

1 **Board of Forestry and Fire Protection**

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3 **“RPF AND LTO RESPONSIBILITIES AMENDMENTS, 2017”**

4 **Title 14 of the California Code of Regulations (14 CCR),**

5 **Division 1.5, Chapter 4,**

6 **Subchapter 7, Article 2**

7
8 **April 11, 2017**

9 **Amend:**

10 **§ 1035.1. Registered Professional Forester Responsibility.**

11 (a) Upon submission of a THP, the Registered Professional Forester (RPF) who
12 prepares and signs a plan is responsible for the accuracy and completeness of its
13 contents.

14 (1) The RPF preparing the plan shall state in the THP the work which will be
15 performed by the RPF plan preparer (beyond preparation of the THP and attending the
16 pre-harvest inspection if requested by the Director), and any additional work requiring
17 an RPF which the plan preparer does not intend to perform. This may include, but is not
18 limited to, field work in identifying ~~watercourse and lake protection zones~~ WLPZ(s) or
19 special treatment areas, marking trees, or other activities. The RPF is only responsible
20 for the activities set forth in the plan when employed for that purpose, or required by
21 Board rules.~~the rules of the Board~~. The RPF shall state whether or not ~~he or she has~~
22 they have been retained to provide professional advice throughout the timber
23 operations.

24 (2) The RPF preparing the plan shall in writing, inform the plan submitter(s) of their
25 responsibility pursuant to Section 1035 of this Article, and the timberland owner(s) of

1 their responsibility for compliance with the requirements of the Act and where
2 applicable, Board rules regarding site preparation, stocking, and maintenance of roads,
3 landings, and erosion control facilities.

4 (b) Upon entering into an agreement to accept responsibility for any part of the
5 preparation or implementation of a pPlan or any work beyond the preparation of a
6 pPlan, including providing professional advice; ~~all~~ the responsible RPF(s)~~RPFs~~ shall
7 disclose to the real party of interest for whom the RPF(s) is providing professional
8 forestry services of any known current or potential conflict of interest the RPF(s)~~RPFs~~
9 have with regard to the timber or land that is subject to operations under the pPlan. All
10 responsible RPFs shall disclose to the timberland owner and plan submitter whether
11 they are the real party of interest for whom the RPF is providing professional forestry
12 services.

13 (c) Disclosure of newly discovered conflicts of interest an RPF has with regard to the
14 plan submitter, timberland owner, timber owner, the LTO and timber purchaser,
15 pertaining to the timber or land that is subject to operations under the pPlan, shall be
16 required as long as an RPF has responsibilities relative to the a pPlan. The disclosure
17 shall include identification of the real party of interest for whom the RPF is providing
18 professional forestry services.

19 (d) All disclosures made between an RPF and an affected party pursuant to this section
20 may be kept confidential.

21 (e) An RPF retained by the plan submitter to provide professional advice throughout the
22 timber operations shall be present, or ensure that the RPF's sSupervised dDesignee is
23 present, on the lLogging aArea at a sufficient frequency to know the progress of
24 operations and advise the LTO and timberland owner, but not less than once during the
25 life of the pPlan.

1 (f) An RPF retained by the plan submitter to provide professional advice throughout
2 timber operations, or their Supervised Designee, shall inspect the Logging Area prior to
3 the commencement of operations each year to verify that operational flagging and
4 timber marking required of an RPF under Board rules is adequate and in conformance
5 with Board rules and the approved Plan.

6 (fg) An RPF retained by the plan submitter to provide professional advice throughout the
7 timber operations shall inform the LTO during operations of any mitigation measures
8 incorporated into the pPlan that are intended to address operations that have a high
9 likelihood of resulting in immediate, significant and long-term harm to the natural
10 resources of the State if such mitigation measures are not strictly applied to minimize
11 such impacts.

12 (gh) The RPF shall without delay notify in writing the LTO, the plan submitter, and the
13 Department of a decision to withdraw professional services from the pPlan.

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15 Note: Authority cited: Sections 4551 and 4552, Public Resources Code. Reference:
16 Sections 4583.2 and 4583.5, Public Resources Code.

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19 **§ 1035.2 Interaction Between RPF and LTO.**

20 (a) After the ~~start approval~~ of the pPlan, ~~preparation process~~ but before commencement
21 of timber operations, the responsible RPF or Supervised Designee ~~supervised designee~~
22 ~~familiar with on-site conditions~~, shall meet with either the LTO, or ~~supervised designee~~
23 their on-site contact, who will be on the ground and directly responsible for the
24 harvesting timber operations. The meeting shall be on-site if requested by either the
25 RPF or LTO- or if any of the following conditions apply to the approved Plan:

1 (1) Watercourse and Lake Protection Zone(s) or Equipment Limitation Zone(s);

2 (2) Special treatment area(s);

3 (3) Buffer zone(s) for biological resources;

4 (4) Archaeological resources within the site survey area pursuant to 14 CCR §929.1;

5 (5) Tractor road watercourse crossing(s);

6 (6) Logging Road watercourse crossing construction or re-construction.

7 The purpose of the meeting shall be for the RPF to familiarize the LTO with the Plan
8 and to advise the LTO of any sensitive conditions related to items 1-6 above or other
9 elements of the Plan. An exception to the requirement for an on-site meeting may be
10 approved by the Director when explained and justified by the RPF. The meeting need
11 not be on-site if none of the conditions listed above apply to the approved Plan unless
12 an on-site meeting is requested by either the RPF or LTO.

13 ~~An on-site meeting is required between the RPF or supervised designee familiar with~~
14 ~~on-site conditions and LTO to discuss protection of any archaeological or historical sites~~
15 ~~requiring protection if any such sites exist within the site survey area pursuant to~~
16 ~~Section 929.2[949.2, 969.2](b). If any amendment is incorporated to the plan by an RPF~~
17 ~~after the first meeting, that RPF or supervised designee familiar with on-site conditions~~
18 ~~shall comply with the intent of this section by explaining relevant changes to the LTO; if~~
19 ~~requested by either that RPF or LTO, another on-site meeting shall take place. The~~
20 ~~intent of any such meeting is to assure that the LTO:~~

21 (b) The RPF shall notify the LTO of any amendment to the Plan subsequent to Plan
22 approval affecting timber operations. An on-site meeting to review amendments
23 affecting timber operations shall occur if requested by either the RPF or LTO.

24 (c) The intent of the above meetings and interactions between the RPF and LTO, or
25 their respective designee or on-site contact, is to assure that all work requiring an RPF

1 has been completed in conformance with the approved Plan, and that the LTO is
2 advised of the following:

3 ~~(a1) Is advised of any~~ Any sensitive on-site conditions requiring special care during
4 operations.

5 ~~(b2) Is advised regarding the~~ The intent and applicable provisions of the approved
6 pPlan including amendments.

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8 Note: Authority cited: Sections 4551 and 4552, Public Resources Code. Reference:
9 Sections 4581 and 4582, Public Resources Code.

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12 **§ 1035.3. Licensed Timber Operator Responsibility.**

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14 (a) Sign the pPlan and major amendments to the pPlan, or sign and file with the Director
15 a facsimile of such pPlan or amendments, agreeing to abide by the terms and
16 specifications of the pPlan. This shall be accomplished prior to implementation of the
17 following; which the affected LTO has responsibility for implementing:

18 (1) those operations listed under the pPlan and

19 (2) those operations listed under any amendments proposing substantial deviations
20 ~~from the~~ to the approved pPlan.

21 (b) Inform the responsible RPF or plan submitter, either in writing or orally, of any site
22 conditions which in the LTO's opinion prevent implementation of the approved pPlan
23 including amendments.

24 (c) Keep a copy of the applicable approved pPlan and amendments available for
25 reference at the site of active timber operations. The LTO is not required to possess any

1 confidential addenda to the pPlan such as the Confidential Archaeological Addendum,
2 nor is the LTO required to keep a copy of such confidential pPlan addenda at the site of
3 active timber operations.

4 (d) Comply with all provisions of the Act, Board rules and regulations, the applicable
5 approved pPlan and any approved amendments to the pPlan.

6 (e) An LTO shall not be held responsible for Forest Practice Rules violations that
7 clearly result from inaccurate or inadequate work performed by and required of an RPF
8 under Board rules. ~~In the event that the LTO executing the plan was not available to~~
9 ~~attend the on-site meeting to discuss archaeological site protection with the RPF or~~
10 ~~supervised designee familiar with on-site conditions pursuant to 14 CCR§ 929.2(b)~~
11 ~~[949.2, 969.2], subsection (b), it shall be the responsibility of the LTO executing the plan~~
12 ~~to inquire with the plan submitter, timberland owner, or their authorized agent, RPF who~~
13 ~~wrote the plan, or the supervised designee familiar with on-site conditions, in order to~~
14 ~~determine if any mitigation measures or specific operating instructions are contained in~~
15 ~~the Confidential Archaeological Addendum or any other confidential addendum to the~~
16 ~~plan.~~

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18 (h) Upon receipt of written notice of an RPF's decision to withdraw professional services
19 from the pPlan, the LTO or on-site contact employee shall cease timber operations,
20 except for emergencies and operations needed to protect water quality, until the LTO
21 has received written notice from the plan submitter that another RPF has visited the
22 pPlan site and accepts responsibility for providing advice regarding the pPlan as the
23 RPF of record.

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1 Note: Authority cited: Sections 4551, 4552 and 4571, Public Resources Code.

2 Reference: Sections 4528.5 and 4571, Public Resources Code.

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