

BOARD OF FORESTRY AND FIRE PROTECTION

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Ken Pimlott
Director, CAL FIRE
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Sacramento, CA. 94244-2460

RE: RPF/LTO Responsibilities

Director Pimlott,

In 2013, Associated California Loggers (ACL) responded to the Board of Forestry and Fire Protection's (Board) annual call for regulatory review with the request to have the Board investigate Registered Professional Foresters (RPF)/Licensed Timber Operators (LTO) responsibilities and the perceived inequitable treatment of LTO's by the Department in the issuances of violations as they relate to responsibilities of these licensed professionals. The issue was prioritized by the Board's Forest Practice Committee, and subsequently delegated the Professional Foresters Examining Committee (PFEC) for thorough review and the development of recommendations for the Board to consider that may address the problem, if a problem was found to exist.

Over the period of many months, the PFEC researched the issue through review Department data on violations, the existing Forest Practice Rules, Public Resources Code and heard testimony from both the Department and other affected stakeholders. As a result, the PFEC developed the following problem statement:

"Issues arise when RPFs do not complete their field work correctly and thoroughly, putting the LTO in a position to be cited by CALFIRE for violating the Forest Practice Rules (FPRs). In some cases, LTOs are being issued violations for following incomplete or inaccurate field work that was performed by a RPF. The RPF is responsible for their work, along with any ramifications that occur if their work is not performed correctly. "

The Board considered pursuing regulatory revisions that would clarify the professional responsibilities of RPFs and LTOs, therefore abating the identified problem, but also recognized that the regulatory revisions may result in curtailing the Department's discretion that is often applied during active inspections, investigations and ultimately in the citing of violations of the FPRs. Consequently, the Board at this time has decided to pursue a non-regulatory solution to the identified problem through conveyance of concerns and potential solutions through written correspondence.

The Board has identified two Departmental actions that may results in addressing the identified problem. These actions include integration of private practicing RPFs and LTOs into Departmental trainings and to work cooperatively with both California Licensed Foresters Association (CLFA) and ACL in reviewing Departmental policies and procedures as they apply to active inspections, investigations and issuance of violations.

The Board recognizes and commends the Department for the recent engagement with the RPF and LTO communities in the Basic Forest Practice trainings. The Board believes that further development of this integration of both private practicing RPFs and LTOs will foster a better working relationship between the Department and the regulated public. Further integration into other Departmental and public education opportunities should be a primary focus during the planning of future training courses. The Board would like to offer that other course work that may be appropriate for RPF and LTO assimilation would be:

- Forest Practice Enforcement;
- Forest Pest Identification and Management;
- Growth and Yield, Mensuration and Silviculture; and
- Workshops in response to new or revised Board regulatory standards.

Further accomplishment of education and outreach will also be attained by reviewing and explaining Departmental policies and procedures with CLFA and ACL. The Board was able to ascertain that private practicing RPFs and LTOs may not be familiar with the intricacies of the Department's policies or the processes as they apply to Forest Practice Enforcement. A mutual understanding of the process in which the Department employs, including but not limited to, the level of outreach conducted to the licensed professionals that occurs prior to active or inactive inspections, the ability for a person cited for violations of the FPRs to interact with Department managers to request review of issued violations, or the information that is relied upon during investigations would provide stakeholders and better understanding of enforcement practices.

The Board understands that full implementation of the above provide suggestions will take effort and time. Yet, the Board is definite it its commitment to developing a solution to the identified problem. Therefore, the Board requests that the Department, CLFA and ACL report back on the progress of the accomplished educational outreach and the manner in which that outreach has resulted in affecting the identified problem of RPF/LTO responsibilities. Reports from stakeholders will be heard during the (one year from date of letter) Forest Practice Committee meeting.

The Board appreciates the participation of the Department in this matter.

Respectfully,

J. Keith Gillless
Chairman
Board of Forestry and Fire Protection