

INSTRUCTIONS FOR SUBMITTING INFORMATION OR EVIDENCE

I. INFORMATION OR EVIDENCE REQUIRED

The Director of the Texas Forest Service (or the Director) shall determine the type, location, and size of a forest zone, if any, in which the applicant's land is located, based on the submitted written information by all parties. The following specifies the information or evidence required by the Director from the chief appraiser, the applicant, and taxing unit(s) in which the land is located to support each party's position if not previously submitted to the chief appraiser. Failure to provide the required information may result in an unfavorable determination for that party.

(a) AMZ-public rights-of-ways.

A management plan must be submitted from the applicant that addresses harvest restrictions to ensure the continued aesthetic value of the zone. The landowner must comply with the parts of the management plan that relates to the zone in order to qualify the land as a AMZ-public rights-of-way. In addition, depending on which of the following three Categories is contested by the chief appraiser or taxing unit in which the land is located, to support his/her/its position, the applicant must provide the corresponding information or evidence:

Category (1) the age or the height of standing trees in the claimed zone, if contested;

Category (2) the width or the acreage of the claimed zone, if contested; also, provide a map showing tract location and a map of tract showing the zone location when location or acreage is contested; and

Category (3) average basal area within the zone, if contested;

Additional information requested:

(4) any other information or evidence considered necessary by the applicant to support his/her/its position in response to the contest(s) within the above three Categories.

(5) if the contest(s) is/are not in the above three Categories, submit information or evidence considered necessary by the applicant to support his/her/its position in response to the contest(s) if not previously submitted to the chief appraiser.

To support their positions, the chief appraiser and the taxing unit(s) in which the land is located shall follow the same provisions described above as those for the applicants: submit the information or evidence on the same three Categories described above as those for the applicant and any other information or evidence considered necessary to support their positions if the contest(s) is/are in those three Categories; when the contest(s) is/are not within those three Categories, provide any necessary and relevant information or evidence to support the chief appraiser or taxing unit's position.

(b) CWHZ

A management plan developed with inputs from an endangered species specialist that

addresses federal and state critical habitat requirements by species must be submitted from the landowner. The plan must address harvesting restrictions and how the landowner provides at least three of the seven benefits for protection of the qualified endangered or threatened species. The seven benefits are: 1. habitat control; 2. erosion control; 3. predator control; 4. providing supplemental supplies of water; 5. providing supplemental supplies of food; 6. providing shelters; and 7. making census counts to determine population. The landowner must comply with the parts of the management plan that relates to the zone in order to qualify the land as a CWHZ. In addition, depending on which of the following three Categories is contested by the chief appraiser or taxing unit, to support his/her/its position, the applicant must provide the corresponding information or evidence:

- Category (1) memorandum of understanding, conservation agreements, or other documentation with a federal, state, or private organization pertaining to protection of qualified species, if presence of qualified species in the claimed zone is contested;
- Category (2) the animal or plants in the claimed zone, if whether the animal or plant is the qualified species for the purpose of CWHZ determination is contested; and
- Category (3) a map showing tract location and a map of tract showing the zone location if the location or acreage is contested;

Additional information requested:

- (4) any other information or evidence considered necessary by the applicant to support his/her/its position in response to the contest(s) within the above three Categories.
- (5) if the contest is not in the above three Categories, submit information or evidence considered necessary by the applicant to support his/her/its position in response to the contest(s) if not previously submitted to the chief appraiser.

To support their positions, the chief appraiser and the taxing unit(s) in which the land is located shall follow the same provisions described above as those for the applicants: submit the information or evidence on the same three Categories described above as those for the applicant and any other information or evidence considered necessary to support their positions if the contest(s) is/are in those three Categories; when the contest(s) is/are not within those three Categories, provide any necessary and relevant information or evidence to support the chief appraiser or taxing unit's position.

(c) SMZ

A management plan that addresses best management practices for the claimed SMZ consistent with the silvicultural nonpoint source pollution management program developed by the Texas State Soil and Water Conservation Board must be submitted by the landowner. The plan must address harvesting restrictions. The landowner must comply with the parts of the plan that relates to the zone in order to qualify the land as a SMZ. In addition, depending on which of the following four Categories is contested by the chief appraiser or taxing unit, to support his/her/its position, the applicant must provide the corresponding information or evidence:

- Category (1) the status of the waterway or waterbody, if the qualification of the claimed

waterway/waterbody is contested:

Category (2) the width and the acreage of the claimed SMZ, if contested:

- (A) if an SMZ is 50-foot minimum width, the applicant must provide a location map. The map need only show the centerline of the stream, or waterbody location, length or perimeter, and computed acreage of SMZ;
- (B) if an SMZ exceeds the 50-foot minimum width and has uniform width, the applicant must submit a topographic map as evidence to justify in part the need for wider buffers. The map must show the centerline of the stream; and
- (C) if an SMZ exceeds the 50-foot minimum width and has variable width, the applicant must submit a topographic map and the boundaries must be mapped and acreage computed to the agency's satisfaction. It is the applicant's responsibility to compute the acreage and state how it was measured (e.g., Global Positioning System (GPS), traverse, or dot-grid);

Category (3) the age and the number of trees per acre or average basal area per acre for newly established SMZ claimed, if contested; and

Category (4) average basal area per acre, if contested;

Additional information requested:

- (5) any other information or evidence considered necessary by the applicant to support his/her/its position in response to the contest(s) within the above four Categories.
- (6) if the contest(s) is/are not within the above four Categories, submit any necessary and relevant information or evidence considered necessary by the applicant to support his/her/its position in response to the contest(s) if not previously submitted to the chief appraiser.

To support their positions, the chief appraiser and the taxing unit(s) in which the land is located shall follow the same provisions described above as those for the applicants: submit the information or evidence on the same four Categories described above as those for the applicant and any other information or evidence considered necessary to support their positions if the contest(s) is/are in those four Categories; when the contest(s) is/are not within those four Categories, provide any necessary and relevant information or evidence to support the chief appraiser or taxing unit's position.

[x] II. DEADLINE TO RESPOND TO REQUEST FROM A CHIEF APPRAISER

For the applicant and each of the taxing units in which the land is located, the information or evidence must be submitted to the Director in writing no later than **30 days** after the date of receipt of the notice of the zone determination request from the chief appraiser if **on or prior to April 1** or **15 days** after the date of receipt of the request if **after April 1**.

If each taxing unit in which the land is located submits any information or evidence to the Director that was not provided to the applicant by the chief appraiser, each taxing unit must deliver a copy of the information or evidence to the applicant. The applicant may respond to the additional information or evidence submitted by each taxing unit. Such information or evidence must be submitted in writing to the Director not later than 15 days after the date of receipt from the taxing unit.

[] III. DEADLINE TO RESPOND TO REQUEST FROM A TAXING UNIT

The applicant and the chief appraiser may respond to a zone determination request from a taxing unit by submitting additional information or evidence to the Director. Such information or evidence must be submitted in writing within 15 days of receipt of the request from the taxing unit.