

THE SMALL TIMBERLAND OWNER EXEMPTION

STATE OF CALIFORNIA, DEPARTMENT OF FORESTRY AND FIRE PROTECTION
NOTICE OF TIMBER OPERATIONS THAT ARE EXEMPT
FROM TIMBER HARVESTING PLAN REQUIREMENTS RM-73 (1038f) (03/2019)

EX. # _____
Date of Receipt _____
Date Validated by CAL FIRE _____
Date Expires _____

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(f) for the cutting or removal of trees that eliminates the vertical continuity of vegetative fuels and the horizontal continuity of tree crowns for the purpose of reducing flammable materials and maintaining a fuelbreak.

NOTE: SMALL FOREST TIMBERLAND OWNERS OWNING:

- COAST FOREST DISTRICT - 60 ACRES or less of timberland within a single Planning Watershed (CALWATER 2.2). 14 CCR § 1038(f)(1)(A)
- NORTHERN / SOUTHERN FOREST DISTRICTS – 100 ACRES or less of timberland within a single Planning Watershed (CALWATER 2.2). 14 CCR § 1038(f)(1)(A)
- Only trees less than 32 inches outside bark stump diameter 8 inches above ground level. 14 CCR § 1038(f)(4)
- No trees of the Quercus Species greater than 26 inches outside bark stump diameter 8 inches above ground level. 14 CCR § 1038(f)(4)(A)
- Timber Operations SHALL only occur once over a 10-year period on any given acre. 14 CCR § 1038(f)(10)
- During the 10-years following the submittal of this Notice of Exemption the Director SHALL not approve a plan allowing for evenaged silvicultural prescriptions. 14 CCR § 1038(f)(10)
- During the 10-years following the submittal of this Notice of Exemption the Timberland Owner shall not submit an exemption per 14 CCR § 1038.3 - Forest Fire Prevention Exemption. 14 CCR § 1038(f)(10)
- Timberland Owner may only submit 3 notices of exemptions pursuant to this section. 14 CCR § 1038(f)(11)

Timber Operations pursuant to the notice of exemption may not commence for five (5) working days from the date of the Directors receipt of the notice unless this delay is waived by the director. If the Director does not act within five (5) days working days of receipt of the notice of exemption, Timber Operations may commence. 14 CCR § 1038.1(c)(13)

1. REGISTERED PROFESSIONAL FORESTER: Name: _____ RPF #: _____ Date _____
 Address _____
 City _____ State _____ Zip _____ Phone _____
 Signature: _____ Date: _____
 EMAIL: (optional) _____

2. LICENSED TIMBER OPERATOR(S): Name: _____ Lic #: _____ Date: _____
 Address _____
 City _____ State _____ Zip _____ Phone _____
 EMAIL: (optional) _____

3. TIMBERLAND OWNER(S) OF RECORD: Name: _____
 Address _____
 City _____ State _____ Zip _____ Phone _____
 EMAIL: (optional) _____

I certify, under penalty of perjury, that I have read and understand the information on this form and that I am the Timberland Owner of record.

Signature: _____ Date: _____

4. TIMBER OWNER(S) OF RECORD: 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/Check 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. Have timber operations been conducted on THE SMALL TIMBERLAND OWNER exemption within the last 10-years on any given acres owned by the Timberland Owner?
 YES NO

If YES then this exemption may not be submitted or validated by the Director

6. 14 CCR § 1038.1(c)(12) NO timber harvesting is permitted within the standard width of a Watercourse or Lake Protection Zone (WLPZ) per 14 CCR § 916.4 [936.4, 956.4](b) (exceptions do apply see below) or within a WLPZ of a watershed identified as Anadromous Salmonids Planning watersheds (ASP) per 14 CCR § 916.9 [936.9, 956.9](s), unless the harvesting in an ASP WLPZ is recommended in writing by CDFW to address specifically identified forest conditions, 14 CCR § 916.9(s)(6) (optional)

Two exceptions permitted in WLPZs outside of an ASP watershed:

(Please indicate below if trees meeting the exception identified below are anticipated to be harvested. (If not then leave blank)

- SANITATION-SALVAGE harvesting per 14 CCR § 913.3 [933.3, 953.3] or
- for the removal of DEAD or DYING trees per 14 CCR § 916.4 [936.4, 956.4](b)

Exception in WLPZ of ASP Watersheds

- Will harvesting occur within a WLPZ of an ASP watershed based on written recommendation from CDFW?

If YES then provide a copy of the written recommendation from CDFW identifying the specific reason for the recommended harvesting.

NOTE: Trees to be harvested shall be marked by a RPF or a supervised designee of the RPF PRIOR TO TIMBER OPERATIONS.

7. 14 CCR § 1038.1(c)(3)(A-C) No Timber Operations on any site that satisfies the criteria listed in 14 CCR § 895.1 for a Significant Archaeological or Historical Site (information on some of these sites may be available from the Information Centers of the California Historical Resources Information System within the Department of Parks and Recreation), except under the following conditions:

Have significant archaeological sites been identified within the project area? (required) YES NO

- Will operations occur within these identified archaeological sites? YES NO

If YES Sites must be preserved in place by capping or covering with a layer of soil. Please include a written concurrence from the Departments Archaeologist at the time of submission.

8. Per 14 CCR § 1038.1(c)(2) upon submission of the notice of exemption, a Confidential Archaeological Letter pursuant to 14 CCR § 929.1[949.1, 969.1] must be provided to the Director.

Per 14 CCR § 1038.1(c)(2) upon submission of the notice of exemption the RPF shall send a copy of the Notice of Exemption to Native Americans as defined 14 CCR § 895.1.

Has the RPF sent a copy of the Notice of Exemption to Native Americans Contact List defined in 14 CCR § 895.1? (required)

YES NO

DATE Notice of exemption mailed: _____

If "NO" Do not submit Notice of Exemption until the notice has been sent to the appropriate Native Americans

PRE-HARVEST STAND STRUCTURE: (required)

9. Description of the preharvest stand structure: (14 CCR § 1038(f)(2): (consider in your description species, basal area, and diameter distributions)

Preharvest stand structure estimates:

DESCRIPTION :		
Species	Basal Area	Description of Diameter Distribution

POST-HARVEST STAND STOCKING LEVELS: (required)

10. Statement of the minimum expected post-harvest stand Stocking levels: (14 CCR § 1038(f)(2):

NOTE: The residual stand SHALL consist primarily of healthy and vigorous dominate and codominant tees from the pre-harvest stand, well distributed throughout the Harvest Area.

Post-Harvest Stocking Standards SHALL be achieved through Unevenaged Management, excluding group selection.

Postharvest stand stocking levels:

DESCRIPTION :	
------------------	--

Stocking shall meet the below standards (please identify the stocking to be meet from the list below)

	Coast Forest District		Northern / Southern Forest Districts		
	Square Feet Basal Area		Square Feet Basal Area		
Site I lands		150		100	14 CCR § 1038(f)(2)(A)
Site II lands		100		75	14 CCR § 1038(f)(2)(B)
Site III lands		75		75	14 CCR § 1038(f)(2)(C)
Site IV & V lands		50		50	14 CCR § 1038(f)(2)(D)

POST-HARVEST TREE SPECIES COMPOSITION: (required)

11. Will POST-HARVEST tree species composition be representative of the pre-harvest stand condition and demonstrate progression towards climax forest conditions? YES NO

If NO the RPF shall provide a justification explaining how modifications of tree species diversity will benefit forest health and resiliency.

14 CCR § 1038(f)(6)

JUSTIFICATION:	
----------------	--

POST-HARVEST QMD: (required)

12. QMD of trees 8 inches or greater in the pre-harvest stand SHALL be increased in the POST-HARVEST Area. The submitted notice of exemption SHALL report the expected post-harvest increase in QMD: 14 CCR § 1038(f)(3)

Pre-harvest QMD: _____ Post-harvest QMD: _____

Expected Post-harvest

Increase: _____

13. TENTATIVE COMMENCEMENT DATE OF TIMBER OPERATIONS: (required) _____ 14 CCR § 1038.1(a)(5)
 Before beginning Timber Operations, the Timber Operator shall notify the Department of the actual commencement date of operations. The notification, by telephone, mail, or email, shall be directed to the appropriate CAL FIRE Unit Headquarters, Forest Practice Inspector or other designated personnel. If the notification is provided by mail, Timber Operations may not commence until three (3) days after the postmark date of notification. 14 CCR § 1038.1(c)(14)

14. 14 CCR 1038.2 - The submitted notice of exemption shall indicate if more than one Yarding system is to be used and identify the systems. CHECK EACH Yarding method to be utilized: **If more than one type of method is selected these methods must be identified on the accompanying maps.** (required)

YARDING SYSTEMS					
GROUND BASED		CABLE		OTHER	
	Tractor, including end/long lining		Cable, Ground lead		Hand thinning and removing
	Rubber tired skidder, Forwarder		Cable, High Lead		Other:
	Feller Buncher		Cable, Skyline		
	Shovel yarding				

15. 14 CCR § 1038.1(a)(4) - Designate the legal land description of the location of the Timber Operation. 14 CCR § 1038.2(a) attach a USGS 7.5-minute quadrangle map or equivalent map showing the location of:
- Boundaries of the Logging Area. 14 CCR § 1038.2(b)
 - Location of all Roads to be used for, or potentially impacted by, timber operations. 14 CCR § 1038.2(c) (**Appurtenant Roads included within the logging area pursuant to (b) may be shown on a map which may be planimetric with a scale as small as one-half inch equals one mile**)
 - The classification of all Roads as Permanent Roads, Seasonal Roads, or Temporary Roads. 14 CCR § 1038.2(d)
 - Road(s) and Landing(s) located in a Watercourse, Lake, WLPZ, Meadows and Wet Areas other than at road Watercourse crossings. 14 CCR § 1038.2(e)
 - Location of water drafting sites. 14 CCR § 1038.2(f)
 - Public Roads within one-quarter (1/4) mile of the Harvest Area. 14 CCR § 1038.2(g)
 - Location of portions of the Harvest Area with an Extreme Erosion Hazard Rating. 14 CCR § 1038.2(h)
 - Location of all Watercourses and Lakes with Class I, II, III, or IV waters. 14 CCR § 1038.2(i)
 - Location of known Unstable Areas. 14 CCR § 1038.2(j)
 - Location of any Special Treatment Areas. 14 CCR § 1038.2(k)
 - Location of Boundaries of timber-site classes needed for determination of stocking standards to be applied, down to at least twenty (20) acre minimum or as specified in the District Forest Practice Rules. 14 CCR § 1038.2(l)

Additional maps, which may be topographic or planimetric, may be used to provide additional information, to show details, and improve map clarity. **A legend shall be included indicating the meaning of the symbols used.** It will 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)

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

PLANNING WATERSHED - CALWATER V2.2		
Name	Watershed Identification Number	CALWATER Version

The following are limitations or requirements for timber operations conducted under this Notice of Exemption for the cutting or removal of trees that eliminate the vertical continuity of vegetative fuels and the horizontal continuity of tree crowns for the purpose of reducing flammable materials and maintaining a fuel break.

1. This notice of exemption SHALL be prepared, signed, and submitted to the Department by a Registered Professional Forester (RPF) 14 CCR § 1038.1(c)(1) and received by CAL FIRE at the appropriate office listed below prior to the commencement of timber operations.
 - **Coastal Special Treatment areas and Marin County** the Director shall have ten calendar days from date of receipt to accept or reject the notice of timber operations.
2. 14 CCR § 1038(c) places certain limits on the harvesting of trees under this exemption. These limits need to be examined to assure compliance.
3. 14 CCR § 1038(c) 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. **However, Completion and Stocking reports are required for areas when operations occur within COASTAL SPECIAL TREATMENT AREAS and / or MARIN COUNTY.** The landowner shall submit to CAL FIRE a RM-71 Completion and Stocking report, per PRC 4585 and PRC 4587. The requirements for environmental review under the California Environmental Quality Act (See 14 CCR § 15300.1) also do not apply
4. There are special requirements for timber operations conducted in Coastal Commission Special Treatment Areas 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. 14 CCR § 1038.1(c)(6)
5. All timber operations conducted in the Lake Tahoe Region must have a valid Tahoe Basin Tree Removal Permit, as defined by TRPA, or shall be conducted under a valid TRPA memorandum of Understanding, when such a permit is required by TRPA, 14 CCR § 1038.1(b)(1)
6. The six (6) largest trees per acre within the boundaries of the notice of exemption shall be retained. 14 CCR § 1038(f)(5)
7. Vertical spacing in the Harvest Area shall be achieved by treating dead fuels, excluding dead branches on the tree retained for stocking, to a minimum clearance distance of eight (8) feet measured from the base of the live crown of the post-harvest Dominant and Codominants to the top of the dead surface or ladder fuels, whichever is taller. 14 CCR § 1038(f)(7)
8. Post harvest-canopy closure for trees which are Dominant and Codominants shall comply with the provisions of 14 CCR § 1052.4(d)(3)(A). 14 CCR § 1038(f)(8)
14 CCR § 1052.4(d)(3)(A) - Minimum post treatment canopy closure of dominant and codominant trees shall be:
 - 40 percent for east side pine forest types;
 - 50 percent for coastal redwood and Douglas-fir forest types in or adjacent to communities and legal structures referenced in subsection 1052.4(c)(1) and (2);
 - 60 percent for coastal redwood and Douglas-fir forest types outside of communities and legal structures referenced in subsection 1052.4(c)(1) and (2);
 - 50 percent for mixed conifer and all other forest types.
9. All trees to be harvested, or retained, shall be marked by a RPF, or their Supervised Designee, prior to commencing timber felling. 14 CCR § 1038(f)(9)
10. No helicopter yarding shall be allowed 14 CCR § 1038.1(b)(3)
11. Timber Operations may not be conducted without a copy of the Directors notice of acceptance at the operating site, except where the Director has failed to act within the five (5) working day review period. 14 CCR § 1038.1(c)(13)(A)
12. In-lieu practices within WLPZs as specified under Article 6 of these rules, exception to the rules, and alternative practices are not allowed 14 CCR § 1038.1
13. No Tractor or heavy equipment operations on slopes greater than 50%. 14 CCR § 1038.1(c)(5)
14. No construction of new tractor roads on slopes greater than 40%. 14 CCR § 1038.1(c)(5)
15. No Tractor or heavy equipment operations on known Unstable Areas. 14 CCR § 1038.1(c)(7)
16. No NEW road construction or reconstruction, as defined by 14 CCR § 895.1. 14 CCR § 1038.1(c)(8)
17. No heavy equipment operations within the standard width of a WLPZ, as defined in 14 CCR § 916.4[936.4, 956.4](b). 14 CCR § 1038.1(c)(9)
18. 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. 14 CCR § 1038.1(c)(10)(11)

19. 14 CCR § 1038.1(c)(4)(B) Slash shall be treated to achieve a maximum post-harvest depth of eighteen (18) inches above the ground on at least eighty (80) percent of the Harvest Area. All Slash shall be lopped, removed, chopped, piled for burning, or otherwise treated, within one (1) year from the date of the Director receiving the notice except for burning. Burning shall be completed within two (2) years from the date of the Director receiving the notice.
20. **No timber harvesting within the standard width of a watercourse or lake protection zone**, as defined in 14 CCR § 916.4 [936.4, 956.4](b), except sanitation-salvage harvesting, as defined in 14 CCR § 913.3 [933.3,953.3], where immediately after completion of operations, the area shall meet the stocking standards of 14 CCR § 912.7 [932.7,952.7](b)(2), or, except the removal of dead or dying trees where consistent with 14 CCR § 916.4 [936.4,956.4] (b). **Trees to be harvested within a WLPZ shall be marked by, or under the supervision of, an RPF prior to timber operations.** 14 CCR § 1038.1(c)(12)
21. **ASP watersheds** – No timber operations are allowed in a WLPZ, or within any ELZ or EEZ designated for watercourse or lake protection, under exemption notices except **(1) Hauling on existing roads (2) Road maintenance (3) Operations conducted for public safety (4) Construction or reconstruction of approved watercourse crossings (5) Temporary crossings of dry Class III watercourses that do not require notification under Fish and Game Code §1600 et seq. (6) Harvesting recommended in writing by CDFW to address specifically identified forest conditions.**
22. 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. 14 CCR § 1038.1(c)(10)(11)
23. 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/lsa>.
24. Timber Operations under this Notice of Exemption are valid for one year from date of acceptance by CAL FIRE.
 - **Marin County** the exemption is valid for the calendar year of acceptance.
25. A licensed Timber Operator must be designated upon submission of this notice.
26. RPF shall include a Confidential Archaeological Letter (CAL) which contains all the information required for plans and Emergency Notices with the exception that the information required in 14 CC§ 929.1(c)(3) [949.1(c)(3), 969.1(c)(3)] shall not be required. RPF before submitting the Notice of Exemption to the Director shall send a copy of the Notice of Emergency to native Americans defined in 14 CCR § 895.1. 14 CCR § 1038(c)(2)
 - The discovery of human remains requires immediate notification to appropriate agencies. 14 CCR § 929.3 [949.3, 969.3] requires notification to CAL FIRE. The area must not be further disturbed, and any area reasonably suspected to overlie adjacent human remains, until an evaluation is completed by the County Coroner pursuant to Health and Safety Code § 7050.5. If the human remains are determined to be Native American, the Native American Heritage Commission must also be notified pursuant to Public Resources Code § 5097.98.

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 CAL FIRE's Web Page on the Internet 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