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Board of Forestry and Fire Protection
Attn: Matt Dias Executive Officer
P.O. Box 944246
Sacramento, CA 94244-2460

BOARD OF FORESTRY AND FIRE PROTECTION

RE: SUPPORT FOR RPF AND LTO RESPONSIBILITIES AMENDMENTS, 2017

Board of Forestry Members,

Thank you for the opportunity to comment on the proposed amendments to the sections of the forest practice rules that outline responsibility of both the RPF's and LTO's in the state of California. I have been involved with this process since we started over 3 years ago bringing the issue to the Forest Practice committee of the Board. This issue is not new however, Associated California Loggers brought this issue before the Board almost 30 years ago and to this date nothing has been done to address LTO's unwillingness to take responsibility for other professional's mistakes.

This issue was vetted over 3 years ago in the PFEC and at the conclusion of those meetings the PFEC agreed there was an issue that warranted work and reported that back to the Forest Practice Committee. At a meeting of the Forest Practice Committee last year in Eureka the Committee also agreed that there was an issue and started the process that has led to this language. Anyone who questions the need for these amendments has never been held responsible for someone else's mistakes or lack of attention to detail.

Board Member's who may be questioning whether or not this is an issue should be looking into violations citing 1035.3 (d). Research by CalFire on violations as requested by the PFEC show section 1035.3 (d) was cited frequently. 1035.3 (d) reads "Comply with all provisions of the Act, Board rules and regulations, the applicable approved plan and any approved amendments to the plan." This section is a catch all and puts the LTO in the position of being responsible for the actions of others involved in the process. Short of a regulated appeals process, 3 years of meetings have led us to these section amendments and it seems to me it is the best we can hope for through this process.

During this process the LTO community has been told many times that a violation is simply documenting the mistake and not a big deal. I guess LTO's have a lot more pride in what they are attempting to do on a day to day basis because a violation with no process to appeal CalFire's decision regardless of fault is pretty hard to swallow. Believe it or not but being blamed for others mistakes does not drive individuals let alone companies to do better.

During the normal operating season LTO's find issues everyday and work hard with the RPF's to fix the issues before they result in violating the Forest Practice Rules. This process happens every day throughout the state however there is no documenting of issues that are corrected through this process. Keep in mind this process is going on after CalFire has signed off the plan and multiple agencies have inspected the site multiple times. CalFire should not expect this kind of oversight by the LTO community to ensure the Forest Practice rules are being met, most of the issues these amendments would help fix should have been addressed before the LTO shows up on site.

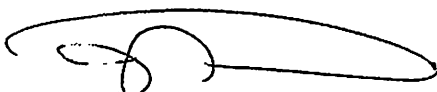
I do not believe the people of California that wanted the Forest Practice Rules in place envisioned a process that would leave the LTO making sure the RPF and CalFire did their jobs correctly. Unfortunately, that is exactly what this process has evolved into. Both the RPF's and CalFire say that they do not have time to check every detail, in my opinion that is not an acceptable reason to leave issues not dealt with on the ground. CalFire would not allow a mistake on the paperwork associated with a THP but they continue to allow mistakes on the ground.

LTO's rarely bring issues before the Board of Forestry however I believe we are just as important as the other 2 legs of the stool that make up Forestry in the State of California. It is unfortunate that an issue that the LTO community feels strongly about gets kicked down the road for 3 years almost like there is hope we will go back into our hole, keep our heads down and do our job.

These last three years have shown me why my father, a former Board of Forestry Member, tried to talk me into pursuing a different profession. It is not an equitable situation that the LTO performs in this equation. It would be nice to see the Board of Forestry discussing how we can lengthen the logging season so that we can retain professionals instead of training people every spring on the entire Forest Practice Rules to ensure the system continues. Perhaps the LTO community should continue to pressure the Board for changes in issues that affect them instead of just continuing to wither away. The tree mortality issue in the Sierras and the new to Logging contractors that have been working up there should be a good sign of what the future holds for the Logging industry in California without some major changes.

These amendments to the Forest Practice Rules are a good first step, they do not fix the problem that we brought to the Forest Practice committee over 3 years ago. If CalFire does follow through with a written policy on appealing a Violation and do training on how to utilize that tool then I believe this issue will be put to bed. Without both of these pieces I believe the LTO community will be required to find an alternate method to ensuring responsibility is handled correctly.

Sincerely,

A handwritten signature in black ink, appearing to read 'Myles Anderson', with a large, sweeping flourish extending to the right.

Myles Anderson
Anderson Logging Inc.