(B) Stocking requirements of the applicable district forest practice Rules will not be met within five years after completion of Timber Operations; or
(C) There is a clear intent to divide Timberland into ownerships of less than three acres.

To be considered a conversion, the land must be "available for" growing a crop of trees. Also, land occupancy and its associated activities would prevent future timber harvesting. Now consider, CCR 4291, the regulation which requires homeowners to maintain defensible space.

4291.
(a) A person who owns, leases, controls, operates, or maintains a building or structure in, upon, or adjoining a mountainous area, forest-covered lands, brush-covered lands, grass-covered lands, or land that is covered with flammable material, shall at all times do all of the following:

(1) (A) Maintain defensible space of 100 feet from each side and from the front and rear of the structure, ... The intensity of fuels management may vary within the 100-foot perimeter of the structure, with ***more intense fuel reductions being utilized between 5 and 30 feet*** around the structure, and an ember-resistant zone being required within 5 feet of the structure [emphasis added]

The landowner could remove the 5 trees in question with zero paperwork if they weren't sold, bartered, exchanged, or traded to provide for defensible space. In fact, the homeowner could actually be required to remove these trees to eliminate the vertical continuity of vegetative fuels and the horizontal continuity of tree crowns since they are within 20 feet of his garage. However, as the conversion regulations are currently being interpreted, expanding his existing garage 20 feet is considered a conversion. This interpretation ignores both the intent of the conversion regulations and the requirements of the defensible space regulations.

For it to be a conversion, the land must be "available for" growing a crop of trees. In essence, the requirements of 4291 make land within 30 feet of a structure unavailable. The land within 30 feet has been dedicated by the State to provide for structure protection, not the growing of timber for commercial harvesting. Further, for it to be a conversion, "future" timber harvest would need to be prevented because of occupancy. The land is already occupied and therefore timber harvests as defined in the rules are already prevented.

I suggest that the Board considering modifying the definition of Timberland Conversion as follows:

<u>1100(g)(1)(D) Except that land within 30 feet of existing legally permitted structures shall not be considered timberland for the purposes of this section.</u>

This modification to the definition of Timberland Conversion would recognize that, in practical terms, that land in close proximity to existing permitted structures has already been converted, regardless of whether there is a tree on that spot or not. It is already dedicated to an alternative use and the requirements of 4291 make it infeasible to consider that ground as available to grow crops of trees for commercial purposes.

Sincerely,

Dean Lofthus
RPF 2514