

DENIAL, REVOCATION, AND ENFORCEMENT

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The Director may deny, suspend, or revoke a TCP, in accordance with 14 CCR §1106.5 and PRC §4624 and 4626. The Director will notify the applicant of and explain reasons for a denial. Revocation or suspension action will depend on circumstances. PRC §4626 names "failure to conform to the intent to convert, as set forth in the application" as grounds for revocation. More precisely, 14 CCR §1100(b) specifies intent "to conform with and successfully execute the conversion plan." The Director's staff will work closely with the region chief in such cases. Normally, denial, suspension, or revocation will be initiated through recommendation and supporting facts from the region chief to the Director. PRC §4624.5 provides that in the event of denial, the applicant is entitled to a hearing before the Board of Forestry in accordance with the Administrative Procedures Act. Following denial, suspension, or revocation of a TCP, the FPA and rules applying will be enforced, as in any other forest practice violation case. Revocation of a permit shall be recorded in the same manner as the original permit. This responsibility rests with the department.

The permittee may voluntarily terminate a TCP by filling out the backside of the permit and submitting it to the Director. The region chief will have a forest practice inspection made to determine the conversion status and compliance with district forest practice rule and to report findings to the Director with his/her recommendations.

The Director will notify the permittee of the termination of the permit or of the work required before the permittee is relieved of further obligation. The region will make follow-up inspections, as appropriate. If forest practice compliance is not obtained within the specified time, the Director may initiate appropriate law enforcement action in cooperation with the region chief.

The Director may extend a TCP beyond the termination date for good cause, provided the applicant makes a written request to the Director before the termination date, stating the need for the extension. The written request should be received in the Director's office at least 30 days before the termination date to allow reasonable time to review the request. When granted, the Director will make the extension by letter to the applicant. No additional CEQA process is involved unless conditions have changed which result in new or unforeseen environmental impacts.

The permit automatically expires on the termination date unless the Director cancels the permit or the property changes ownership without the Director's written approval to transfer the permit. In the event of change of ownership, the Director may deem the permit expired on the date that the change in ownership is effective, unless he/she determines otherwise.

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