**Board of Forestry and Fire Protection**

**Licensed Timber Operator Responsibilities**

**Title 14 of the California Code of Regulations**

**Division 1.5, Chapter 4,**

**Subchapter 7**

**1035.1, 1035.3**

**1035.3 Licensed Timber Operators Responsibility**

Each affected LTO shall:

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

(1) those operations listed under the Plan and

(2) those operations listed under any amendments proposing substantial deviations to the Plan.

(b) Inform the responsible RPF or plan submitter, either in writing or orally, of any site conditions which in the LTO's opinion prevent implementation of the approved Plan including amendments. (c) Keep a copy of the applicable approved Plan and amendments available for reference at the site of active Timber Operations. The LTO is not required to possess any confidential addenda to the Plan such as the Confidential Archaeological Addendum, nor is the LTO required to keep a copy of such confidential Plan addenda at the site of active Timber Operations.

(d) Comply with all provisions of the Act, Board Rules, the applicable approved Plan and any approved amendments to the Plan.

(e) An LTO shall not be held responsible for Forest Practice Rule violations that result from work required of and/or performed by an RPF, under Board Rules, that is determined by the Director to be inaccurate or inadequate.

(f) Provide the RPF responsible for professional advice throughout the Timber Operations an on-site contact employee authorized by the LTO to receive RPF advice.

(g) Keep the RPF responsible for professional advice throughout the Timber Operations advised of the status of timber operation activity.

(1) Within five days before, and not later than the day of the start-up of a timber operation, the LTO shall notify the RPF of the start of Timber Operations.

(2) Within five days before, and not later than the day of the shutdown of a timber operation, the LTO shall notify the RPF of the shutdown of Timber Operations.

(A) The notification of the shutdown of Timber Operations is not required if the period of the shutdown does not extend beyond a weekend, including a nationally designated legal holiday.

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

**1035.1 Registered Professional Forester Responsibility**

(a) Upon submission of a THP, the RPF who prepares and signs a Plan is responsible for the accuracy and completeness of its contents.

(1) The RPF preparing the Plan shall state in the THP the work which will be performed by the RPF plan preparer (beyond preparation of the THP and attending the pre-harvest inspection if requested by the Director), and any additional work requiring an RPF which the plan preparer does not intend to perform. This may include, but is not limited to, field work in identifying WLPZ or Special Treatment Areas, marking trees, or other activities. The RPF is only responsible for the activities set forth in the Plan when employed for that purpose, or required by Board Rules. The RPF shall state whether or not they have been retained to provide professional advice throughout the Timber Operations.

(2) The RPF preparing the Plan shall in writing, inform the plan submitter(s) of their responsibility pursuant to 14 CCR § 1035, and the Timberland Owner(s) of their responsibility for compliance with the requirements of the Act and where applicable, Board Rules regarding Site Preparation, stocking, and maintenance of roads, Landings, and erosion control facilities.

(b) Upon entering into an agreement to accept responsibility for any part of the preparation or implementation of a Plan or any work beyond the preparation of a Plan, including providing professional advice; the responsible RPF(s) shall disclose to the real party of interest for whom the RPF is providing professional forestry services any known current or potential conflict of interest the RPFs have with regard to the timber or land that is subject to operations under the Plan. All responsible RPFs shall disclose to the Timberland Owner and plan submitter whether they are the real party of interest for whom the RPF is providing professional forestry services.

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

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

(e) An RPF retained by the plan submitter to provide professional advice throughout the Timber Operations shall be present, or ensure that the RPF's Supervised Designee is present, on the Logging Area at a sufficient frequency to know the progress of operations and advise the LTO and Timberland Owner, but not less than once during the life of the Plan.

(f) An RPF retained by the plan submitter to provide professional advice throughout Timber Operations, or the RPF’s Supervised Designee, shall inspect the Logging Area prior to the commencement of operations each year to verify that operational flagging and timber marking required of an RPF, is accurate, adequate and in conformance with Board Rules and the approved Plan.

(g) An RPF retained by the plan submitter to provide professional advice throughout the Timber Operations shall inform the LTO during Timber Operations of any mitigation measures incorporated into the Plan that are intended to address Timber Operations that have a high likelihood of resulting in immediate, significant and long-term harm to the natural resources of the state if such mitigation measures are not strictly applied to minimize such Impacts.

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