

PUBLIC AGENCY, PUBLIC AND PRIVATE UTILITY
RIGHT OF WAY
EXEMPTION

FOR ADMIN. USE ONLY

Ex. # _____

Date Rec'd _____

Date Expires _____

STATE OF CALIFORNIA
DEPARTMENT OF FORESTRY AND FIRE PROTECTION
NOTICE OF TIMBER OPERATIONS THAT ARE EXEMPT FROM
CONVERSION AND TIMBER HARVESTING PLAN REQUIREMENTS
RM-73 (1104.1bc) (12/08)

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 § 1104.1(b) or (c): Harvesting of trees in order to construct or maintain a right of way by a public agency, public or private utility that is exempt from the requirements to obtain a Timberland Conversion Permit or file a Timber Harvesting Plan. **This notice is not required nor should it be submitted if timber is not sold, bartered or traded for commercial purposes by the timber owner.** The timber owner shall complete Items 1 through 5 of this notice and sign below.

1. TIMBER OWNER(S) OF RECORD: Name _____

Address _____

City _____ State _____ Zip _____ Phone _____

TIMBER TAX EXEMPTION: 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 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. **For timber yield tax information or for further assistance with these questions call 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 _____ D. Christmas trees over 3,000 lineal feet? Yes _____ No _____

2. TIMBERLAND OWNER(S) OF RECORD: Name _____

Address _____

City _____ State _____ Zip _____ Phone _____

3. LICENSED TIMBER OPERATOR(S): Name _____ Lic. No. _____

Address _____

City _____ State _____ Zip _____ Phone _____

4. PUBLIC AGENCY, PUBLIC OR PRIVATE UTILITY REMOVING TREES:

Name _____ Contact Person _____

Address _____

City _____ State _____ Zip _____ Phone _____

- Designate the legal land description of the location of the timberland conversion and the timber operation. Attach a map showing the location of the timberland conversion and the timber operation. Map shall be a 7 1/2 minute quadrangle or equivalent. In addition, smaller scale maps designating the length of rights of way are acceptable. It is helpful to describe the access route to the timber operation so that it can be easily located, and/or include an assessor's parcel map for small areas.

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

Public Resources Code (PRC) Section 4628 and California Code of Regulations (CCR) Title 14 Section 1104.1(b) exempt public agencies from the requirement to file an application for timberland conversion (TLC) or a timber harvesting plan (THP) when they construct or maintain rights of way on their own property or that of another public agency. This exemption extends to easements over lands owned in fee by private parties. This exemption is not available for rights of way granted from one private landowner to another.

If the harvested trees are sold, bartered or traded for commercial purposes a timber operation has occurred per PRC Section 4527, and a notice of exemption is required to be filed by the timber owner. This is true if the timber is owned by the public agency, sold or given by the agency to another party, or the timber is owned by a private landowner subject to a public agency easement. A licensed timber operator is required in order to remove the harvested trees from the property. If the harvested trees are not sold, bartered or traded for commercial purposes, a notice of exemption is not required. The timber owner is responsible to pay all yield taxes for timber harvested. Timber yield tax information can be obtained from the State Board of Equalization, P.O. Box 94979, Sacramento, California 94279-0001.

14 CCR § 1104.1(c) exempts public and private utilities from the TLC and the THP requirements for construction and maintenance of gas, water, sewer, oil, electric and communications rights of way. 14 CCR § 1104.1(d), (e), (f), and (g) contain specifications of allowable right of way widths and supplemental clearances. If the harvest is a timber operation per PRC § 4527, a notice of exemption is required to be filed by the timber owner. A licensed timber operator is required in order to remove the harvested trees from the property. If the harvested trees are not sold, bartered or traded for commercial purposes, a notice of exemption is not required. The timber owner is responsible to pay all yield taxes for timber harvested.

14 CCR § 1104.1 requires that all timber operations conducted according to exemptions granted under this section abide by all operating regulations pertaining to a timber harvesting plan. 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.

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

- 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 CAL FIRE's Web Page on the Internet at <http://www.fire.ca.gov>.
- Contact the CAL FIRE office listed below for questions regarding the use of this notice.

FILE THIS NOTICE WITH THE NEAREST 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 TIMBER OWNER OR AGENT THEREOF: _____

Printed Name: _____ Title: _____ Date _____

Address _____ City _____ State _____ Zip _____ Phone _____