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BOARD OF FORESTRY AND FIRE PROTECTION

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RE: RPF/ LTO Responsibility

Associated California Loggers (ACL) has brought a small group of board members together to form a LTO priorities committee for the purpose of addressing issues pertaining to the Regulations that LTO's and their employees must operate under. One of the issues that have come out of this committee is the issue of Responsibility transfer from the RPF to the LTO by way of the LTO responsibility form. ACL members have complained about getting violations for actions that were a direct result of following the THP or directions given by the administering RPF. The current Violation process has no appeals or avenue for the LTO to address the situation other than to accept a violation that is due to an error or omission on the part of the RPF or his designee.

To make this situation more perplexing LTO's are seeing issues in approved plans and field work that would lead to violations even after multiple agency review and approval. This leads some LTO's to believe that RPF's are leaning on the LTO responsibility form to transfer liability for actions that could be overcome by additional work, scrutiny and review. These plans are being approved by the review agencies and LTO's are getting violations for what we believe is not their responsibility. We believe the RPF and the review agencies have the responsibility to prepare and review a THP such that the THP is complete and can be operated on without causing a violation to the LTO.

Some LTO's are getting the feeling that RPF's are wiping their hands clean of the THP once they get a LTO to sign the Responsibility Form because at that time Cal Fire is issuing violations to the LTO regardless of the situations that led up to the conditions that warrant a violation. Some examples of what we are describing are explained below:

- THP states Trees will not be harvested within 25' of a Class Two watercourse. At the startup of operations meeting the plan preparing RPF states to LTO and timber fallers that all marked trees will be harvested, no exceptions. A Tree was marked within 25' of a class 2 watercourse directly adjacent to the road accessing the THP which means all agencies that approved the THP drove past the marked tree. A timber faller working for LTO fell the tree and the LTO was issued a violation. LTO then marked out over 15 such trees marked within 25' of Class 2 watercourses throughout the Plan area.
- LTO preflags corridors across a drainage that has a class 3 transitioning to a class 2 water course. At what appears to be the transition based on the flagging the LTO has a corridor and trees are

fell for cable clearance adjacent to the channel. Cal Fire inspectors issue a violation stating the trees were fell in the WLPZ of the class 2 because the map shows the WLPZ going higher than the ribbons do on the ground. Further discussion was made that the ribbons were old and the RPF had not flagged the drainage completely before start of operations. The LTO gets a violation.

- RPF or his designee marks timber on the downhill side of Redwood clumps adjacent to the WLPZ. Timber faller falls marked trees and LTO is issued violation for falling trees toward a watercourse.

The LTO must follow the THP as prepared by the RPF and approved by various agencies. Faulting the LTO's employee's actions for following the direction of the RPF is like blaming the employee that tightened the bolts on the Bay Bridge for the design failure of the Engineer.

Sincerely,



MYLES ANDERSON
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Board Member and Past President
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