

**DROUGHT MORTALITY EXEMPTION
HARVESTING DEAD OR DYING TREES RELATED TO
DROUGHT FOR FUELWOOD OR SPLIT PRODUCTS
14 CCR § 1038(k)**

FOR ADMIN. USE ONLY

Ex. # _____

Date of Receipt _____

Date Expires _____

STATE OF CALIFORNIA
DEPARTMENT OF FORESTRY AND FIRE PROTECTION
NOTICE OF TIMBER OPERATIONS THAT ARE EXEMPT FROM
TIMBER HARVESTING PLAN REQUIREMENTS; RM-73 (§1038(k)) (07/15)

VALID FOR ONE YEAR FROM DATE OF RECEIPT BY CAL FIRE

The Director of the Department of Forestry and Fire Protection (CAL FIRE) is hereby notified of timber operations under the requirements of 14 CCR § 1038(k).

The timber owner shall complete this form both pages, then sign on page three.

1. TIMBER OWNER(S) OF RECORD:

Name _____

Address _____

City _____ State _____ Zip _____ Phone _____

TIMBER TAX NOTICE: Timber owners owe timber yield tax when they harvest trees unless the harvest is exempt (Revenue and Taxation Code sec. 38116). Some small or low value harvests may be exempt from the timber yield tax: timber removed from an operation whose value does not exceed \$3,000 within a quarter, according to BOE Harvest Value Schedules, Rule 1024. If you believe your harvest may qualify for this exemption, please complete items A, B, C, and D below. **For timber yield tax information or for further assistance with these questions call the State Board of Equalization, 1-800-400-7115** or write: Timber Tax Section, MIC: 60, State Board of Equalization, P.O. Box 942879, Sacramento, California 94279-0060; or contact the BOE Web Page on the Internet at <http://www.boe.ca.gov>.

A. Circle the option that most closely estimates the total volume for this harvest, in thousands of board feet (mbf - Net Scribner short log):

Under 8 mbf 8-15 mbf 16-25 mbf Over 25 mbf

B. Estimate what percentage of timber will be removed during this harvest:

Redwood _____%; Ponderosa/Sugar pine _____%; Douglas-fir _____%; Fir _____%;

Port-Orford Cedar _____%; Cedar (IC, WRC) _____%; Other conifer %: _____; Other hardwood _____%.

C. Fuelwood over 150 cords? Yes _____ No _____

2. TIMBERLAND OWNER(S) OF RECORD:

Name _____

Address _____

City _____ State _____ Zip _____ Phone _____

I certify, that I am the Timber Landowner of record for the property where harvesting under the exemption will be conducted.

SIGNATURE _____ Date _____

3. LICENSED TIMBER OPERATOR(S):

Name _____ Lic. No. _____

Address _____

City _____ State _____ Zip _____ Phone _____

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4. EXPECTED DATE TIMBER OPERATIONS WILL COMMENCE: _____

The Timber Operator must notify, by phone or mail, the appropriate **CAL FIRE Review Team Office** within a 15 day period of the actual commencement date for the start of operations.

Designate the legal land description of the location of the timber operation. Attach a 7.5 minute quadrangle or equivalent map showing the location of the timber operation. See Note #7 below for further details.

Section	Township	Range	Base & Meridian	County	Harvest Area Acreage	Assessors Parcel # (Optional)
_____	_____	_____	_____	_____	_____	_____

The following are limitations or requirements for timber operations conducted under a Notice of Exemption for harvesting dead or dying trees in response to drought related stress of any size, fuelwood or split products:

1. Timber operations conducted under this notice shall comply with all operational provisions of the Forest Practice Act and District Forest Practice Rules applicable to "Timber Harvest Plan," "THP," and "plan." The requirements to submit a completion and stocking report normally do not apply. The requirements for environmental review under the California Environmental Quality Act (See 14 CCR § 15300.1) also do not apply.
2. Operations pursuant to this exemption may not commence for five (5) working days from the date of the Directors receipt of the Notice of Exemption unless the delay is waived by the Director, after consultation with other state agencies. The Director shall determine whether the Notice of exemption is complete, and if so, shall send a copy of a notice of acceptance to the submitter. If the Notice of Exemption is not complete and accurate, it shall be returned to the submitter and the timber operator may not proceed. If the Director does not act within five days of receipt of the Notice of Exemption, timber operations may commence.
3. Provisions of this exemption supersede the provisions of any other exemptions that are in the same harvest area footprint. In addition to compliance with 14 CCR § 1038.1, and the limitations listed in §1038(b)(1)-(10) apply.
4. For harvest areas greater than twenty (20) cumulative harvest acres per total contiguous ownership, a Registered Professional Forester (RPF) is required to complete and sign the Exemption Notice.
5. Drought related mortality NOT REQUIRING CERTIFICATION BY AN RPF include:
 - Trees currently dead.
 - Trees with fifty (50%) percent or more of the foliage-bearing crown that is dead or fading in color from a normal green to yellow, sorrel, or brown, excluding normal autumn coloration changes, or with evidence of successful bark beetle attacks, through indications of dead cambium and brood development distributed around the circumference of the bole.
6. Drought related mortality REQUIRING A CERTIFICATION BY AN RPF:
 - Trees likely to die due to drought related stress within one (1) year certified by an RPF.
 - Trees (dead or dying) within a watercourse or lake protection zone marked by an RPF prior to operations. 14 CCR § 1038(b)(9)
 - Large old trees not critical for the maintenance of a Late Successional Stand with an explanation and justification from the RPF certifying the tree is dead or likely to die within one year of the date of proposed removal, as determined by the RPF or a certified arborist. 14 CCR § 1038(h)(2)(C).
7. The exemption shall include the requirements per 14 CCR § 1038.2(d) and include the total acreage of the exemption harvest area (as defined in 14 CCR § 895.1), and an enlarged 7½ minute quadrangle map or its equivalent that is not less than one (1) inch equals 1,000 feet showing the location of the harvest area.
 - For harvest areas greater than twenty (20) cumulative harvest acres per total contiguous ownership and REQUIRING an RPF the mapping requirements require the RPF to map the location of timber operations and watercourses, including watercourse classification.
8. On an average retain, for the harvest area, at least one (1) decadent and deformed tree of value to wildlife, snag, and/or dying tree per one (1) acre that is greater than sixteen (16) inches DBH (diameter breast height) and twenty (20) feet tall.
 - Areas exempt from this requirement include: 1. within one hundred (100) feet of a habitable structure. 2. Roads suitable for fire suppression access. 3. Fire suppression ridges. 4. Infrastructure facilities such as transmission lines and towers, or water conveyance and storage facilities.

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- 9. There are special requirements for timber operations conducted in Coastal Commission Special Treatment Areas, the Tahoe Regional Planning Agency area, and in counties with special rules adopted by the Board of Forestry and Fire Protection. These rules should be reviewed prior to submitting this notice to CAL FIRE.
- 10. This Notice of Exemption is valid for one year from the date of receipt by CAL FIRE.
- 11. A timber operator with a valid state license must be designated upon submission of this notice.

The following suggestions may help ensure your compliance with the Forest Practice Rules:

- 1. Timber owners, timberland owners and timber operators should obtain and review copies of the Forest Practice Rules pertaining to the Notice of Exemption. Copies may be obtained from BARCLAYS LAW PUBLISHERS, P.O. BOX 3066, SO. SAN FRANCISCO, CA. 94080. or from CAL FIRE, Forest Practice Section, P.O. BOX 944246, Sacramento, CA 94244-2460; or from. The CAL FIRE Web page at: http://calfire.ca.gov/resource_mgt/resource_mgt_forestpractice_pubsmemos_pubs.php
- 2. Contact the nearest CAL FIRE office listed below for questions regarding the use of this notice.

FILE THIS NOTICE WITH THE CAL FIRE OFFICE BELOW FOR THE COUNTY IN WHICH THE OPERATION WILL OCCUR:

Alameda, Colusa, Contra Costa, Del Norte Humboldt, Lake, Marin, Mendocino, Napa, San Mateo, Santa Clara, Santa Cruz, Solano, Sonoma, western Trinity and Yolo Counties.	=> =>	Forest Practice Program Manager CAL FIRE 135 Ridgway Avenue Santa Rosa, CA 95401
Butte, Glenn, Lassen, Modoc, Nevada, Placer, Plumas, Shasta, Sierra, Siskiyou, Sutter, Tehama, eastern Trinity and Yuba Counties.	=> =>	Forest Practice Program Manager CAL FIRE 6105 Airport Road Redding, CA 96002
Alpine, Amador, Calaveras, El Dorado, Fresno, Imperial, Inyo, Kern, Los Angeles, Madera, Mariposa, Merced, Mono, Monterey, Orange, Riverside, San Benito, San Bernardino, San Diego, San Luis Obispo, Santa Barbara, Stanislaus, Tuolumne, Tulare, and Ventura Counties.	=> => =>	Forest Practice Program Manager CAL FIRE 1234 East Shaw Avenue Fresno, CA 93710

SIGNATURE OF THE TIMBERLAND OWNER OR AGENT THERE OF: _____ Date: _____

Printed Name: _____ Title: _____

Address _____

City _____ State _____ Zip _____ Phone _____

RPF CERTIFICATION IF HARVESTING IS PROPOSED ON TWENTY (20) CUMMULATIVE ACRES OR MORE:

In the professional judgement of the RPF, no conditions were identified where operations conducted in compliance with the rules of the Board would reasonably result in significant adverse impacts.

Registered Professional Forester (RPF) : _____ Lic. No. _____ Date: _____

Address _____

City _____ State _____ Zip _____ Phone _____

Signature: _____