

BONA FIDE INTENTION AND SATISFACTORY PROOF

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Bona fide intention and satisfactory proof are not necessarily restricted to completion of the timberland permit application. The Director, as delegated by the board, may require such additional proof as deemed necessary (PRC §4621.2 and 4623, and 14 CCR §1105 and 1106). The bona fide intention required in PRC §4623 is defined in 14 CCR §1105 and 1106. Law and regulations require that each conversion be evaluated for the feasibility of the proposed use. Evaluation includes but is not limited to suitability of soils, slope, aspect, quality and quantity of water, microclimate, feasibility of measures for mitigation, significant adverse environmental impacts, economic ability of the applicant to carry out the proposed conversion, and other foreseeable factors necessary for successful conversion to the proposed new use.

When judged necessary, expertise in geology, soils, hydrology, agronomy, business economics, etc., should be engaged. It is the policy of the Director to deny issuance of conversion permits in dubious cases. The applicant then may appeal the Director's decision to the board [PRC §4624.5 and 14 CCR §1106.5(b)]. If there are substantial doubts about bona fide intention and satisfactory proof that cannot be resolved confidently by the region, the Director's staff should be consulted.

If it becomes apparent during contacts with a timberland owner that he/she does not intend to complete the conversion, he/she immediately should be told that a conversion permit cannot be issued without satisfactory proof of bona fide intention and that otherwise his/her timber operations will be subject to FPA and rule requirements, including stocking requirements.

Additional and more stringent provisions of bona fide intention, satisfactory proof, and criteria are required for conversion of timberland production zone and coastal zone lands, besides other special requirements (PRC §4621.2, 30243, and 14 CCR §1108 through 1110).

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