

**State of California
Office of Administrative Law**

In re:
Board of Forestry and Fire Protection

Regulatory Action:

Title 14, California Code of Regulations

Adopt sections:

Amend sections: 1100, 1104.1

Repeal sections:

NOTICE OF APPROVAL OF REGULATORY
ACTION

Government Code Section 11349.3

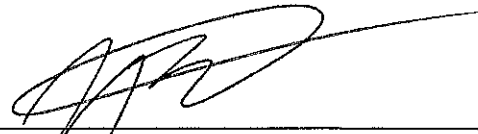
OAL Matter Number: 2024-1004-01

OAL Matter Type: Regular (S)

This regular rulemaking action by the Board of Forestry and Fire Protection revises the less than three-acre conversion exemption, which relieves qualifying Timberland owners from certain portions of the Z'berg-Nejedly Forest Practice Act of 1973. Additionally, this action revises the defined term "Timberland Conversion" to clarify its application to both non-Timberland Preserve Zones and Timberland Preserve Zones.

OAL approves this regulatory action pursuant to section 11349.3 of the Government Code. This regulatory action becomes effective on 1/1/2025 pursuant to Public Resources Code section 4554.5.

Date: November 18, 2024



Jason W. Falina
Attorney

For: Kenneth J. Pogue
Director

Original: Edith Hannigan, Executive
Officer

Copy: Jane Van Susteren

NOTICE PUBLICATION/REGULATIONS SUBMISSION

REGULAR

For use by Secretary of State only

STD. 400 (REV. 10/2019)

OAL FILE NUMBERS	NOTICE FILE NUMBER	REGULATORY ACTION NUMBER	EMERGENCY NUMBER
	Z-	2024-1004-01S	

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ENDORSED - FILED in the office of the Secretary of State of the State of California

NOV 18 2024 AB 1:39 PM

OFFICE OF ADMIN. LAW 2024 OCT 4 PM 3:45

NOTICE	REGULATIONS
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AGENCY WITH RULEMAKING AUTHORITY Board of Forestry and Fire Protection

AGENCY FILE NUMBER (If any)

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE	TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other	4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER (Optional)
OAL USE ONLY <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn	NOTICE REGISTER NUMBER	PUBLICATION DATE	
	2024, 23-2	6/7/24	

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Less than 3-acre Conversion Exemption Amendments	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)
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2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)	ADOPT
SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)	AMEND
14	1100, 1104.1
TITLE(S)	REPEAL

3. TYPE OF FILING	<input checked="" type="checkbox"/> Regular Rulemaking (Gov. Code §11346) <input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4) <input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))		<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute. <input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h)) <input type="checkbox"/> File & Print <input type="checkbox"/> Other (Specify)	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100) <input type="checkbox"/> Print Only
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4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)
 8/28/2024 - 9/12/2024 PER AGENCY REQUEST

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)
 Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a)) Effective on filing with Secretary of State \$100 Changes Without Regulatory Effect Effective other, (Specify) January 1, 2025, per PRC 4554.5

6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY
 Department of Finance (Form STD. 399) (SAM §6660) Fair Political Practices Commission State Fire Marshal
 Other (Specify)

7. CONTACT PERSON Jane Van Susteren	TELEPHONE NUMBER (916) 619-9795	FAX NUMBER (Optional)	E-MAIL ADDRESS (Optional) jane.vansusteren@bof.ca.gov
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8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE Jane Van Susteren <small>Digitally signed by Jane Van Susteren Date: 2024.10.04 14:33:19 -0700</small>	DATE October 4, 2024
TYPED NAME AND TITLE OF SIGNATORY Jane Van Susteren, Regulations Coordinator	

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

NOV 18 2024

Office of Administrative Law

1 Board of Forestry and Fire Protection
2 Less Than 3-acre Conversion Exemption Amendments, 2024
3 Title 14 of the California Code of Regulations
4 Division 1.5, Chapter 4
5 Amend §§ 1100 & 1104.1
6

7 **§ 1100. Definitions.**

8 The following are definitions of words and terms as used in this article:

9 ****

10 (g) "Timberland Conversion" means:

11 (1) ~~Within non-TPZ Timberland, t~~ransforming Timberland to a nontimber
12 growing use through Timber Operations where:

13 (A) Future timber harvests will be prevented or infeasible because of land
14 occupancy and activities thereon; or

15 (B) Stocking requirements of the applicable district forest practice Rules
16 will not be met within five years after completion of Timber Operations; or

17 (C) There is a clear intent to divide Timberland into ownerships of less
18 than three acres (1.214 ha.).

19 (2) In addition, Within within TPZ lands, Timberland Conversion also includes the
20 immediate rezoning of TPZ lands, whether Timber Operations are involved or
21 not, except as exempt from a Timberland conversion permit under 14 CCR §
22 1104.1.

23 ****

24 Note: Authority cited: Section 4621, Public Resources Code. Reference: Sections 700,
25 701, 4526, 4621, 4622, 4623, 4624, 4624.5, 4625, 4626, 21062, 21063, 30103 and

1 30243, Public Resources Code; and Sections 51100, 51111 and 51134(b), Government
2 Code.

3
4 **§ 1104.1. Conversion Exemptions**

5 Timber Operations conducted under this subsection section shall be exempt from
6 Conversion Permit and ~~timber harvesting Plan THP~~ requirements of this article, ~~except~~
7 ~~no tree that existed before 1800 A.D. and is greater than sixty (60) inches in Diameter at~~
8 ~~stump height for Sierra or Coastal Redwoods, and forty-eight (48) inches in Diameter at~~
9 ~~stump height for all other tree Species shall be harvested unless done so under the~~
10 ~~conditions or criteria set forth in subsection 1104.1(i).~~ Timber Operations shall comply
11 with all other applicable provisions of the Z'berg-Nejedly Forest Practice Act, regulations
12 of the Board Rules and currently effective provisions of county general plans, zoning
13 ordinances, and any implementing ordinances. The Notice of Conversion Exemption
14 Timber Operations notice of conversion exemption timber operations (notice of
15 conversion exemption) shall be considered synonymous with the term Plan as defined
16 in 14 CCR § 895.1 when applying the operational Rules and regulations of the Board.
17 No tree that existed before 1800 A.D. and is greater than sixty (60) inches in Diameter
18 at stump height for Sierra or Coastal Redwoods, and forty-eight (48) inches in Diameter
19 at stump height for all other tree Species shall be harvested unless done so under the
20 conditions or criteria set forth in subsection 1104.1(ji).

21 (a) This subsection's conversion exemption is applicable to a conversion of Timberland
22 to a non-timber use only, of less than three (3) acres, in one contiguous ownership,
23 whether or not it is a portion of a larger land parcel and shall not be part of a Plan-THP.
24 Except as provided in paragraph (142) and (13) of this subsection, This conversion
25 exemption may only be used once per contiguous land ownership. If all or a portion of
26 the contiguous land ownership has been subject to prior, unpermitted timberland

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

12 (1) ~~A Notice of Conversion Exemption Timber Operations (notice) must~~ notice of
13 conversion exemption shall be prepared by an RPF on a form prepared by the
14 Department and submitted to the Director prior to the commencement of Timber
15 Operations. The notice of conversion exemption shall contain the following items:

16 (A) ~~the~~ The names, addresses, and telephone numbers of the Timber
17 Owner(s), ~~owner of the Timberland to be converted~~ Timberland owner(s),
18 RPF, ~~Timber Operator~~ LTO, and the submitter of the ~~Notice of Conversion~~
19 ~~Exemption Timber Operations;~~ notice of conversion exemption.

20 (B) ~~legal~~ Legal description of the ~~area where~~ location, county, and
21 assessor parcel number(s) where the Timber Operations are proposed. ~~is~~
22 ~~to be conducted, showing section, township, range, county, and assessor~~
23 ~~parcel number.~~

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

1 (C) The tentative date of commencement of Timber Operations.

2 (D) A copy of any use permit or other permit issued by the local jurisdiction
3 that is required for conformance with regulatory requirements of the local
4 jurisdiction for the proposed conversion activities, including WLPZ
5 operations described within 14 CCR § 1104.1(a)(5)(F). If a required permit
6 has not been secured or no permit is required, incorporation of a signed
7 and dated statement from the authorized designee of the County Board of
8 Supervisors stating that the conversion is in conformance with all county
9 regulatory requirements, including county public notice requirements. If a
10 required permit has not been secured, or no permit is required, and the
11 county does ~~When counties do not have an authorized designee, the RPF~~
12 shall provide the name, date of contact, and contact information of the
13 county contact; and shall certify that the county has been contacted and
14 the conversion is in conformance with county regulatory requirements,
15 including WLPZ operations described within 14 CCR § 1104.1(a)(5)(F)
16 (this may be incorporated into the notice); notice of conversion exemption).

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

- 19 1. ~~certifying~~Certifying that this is a one-time conversion to non-
20 Timberland use_{7,2}.
- 21 2. ~~certifying~~Certifying that after considering the owner's own
22 economic ability to carry out the proposed conversion and the
23 feasibility evaluation required by 14 CCR § 1104.1(a)(6)(8) that
24 there is bona fide intent, as defined in 14 CCR § 1100(b), to
25 convert_{7,2}.

1 3. ~~specifying~~ Specifying what the non-Timberland use will be after
2 conversion, ~~and~~.

3 4. ~~certifying~~ Certifying and declaring under penalty of perjury that
4 ~~he/she the~~ the Timberland owner or owners, whether acting as an
5 individual, acting as a member of a partnership, or acting as an
6 officer or employee of a corporation or other legal entity, has not
7 obtained an exemption pursuant to this section in the last five (5)
8 years unless a waiver has been granted pursuant to 14 CCR §
9 1104.1(a)(~~911~~); ~~and~~

10 (F) A seven-and-one-half (7 1/2) minute USGS quadrangle map, or its
11 equivalent, depicting the information as required by this subsection and
12 represented at a scale of at least 1:12,000. Additional maps, which may
13 be topographic or planimetric, may be used to provide additional
14 information, to show specific details, and to improve map clarity. If
15 additional maps are used, an overview map representing the entire
16 Logging Area shall be submitted for purposes of reference. Applicants
17 may consider submitting additional maps as geospatial information as a
18 KML/KMZ spatial file, shapefile, file geodatabase, or other digital format
19 which uses State Plane, UTM Zone 10 or 11, NAD83, or Teale Albers
20 NAD83 coordinate system. Color coding shall not be used. A legend shall
21 be included indicating the meaning of the symbols used and each map
22 shall include the Public Land Survey System with Township, Range, and
23 Sections labeled. The submitted notice of conversion exemption shall
24 indicate if more than one (1) Yarding system is to be used and identify the
25 systems (if more than one is used). The maps shall indicate the following
26 information:

1 1. Parcel boundaries.

2 2. Boundaries of the Harvest Area. If the parcel is less than three
3 acres, the parcel boundaries shall be assumed to be the
4 boundaries of the Harvest Area.

5 3. Location of all roads to be used for, or potentially impacted by,
6 Timber Operations.

7 4. Location of all Watercourses and Lakes with Class I, II, III or IV
8 waters.

9 5. Roads and Landings located in a WLPZ, Meadows and Wet
10 Areas other than at road Watercourse crossings.

11 6. Location of known Unstable Areas.

12 7. Location of any Special Treatment Areas.

13 (G) Written concurrence documentation pertaining to a Significant
14 Archaeological or Historical Site, if any, in the manner required by 14 CCR
15 § 1104.1(a)(5)(l).

16 (H) Written documentation pertaining to harvesting large old trees, if any,
17 in the manner required by 14 CCR § 1104.1(ji).

18 (F)(l) signature of the Signatures from the following:

19 1. The submitter,

20 2. The Timberland owner responsible for the conversion, the
21 Timber Operator,

22 3. The LTO.

23 4. and the The RPF.

24 (2) Within fifteen (15) days from the date of receipt by the Director, the Director
25 shall determine if the submitted notice of conversion exemption is complete and
26 accurate, and, if so, the Director shall immediately send a notice of acceptance of

1 Timber Operations to the submitter. If the notice of conversion exemption is not
2 complete and accurate it shall be returned to the submitter identifying the specific
3 information required.

4 (3) The Department shall provide the appropriate RWQCB, CDFW, and CGS
5 with copies of the submitted notice of conversion exemption upon acceptance of
6 the notice of conversion exemption.

7 (4) The LTO shall not conduct Timber Operations until receipt of the Director's
8 notice of acceptance. Timber Operations shall not be conducted without a valid
9 on-site copy of the Director's notice of acceptance of operations and a copy of
10 the notice of conversion exemption, as filed with the Director.

11 (2)(5) The following conditions apply to ~~conversion exemption~~ Timber
12 Operations: under a notice of conversion exemption under this subsection:

13 (A) All Timber Operations shall be complete within one (1) year from the
14 date of acceptance by the Director.

15 (B) ~~All conversion activities~~ Conversion to the bona fide nontimber use
16 shall be complete within two (2) years from the date of acceptance by the
17 Director unless under permit by local jurisdiction. Failure to timely
18 complete the conversion shall require compliance with Stocking Standards
19 of PRC § 4561 and Stocking report requirements of ~~Forest Practice the~~
20 Act and ~~Board regulations.~~ Rules.

21 (C) The RPF or Supervised Designee shall ~~visit the site and flag the~~
22 boundary of the ~~conversion exemption~~ Timber Operation and flag Harvest
23 Area and any applicable WLPZs and Equipment-Limitation-Zones.

24 (D) This subsection refers to Slash and Woody Debris resulting from
25 Timber Operations associated with conversion exemptions. ~~The Timber~~
26 Operator-LTO shall be the responsible party for the treatment of logging

1 Slash and Woody Debris. ~~1. Unless otherwise required, Slash greater~~
2 ~~than one inch in Diameter and greater than two feet long, and Woody~~
3 ~~Debris, except pine, shall receive full treatment be chipped, piled and~~
4 ~~burned, buried, or removed from the site no later than April 1 of the year~~
5 ~~following its creation, or within one year from the date of acceptance of the~~
6 ~~conversion exemption by the Director, whichever comes first. within forty-~~
7 ~~five (45) days from the start of Timber Operations except for the burning of~~
8 ~~piles, which shall be accomplished not later than April 1 of the year~~
9 ~~following their creation, or for piles created on or after September 1, not~~
10 ~~later than April 1 of the second year following creation.~~

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

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

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

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

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

25 ~~a. burying;~~

26 ~~b. chipping and spreading;~~

1 ~~e. piling and burning; or~~

2 ~~d. removing Slash and Woody Debris from the site for~~
3 ~~treatment in compliance with (a)-(b).~~

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

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

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

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

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

21 (E) Timber Operations may be conducted during the Winter Period.

22 Tractor Operations in the Winter Period are allowed under any of the
23 following conditions:

24 1. During dry, rainless periods but shall not be conducted on
25 Saturated Soil Conditions that may produce Significant Sediment
26 Discharge. Erosion Control structures shall be installed on all

1 Tractor Roads, roads, Layouts, and Landings which do not have
2 adequate natural drainage, drainage structures, or Surface Cover
3 or Woody Debris to dissipate water flow and trap sediment to
4 prevent soil losseconstructed skid trails and Tractor Roads prior to
5 sunset if the National Weather Service forecast is a "chance" (30%
6 or more) of rain within the next 24 hours, and prior to weekend or
7 other shutdown periods.

8 2. When ground conditions in the conversion exemption area and
9 Appurtenant Roads satisfy the "hard frozen" definitions in 14 CCR §
10 895.1.

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

12 (F) ~~No Timber Operations within a WLPZ unless specifically approved by~~
13 ~~local permit (e.g. County, City), except for the following:~~

14 1. Use of existing roads.

15 2. Road Maintenance.

16 3. Operations conducted for public safety.

17 4. Temporary crossings of dry Class III Watercourses that do not
18 require notification under the Fish and Game Code §1600 et seq.

19 5. Those uses specifically approved by an applicable permit or
20 regulation.

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

1 (G) No Tractor Operations or heavy equipment operations on known
2 Unstable Areas.

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

7 (I) No Timber Operations on ~~significant historical or archeological sites,~~
8 any site that satisfies the criteria listed in 14 CCR §895.1 for a Significant
9 Archaeological or Historical Site except under the following conditions:

10 1. If a ~~significant archeological site~~ Significant Archaeological or
11 Historical Site is identified by the RPF preparing the ~~Notice of~~
12 ~~Conversion Exemption~~ notice of conversion exemption within the
13 Project boundary, the site may be preserved in place by capping or
14 covering with a layer of soil prior to submission.

15 a. If a site has been preserved in place, the RPF preparing
16 the ~~Notice of Conversion Exemption~~ notice of conversion
17 exemption shall obtain written concurrence from a
18 Department Archeologist Archaeologist prior to submission
19 indicating Timber Operations will not cause damage to a
20 ~~significant archeological site.~~ Significant Archaeological or
21 Historical Site.

22 b. The written concurrence from a Department Archeologist
23 Archaeologist shall be submitted with the ~~Notice of~~
24 ~~Conversion Exemption~~ notice of conversion exemption.

25 ~~(J) The RPF and the Timber Operator shall meet (on-site, or off-site) if~~
26 ~~requested by either party to ensure that sensitive on-site conditions and~~

1 the intent of the conversion regulations such as, but not limited to, slash
2 disposal, will be complied with during the conduct of Timber Operations.
3 The RPF shall comply with 14 CCR § 1035.2, relating to interaction
4 between the LTO and the RPF.

5 (K) ~~Before beginning~~Prior to the commencement of Timber Operations,
6 the ~~Timber Operator-LTO~~ shall notify the Department of the actual
7 commencement date of Timber Operations. The notification, by
8 telephone, mail, or email, shall be directed to the appropriate CAL FIRE
9 Unit Headquarters, Forest Practice Inspector, or other designated
10 personnel. If the notification is provided by mail, Timber Operations may
11 not commence until three (3) days after the postmark date of notification.
12 Such notification shall be provided prior to the commencement of Timber
13 Operations annually following January 1 of each year within the effective
14 period of a notice of conversion exemption as described within by 14 CCR
15 § 1104.1(a)(5)(A), or extended by 14 CCR § 1104.1(a)(124).

16 (L) The Timber Owner, submitter of the notice of conversion exemption,
17 RPF, or LTO shall notify the Department of the date of completion of
18 Timber Operations no later than thirty (30) days from the actual date of
19 completion of Timber Operations. The notification, by telephone, mail, or
20 email, shall be directed to the appropriate CAL FIRE Unit Headquarters,
21 Forest Practice Inspector, or other designated personnel.

22 (M) All Timber Operations conducted in the Lake Tahoe Region must have
23 a valid Tahoe Basin Tree Removal Permit, as defined by TRPA, or shall
24 be conducted under a valid TRPA Memorandum of Understanding, when
25 such a permit is required by TRPA.

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

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

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

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

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

23 ~~(A) If the Notice of Conversion Exemption Timber Operations is not~~
24 ~~complete and accurate it shall be returned to the submitter identifying the~~
25 ~~specific information required. When found complete and accurate, the~~

1 Director shall immediately send a notice of acceptance of operations to
2 the submitter.

3 ~~(5)(7)~~ The Timberland owner submitter of the notice of conversion exemption
4 shall, within ~~one month~~ 30 days from the completion of ~~conversion exemption~~
5 Timber Operations, which includes all slash disposal work, except for pile burning
6 carried out pursuant to 14 CCR 1104.1(a)(5)(D), submit a work completion report
7 to the Director.

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

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

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

16 ~~(7)~~ (9) The Department shall provide for inspections, as needed, to determine that
17 the conversion was completed.

18 ~~(8)~~ (10) The notice of conversion exemption shall expire if there is any change in
19 Timberland ownership.

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

24 (B) If operations Timber Operations have been conducted, but not
25 completed under the exemption, the Timberland owner on the notice of
26 conversion exemption shall notify the new Timberland owner at least

1 fifteen (15) days prior to the sale of the Timberland of the requirements
2 under 14 CCR § 1104.1(a)(8)(10)(C).

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

5 1. ~~submit~~Submit a new notice, ~~or of conversion exemption, or~~

6 2. ~~comply~~Comply with each of the following:

7 a. ~~harvest~~Harvest no additional timber;

8 b. ~~meet~~Meet Stocking requirements of 14 CCR §
9 1104.1(a)(25)(B);

10 c. ~~dispose~~Dispose of the ~~s~~Slash and Woody Debris created
11 by Timber Operations under the exemption activities
12 according to 14 CCR § 1104.1(a)(25)(D);

13 d. ~~provide~~Provide Erosion Control for skid trails, roads,
14 Landings, and disturbed areas as required by the ~~Forest~~
15 Practice Rules.

16 e. ~~submit a report~~Provide notification to the Director within
17 ninety (90) days of the change of Timberland ownership that
18 items a. through d. above were completed.

19 (9)(11) A Timberland owner may request a waiver to the five-year limitation
20 described in 14 CCR § 1104.1(a). The Director may grant the waiver upon finding
21 that one (1) of the following conditions exist:

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

1 2. ~~the~~The Timberland owner demonstrates to the Director that
2 substantial liabilities for building construction have been incurred on
3 each notice of conversion exemption that the Timberland owner
4 has received in the last ~~5~~five (5) years at the time the waiver is
5 requested, ~~and,~~

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

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

18 (C) ~~the~~The notice of conversion exemption has expired and no ~~operations~~
19 Timber Operations have been conducted.

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

24 (12) A Timberland owner may request a waiver to the one-time limitation
25 described in 14 CCR § 1104.1(a) as a result of an undue hardship. The Director
26 may grant the waiver upon finding that the following conditions exist:

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

6 (B) No more than an aggregate total of up to three (3) acres is eligible for
7 conversion during an ownership on an individual assessor's parcel
8 inclusive of any prior conversion exemptions during that ownership and;

9 (C) Areas previously converted by the current ownership are included on
10 the map described in CCR § 1104.1(a)(1)(F) and;

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

15 (13) A Timberland owner may request a waiver to the contiguous land ownership
16 requirement described in 14 CCR § 1104.1(a). The Director may grant the waiver
17 upon finding that the following conditions exist:

18 (A) Timber Operations conducted on all notice of conversion exemptions
19 issued to the Timberland owner within the past five (5) years, prior to the
20 time the waiver is requested, have been conducted in a manner that
21 meets or exceeds the intent of the Act and Rules or any corrective work
22 required by the Director has been satisfactorily completed and;

23 (B) The proposed conversion activity would occur on a separate
24 assessor's parcel than the existing conversion.

25 (C) The Timberland owner provides an explanation and justification for the
26 need of a waiver that demonstrates that the imposition of the contiguous

1 land ownership limitation, as both are described in 14 CCR § 1104.1(a)
2 would impose an undue hardship on the Timberland owner.

3 (1214) The timelines for completion of Timber Operations and conversion
4 activities described within 14 CCR § 1104.1(a)(5)(A) and (B) may be extended
5 for a two-year period by notice to the Department. The notice of extension shall
6 include certification by the owner of the Timberland to be converted which states
7 that the certifications provided in the original notice pursuant to 14 CCR §
8 1104.1(a)(1) remain unchanged and shall be provided to the Department not
9 sooner than 140 days, but at least 10 days, prior to the completion dates required
10 by 14 CCR § 1104.1(a)(5)(A) and (B).

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

13 (c) The clearing of trees from Timberland by a private or public utility for construction
14 of gas, water, sewer, oil, electric, and communications (transmitted by wire, television,
15 radio, or microwave) rights-of-way, and for maintenance and repair of the utility and
16 right-of-way. The said right-of-way, however, shall not exceed the width specified in the
17 Table of Normal Rights-of-Way Widths for Single Overhead Facilities and Single
18 Underground facilities and the supplemental allowable widths.

19 Nothing in this section shall exclude the applicable provisions of PRC §§ 4292 and
20 4293, and 14 CCR §§ 1250 through 1258 inclusive for fire hazard clearance from being
21 an allowable supplement to the exempt widths.

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

Utility	Size	Width
Electric (Overhead Distribution and Transmission Single Circuits)		
	0-33 KV	20'

1	34-100 KV	45'
2	101-200 KV	75'
3	(pole)	
4	101-200 KV	80'
5	(tower)	
6	201-300 KV	125'
7	(tower)	
8	301- KV and above	200'
9	(tower)	
10	Telephone cable or open wire when underbuilt	
11	All	30'
12	Communications (Radio, Television, Telephone and Microwave)	
13	All	30'
14	Active or passive microwave repeater and/or radio sites	
15	All	40'
16	Microwave paths emanating from antennas or passive antenna or passive repeaters	
17	All	20' from edges of repeater, and
18		following centerline of path.
19	Radio and Television antennas	
20	All	30' In all directions
21	Telephone cable or open wire when underbuilt	
22	All	30'

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

25 (1) Equal additional rights-of-way for each additional facility, including these
26 allowable supplemental clearances under this section.

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

4 (3) Additional clearance for removal of Danger Trees as defined in 14 CCR §
5 895.1.

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

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

9 Utility	Size	Width
10 Electric, Underground		
	11 4"-6" Conduit	50'
	12 More than 6" Conduit	60'
14 Gas, Oil, Water and Sewer (Underground pipe)		
	15 6" diameter or smaller	50'
	16 Over 6"-12" diameter	60'
	17 Over 12"-24" diameter	75'
	18 Over 24" diameter	100'
19 Penstocks, Syphons	All	100'
20 Ditches and Flumes	All	150'
21 Access Roads	All	Access road widths may be up to
22 14' with an additional 10' width at turnout locations, plus additional width for cuts and		
23 fills. Access roads shall be installed and maintained so as to comply with the stream		
24 protection requirements and erosion control requirements of the Forest Practice Act,		
25 related regulations, and the District Forest Practice Rules.		

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

3 (1) Additional width for cuts and Fills.

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

6 (3) Additional clearance for removal of Danger Trees as defined in 14 CCR §
7 895.1.

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

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

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

14 (h) In-lieu practices for Watercourse and Lake Protection Zones as specified under
15 Article 6 of these Rules notwithstanding 14 CCR § 1104.1(a)(5)(F), exceptions to Rules,
16 and alternative practices are not allowed for Timber Operations conducted pursuant to
17 this section.

18 (i) ~~Harvesting of large old trees shall only occur when~~ Large old trees, defined as a tree
19 that existed before 1800 A.D. and is greater than sixty (60) inches in Diameter at stump
20 height for Sierra or Coastal Redwoods, and forty-eight (48) inches in Diameter at stump
21 height for all other tree Species, and Decadent and Deformed Trees with Value to
22 Wildlife shall not be harvested during Timber Operations pursuant to this section unless
23 done pursuant to the following conditions:

24 (1) ~~the~~ The tree is not critical for the maintenance of a Late Successional Stand
25 and.

1 (2) ~~an~~An RPF attaches to the submitted notice of exemption a certification by the
2 RPF or professionally certified arboristan explanation and justification for the
3 ~~removal based on the RPF's finding that one or more of the criteria or conditions~~
4 listed under subsection (A), (B), or (C) are met. Such certification may also be
5 submitted with the annual notification of commencement of Timber Operations
6 required by 14 CCR § 1104.1(a)(5)(K). The requirements of ~~(+)(2)~~ this paragraph
7 need not be met if an approved management document; including but not limited
8 to a HCP, SYP, NTMP, WFMP, or PTEIR; addresses large old tree retention for
9 the area in which the large old tree(s) are proposed for removal and the removal
10 is in compliance with the retention standards of that document. All trees to be
11 harvested pursuant to this subsection shall be marked by an RPF prior to
12 removal.

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

15 (B) The removal of the tree(s) is necessary for the construction of a
16 building as approved by the appropriate county/city permitting process and
17 as shown on the county/city approved site ~~P~~plan, which shall be attached
18 to the ~~N~~notice of Eexemption;

19 (C) The tree is dead or is likely to die within the period provided for the
20 completion of conversion exemption activities provided by 14 CCR §
21 1104.1(a)(5)(B), or extended by 14 CCR § 1104.1(a)(124)one year the
22 ~~date of proposed removal~~, as determined by an RPF or professionally
23 certified arborist.
24

1 Note: Authority cited: Sections 4551, 4553, 4584, 4584.1, 4604, 4611 and 4628, Public
2 Resources Code. Reference: Sections 4512, 4513, 4584, 4597, 4628 and
3 21083.2(b)(3), Public Resources Code.