TIMBER YIELD TAX

840.0070 **Logging by Indians.** Indians logging timber on Indian reservations are not liable for the tax. Neither are Indian organizations or associations comprised entirely of Indians logging timber on a reservation liable therefor.

An "Indian" is any person of Indian descent who is entitled to receive services as an Indian from the U.S. Department of the Interior. An "Indian organization" includes Indian tribes and tribal organizations, partnerships, all whose members are Indians, and corporations organized under tribal authority and wholly owned by Indians. C 6/29/78.

(916) 445-6485

June 29, 1978

[illegible]

Attention: [illegible]
Vice President

Dear [illegible]

This is in further response to your January 13, 1978, letter to the Humboldt County Tax Collector and is intended to supplement our March 20, 1978, letter to you.

As indicated in our July 15, 1977, letter to Mandich, Clark & Barker, Attorneys at Law, concerning the application of Stats. 1976, Ch. 176/AB 1258 to timber operations on Indian reservations, Indians logging timber on Indian reservations are not liable for the timber yield tax. Such would be the case also where Indian organizations or associations comprised entirely of Indians are logging timber on reservations.

As to who constitutes an "Indian", our definition of "Indian" now is any person of Indian descent who is entitled to receive services as an Indian from the United States Department of the Interior. An "Indian organization" includes Indian tribes and tribal organizations; partnerships, all of whose members are Indians; and corporations organized under tribal authority and wholly owned by Indians. "Indian organization" does not include other corporations, including other corporations wholly owned by Indians.

The last paragraph of the first page and the first two paragraphs of the second page of our March 20, 1978, letter remain unchanged.

Very truly yours,

James K. McManigal, Jr.
Tax Counsel

JKM:fp

cc: Mandich, Clark & Barker
Attorneys at Law

bc: Mr. Abram F. Goldman
Mr. Walter R. Senini
Mr. Jack F. Eisenlauer
Mr. Paul Crebbin
Legal Section