**Board of Forestry and Fire Protection**

**Less Than 3-acre Conversion Exemption Amendments, 2025**

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

**Division 1.5, Chapter 4**

**Amend** **§ 1104.1**

**§ 1104.1. Conversion Exemptions.**

Timber Operations conducted under this section shall be exempt from Conversion Permit and THP requirements of this article. Timber Operations shall comply with all other provisions of the Act, Rules 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) 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. 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).

(a) This subsection'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. Except as provided in paragraph (12) and (13) of this subsection, 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 under the current owner, 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 (5) year period. If a partnership has as a member, or if a corporation or any other legal entity has as an officer or employee, a Person who has received this exemption within the past five (5) years, whether as an individual or as a member of a partnership, or as an officer or employee of a corporation or other legal entity, then that partnership, corporation, or other legal entity is not eligible for this exemption. “Person,” for purposes of this section, means an individual, partnership, corporation, or any other legal entity.

(1) A notice of conversion exemption shall be prepared by an RPF on a form prepared by the Department and submitted to the Director prior to the commencement of Timber Operations. The notice of conversion exemption shall contain the following items:

(A) The names, addresses, and telephone numbers of the Timber Owner(s), Timberland owner(s), RPF LTO, and the submitter of the notice of conversion exemption.

(B) Legal description of the location, county, and assessor parcel number(s) where the Timber Operations are proposed.

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

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

(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)(8) 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.

4. Certifying and declaring under penalty of perjury that the Timberland owner or owners, 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 § 1104.1(a)1 1).

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

1. Parcel boundaries.

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

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

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

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

6. Location of known Unstable Areas.

7. Location of any Special Treatment Areas.

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

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

(I) Signatures from the following:

1. The submitter.

2. The Timberland owner responsible for the conversion.

3. The LTO.

4. The RPF.

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

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

(4) 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.

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

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

(B) Conversion to the bona fide nontimber use 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 Rules.

(C) The RPF or Supervised Designee shall flag the boundary of the Harvest Area and any applicable WLPZs and ELZs.

(D) This subsection 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. Slash greater than one inch in Diameter and greater than two feet long and Woody Debris shall be chipped, piled and burned, buried, or removed from the site ~~within forty-five (45) days from the start of Timber Operations~~ before Timber Operations are complete, per 14 CCR 1104.1(a)(5)(A), except for the burning of piles, which shall be accomplished not later than April 1 of the year following their creation, or for piles created on or after September 1, not later than April 1 of the second year following creation.

(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 Tractor Roads, roads, Layouts, and Landings which do not have adequate natural drainage, drainage structures, or Surface Cover or Woody Debris to dissipate water flow and trap sediment to prevent soil loss prior to sunset if the National Weather Service forecast is a “chance” (30% or more) of rain within the next 24 hours, and prior to weekend or other shutdown periods.

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 except for the following:

1. Use of existing roads.

2. Road Maintenance.

3. Operations conducted for public safety.

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

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

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

(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 any site that satisfies the criteria listed in 14 CCR § 895.1 for a Significant Archaeological or Historical Site except under the following conditions:

1. If a Significant Archaeological or Historical 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 concurrence from a Department Archaeologist prior to submission indicating Timber Operations will not cause damage to a Significant Archaeological or Historical Site.

b. The written concurrence from a Department Archaeologist shall be submitted with the notice of conversion exemption.

(J) The RPF shall comply with 14 CCR § 1035.2, relating to interaction between the LTO and the RPF.

(K) Prior to the commencement of Timber Operations, the LTO shall notify the Department of the actual commencement date of Timber 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. Such notification shall be provided prior to the commencement of Timber Operations annually following January 1 of each year within the effective period of a notice of conversion exemption as described within by 14 CCR § 1104.1(a)(5)(A), or extended by 14 CCR § 1104.1(a)(14).

(L) The Timber Owner, submitter of the notice of conversion exemption, RPF, or LTO shall notify the Department of the date of completion of Timber Operations no later than thirty (30) days from the actual date of completion of Timber 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.

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

(6) 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.

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

(8) 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;

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

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

(A) 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.

(B) 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 14 CCR § 1104.1(a)(10)(C).

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

1. Submit a new notice of conversion exemption, or

2. Comply with each of the following:

a. Harvest no additional timber.

b. Meet Stocking requirements of 14 CCR § 1104.1(a)(5)(B).

c. Dispose of the Slash and Woody Debris created by Timber Operations under the exemption activities according to 14 CCR § 1104.1(a)(5)(D).

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

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

(11) 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 (1) 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 as the non-Timberland use after the conversion.

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

3. Timber Operations conducted on all notice of conversion 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.

(B) 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 § 1104.1(a) would impose an undue hardship on the Timberland owner.

(C) The notice of conversion exemption has expired and no Timber 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 five (5) year limitation described in 14 CCR § 1104.1(a) would impose an undue hardship on the Timberland owner.

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

(A) Timber Operations conducted on all notice of conversion 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;

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

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

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

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

(A) Timber Operations conducted on all notice of conversion 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 and;

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

(C) The Timberland owner provides an explanation and justification for the need of a waiver that demonstrates that the imposition of the contiguous land ownership limitation, as both are described in 14 CCR § 1104.1(a) would impose an undue hardship on the Timberland owner.

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

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