

These questions relate to PRC §4597.1(i) which defines a "Working forest landowner" as "an owner of timberland with less than 15,000 acres..." The questions follow:

1. Does the 15,000 acre threshold apply to all land owned or just timberland owned?
2. Does the acreage total used to determine eligibility include all land or timberland owned in the entire state, or is there separation by forest district, county, etc.?
3. What constitutes timberland; land zoned for timber production, or lands that meet the criteria of Government Code § 51104(f)?
4. If timberland is determined by Government Code § 51104(f), how do you interpret the requirement that the land "is devoted to and used for growing and harvesting timber ... and compatible uses?" Is this criteria determined by zoning, by landowner intentions, or some other entity's determination of what land is devoted to and used for? Does CAL FIRE agree that the mere capability to grow an "average volume of wood fiber of at least 15 cubic feet per acre" is not the sole criteria for determining what constitutes timberland under Code § 51104(f)?
5. How is a person or entity's acreage total determined under different forms of ownership considering the following scenarios:
  - a. If landowner A owns 12,000 acres of timberland in fee as an individual and also owns an undivided one half interest in another 11,000 acres of timberland as a tenant in common with landowner B, is landowner A qualified to use an WFMP? Is landowner B qualified to use an WFMP? Would CAL FIRE consider these two parcels as separate ownerships in relation to the WFMP acreage limits so that both would be eligible for an WFMP?
  - b. If landowner A owns 12,000 acres of timberland in fee as an individual and his brother, landowner B, owns an adjacent 12,000 acres of timberland, can A and B submit a joint WFMP covering both parcels?
  - c. If landowner A owns 12,000 acres of timberland in fee as an individual and owns an undivided interest in another 5,000 acres of timberland with other parties as tenants in common, can landowner A submit an WFMP for the 12,000 acre tract?
  - d. If landowner A owns 12,000 acres of timberland in fee as an individual and is a member of and has a financial interest in a limited liability company (LLC) that owns another 5,000 acres of timberland, can landowner A submit an WFMP for the 12,000 acre tract?
  - e. If landowner A is a member of an LLC that owns 12,000 acres of timberland in fee and landowner A is a member of a different and separate LLC that owns a separate tract of timberland in fee consisting of 12,000 acres, can either LLC qualify to use an WFMP?
  - f. If landowner A is a general partner in a partnership that owns 12,000 acres of timberland in fee and also owns a separate 12,000 acre tract of timberland in fee as an individual, can landowner A use an WFMP on his individual lands? Can the general partnership use an WFMP on its

lands? Does it make any difference in your response to this question if both tracts are owned by separate general partnerships with landowner A being a general partner in both partnerships? Does it make a difference if these partnership scenarios involve limited partnerships and landowner A is a limited partner?

g. If landowner A owns 12,000 acres of timberland in fee as an individual and is a shareholder of a corporation that owns separate tracts of timberland of 12,000 acres or more, can landowner A submit an WFMP for the 12,000 acre tract?

h. Does ownership of shares in a corporation that owns timberland affect a landowner's ability to use an WFMP for his lands owned separate from the corporation?

i. Would CAL FIRE's response to the forgoing scenarios be different if a land trust was the form of ownership?

j. Would CAL FIRE consider a recent transaction designed to divide land into separate entities of ownership less than 15,000 acres, either tenants in common, LLC, partnership, corporation, land trust, in order to qualify for the use of an WFMP as disqualifying the landowners?

k. A Charitable Foundation that pays an education endowment from their timber and agricultural land annually but has over 15,000 acres of timberland were exploring dividing into two separate Foundations to be able to qualify for the WFMP. What would need to be done to satisfy CAL FIRE and the State requirements? Would they have to have separate and different Boards of Directors, etc.?

l. If conservation groups have acquired timberlands under WFMP's (which they are considering keeping in place) to allow forest management such as reduction of fuel loading and fire safe operations, potentially commercial thinnings, etc. How do easement holders fit in terms of acres owned?