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April 6, 2021

**Board of Forestry and Fire Protection**

**DRAFT LESS THAN THREE ACRE EXEMPTION**

**Title 14 of the California Code of Regulations**

**Division 1.5, Chapter 4**

**§895.1. Definitions**

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“Good Cause is Shown” ~~as used in PRC § 4590~~ means when: the Plan or notice submitter presents facts which describe the factors beyond the control of the Plan or notice submitter and his or her agents, such as market conditions, weather, technical difficulties or natural disaster, that have prevented Feasible completion of the timber operation within the effective period of the Plan or notice.

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**§ 1104.1. Conversion Exemptions**

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(a) This conversion exemption is applicable to a conversion of Timberland to a non-timber use only, of less than three (3) acres ~~in one contiguous ownership, whether or not it is a portion of a larger land parcel~~ and shall not be part of a Plan~~THP~~.

This conversion exemption may only be used once per ~~contiguous land ownership~~ parcel for the duration of a Person’s ownership of that parcel. If all or a portion of the ~~contiguous land ownership~~ parcel has been subject to prior, unpermitted timberland conversion, a conversion exemption hereunder shall not be accepted unless the Director determines that it would be consistent with the purposes of the Act. No Person, 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, may obtain more than one(1) exemption pursuant to this section in a ~~five-year~~ five (5) year period. If a partnership has as a member, or if a corporation or any other legal entity has as an officer or employee, a Person who has received this exemption within the past five (5) years, whether as an individual or as a member of a partnership, or as an officer or employee of a corporation or other legal entity, then that partnership, corporation, or other legal entity is not eligible for this exemption. Person, for purposes of this section, means an individual, partnership, corporation, or any other legal entity.

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

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(D) a copy of any use permit or other permit issued by the local jurisdiction that is required for conformance with regulatory requirements of the local jurisdiction. If a required permit has not been secured or no permit is required, incorporation of a signed and dated statement from the authorized designee of the County Board of Supervisors stating that the conversion is in conformance with all county regulatory requirements, including county public notice requirements. If a required permit has not been secured or no permit is required and the county does ~~When counties do~~ not have an authorized designee, the RPF shall certify that the county has been contacted andthe conversion is in conformance with county regulatory requirements (this may be incorporated into the notice);

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

(A) All Timber Operations shall be complete within five (5)~~one~~ years from the date of acceptance by the Director.

(B) All conversion activities shall be complete within seven (7)~~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.

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(10) The timelines for completion of Timber Operations and conversion activities described within 14 CCR § 1104.1(a)(2)(A) & (B) may be extended for a two-year period by amendment if Good Cause is Shown. In addition to the information necessary to demonstrate such good cause, the amendment shall include certification by the owner of the Timberland to be converted which states that the certifications provided in the original notice pursuant to 14 CCR § 1104.1(a)(1)(E) remain unchanged.