

**PUBLIC AGENCY, PUBLIC AND PRIVATE UTILITY  
RIGHT OF WAY EXEMPTION**

FOR ADMIN. USE ONLY

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) 03/2018

EX. # \_\_\_\_\_

Date of Receipt \_\_\_\_\_

Date Validated by CAL FIRE \_\_\_\_\_

Date Expires \_\_\_\_\_

**VALID FOR ONE YEAR FROM DATE 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 6 of this notice and sign below.

1. LICENSED TIMBER OPERATOR(S): Name \_\_\_\_\_ Lic. No. \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_ Phone \_\_\_\_\_

EMAIL: (optional) \_\_\_\_\_

2. TIMBERLAND OWNER(S) OF RECORD: Name \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_ Phone \_\_\_\_\_

EMAIL: (optional) \_\_\_\_\_

3. TIMBER OWNER(S) OF RECORD: Name \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_ Phone \_\_\_\_\_

EMAIL: (optional) \_\_\_\_\_

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

Name \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_ Phone \_\_\_\_\_

5. CONTACT PERSON:

Name \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_ Phone \_\_\_\_\_

EMAIL: (optional) \_\_\_\_\_

TIMBER TAX NOTICE: The TIMBER OWNER is responsible for payment of a yield tax.

**For timber yield tax information or for assistance with these questions call 1-800-400-7115**, or write: Timber Tax Section, MIC: 60, California Department of Tax and Fee Administration, P.O. Box 942879, Sacramento, CA 94279-0060; or see the CDTFA Web Page on the Internet <http://www.cdtfa.ca.gov>.

**TIMBER TAX INFORMATION:** Some small or low value harvests may be exempt from the timber yield tax (Revenue and Taxation Code sec. 38116)

Timber Owners may be considered exempt if the value of the harvesting operations does not exceed \$3,000 dollars within a quarter, according to CDTFA Harvest Value Schedules, Rule 1024.

IF THE TIMBER OWNER BELIEVES HARVESTING MAY BE EXEMPT (see timber tax exemption language above for low value harvests) PLEASE CHECK BELOW:

**FINAL DETERMINATION of tax exempt status will be made by the Timber Tax Section of the California Department of Tax and Fees Administration. If you think you are exempt based on the directions above please complete the below information so the Timber Tax Section can make the final determination.**

**IF YOU WOULD LIKE CDTFA TIMBER TAX SECTION TO CONSIDER A TAX EXEMPTION BASED ON PROJECTED HARVEST PLEASE COMPLETE THE INFORMATION BELOW.**

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: (percentages provided should equal 100%)

	%		%		%		%
Redwood	_____	Ponderosa/Sugar Pine	_____	Douglas-Fir	_____	Fir	_____
Cedar	_____	Port-Orford Cedar	_____	Other Conifer	_____	Other Hardwoods	_____

C. Fuelwood over 150 cords? Yes  No  D. Christmas trees over 3,000 lineal feet? Yes  No

5. 14 CCR § 1104.1 (i) - Is it anticipated that a tree existing before 1800 A.D. greater than 60 inches' diameter at stump height for Sierra or Coastal Redwoods or 48 inches in diameter at stump height for all other tree species will be harvested?  YES  NO (required)

**NOTE: If yes please refer to 14 CCR § 1104.1(i) and have an RPF prepare an explanation and justification described in 14 CCR § 1104.1(i) to be included at Submission**

6. Designate the legal land description of the location of the timber operation. Attach a USGS 7.5-minute quadrangle or equivalent map showing the location of timber operations, it would be 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. (required)

Base Meridian	Township	Range	Section	County	Acreage (estimated)	Assessors Parcel # (optional)

**The following are limitations or requirements for timber operations conducted under a Utility Right-of-Way Exemption: (Notice, Notice of Conversion Exemption, Conversion Exemption):**

1. 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.
2. 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.
3. 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.
4. 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.
5. Timber operations shall comply with all other applicable provisions of the Forest Practice Act and regulations, county general plans, zoning ordinances, and any implementing ordinances; copies of the state rules and regulations may be found on CAL FIRE's Web Page on the Internet at <http://www.fire.ca.gov>.
6. All timber operations shall be complete within one year from the date of acceptance by CAL FIRE.
7. **In-lieu practices for watercourse and lake protection zones as specified under Article 6 of these rules, exceptions to the rules, and alternative practices are not allowed. 14 CCR § 1104.1(h)**
8. No timber operations shall be conducted until CAL FIRE's notice of acceptance is received and a valid copy of this notice and CAL FIRE's acceptance shall be kept on site during timber operations.
9. Operations conducted under a notice of exemption are NOT permitted in known sites of rare, candidate, threatened or endangered plants and animals if the sites will be disturbed or damaged. NO timber operations may occur within a buffer zone of a listed, or sensitive species defined by 14 CCR § 895.1
10. If any activities related to timber operations, as defined by PRC 4527, are to include any of the following activities in any river, stream or lake, including episodic and perennial waterways, a notification to the California Department Fish and Wildlife is required pursuant to Fish and Game Code §1602: 1) A substantial alteration of the bed, bank, or channel; 2) A substantial diversion (i.e. water drafting) or obstruction of the natural flow; or 3) Use of material from or deposit of material into the watercourse. Information on the Lake and Streambed Alteration Program, as well as notification forms, may be found at the following link: <https://www.wildlife.ca.gov/conservation/lisa>.
11. No Timber Operations are allowed on significant historical or archeological sites.

**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 Emergency. Copies may be obtained from BARCLAYS LAW PUBLISHERS, P.O. Box 2006, San Francisco, CA 94126, CAL FIRE, Forest Practice, P.O. Box 944246, Sacramento, CA 94244-2460; or CAL FIRE's Web Page at <http://www.fire.ca.gov>.
2. Contact the 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