (1) inch in Diameter
23 and greater than two (2) feet long, and Woody Debris, except pine, shall
24 receive full treatment no later than April 1 of the year following its creation.

Commented [27]: Board staff is evaluating these provisions relating to fuel treatment of slash and woody debris for proper terminology and operational consistency.

1 or within one (1) year from the date of acceptance of the conversion
2 exemption by the Director, whichever comes first.

3 (B) All pine slash three (3) inches and greater in Diameter and longer than
4 four (4) feet must receive initial treatment if it is still on the parcel, within
5 seven (7) days of its creation.

6 (C) All pine Woody Debris longer than four (4) feet must receive an initial
7 treatment prior to full treatment.

8 (D) Initial treatment shall include limbing Woody Debris and cutting Slash
9 and Woody Debris into lengths of less than four (4) feet, and leaving the
10 pieces exposed to solar radiation to aid in rapid drying.

11 (E) Full treatment of all pine Slash and Woody Debris must be completed
12 by March 1 of the year following its creation, or within one (1) year from
13 the date of acceptance of the conversion exemption by the Director,
14 whichever comes first.

15 (F) Full Slash and Woody Debris treatment may include any of the
16 following:

17 (i) Burying.

18 (ii) Chipping and spreading.

19 (iii) Piling and burning.

20 (iv) Removing Slash and Woody Debris from the site for treatment
21 in compliance with (i)-(ii).

22 Slash and Woody Debris may not be burned by open outdoor fires except
23 under permit from the appropriate fire protection agency, if required, the
24 local air pollution control district or air quality management district. The

1 burning must occur on the property where the Slash and Woody Debris
2 originated.

3 (G) Slash and Woody Debris, except for pine, which is cut up for firewood
4 shall be cut to lengths twenty-four (24) inches or less and set aside for
5 drying by April 1 of the year following its creation. Pine Slash and Woody
6 Debris which is cut up for firewood shall be cut to lengths twenty-four (24)
7 inches or less and set aside for drying within seven (7) days of its creation.
8 All treatment work must be completed prior to the expiration date for the
9 conversion exemption.

10 (H) Any treatment which involves burning of Slash or Woody Debris shall
11 comply with all state and local fire and air quality rules.

12 (I) This section does not supersede more restrictive treatments or time
13 frames within a Forest District or subdistrict.

14 (4) Timber Operations may be conducted during the Winter Period. Tractor
15 Operations in the Winter Period are allowed under any of the following
16 conditions:

17 (A) During dry, rainless periods but shall not be conducted on Saturated
18 Soil Conditions that may produce Significant Sediment Discharge. Erosion
19 Control structures shall be installed on all constructed skid trails and
20 Tractor Roads prior to sunset if the National Weather Service forecast is a
21 "chance" (30% or more) of rain within the next twenty-four (24) hours.

22 (B) When ground conditions in the conversion exemption area and
23 Appurtenant Roads satisfy the "hard frozen" definitions in 14 CCR §
24 895.1.

25 (C) Over-snow operations where no soil disturbance occurs.

1 (5) No Timber Operations within a WLPZ unless specifically approved by local
2 permit (e.g. County, City).

3 (6) No sites of rare, threatened or endangered plants or animals shall be
4 disturbed, threatened, or damaged and no Timber Operations shall occur within
5 the Buffer Zone of a Sensitive Species as defined in 14 CCR § 895.1.

6 (7) No Timber Operations on significant historical or archeological sites, except
7 under the following conditions:

8 (A) If a significant archeological site is identified by the RPF preparing the
9 notice of conversion exemption within the Project boundary, the site may
10 be preserved in place by capping or covering with a layer of soil prior to
11 submission.

12 (i) If a site has been preserved in place, the RPF preparing the
13 notice of conversion exemption shall obtain written concurrence
14 from a Department Archeologist prior to submission indicating
15 operations will not cause damage to a significant archeological site.

16 (ii) The written concurrence from a Department Archeologist shall
17 be submitted with the notice of conversion exemption.

18 (8) The RPF and the LTO shall meet (on-site, or off-site) if requested by either
19 party to ensure that sensitive on-site conditions and the intent of the conversion
20 regulations such as, but not limited to, slash disposal, will be complied with
21 during the conduct of Timber Operations.

22 (c) A neighborhood notification of Timber Operations shall be posted on the ownership
23 visible to the public by the RPF or Supervised Designee, at least five (5) days prior to
24 the postmark date of submission of the notice of conversion exemption to the Director.
25 The date of posting shall be shown on the neighborhood notice. In addition, immediately

Commented [REDACTED] 28]: Board staff is evaluating whether the term "project" is the appropriate and correct terminology.

1 prior to the submission of the notice of conversion exemption to the Director, the
2 landowner shall mail a letter to adjacent landowners within three hundred (300) feet of
3 the boundaries of the exemption, and to Native Americans, as defined in 14 CCR §
4 895.1, notifying them of the intent to harvest timber. The mailed letter of notice and the
5 posted notice shall contain a map of the project area and the following information on a
6 form prepared by the RPF:

7 (1) The name, address and telephone number of the Timberland owner, the LTO,
8 the agency of the county responsible for land use changes and the designated
9 representative, if any, and the RPF.

10 (2) The location of the Project, parcel number, street address, section, township,
11 and range.

12 (3) A statement explaining that this is a conversion from Timberland use to a new
13 land use, what the new land use will be, and that the maximum size is less than
14 three (3) acres.

15 (d) The Timberland owner shall, using the services of an RPF to the extent the
16 information required is within the scope of professional forestry practice, provide
17 information documenting that the conversion to the stated non-timber use is Feasible
18 based upon, at a minimum, the following:

19 (1) The extent of the vegetation removal and site preparation required for the
20 conversion.

21 (2) The suitability of soils, slope, aspect, and microclimate for the stated non-
22 timber use.

23 (e) The Department shall provide for inspections, as needed, to determine that the
24 conversion was completed.

Commented [29]: Board staff is evaluating whether the term "project" is the appropriate and correct terminology.

Commented [30]: Board staff is evaluating whether the term "project" is the appropriate and correct terminology.

1 (f) The notice of conversion exemption shall expire if there is any change in Timberland
2 ownership.

3 (1) If the conversion has not been completed, the Timberland owner on the
4 notice of conversion exemption shall notify the Department of the change in
5 Timberland ownership on or before five (5) days after a change in ownership.

6 (2) If Timber Operations have been conducted, but not completed under the
7 exemption, the Timberland owner on the notice of conversion exemption shall
8 notify the new Timberland owner at least fifteen (15) days prior to the sale of the
9 Timberland of the requirements under paragraph (3).

10 (3) If Timber Operations have been conducted, but not completed under the
11 exemption, the new Timberland owner shall either:

12 (A) Submit a new notice of conversion exemption, or

13 (B) Comply with each of the following:

14 (i) Harvest no additional timber.

15 (ii) Meet Stocking requirements of 14 CCR § 1104.4(b)(2).

16 (iii) Dispose of the slash created under the exemption activities
17 according to 14 CCR § 1104.4(b)(2).

18 (iv) Provide Erosion Control for skid trails, roads, Landings, and
19 disturbed areas as required by the Rules.

20 (v) Submit a report within ninety (90) days of the change of
21 Timberland ownership that items (i) through (iv) above were
22 completed.

23 (g) A Timberland owner may request a waiver to the five (5) year limitation described in
24 14 CCR § 1104.4(a). The Director may grant the waiver upon finding that one of the
25 following conditions exist:

1 (1) Each of the following conditions are satisfied:

2 (A) The construction of a building approved by the appropriate county/city
3 permitting process is listed in the accepted notice of conversion exemption
4 of conversion exemption as the non-Timberland use after the conversion.

5 (B) The Timberland owner demonstrates to the Director that substantial
6 liabilities for building construction have been incurred on each conversion
7 exemption that the Timberland owner has received in the last five (5)
8 years at the time the waiver is requested.

9 (C) Operations conducted on all exemptions issued to the Timberland
10 owner within the past five (5) years, prior to the time the waiver is
11 requested, have been conducted in a manner that meets or exceeds the
12 intent of the Act and Rules or any corrective work required by the Director
13 has been satisfactorily completed.

14 (2) The change of ownership which caused the previous notice of conversion
15 exemption to expire was not the result of the sale of the Timberland and the new
16 Timberland owner provides information demonstrating that the imposition of the
17 five (5) year limitation described in 14 CCR § 1104.4(a) would impose an undue
18 hardship on the Timberland owner.

19 (3) The notice of conversion exemption has expired and no Timber Operations
20 have been conducted.

21 (4) The Timberland owner provides an explanation and justification for the need
22 of a waiver that demonstrates that the imposition of the five (5) year limitation
23 described in 14 CCR § 1104.4(a) would impose an undue hardship on the
24 Timberland owner.

1 Note: Authority cited: Sections 4551, 4553, 4584, and 4584.1 Public Resources Code.
2 Reference: 4512, 4513, 4584, 4584.1, 4597, 4604, and 21083.2(b)(3) Public Resources
3 Code.

4
5 **§ 1104.5. Additional exceptions and requirements: Utility right-of-way.**

6 Each of the following additional requirements shall apply to a conversion exemption
7 pursuant to 14 CCR § 1104.1(c):

8 (a) The utility right-of-way shall not exceed the width specified in the Table of Normal
9 Rights-of-Way Widths for Single Overhead Facilities and Single Underground facilities
10 and the supplemental allowable widths in this section. Nothing in this section shall
11 exclude the applicable provisions of PRC §§ 4292 and 4293, and 14 CCR §§ 1250
12 through 1258, inclusive, for fire hazard clearance from being an allowable supplement
13 to the exempt widths.

14 (b) Table of Rights-of-Way Widths for Single Overhead Facilities (A single facility for
15 overhead electric lines means a single circuit)

<u>Utility</u>	<u>Size</u>	<u>Width</u>
<u>Electric (Overhead Distribution and Transmission Single Circuits)</u>		
	<u>0-33 KV</u>	<u>20'</u>
	<u>34-100 KV</u>	<u>45'</u>
	<u>101-200 KV</u>	<u>75'</u>
	<u>(pole)</u>	
	<u>101-200 KV</u>	<u>80'</u>
	<u>(tower)</u>	
	<u>201-300 KV</u>	<u>125'</u>
	<u>(tower)</u>	

1	<u>301- KV and above 200'</u>
2	<u>(tower)</u>
3	<u>Telephone cable or open wire when underbuilt</u>
4	<u>All 30'</u>
5	<u>Communications (Radio, Television, Telephone and Microwave)</u>
6	<u>All 30'</u>
7	<u>Active or passive microwave repeater and/or radio sites</u>
8	<u>All 40'</u>
9	<u>Microwave paths emanating from antennas or passive antenna or passive repeaters</u>
10	<u>All 20' from edges of repeater, and</u>
11	<u>following centerline of path.</u>
12	<u>Radio and Television antennas</u>
13	<u>All 30' In all directions</u>
14	<u>Telephone cable or open wire when underbuilt</u>
15	<u>All 30'</u>
16	<u>(c) The above right-of-way widths for above ground facilities shall be allowed</u>
17	<u>supplemental clearances as follows:</u>
18	<u>(1) Equal additional rights-of-way for each additional facility, including these</u>
19	<u>allowable supplemental clearances under this section.</u>
20	<u>(2) Additional clearance widths for poles and towers, and for conductor sway as</u>
21	<u>provided in PRC §§ 4292 and 4293, and 14 CCR §§ 1250 through 1258,</u>
22	<u>inclusive, as applicable.</u>
23	<u>(3) Additional clearance for removal of Danger Trees as defined in 14 CCR §</u>
24	<u>895.1.</u>

1 (4) Additional land area for substation and switch yards, materials storage and
2 construction camps, with clearance for firebreaks, and security fencing

3 (d) Table of Rights-of-Way Widths for Single Underground Facilities

Utility	Size	Width
<u>Electric, Underground</u>		
	4"-6" Conduit	50'
	More than 6" Conduit	60'
<u>Gas, Oil, Water and Sewer (Underground pipe)</u>		
	6" diameter or smaller	50'
	Over 6"-12" diameter	60'
	Over 12"-24" diameter	75'
	Over 24" diameter	100'
Penstocks, Syphons	All	100'
Ditches and Flumes	All	150'

16
17 Access Roads All Access road widths may be up to
18 14' with an additional 10' width at turnout locations, plus additional width for cuts and
19 fills. Access roads shall be installed and maintained so as to comply with the stream
20 protection requirements and erosion control requirements of the Act, related regulations,
21 and the Rules.

22 (e) The above right-of-way widths for underground facilities and penstocks, syphons,
23 ditches and flumes shall be allowed supplemental clearances as follows:

24 (1) Additional width for cuts and Fills.

1 (2) Removal of trees or plants with roots that could interfere with underground
2 facilities, or with cuts and Fills for installation.

3 (3) Additional clearance for removal of Danger Trees as defined in 14 CCR §
4 895.1.

5 (4) For compressor, metering and control stations on natural gas pipelines;
6 including firebreaks and security fencing:

7 (A) Four hundred fifty (450) foot width at one side of right-of-way and five
8 hundred (500) foot length along the compressor stations.

9 (B) Three hundred (300) feet x three hundred (300) feet on or alongside
10 the right-of-way for metering and control stations.

11
12 Note: Authority cited: Sections 4551, 4553, 4584, 4584.1, Public Resources Code.

13 Reference: 4512, 4513, 4584, 4584.1, 4597, and 4611 Public Resources Code.

14
15 **§ ~~1104.2.~~ 1104.8. Exemption for Conversion of Non-TPZ Land for Subdivision**

16 **Development**

17 Timber Operations for the conversion of land not in the Timberland Production Zone
18 (TPZ) for subdivision development are exempt from this article, subject to all of the
19 following conditions:

20 (a) The county board of supervisors or city council having jurisdiction has approved a
21 tentative subdivision map pursuant to the Subdivision Map Act commencing with
22 Government Code § 66410.

23 (b) The county board of supervisors or city council having jurisdiction has granted
24 required use permits and other necessary approvals.

Commented [31]: Amend/Renumber in order to accommodate reorganization of §1104.1 into multiple sections.

1 (c) Before Timber Operations begin and before a ~~Timber Harvesting Plan (THP)~~ THP is
2 submitted, the Timberland owner shall file a Notice of Exemption from Timberland
3 Conversion Permit for Subdivision on a form prescribed by the Director. The Notice
4 shall include, but need not be limited to, the following:

5 (1) Names and addresses of Timberland owner(s), Timber Owner(s), and
6 developer(s).

7 (2) Documentation that a Notice of Determination has been filed with the Office of
8 Planning and Research pursuant to PRC § 21108 or with the appropriate county
9 clerk pursuant to PRC § 21152.

10 (3) Estimated date of completion of the Project.

11 (4) Acres of Timberland to be converted.

12 (5) Legal property description of the conversion area.

13 (6) Signature, title, and date of signing of the Timberland owner(s). In the case of
14 a partnership, at least one of the partners shall sign the application. For a
15 corporation, a corporate officer shall sign. In other cases of more than one
16 owner, all owners shall sign. An agent may sign for the owner(s) if so designated
17 in writing submitted with the Notice.

18 (7) Plat or map of the area to be converted.

19 (8) Documentation of the county or city tentative subdivision map approval,
20 conditions of approval, required use permit, or other required county or city
21 Project approvals.

22 (d) Except as provided in this article, the applicable requirements of PRC §§ 4511
23 through 4628 inclusive, PRC §§ 5093.50 through 5093.68 inclusive, and all regulations
24 adopted pursuant thereto shall apply to the Timber Operations.

1 (e) If the subdivision development Project is not completed or is abandoned, the
2 Director may take corrective action pursuant to PRC §§ 4605-4611 to have restocked
3 those parts of the area from which timber has been harvested and which do not meet
4 the Stocking requirements of this chapter. For purposes of this subsection, the Project
5 shall be deemed abandoned or not completed if:

6 (1) The county or city tentative map approval has expired; and

7 (2) No further work has been carried on to complete the subdivision for three (3)
8 years after the expected date of completion stated in the THP. The Director shall
9 order inspections as needed to determine whether the Project has been
10 completed as proposed.

11 (f) Partial performance shall be recognized. Those portions of the subdivision shall be
12 deemed completed and excluded from the Stocking requirement where the
13 development has been completed and residential services have been provided pursuant
14 to the Plan for development.

15
16 Note: Authority cited: Sections 4551, 4621 and 4628, Public Resources Code.

17 Reference: Sections 4551.5, 4621.1 and 21100, Public Resources Code.

18
19 **§ 1104.3. Timberland Conversion Permit Fees**

20 The applicant shall pay an application fee in the amount of \$ 600 for the cost of
21 processing an application for the conversion of Timberland to a non-timber growing use.
22 Where the land proposed to be converted lies within a TPZ, the applicant shall also
23 follow the requirements of 14 CCR §1105.1. The fee(s) shall be submitted with the
24 application to the Environmental Coordinator at the appropriate CAL FIRE Review
25 Team Office listed under 14 CCR §1032. Where actual state cost exceeds the

1 application fee, the additional charge equal to the excess cost will be computed using
2 State Administrative Manual §§ 8752.1 and 8740 (dated March 1990). The Department
3 will keep the applicant informed of any additional charges and will advise the applicant
4 of any estimated future costs. All additional charges shall be paid by the applicant to the
5 Department of Forestry and Fire Protection Accounting Office before the issuance of the
6 Timberland Conversion Permit. Costs of recording the documents pursuant to this
7 article shall be paid by the applicant.

8
9 ~~Note: Authority cited: Sections 4621(b) and 4621.2(d), Public Resources Code.~~
10 ~~Reference: Sections 4621, 4621(b) and 4621.2, Public Resources Code.~~

11 12 **§ 1105.1 Application Fees**

13 In addition to the requirements of § 1104.3, the applicant shall pay a fee in the amount
14 of \$ 100 for the cost of processing an application for conversion where the land
15 proposed to be converted lies within a TPZ. Fees for the recording of documents
16 pursuant to this article shall be borne by the applicant.

17
18 ~~Note: Authority cited: Sections 4621(b) and 4621.2(d), Public Resources Code.~~
19 ~~Reference: Sections 4621, 4621(b) and 4621.2, Public Resources Code.~~

Commented [32]: At minimum, § 1104.3 needs to be renumbered (and §1105.1 needs a related cross reference change) to make space for reorganization of §1104.1 into multiple sections.
Board staff is evaluating whether repealing both sections is more appropriate approach, insofar as legislative enactment of AB 1492 (Ch. 289, Stats 2012) apparently purports to invalidate/repeal the contemplated fees by reference. (see PRC 4629.6(c).)