

July 13, 1977



California Forest Protective Association
1127 Eleventh Street, Suite 534
Sacramento, CA 95814

Attention: Mr. Bruce J. Bayless

Gentlemen:

Re: Modification of Immediate Harvest Values – Timber Tax

Some time ago you requested an opinion as to whether or not Immediate harvest Values (I.H.V.) can be appealed by a timber owner, in the event of an appeal what the procedure would be, and who would be affected by Board-approved changes. We regret the delay in responding but workload and personnel changes have made it necessary.

Section 38204 of the Revenue and Taxation Code specifically authorizes the Board "... either on its own motion or in response to application from a timber owner ..." to modify I.H.V. to reflect material changes in such values. The statute indicates that the material changes it has reference to are those occasioned by fire, blowdown, ice storm, flood, insect damage or other causes. The section does not contemplate modification of values based on general forest management or forest products economies. These influences are to be considered when the Board makes its regular semi-annual estimates.

Procedurally, an individual or group of timber owners should present a written application for modification of values to the Executive Secretary of the Board, with a comprehensive statement of the facts upon which the request is based. He will inform the Timber Tax Division of the application and request a recommendation as to appropriate board action. Should that recommendation be negative, the matter could be scheduled for board hearing on the owner's request. In the event the application is approved, the modified values would apply to all owners actually affected by the calamity in a given harvest value area.

I hope these comments fully answer your questions. Should you have others we will endeavor to expedite our response.

Very truly yours,

J. J. Delaney
Chief Counsel

JJD:rw

cc: Mr. Paul Crebbin

bc: Legal Section