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); 1092.7; 1092.09;
1092.13; 1092.14(c); 1092.15; 4104.4(a)(4); 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 [1]: Amended to update cross reference to §1104.1(a)(1), which plead moves to §1104.2.
§ 1104. Operations Requiring Conversion Permit

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


§ 1104.1. Conversion Exemptions

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.

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

(a) This conversion exemption is applicable to a conversion of Timberland to a non-timber use only, of less than three acres in one contiguous ownership, whether or not it is a portion of a larger land parcel and shall not be part of a THP. This conversion exemption may only be used once per contiguous land ownership. If all or a portion of the contiguous land ownership 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 exemption pursuant to this section in a five-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 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:

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

Commented 5: Remains §1104.1(a).

Commented 6: Moved to §1104.4(a).

Commented 7: Moved to §1104.2(b)(1).
(A) the names, addresses, and telephone numbers of the Timber Owner, owner of the Timberland to be converted, RPF, Timber Operator, and the submitter of the Notice of Conversion Exemption Timber Operations;

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

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

(D) 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. When counties do not have an authorized designee, the RPF shall certify that the county has been contacted and the conversion is in conformance with county regulatory requirements (this may be incorporated into the notice);

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

1. certifying that this is a one-time conversion to non-Timberland use;

2. certifying that after considering the owner's own economic ability to carry out the proposed conversion and the feasibility evaluation required by 14 CCR § 1104.1(a)(6) that there is bona fide intent, as defined in 14 CCR § 1100(b), to convert.
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.
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).
Slash and Woody Debris may not be burned by open outdoor fires except under permit from the appropriate fire protection agency, if required, the local air pollution control district or air quality management district. The burning must occur on the property where the Slash and Woody Debris originated.

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

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

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

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

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

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

(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.

(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...
concurrency from a Department Archeologist prior to submission indicating operations will not cause damage to a significant archeological site.

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

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

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

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

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

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

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

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

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

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

(6) The Timberland owner shall, using the services of an RPF to the extent the information required is within the scope of professional forestry practice, provide information documenting that the conversion to the stated non-timber use is feasible based upon, at a minimum, the following:
(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);
d. provide Erosion Control for skid trails, roads, Landings, and disturbed areas as required by the Forest Practice Rules.

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

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

(A) 1. the construction of a building approved by the appropriate county/city permitting process is listed in the accepted Notice of Conversion Exemption Timber Operations as the non-Timberland use after the conversion, and

2. the Timberland owner demonstrates to the Director that substantial liabilities for building construction have been incurred on each conversion exemption that the Timberland owner has received in the last 5 years at the time the waiver is requested, and

3. operations conducted on all exemptions issued to the Timberland owner within the past 5 years, prior to the time the waiver is requested, have been conducted in a manner that meets or exceeds the intent of the Act and Rules or any corrective work required by the Director has been satisfactorily completed.

(B) the change of ownership which caused the previous notice to expire was not the result of the sale of the Timberland and the new Timberland owner provides information demonstrating that the imposition of the 5-year
limitation described in 14 CCR §1104.1(a) would impose an undue hardship on the Timberland owner.

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

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

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

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

<table>
<thead>
<tr>
<th>Utility (Overhead Distribution and Transmission Single Circuits)</th>
<th>Size</th>
<th>Width</th>
</tr>
</thead>
<tbody>
<tr>
<td>Electric (Overhead Distribution and Transmission Single Circuits)</td>
<td>0-33 KV</td>
<td>20'</td>
</tr>
<tr>
<td></td>
<td>34-100 KV</td>
<td>45'</td>
</tr>
<tr>
<td></td>
<td>101-200 KV</td>
<td>75'</td>
</tr>
<tr>
<td>No.</td>
<td>Category</td>
<td>Right-of-Way Width</td>
</tr>
<tr>
<td>-----</td>
<td>----------------------------------------------</td>
<td>--------------------</td>
</tr>
<tr>
<td>1</td>
<td>(pole)</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>101-200 KV</td>
<td>80'</td>
</tr>
<tr>
<td>3</td>
<td>(tower)</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>201-300 KV</td>
<td>125'</td>
</tr>
<tr>
<td>5</td>
<td>(tower)</td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>301- KV and above 200'</td>
<td>200'</td>
</tr>
<tr>
<td>7</td>
<td>(tower)</td>
<td></td>
</tr>
<tr>
<td>8</td>
<td>Telephone cable or open wire when underbuilt</td>
<td></td>
</tr>
<tr>
<td>9</td>
<td>All</td>
<td>30'</td>
</tr>
<tr>
<td>10</td>
<td>Communications (Radio, Television, Telephone and Microwave)</td>
<td></td>
</tr>
<tr>
<td>11</td>
<td>All</td>
<td>30'</td>
</tr>
<tr>
<td>12</td>
<td>Active or passive microwave repeater and/or radio sites</td>
<td></td>
</tr>
<tr>
<td>13</td>
<td>All</td>
<td>40'</td>
</tr>
<tr>
<td>14</td>
<td>Microwave paths emanating from antennas or passive antenna or passive repeaters</td>
<td></td>
</tr>
<tr>
<td>15</td>
<td>All</td>
<td>20' from edges of repeater, and following centerline of path.</td>
</tr>
<tr>
<td>16</td>
<td>Radio and Television antennas</td>
<td></td>
</tr>
<tr>
<td>17</td>
<td>All</td>
<td>30' In all directions</td>
</tr>
<tr>
<td>18</td>
<td>Telephone cable or open wire when underbuilt</td>
<td></td>
</tr>
<tr>
<td>19</td>
<td>All</td>
<td>30'</td>
</tr>
<tr>
<td>20</td>
<td>(e) The above right-of-way widths for above ground facilities shall be allowed supplemental clearances as follows:</td>
<td></td>
</tr>
<tr>
<td>21</td>
<td>(1) Equal additional rights-of-way for each additional facility, including these allowable supplemental clearances under this section.</td>
<td></td>
</tr>
</tbody>
</table>
(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

<table>
<thead>
<tr>
<th>Utility</th>
<th>Size</th>
<th>Width</th>
</tr>
</thead>
<tbody>
<tr>
<td>Electric, Underground</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4&quot;-6&quot; Conduit</td>
<td>50'</td>
<td></td>
</tr>
<tr>
<td>More than 6&quot; Conduit</td>
<td>60'</td>
<td></td>
</tr>
<tr>
<td>Gas, Oil, Water and Sewer</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Underground pipe</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6&quot; diameter or smaller</td>
<td>50'</td>
<td></td>
</tr>
<tr>
<td>Over 6&quot;-12&quot; diameter</td>
<td>60'</td>
<td></td>
</tr>
<tr>
<td>Over 12&quot;-24&quot; diameter</td>
<td>75'</td>
<td></td>
</tr>
<tr>
<td>Over 24&quot; diameter</td>
<td>100'</td>
<td></td>
</tr>
<tr>
<td>Penstocks, Syphons</td>
<td>All</td>
<td>100'</td>
</tr>
<tr>
<td>Ditches and Flumes</td>
<td>All</td>
<td>150'</td>
</tr>
</tbody>
</table>

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

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

(1) Additional width for cuts and Fills.

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

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

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

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

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

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

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

(1) the tree is not critical for the maintenance of a Late Successional Stand and  
(2) an RPF attaches to the exemption an explanation and justification for the  
removal based on the RPF's finding that one or more of the criteria or conditions  
listed under subsection (A), (B), or (C) are met. The requirements of (i)(2) need  
not be met if an approved management document, including but not limited to a  
HCP, SYP, NTMP, WFMP, or PTEIR; addresses large old tree retention for the  
area in which the large old tree(s) are proposed for removal and the removal is in
compliance with the retention standards of that document. All trees to be harvested pursuant to this subsection shall be marked by an RPF prior to removal.

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

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

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


§ 1104.1. Conversion Exemptions

Timber Operations conducted under this section shall be exempt from the Conversion Permit and THP requirements of this article. In addition to the supplemental requirements in 14 CCR §§ 1104.2 to 1104.5, inclusive, Timber Operations shall comply with all other applicable provisions of the 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 (notice of conversion exemption) described in 14 CCR § 1104.2 shall be considered synonymous

Commented: Moved to §1104.3(d).
with the term Plan as defined in 14 CCR § 895.1 when applying the operational Rules
and regulations of the Board. The following types of Timber Operations are exempt:
(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 THP.
(b) Construction or maintenance of a 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.

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

§ 1104.2. Notice of Conversion Exemption Requirements
(a) (1) A notice of conversion exemption pursuant to 14 CCR § 1104.1 shall be
submitted to the Director, on a form provided by the Department, prior to the
commencement of Timber Operations. The form shall contain the following
information:
(A) The type of exemption,
(B) Name(s), address, and telephone number(s) of the Timber Owner(s),
Timberland owner(s), the LTO, and the submitter of the notice of
conversion exemption:
(C) Name, address, and telephone number and license number of the
RPF, if applicable.

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

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

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

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

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

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

(i) Ownership boundaries.

(ii) Location of the Timber Operation.

(iii) Boundaries of the conversion.
(iv) Access routes to the operation.
(v) Location and classification of all Watercourses.
(vi) Location of Landings.

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

(i) Boundaries of the Logging Area.
(ii) Location of all Roads to be used for, or potentially impacted by, Timber Operations.
(iii) Location of all Watercourses and Lakes with Class I, II, III or IV waters.
(iv) Location of any Special Treatment Areas.

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

(1) The notice of conversion exemption shall be prepared, signed, and submitted by a RPF.
(2) 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. When counties do not have an authorized designee, the RPF shall certify that the county has been contacted and the conversion is in conformance with county regulatory requirements (this may be incorporated into the notice of conversion exemption).
(3) Incorporation of a statement by the owner of the Timberland to be converted, as to each of the following:

(A) Certifying that this is a one-time conversion to non-Timberland use.
(B) Certifying that after considering the owner's own economic ability to carry out the proposed conversion and the feasibility evaluation required by 14 CCR § 1104.4(d) that there is bona fide intent, as defined in 14 CCR § 1100(b), to convert.

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

(D) Certifying and declaring under penalty of perjury that Timberland owner, 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 (5) years unless a waiver has been granted pursuant to 14 CCR § 1104.4(g).

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

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

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

(B) The LTO 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, as filed with
the Director.

(2) (A) For purposes of a notice of conversion exemption submitted pursuant
to 14 CCR §§ 1104.1(b) or 1104.1(c), the Director shall notify the
submitter of the date of receipt of the notice of conversion exemption.
Timber Operations may not commence for five (5) working days from the
date of the Director’s receipt of the notice unless this delay is waived by
the Director. The Director shall determine whether the notice of conversion
exemption is complete, and, if so, shall send a notice of acceptance to the
submitter. If the notice of conversion exemption is not complete and
accurate, it shall be returned to the submitter and the LTO may not
proceed. If the Director does not act within five (5) days of receipt of the
notice of conversion exemption, timber operations may commence.
(B) Timber Operations shall not be conducted without a valid on-site copy
of the Director’s notice of acceptance of the notice of conversion
exemption, except where the Director has failed to act within the five (5)
working-day review period, and a copy of the notice of conversion
exemption, as filed with the Director.

Note: Authority cited: Sections 4551, 4553, 4584, 4584.1, and 4628 Public Resources

§ 1104.3. Additional requirements for conversion exemptions
(a) All Timber Operations shall be complete within one (1) year from the date of
acceptance by the Director or, if the Director failed to act within the five (5) working-day
review period as described in 14 CCR § 11042(c)(2), within one (1) year from the date
that Timber Operations may commence.

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

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

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

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

2. An RPF attaches to the notice of conversion exemption an explanation and
justification for the removal based on the RPF’s finding that one or more of the
criteria or conditions listed under subparagraph (A), (B), or (C) are met. The
requirements of this paragraph need not be met if an approved management
document; including but not limited to a HCP, SYP, NTMP, WFMP, or PTEIR;
addresses large old tree retention for the area in which the large old tree(s) are
proposed for removal and the removal is in compliance with the retention
standards of that document. All trees to be harvested pursuant to this subsection shall be marked by an RPF prior to removal.

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

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

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

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


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

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

(a) This conversion exemption may only be used once per contiguous land ownership. If all or a portion of the contiguous land ownership has been subject to prior, unpermitted timberland conversion, a submitted notice of conversion exemption 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 14 CCR § 1104.1(a) in a 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.

(b) The following conditions apply to Timber Operations:

(1) All conversion activities shall be complete within two (2) 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 the Act and the Rules.

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

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

(A) Unless otherwise required, Slash greater than one (1) inch in Diameter
and greater than two (2) 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 (1) year from the date of acceptance of the conversion exemption by the Director, whichever comes first.

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

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

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

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

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

(i) Burying.

(ii) Chipping and spreading.

(iii) Piling and burning.

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

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

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

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

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

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

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

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

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

(C) Over-snow operations where no soil disturbance occurs.
(5) No Timber Operations within a WLPZ unless specifically approved by local permit (e.g., County, City).

(6) 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.

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

(A) 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.

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

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

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

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

Commented [28]: Board staff is evaluating whether the term “project” is the appropriate and correct terminology.
prior to the submission of the notice of conversion exemption to the Director, the
landowner shall mail a letter to adjacent landowners within three hundred (300) feet of
the boundaries of the exemption, and to Native Americans, as defined in 14 CCR §
895.1, notifying them of the intent to harvest timber. The mailed letter of notice and the
posted notice shall contain a map of the project area and the following information on a
form prepared by the RPF:

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

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

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

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

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

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

(e) The Department shall provide for inspections, as needed, to determine that the
conversion was completed.
(f) The notice of conversion exemption shall expire if there is any change in Timberland ownership.

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

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

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

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

(B) Comply with each of the following:

(i) Harvest no additional timber.

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

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

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

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

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

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

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

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

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

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

(4) The Timberland owner provides an explanation and justification for the need of a waiver that demonstrates that the imposition of the five (5) year limitation described in 14 CCR § 1104.4(a) would impose an undue hardship on the Timberland owner.
Note: Authority cited: Sections 4551, 4553, 4584, and 4584.1 Public Resources Code.

Reference: 4512, 4513, 4584, 4584.1, 4597, 4604, and 21083.2(b)(3) Public Resources Code.

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

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

(a) The utility right-of-way 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 in this section. Nothing in this section shall exclude the applicable provisions of PRC §§ 4292 and 4293, and 14 CCR §§ 1250 through 1258, inclusive, for fire hazard clearance from being an allowable supplement to the exempt widths.

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

<table>
<thead>
<tr>
<th>Utility</th>
<th>Size</th>
<th>Width</th>
</tr>
</thead>
<tbody>
<tr>
<td>Electric (Overhead Distribution and Transmission Single Circuits)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>0-33 KV</td>
<td>20'</td>
<td></td>
</tr>
<tr>
<td>34-100 KV</td>
<td>45'</td>
<td></td>
</tr>
<tr>
<td>101-200 KV</td>
<td>75'</td>
<td></td>
</tr>
<tr>
<td>(pole)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>101-200 KV</td>
<td>80'</td>
<td></td>
</tr>
<tr>
<td>(tower)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>201-300 KV</td>
<td>125'</td>
<td></td>
</tr>
<tr>
<td>(tower)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
301- KV and above 200’
(tower)

Telephone cable or open wire when underbuilt
All 30’

Communications (Radio, Television, Telephone and Microwave)
All 30’

Active or passive microwave repeater and/or radio sites
All 40’

Microwave paths emanating from antennas or passive antenna or passive repeaters
All 20’ from edges of repeater, and
following centerline of path.

Radio and Television antennas
All 30’ In all directions

Telephone cable or open wire when underbuilt
All 30’

(c) The above right-of-way widths for above ground facilities shall be allowed
supplemental clearances as follows:

(1) Equal additional rights-of-way for each additional facility, including these
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.
(d) Table of Rights-of-Way Widths for Single Underground Facilities

<table>
<thead>
<tr>
<th>Utility</th>
<th>Size</th>
<th>Width</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Electric, Underground</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4”-6” Conduit</td>
<td>50’</td>
<td></td>
</tr>
<tr>
<td>More than 6” Conduit</td>
<td>60’</td>
<td></td>
</tr>
<tr>
<td><strong>Gas, Oil, Water and Sewer (Underground pipe)</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6” diameter or smaller</td>
<td>50’</td>
<td></td>
</tr>
<tr>
<td>Over 6”-12” diameter</td>
<td>60’</td>
<td></td>
</tr>
<tr>
<td>Over 12”-24” diameter</td>
<td>75’</td>
<td></td>
</tr>
<tr>
<td>Over 24” diameter</td>
<td>100’</td>
<td></td>
</tr>
<tr>
<td><strong>Penstocks, Syphons</strong></td>
<td>All</td>
<td>100’</td>
</tr>
<tr>
<td><strong>Ditches and Flumes</strong></td>
<td>All</td>
<td>150’</td>
</tr>
<tr>
<td><strong>Access Roads</strong></td>
<td>All</td>
<td></td>
</tr>
<tr>
<td>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 stream protection requirements and erosion control requirements of the Act, related regulations, and the Rules.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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

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

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

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

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

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

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

§ 1104.8. Exemption for Conversion of Non-TPZ Land for Subdivision Development

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

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

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

Commented [31]: Amend/Renumber in order to accommodate reorganization of §1104.1 into multiple sections.
(c) Before Timber Operations begin and before a Timber Harvesting Plan (THP) THP is submitted, the Timberland owner shall file a Notice of Exemption from Timberland Conversion Permit for Subdivision on a form prescribed by the Director. The Notice shall include, but need not be limited to, the following:

1. Names and addresses of Timberland owner(s), Timber Owner(s), and developer(s).
2. Documentation that a Notice of Determination has been filed with the Office of Planning and Research pursuant to PRC § 21108 or with the appropriate county clerk pursuant to PRC § 21152.
3. Estimated date of completion of the Project.
4. Acres of Timberland to be converted.
5. Legal property description of the conversion area.
6. Signature, title, and date of signing of the Timberland owner(s). In the case of a partnership, at least one of the partners shall sign the application. For a corporation, a corporate officer shall sign. In other cases of more than one owner, all owners shall sign. An agent may sign for the owner(s) if so designated in writing submitted with the Notice.
7. Plat or map of the area to be converted.
8. Documentation of the county or city tentative subdivision map approval, conditions of approval, required use permit, or other required county or city Project approvals.

(d) Except as provided in this article, the applicable requirements of PRC §§ 4511 through 4628 inclusive, PRC §§ 5093.50 through 5093.68 inclusive, and all regulations adopted pursuant thereto shall apply to the Timber Operations.
(e) If the subdivision development Project is not completed or is abandoned, the Director may take corrective action pursuant to PRC §§ 4605-4611 to have restocked those parts of the area from which timber has been harvested and which do not meet the Stocking requirements of this chapter. For purposes of this subsection, the Project shall be deemed abandoned or not completed if:

1. The county or city tentative map approval has expired; and
2. No further work has been carried on to complete the subdivision for three (3) years after the expected date of completion stated in the THP. The Director shall order inspections as needed to determine whether the Project has been completed as proposed.

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

Note: Authority cited: Sections 4551, 4621 and 4628, Public Resources Code.
Reference: Sections 4551.5, 4621.1 and 21100, Public Resources Code.

§ 1104.3. Timberland Conversion Permit Fees

The applicant shall pay an application fee in the amount of $600 for the cost of processing an application for the conversion of Timberland to a non-timber growing use. Where the land proposed to be converted lies within a TPZ, the applicant shall also follow the requirements of 14 CCR §1105.1. The fee(s) shall be submitted with the application to the Environmental Coordinator at the appropriate CAL FIRE Review Team Office listed under 14 CCR §1032. Where actual state cost exceeds the
application fee, the additional charge equal to the excess cost will be computed using
State Administrative Manual §§ 8752.1 and 8740 (dated March 1990). The Department
will keep the applicant informed of any additional charges and will advise the applicant
of any estimated future costs. All additional charges shall be paid by the applicant to the
Department of Forestry and Fire Protection Accounting Office before the issuance of the
Timberland Conversion Permit. Costs of recording the documents pursuant to this
article shall be paid by the applicant.

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

§ 1105.1 Application Fees
In addition to the requirements of § 1104.3, the applicant shall pay a fee in the amount
of $100 for the cost of processing an application for conversion where the land
proposed to be converted lies within a TPZ. Fees for the recording of documents
pursuant to this article shall be borne by the applicant.

Note: Authority cited: Sections 4621(b) and 4621.2(d), Public Resources Code.
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).)