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January 19, 2021

**Board of Forestry and Fire Protection**

**DRAFT UTILITY AND PUBLIC AGENCY**

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

**Division 1.5, Chapter 4**

**§ 1104.1. Conversion Exemptions**

**OPTION #1**

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

(1) This conversion exemption may only be used to convert one area of less than three (3) acres ~~once~~ per contiguous land ownership.

(2) Following acceptance of a notice of conversion exemption pursuant to this section, subsequent notices of conversion exemption that comply with the limitations of this paragraph are deemed to jointly comprise a single one-time conversion and are not subject to the 5-year limitation described in 14 CCR § 1104.1(a)(4).

(A) The subsequent notice of conversion exemption shall be limited to the Harvest Areas identified in the initial notice of conversion exemption or to acreage that is contiguous to those Harvest Areas, provided the overall Harvest Areas of the combined notices of conversion exemption shall be less than three (3) acres in the aggregate.

(B) The bona fide nontimber use identified in the subsequent notice of conversion exemption shall be identical to, consistent with, or supplemental to the bona fide nontimber use identified in the initial notice of conversion exemption.

(C) The subsequent notice of conversion exemption complies with the rest of the conditions and requirements of this section.

(D) Subsequent notices of conversion of exemption shall be submitted no later than 5 years following the date of acceptance for the initial notice of conversion exemption.

(3) 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.

(4) No Person, whether acting as an individual, acting as a member of a partnership, or acting as an officer or employee of a corporation or other legal entity, may obtain more than one(1) exemption pursuant to this section in a ~~five-year~~ five (5) year period. If a partnership has as a member, or if a corporation or any other legal entity has as an officer or employee, a Person who has received this exemption within the past five (5) years, whether as an individual or as a member of a partnership, or as an officer or employee of a corporation or other legal entity, then that partnership, corporation, or other legal entity is not eligible for this exemption. Person, for purposes of this section, means an individual, partnership, corporation, or any other legal entity.

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**OPTION #2**

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

This conversion exemption may only be used once per contiguous land ownership. 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(1) exemption pursuant to this section in a ~~five-year~~ five (5) year period. If a partnership has as a member, or if a corporation or any other legal entity has as an officer or employee, a Person who has received this exemption within the past five (5) years, whether as an individual or as a member of a partnership, or as an officer or employee of a corporation or other legal entity, then that partnership, corporation, or other legal entity is not eligible for this exemption. Person, for purposes of this section, means an individual, partnership, corporation, or any other legal entity.

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

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

(B) All conversion activities shall be complete within seven (7)~~two~~ years from the date of acceptance by the Director unless under permit by local jurisdiction. Failure to timely complete the conversion shall require compliance with Stocking Standards of PRC § 4561 and Stocking report requirements of Forest Practice Act and Board regulations.

**OPTION #3**

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

~~This conversion exemption may only be used once per contiguous land ownership. 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(1) exemption pursuant to this section in a ~~five-year~~ five (5) year period. If a partnership has as a member, or if a corporation or any other legal entity has as an officer or employee, a Person who has received this exemption within the past five (5) years, whether as an individual or as a member of a partnership, or as an officer or employee of a corporation or other legal entity, then that partnership, corporation, or other legal entity is not eligible for this exemption. Person, for purposes of this section, means an individual, partnership, corporation, or any other legal entity.