

# **Timber Theft Prevention and Log Accountability Plan**

**C.Y. 2021**

## **Stanislaus National Forest**



**Prepared By:**

  
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**Forest Service Representative**


**Reviewed By:**

  
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**Approved By:**

  
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**Forest Supervisor**

## **I. INTRODUCTION:**

This plan replaces and supersedes all prior Stanislaus Timber Theft Prevention and Log Accountability Plans. This action plan has been developed as a supplement to the 2020 Regional Timber Theft Prevention Plan (attached in yellow). References to Forest will mean the Stanislaus National Forest and references to Districts will mean the Mi-Wok, Calaveras, Summit and Groveland Ranger Districts.

## **II. OBJECTIVES:**

While this plan does not replace or supersede the Forest Service Manuals or Handbooks, it does provide program direction, processes, and procedures to be utilized in the continuing efforts to improve timber product accountability and reduce losses of receipts.

This Forest Timber Theft Prevention Plan (TTPP) will not repeat and shall not change the standards/ processes in the Regional TTPP. The format of the Forest TTPP mirrors and tiers to the Regional TTPP and addresses how accountability requirements will be met.

## **III. PROGRAM EMPHASIS AND DIRECTION:**

1. Annually the Forest Supervisor's office will review the log accountability practices on two Ranger Districts to ensure that each district is reviewed at least once every two years. At a minimum the following items will be reviewed:
  - a. An assessment of Ranger District timber theft controls.
  - b. Verify that FSR (Forest Service Representative) and SA (Sale Administrator)/COTR's (Contracting Officer's Technical Representative) have a system in place to notify law enforcement of incidents that involve the cutting of undesigned trees.
  - c. Ensure that logging activities on adjacent lands are monitored for prevention of trespass and if detected the appropriate actions are taken.
  - d. Verify compliance with WO standards for tracer paint accountability.
  - e. Verify that SA/COTR's are inspecting log trucks for compliance with log branding and Wood Permit requirements on two percent of loads removed from each timber sale. This procedure is the same for both scaled sales and tree measurement sales.

## **IV. ACCOUNTABILITY PROCESSES AND PROCEDURES:**

### **A. Sale Preparation**

Tree designation on all product removal contracts must clearly identify cut and leave trees before and after harvest. Methods must provide evidence that will identify individual trees. Designation by Description (DxD) is allowed per Washington Office (WO) special contract provisions whereas Designation by Prescription (DxP) requires Regional Office (RO) approval. Notwithstanding the previous paragraph, DxP may be used to designate commercial and noncommercial timber on timber sale and stewardship contracts where the final volume for payment purposes will be determined using one of the post-harvest scaling methods (Int. Dir. 2443.03). DxP is not authorized for use in tree measurement contracts. Timber sale unit boundaries are critical to providing the accountability for ensuring that the trees the Forest Service intended to cut and remove are indeed the trees that are cut

and removed. Guidelines for the adequate marking of unit boundaries and individual trees are shown below:

**1. Contract Unit Boundaries**

- a. Unit boundaries shall be painted. Exceptions may include boundaries along private property lines in densely populated areas which are otherwise clearly marked, hazard tree removal projects along roads, campsites, power lines or other improvements, and where boundaries coincide with existing system roads. Such exceptions must be documented on Harvest Activity Cards.
- b. Along private lines that are to have boundaries painted, paint privately owned trees only if they are already blazed or there is no other practical alternative, otherwise paint boundaries on government trees. In no circumstance shall red blazes be painted over with unit boundary.
- c. When the contract unit boundaries run along an existing system road, obvious corner trees, as a minimum, need to be identified at the junction of the road and the boundary.
- d. Discernible boundaries are defined as a natural or constructive feature so conspicuous it can be identified from a sale area map. And by using this feature, the likelihood of cutting trees outside the boundary would be extremely unlikely. Examples of discernible boundaries are roads, streams, distinct breaks in vegetation, and rock outcrops. This is the preferred method if paint is not to be used to distinguish the boundary. Discernible boundaries are not to be used for:
  - land ownership boundaries, and
  - cultural sites, federally listed species habitat, or other resources that require protection (e.g. specific soils)
- e. Geo-fencing is defined as a virtual perimeter for a real-world geographic area. A geo-fence can be dynamically generated, as in a radius around a point location, or a geo-fence can be a predefined set of boundaries. The geo-fence is paired with a hardware/software application that responds to the boundary in some fashion as dictated by the parameters of the program. Because GPS and geo-referenced maps and photos contain some level of accuracy error, therefore boundary locations will also have some level of associated error (2409.12 chapter 54). The final decision on whether to use a geo-fence on a boundary should be made in concert with the CO and the NEPA Deciding Officer.
- f. Geo-fencing will not to be used for:
  - land ownership boundaries,
  - separation between different awarded contracts,
  - external cutting unit borders FS land but does not have adjoining approved NEPA,
  - external cutting unit borders FS land, where NEPA coverage extends beyond the sale area, and product value is high outside the unit boundary,
  - cultural sites, federally listed species habitat, or other resources that require protection (e. g. specific soils), and
  - global navigation satellite system observation conditions are poor (HDOP > 6), non-existent, or influenced by errors such as blockage or multi-pathing.

## **2. Selecting Boundary Trees**

- a. Trees may be any species and should be healthy (outside fire salvage areas) and large enough so as to not be easily removed.
- b. Boundary trees should be visible from one boundary tree to the next.
- c. A straight line between the faces of adjacent boundary trees will determine the stand boundary. Corresponding flag-line will closely approximate the boundary tree line and should be located within the cutting unit boundary.
- d. Corner trees should be at least 12" DBH and either on or outside the flag-line. It is better to go 15 feet outside the flagged boundary to find a corner tree than 5 feet inside. There will be situations where there are no corner trees or where you will have to use a very small tree.

## **3. Marking Boundary Trees**

- a. Designate boundary trees with orange (or pink) tracer paint.
- b. If the bark is old and loose or flaky, use a hand axe to chip some away from the areas you want to paint so the paint will show up better and last longer.
- c. Use two stump marks on all marked boundary trees. On sloping ground, put the stump marks on the uphill side and on the downhill side of the stump. Place the stump marks at or near the ground line.
- d. Use high visibility boundary tags and/or flagging in unison, when needed to clearly separate units with common boundaries. Boundary tags and flagging shall be placed on all major corner trees, and at intersections of unit boundary and system roads.
- e. Paint boundary trees with two large dots above DBH facing into the unit, directional lines at DBH facing the previous and next boundary tree, and two butt marks (one facing into the unit). Unit corners should be identified (ex. NW Unit 13)
- f. Designated corner trees shall have lower branches lopped off prior to using paint to ensure good visibility for a longer duration.

## **4. Cut Tree and Leave Tree Designation**

- a. Unless approved otherwise in writing by the Regional Office, the following paint scheme shall be used on all Region 5 product removal contracts:

Work Item	Primary Color	Secondary Color	Tertiary Color
Cut Trees	Blue	Green	
Leave Trees 1/	Orange	Pink	White
Cancel Prior Work	Black		
Property Lines	Red (Non-Tracer)		

1/ Includes cutting boundary, cultural resources and wildlife trees.

- b. **Yellow paint will NOT be used** for any purpose on the sale area as well as using any other unauthorized color of paint without Regional Office approval.
- c. Use only tree marking paint containing registered tracers when designating trees. Trees will be marked at breast height so that the mark is visible from all directions. The only exception to tracer paint use would be when using the WO\_C/CT2.355# - Designation by Prescription provision allowing the

- Purchaser/Contractor to mark “Leave” trees with non-tracer paint.
- d. Attempt to minimize paint splatter on adjacent trees.
- e. Use two stump marks on all marked trees. On sloping ground, put the stump marks on the uphill side and on the downhill side of the stump. Place the stump marks at or near the ground line.
- f. Stump marks need to be placed at the transition line between the stump and the natural ground line that remains after cutting. This is especially important when mechanical cutting is planned or anticipated.
- g. Individualized stump marks should be used by each marker/cruiser

## **5. Documentation**

- a. Harvest Activity Cards or Unit Summary sheets will be used to document the tracer paint used to mark the unit, color of paint (boundary and cut/leave trees), method of designation (paint, flags, tags), and unit layout information (traverse, GPS) if appropriate. Include paint batch number in the paint info by unit.
- b. Unit boundaries should be documented in a manner that is re-traceable such as GPS files GIS layer or on aerial photos with overlays of same staying with the permanent project file.
- c. Record, file and store original cruise plans and boundary survey documentation in a safe place to re-establish how volumes were determined and the location of the original unit boundaries on the ground. These records should be stored for a minimum of 30 years after sale closure as per FSH 6209.11 Ch. 40.

## **B. Contract Administration**

Contract administration staff shall ensure that all Included Timber designated by the Forest Service, is paid for or covered by appropriate advance deposits or earned Stewardship Credits prior to Purchaser/Contractor cutting.

Contract administration presence on the sale area should include weekends and other unscheduled and irregular hours. These visits shall be documented. Random unannounced accountability checks of loaded logging trucks en-route to approved locations for compliance with contract requirements for branding, painting and the proper use of log load receipts shall be completed as part of the required inspection of 2 percent of all loads hauled.

Timber sale purchasers and stewardship contractors may select cut trees based on DxP criteria in the contract without pre-harvest marking unless pre-harvest marking is specified in the contract as a means of verifying compliance with the prescription prior to harvesting (Int. Dir. 2441.2).

When DxP will be used in a timber sale or stewardship contract, the prescription must include:

- a) A designation guide as a part of the prescriptive language in the contract as an aid in selecting trees to cut or leave.
- b) Inspection procedures that can be used both during and after harvest operations to determine compliance with the prescription. These procedures must be coordinated with the cruise plan (Int. Dir. 2441.04d) and incorporated in the post-harvest Acceptance of Work contract provision (Int. Dir. 2441.23).

**1. Unit Boundaries**

- a. The SA will verify harvest boundary designation on the ground during the logging system layout before falling operations. When doing add-on marking to provide for landings or other operability concerns, be cautious of obliterating boundary marks. Any unit boundary deficiencies will be corrected by the SA/COTR prior to falling and reported to the sale prep department. The adequacy of boundary designation will also be reviewed during sale inspections performed by the CO/FSR.

**2. Log Load Receipt Books**

- a. The Forest has authorized Forest Service individuals who have been granted the authority and responsibility to distribute these books to the Purchasers. Purchasers or their designated representative will pick-up Log Load Receipt Books at Forest Headquarters and sign their name clearly on the Wood Receipt Control Register. A record of when and to whom Woods Permits books are issued is kept at Forest Headquarters.
- b. Each Woods Permit has a portion that remains in the book after the Wood Permit has been filled out and attached to the log truck. This portion, sometimes referred to as “stub”, is to be filled out at the same time the Wood Permit is issued for a load of logs and remains in the book. Any unused Wood Permits will be checked back through the Woods Receipt Control Register. This procedure is the same for both scaled sales and tree measurement sales.
- c. All Wood Receipt books are to be returned promptly to Forest Headquarters during periods of sale inactivity of 60 days or more. If operations are scheduled to resume, then the woods Permit books can be re-issued. If an operator reports lost or stolen Woods Permit books the CO and LEO should be notified immediately so that the numbers of the missing Woods Permits can be circulated through the electronic mail system to alert other Forests and Districts to be watchful for the missing Woods Permits.

**3. Log Accountability**

- a. Ensure that all truck drivers have in their possession and know their responsibilities on the use of Form R5-2400-219, Off Loaded or Lost Logs Report

**4. Add-on Volume**

- a. On tree measurement sales agreed to add-on timber shall be measured and documented on a Timber Sale Administration Report before cutting, then transferred to the Report of Harvest or Additional Volume, Form FS-2400-66a for reporting at month's end. Documentation of additional timber included by agreement or as damaged trees shall be specific enough that added tree numbers can be reconstructed for LE&I purposes. Scaled Sales will follow a similar process with add-on volume reported at least quarterly on Form FS-2400-66b (Version 3/2010). Also use this form on scaled sales to record any off-loaded or lost logs that were not presented for scale but were scaled instead by the Forest Service.
- b. Payment Unit add-on volume (from temporary roads, landings, guy trees, hazard trees, etc.) or deleted volume will be cruised by a certified cruiser or

FSR/SA for entry into the Timber Sale Accounting System.

**5. Stewardship Contracts**

- a. Delegated Sale Administrator or COR shall complete monthly the applicable Progress Report for Stewardship Payments (PRSP) and Progress Report for Non-Monetary Stewardship Credits (PRSNMC) spreadsheets, depending on the type of stewardship contract. These reports are necessary back up to support input into the Forest Products Financial System (FPFS), for tracking the progress of service work completed and to monitor trading goods for services.

**6. Undesignated Trees**

The timber sale contract does not allow for undesignated trees to be cut. There are rare instances when a safety problem may be encountered involving an undesignated tree, and it would be imprudent from a safety standpoint to leave the safety problem unattended. If a faller chooses to fall an undesignated tree that is a safety hazard, the following requirements must be met:

- a. The pre-operations meeting should include documentation of a discussion of this policy. This can be documented on Form FS-2400-181.
- b. Faller shall identify the tree by carving an identifiable "X" on top of the stump and flag the location.
- c. Faller will notify the Field Representative (FR) of each undesignated tree felled on same day such tree(s) was felled. FR Shall include with this notice, location, the species, and stump diameter, indicate why the tree was cut, and the date it was cut.
- d. FR shall notify the SA or in his/her absence, the FSR the same day the tree was cut with the information from 6c (above).
- e. The tree shall not be limbed, bucked or moved until approval is received from the SA/COTR or FSR, and on a Tree Measurement Sale, the volume has been determined and paid for.
- f. All cutting of hazard trees shall be documented on Form FS-2400-181. If the SA determines that a cut, unmarked tree was not a hazard tree or if they are uncertain, then assistance should be requested from the FSR, LEO, CO, and/or the DR to review the situation and make a decision on appropriate action.
- g. The above is the minimal requirements for felling undesignated timber on timber sales. Failure by purchasers to adhere to these requirements will cause the Forest Service to put the purchaser in breach, with possible suspension of operations. The failure to comply to these standards should immediately be reported to an LEO for follow up, as it is in violation of criminal statute and the person(s) involved may be subject to prosecution under federal law.

**C. Tracer Paint Accountability**

1. **Storage:** All testing and storage requirements for tracer paint identified in FSH 2409.12, Section 72, shall be adhered to, including the following requirements.

- a. Store all tracer paint in a locked storage area away from any non-tracer marking paint. Do not use a Forest Service lock. Tracer paint will always be kept secured including when carried in vehicles to the field.

**2. Inventory Monitoring and Auditing**

- a. Each District Ranger has the responsibility to designate a Paint Custodian or

(one primary and one backup Paint Custodian) to issue paint and to maintain the paint inventory and a Paint Property Manager, who is responsible for quantity audits. The designees to these positions must be separate individuals. These precautions should ensure that a minimum number of personnel have access to the tracer paint storage area. When possible, Sale Admin staff shall not be designated as the Paint Manager.

- b. Tracer paint will be organized for easy counting and accountability and inventoried by color, brand name, batch number, container size and for full, partially full, and empty containers. Record and maintain this inventory on Form FS-2400-65, Issue and Inventory Record for Tracer Tree Marking Paint. The paint inventory will be reconciled at least monthly during the field season and during periods of use and audited quarterly. Shortages that cannot be reconciled will be reported to the Forest supervisor and Patrol captain using Form AD-112, Report of Unserviceable, Lost, Stolen, Damaged or Destroyed Property.
- c. Each paint batch will be checked for tracer element upon delivery and at manufacturer's recommended re-inspection date noted on packaging. The tracer check will be recorded on the inventory form.
- d. The Forest Supervisor's office will audit each District once every two years. This audit will be scheduled with the District Ranger but will not be announced to the District Property Custodian or Paint Property Manager.
- e. Tracer test kits should be available to all involved in the timber management program, including but not limited to: Marking Crew, FSR, SA/COTR's and Law Enforcement Officers.
- f. When contract marking is used, a daily accounting for all paint shall be used. The contract shall specify requirements and penalties for not maintaining security and accountability of paint.

## **V. COORDINATION WITH LAW ENFORCEMENT PERSONNEL:**

- A. An annual preseason meeting between Timber Management (TM) and Law Enforcement (LE) should be held to review the Regional/Forest Timber Theft Prevention Plan, discuss program priorities, present applicable cross-training, develop a potential joint schedule for timber sale inspections and to promote open communications. At this meeting the LEO's will be encouraged to visit each active sale within their area of responsibility along with the SA and to also look at boundaries, log decks, and stumps at times when no one is on the sale to detect indicators of timber theft. LEO's should carry a tracer test kit and document the results of their visit back to the SA/COTR.
- B. There are many opportunities to provide training for both TM and LE personnel. There are courses currently available to promote Timber Sale Contract knowledge including interregional sponsored Basic and Advanced Sale Administration training. TM will provide LE personnel with notice of sale administration workshops and other training opportunities.
- C. **Specific Coordination**
  - a. It is strongly suggested that a sale preparation person, FSR, SA/COTR, and a LEO review the sale before advertisement to identify any potential log accountability, unit or sale boundary problems and develop a sale theft prevention strategy.



- b. Forest CO/FSR should notify LE of ongoing sale activities, such as timber sale locations, activity levels and unusual haul routes, etc.
- c. FSR and/or SA/COTR's may invite LEO's to pre-operations meetings.

## **VI. PRODUCT ACCOUNTABILITY AND MEASUREMENTS:**

### **A. Scaling Coordination and Verification**

- a. QCA and CO/FSR shall be notified when: (1) intermittently scaled loads are not scaled within 3 days of delivery; (2) log accountability forms are not completed properly; and (3) loads arrive in the yard after normal scaling hours. This can be verified by comparing the date the load was delivered and the date the load was scaled.
- b. Other than intermittent scaling - Resource Assistants shall compare the date loaded/hailed to the date scaled and make the FSR/SA/COTR aware when they are not scaled within 24 hours of being loaded and when log accountability forms (completed at mill when load cannot be scaled the day it gets to the mill) are not completed properly. Notify QCA and CO immediately for corrective action.
- c. Refer to the signed Scalers Information Sheet (SIS) and sample scaling agreement for sales using sample scale methods. FSR shall complete sample error monitoring after first period of haul and when every 25% of the volume is removed from the sale there after.
- d. SA/COTR, FSR, CO or QCA will visit yards unannounced at least monthly during periods of harvest activity to see if Yard Agreements comply.

## **VII. ADMINISTRATIVE AUTHORITY, OBJECTIVES, AND POLICY:**

It is the responsibility of the Forest Supervisor's staff to schedule unannounced timber and log accountability District audits and ensure that timber and log accountability audit action plans are completed and implemented.

The overall objective of the audit is to provide a method to evaluate District timber and log accountability measures in program management and adjust management direction to reasonably ensure achievement of the basic management goals in FSM 1402.

The Forest audit team must consist of at least three members with the team leader being a member of the Forest Supervisor's staff. The audit team must prepare an audit report and transmit it to the unit within 15 days of completing the field audit.

The District that was audited must develop an action plan and transmit the plan to the Forest Supervisor within 30 days following receipt of the audit report. The action plan must be agreed to and approved by the District Ranger and Forest Supervisor.

The audit team will follow-up on the District's Action Plan and monitor progress to ensure that corrective actions were taken on the findings identified. The District Ranger must certify to the Forest Supervisor the completion of the planned actions. The audit team leader must ensure the submission of all certifications and the closure of the audit

# NOTES