UNITED STATES FOREST SERVICE

REGION ONE

TIMBER AND FOREST PRODUCTS THEFT PREVENTION PLAN

2024 EDITION

Recommended By: _____ 3-7-2024
Special Agent in Charge — Date

Recommended By: _____ 3-7-2024
Acting Director, Forest Management — Date

Approved By: _____ 3-8-2024
Regional Forester — Date

UNITED STATES FOREST SERVICE

NORTHERN REGION

TIMBER AND FOREST PRODUCTS THEFT PREVENTION PLAN

I. INTRODUCTION

1. This plan replaces and supersedes the 2014 Region One Timber and Forest Products Theft Prevention Plan. It focuses on reducing the vulnerability to loss in addition to detection of theft. It is intended to integrate the efforts of Law Enforcement and Investigations (LE&I), Sale Preparation, and Sale Administration personnel within the Region. The harvest and removal of all forest products including saw-timber, non-sawtimber, biomass, and chips, as well as special forest products must be done in compliance with national, regional, and forest level product accountability requirements. Specific areas of concern addressed in this plan include:

    - Program direction, monitoring, and emphasis
    - Timber theft prevention actions in sale preparation
    - Timber theft prevention actions in sale administration
    - Timber Management and Law Enforcement and Investigations coordination
    - Security and accountability of tracer paint
    - Special Forest Products
    - Timber and forest products theft prevention training

2. This plan does not replace or supersede the direction contained in the Forest Service Directives System, but provides program direction, processes, and procedures to be utilized in the continuing efforts to improve timber product accountability and reduce loss. Some items from the directives are repeated to make this plan more complete and understandable. As the Manuals and Handbooks are amended and updated, they will take precedence over this plan. The following Forest Service Manuals and Handbooks contain direction and policy related to accountability for forest products.

    a. **Forest Service Manual 2440 – Designating, Cruising, Scaling and Accountability**.

    b. **Forest Service Manual 2450 – Timber Sale Administration**.

    c. **Forest Service Manual 5332 – Timber Violations.**

    d. **Forest Service Handbook 2409.12 – Timber Cruising Handbook.**

e. **Forest Service Handbook 2409.12b – Timber and Forest Products Trespass/Theft Procedures Handbook.**

f. **Forest Service Handbook 2409.15 – Timber Sale Administration Handbook**.

g. **Forest Service Handbook 2409.18 – Timber Sale Preparation Handbook.**

h. **Forest Service Handbook 2409.19 – Renewable Resources Handbook.**

i. **Forest Service Handbook 5309.11 – Law Enforcement Handbook, Section 23.3, Timber Investigations.**

3. References throughout this plan regarding Contracting Officers (CO) are intended to mean both Timber Sale and Stewardship Contract positions. Likewise, references to timber sales or stewardship contracts are intended to mean all product removal contracts. Additionally, a Contracting Officer's Representative (COR) is a delegated position primarily responsible for administering the product removal service provisions of Acquisition and Stewardship Contracts. CORs as mentioned in this plan, are administering 2400-13 Stewardship and Integrated Resource Service Contracts (IRSC) with product removal, in conjunction with timber Sale Administrators (SA's). COR's shall not administer product removal IRSC contracts unless they are a certified Sale Administrator. References to "Purchaser" are intended to mean Contractor as well.

II. <u>OBJECTIVES</u>

1. Establish policies and practices to provide for the accountability of forest products and protect the National Forests against losses resulting from forest product theft.

2. Integrate the activities of Sale Preparation, Sale Administration, and Law Enforcement and Investigations (LE&I) to implement the Timber and Forest Products Theft Prevention Plan (TTPP).

3. If theft of timber or other forest products is discovered, ensure a timely and thorough investigation is completed prior to taking administrative action.

4. Pursue prosecution of violations and recovery of damages with the U.S. Attorney's Office and/or Office of General Counsel as appropriate.

5. Promote and develop Forest Service employee skills, perceptions, attitudes, and behaviors that will enhance and maintain a high level of forest product accountability.

III. PROGRAM DIRECTION, MONITORING AND EMPHASIS

1. Forest Supervisors (FS), District Rangers (DR), and Contracting Officers (CO), must consistently and clearly demonstrate their emphasis and support of timber and forest product theft prevention and accountability through quality contract preparation and administration.

   It is the responsibility of the Regional Forester and the Forest Supervisor to schedule and conduct Timber Sale Preparation, Administration, Product Accountability and Trust Fund Activity Reviews. The Region will follow-up with Forests to ensure that corrective actions are taken on findings identified in Timber Sale Preparation, Administration, Product Accountability and Trust Fund Activity Reviews as it relates to the TTPP and other national and regional policies. Likewise, it is the Forest's responsibility to follow-up on District's deficiencies found in Forest Reviews. The Regional Forester will ensure one activity review is conducted every three (3) years on each National Forest in the region. These may be done as part of a larger timber sale activity review. The Forest Supervisor must ensure one audit is conducted every two (2) years on each ranger district, FSH 2409.15, Chapter 28 Sec 28.2.The review team will consist of sale administration, sale preparation, law enforcement and fiscal personnel. The audit team must, as a minimum, follow the direction in FSH 2409.15 Chapter 28 sections 28.31 through 28.31b when conducting the audit.

   On Both Scaled and Presale Measurement Sales the audit team must:

   1. Review timber sale preparation methods and verify that:
      a. Certified cruisers have determined volume.
      b. Sales are prepared to meet National and Regional cruise accuracy standards.
      c. Sales are check cruised.
   2. Check compliance with marking standards and verify that:
      a. Unit and timber sale boundaries are adequately marked.
      b. Trees and stumps are adequately marked.
      c. Designation by description is properly used.
   3. Check compliance with paint storage, accountability, disposal, and theft prevention requirements (FSH 2409.12) and verify:
      a. Compliance with standards of accountability and use of tracer paint.
      b. Compliance with standards for documentation of tests for tracer paint presence.
      c. Compliance with standards for storage and physical inventories of tracer paint.
   4. Check frequency and documentation of timber sale administration visits to timber sale areas.
   5. Check compliance with standards for the prevention and detection of timber theft.
      a. Verify that Sale Administrators have notified law enforcement personnel of all incidents involving cutting of and excessive damage to undesignated timber within the timeframes specified in section 13.42 of this Handbook.
      b. Determine if the timber sale administration job has been accomplished satisfactorily as it pertains to log accountability, cutting of undesignated trees, and utilization.

c. Examine methods of handling contract violations.

6. Review progress of training in law enforcement and prohibited acts.
7. Review statement of accounts, advance deposits, and release for cutting.

On Scaled Sales the audit team must:

1. Verify that a haul route has been submitted and haul route inspections are made.
2. Verify compliance with Regional standards for frequency of truck checks and for proper use of load receipts, branding, and painting.
3. Check controls exercised for overload receipt accountability.
4. Check compliance with contract requirements pertaining to scaling and log accountability.
5. Check for possible tampering with the sample load selection system if sample scaling is used.
6. Check operations as they pertain to log accountability and compliance with the Yard Scaling Agreement if a scaling contractor is used.

On Presale Measurement Sales the audit team must:

1. Check accountability and payment for volume marked after the timber is sold.
2. Verify that the volume of additional timber added to tree measurement timber sales is periodically checked for accuracy.

2. Forest Supervisors and District Rangers must plan and organize their workforce to ensure proper accountability on timber and forest product removal contracts, permits, and agreements. This includes sale design and preparation as well as providing an adequate and effective presence of the sale administration team on active sales. This is particularly important when utilizing the Designation by Description (DxD) and Designation by Prescription (DxP) provisions.

3. The use of DxD or DxP increases contract administration workloads over other forms of timber designation and may require skills beyond those normally possessed by certified sale administrators. Section 14(g) of NFMA, as amended by section 8303 of the 2014 Farm Bill (Pub. L. 223-79), require the Agency to supervise the designation and harvesting of trees or forest products (FSM 2441.03)

4. The use of DxP on a timber sale or stewardship contract must be documented in the cruise plan approved by the District Ranger as a part of the Gate 3 activities. The CO shall be consulted during preparation of the cruise plan and shall sign the cruise plan as "recommended by" before approval by the District Ranger (FSM 2441.03)

5. With the exception of Special Provision C(T)2.38# – Species Designation, use of DxD and DxP require Regional Office review and approval on all sales. It is anticipated for your inspection strategy to be directly tied to your desired end results. It is expected there will be a higher frequency and number of inspection plots when administering a DxD or DxP harvest unit. Use of contract provisions C6.36# - ACCEPTANCE OF WORK (09/22) are mandatory companion contract provisions to be included in the Regional Office review and approval process.

6. Off-hour and weekend monitoring techniques are used as a prevention tool to discourage the unauthorized removal of timber and forest products from NFS lands and ensure compliance with timber sale requirements. Forest Supervisors will ensure a written off-hour and weekend surveillance plan is developed for all units and ensure adequate financing and personnel are available to implement it. LE&I should be consulted in the development of this plan.

7. The Region will use the Inter-Regional Timber Sale Administration Certification program (Yellow Book) to develop and maintain consistency and quality in timber sale administration. Only Certified Sale Administrators, Engineering Representatives, Contracting Officer's Representatives, and qualified Forest Service Representatives will be delegated authority to administer contracts. Sale Administrator Trainees will be delegated authority consistent with their development and abilities to administer sales provided they have passed the Inter-Regional Timber Sale Administration Written Examination and are under the supervision of a Certified Timber Sale Administrator or qualified Forest Service Representative.

8. Contracting Officers and Timber Management Officers will monitor timber sale bidding practices for indications of non-competitive bidding or possible collusive behavior. Each office, both district and national forest, that conducts bid openings for timber sales must develop a bid monitoring plan. Each forest shall submit a bid monitoring report to the Regional Forester annually. Forest officers as identified in the Forest or District bid monitoring plan should utilize the direction provided in **FSH 2409.18, Section 67.1** to aid in identifying and reporting these types of activities.

9. Forest cruisers and strike team members working in this Region will meet national and regional traversing and cruising standards (FSH 2409.12, Chapters 40, 50 and 60), and utilize the cruiser qualification program to help ensure accurate volume estimates on all contracts.

10. Delegations of Authority for all actions related to sale and disposal of timber and forest products must be in writing to a named individual as described in **FSM 1230, 2404, 2450, 2452, 6320 and FSH 2409.15.**

11. All Enterprise Teams that administer product removal contracts within Region 1 are guided by the same regional and national accountability requirements and direction as any other Forest Service unit. When personnel from an Enterprise Team are contracted as members of a Forest's contract administration team, the Forest and the CO are responsible for ensuring these individuals meet the minimum FSM requirements for their delegation and provide the appropriate documentation to the Regional Sale Administration Specialist.

12. Upon observing or learning about undesignated timber or forest products being cut or removed, individuals with responsibilities for administering stewardship contracts and agreements are responsible for following protocols for notifying Law Enforcement personnel in accordance with FSH 2409.15, section 13.42, FSH 5309.11, section 23.3 and applicable Regional Timber Theft Prevention Plans. Law Enforcement personnel are responsible for coordinating investigations and reporting the results (FSM 2433.04).

13. The lead role regarding timber theft prevention and other law enforcement issues on good neighbor projects (GNA) and other agreements will be established and agreed upon within the good neighbor and Master Stewardship agreements. The Forest Service must be notified when undesignated timber is cut and retains authority to conduct an investigation to determine if undesignated timber was negligently or willfully cut. In the case of fire, the Forest Service also retains authority to conduct an investigation to determine if negligence has occurred. The responsible staff for GNA contracts varies between States for law enforcement and investigation obligations relative to legal actions which may occur because of timber operations. (The responsible staff may be the State's contract administration staff.) Both Forest Service Law Enforcement and Investigations personnel and responsible State staff should be invited to pre-operations meetings for good neighbor projects to facilitate project orientation and interagency coordination. As standard procedure, Forest Service Law Enforcement and Investigations and responsible State staff must share information and should coordinate regarding any investigations, citations, or other law enforcement concerns involving good neighbor projects. For other Stewardship agreements the designated Contracting Officer shall coordinate pre-operation meetings including Forest Service law Enforcement and Investigations to facilitate project orientation and coordination.

14. Regional and Forest Products Theft Prevention Plans must address timber theft prevention and other law enforcement issues relative to contracts and agreements under the good neighbor authority. A discussion on coordination between the Forest Service and States must be included. Refer to FSH 2409.12b and FSH 2409.15, sec. 13 for additional guidance.

15. It is the responsibility of all employees involved in the timber sale program to ensure the safeguarding of Personally Identifiable Information (PII). PII refers to information that can be used to distinguish or trace an individual's identity, such as name, social security number, bank account, Tax ID#, etc.

16. Forest Supervisors will communicate to all employees their responsibility of the goals and objectives of this plan, and the integrated approach to forest product theft prevention and detection in Region 1.

17. Forests should be aware of timber and forest product harvest activities on lands adjacent to NFS lands and monitor them during and following activities to ensure trespass action is prevented, or detected, and appropriate action taken. Road managers, or individuals authorized to issue road use permits for private log hauling, shall notify LE&I and timber sale administration of permits and forest roads authorized for use.

IV. PRESALE TIMBER THEFT PREVENTION ACTIVITIES

1. Sale preparation quality greatly affects our timber theft monitoring ability. Adequate training of presale crew members regarding Forest Service policy will reduce our vulnerability to timber theft.

2. In order to provide uniformity in sale preparation and increase probability of theft identification and prosecution, sale prep crews must ensure the quality of boundary marking, as well as marking of trees to be cut and/or left. Tree designation must clearly identify cut and/or leave trees ***before*** and ***after*** harvest. Individual tree marking methods must provide evidence post-harvest that will identify the designation of individual trees.

3. The use of DxD and DxP creates challenges with log accountability. These authorities should be used on silvicultural prescriptions that are easily understandable and implementable by the purchaser. Cutting designations shall be objective (spacing, species, stump diameter) rather than subjective (quality factor, best tree, mistletoe factor, best crown, etc) in nature. When selecting a designation method for timber harvest, the designation method needs to specifically identify which trees are to be cut and which trees are to be left. The sale administration team through their frequency of inspections must be able to determine if the purchaser is meeting the prescription at the harvest unit level or if individual undesignated timber is cut. Ensure that DxD/DxP are applied in "low complexity/ individual tree value" units and that it truly results in the greatest efficiencies through sale prep, sale administration, and log accountability.

4. Only tracer tree marking paint will be used in the Region for designating timber and boundary trees. Non-tracer tree marking paint will not be used for any purpose within timber sale areas. The only exception to this policy is when a Purchaser chooses to mark DxP or DxD units to facilitate harvesting. The Forest Service will not accept or approve the purchaser marking of trees. Forest surveyed property lines will not be marked with tracer paint. Direction on security and accountability of tracer paint is covered Section VII of this plan.

5. The use of standard paint colors for designation of timber is shown below; reference **FSH 2409.12- Timber Cruising Handbook, Section 71.21**. The rationale for any deviation from these standards will be documented in the presale folder. Regional office approval is not needed as long as it is documented in the sale folder.

National Paint Scheme for Timber-Related Activities

Work Item	Primary Color	Secondary Color	Tertiary Color
Cut Trees	Blue	Yellow	Green
Leave Trees *	Orange	Pink	White
Cancel Prior Work	Black		
Property Lines	Red (non-tracer)		

* Includes cutting boundary, cultural resource, and wildlife trees.

6. All boundary, Cut Tree Mark (CTM), or Leave Tree Mark (LTM) trees will have prominent stump marks on the downhill side at ground level. The stump mark will be a horizontal mark at least one-fourth the circumference or 12 inches in length whichever is greater. The horizontal mark will be a minimum of 2 inches in width.

7. Boundary trees are not to be designated for cutting so boundaries can be identified after harvest. Paint three vertical stripes on each boundary tree extending from diameter breast height (DBH) upwards approximately three (3) feet. One stripe should face into the cutting unit and the other two stripes should be facing online with the cutting unit boundary. In addition, each boundary tree shall have a horizontal stump mark painted on the downhill side of the tree at ground level. Boundary trees should be painted in a color different than that used for cut tree designation. Boundary trees will be inter-visible and marked in a manner so there are no borderline trees. Sale preparation individuals should consider the use of boundary tags at corners of harvest units and discernable boundaries.

8. Any proposed deviations from individual tree marking (cut or leave) or boundary marking shall be approved by the Regional Office.

9. Establish discernable boundaries along readily identifiable features such as roads, previous regeneration harvest units, and streams. These features must also be identified on the Sale Area Map. Discernable Boundaries are: A natural or constructive feature so conspicuous it can be identified from a sale area map and using that feature will not cause mistakes to be made when trees are cut.

10. Virtual (Geo-fence) Boundaries are 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. When considering the use of Virtual (Geo-fence) Boundaries, reference contract provision C2.30# Cutting Unit Boundaries which requires Regional Forester Approval. Reference for Virtual (Geo-fence) Boundaries can be found in the November 26, 2019 Virtual Boundaries Desk Guide prepared by Washington Office Forest Management Service Center.

a. Forests must ensure that a risk assessment as stated in the desk guide is completed before making the decision to utilize virtual boundaries.
b. Regional Forester approval is required before using.

11. When revising boundaries or individual trees designated for cut or leave, include a description of how trees are re-marked in the appropriate timber sale preparation or contract folder.

12. When traversing boundaries, identify and establish a reference point in case the boundary needs re-establishment later. Be certain the reference point is easily identifiable. Record, file, and store original GPS shape file documentation in the presale folder in order to re-establish location of the original unit boundaries on the ground. Area determinations done by GPS will follow direction in **FSH 2409.12, Chapter 50**.

13. Utilize random timber surveillance (monitoring) plots and other innovative prevention measures. Monitoring plots provide a record of the exact position of selected leave trees in reference to a point that can be relocated by carefully following original survey notes but is otherwise not marked on the ground. The objective of monitoring plots is to detect and deter timber theft by providing a systematic way to check for cutting of leave trees, despite any attempts made at cover-ups.

V. TIMBER SALE ADMINISTRATION THEFT PREVENTION ACTIVITIES

1. Timber sale and stewardship contracts do not allow for undesignated trees to be cut. Only trees properly designated according to the contract may be felled. Emphasize to purchasers and their subcontractors that no undesignated trees may be cut unless marked by the Forest Service in advance (See exceptions below for hazard and operations trees). While the timber sale contract provides remedies for the cutting of undesignated timber, emphasize to purchasers and their subcontractors the cutting of undesignated timber is also a criminal violation of regulations; 36 CFR 261.6(a) – Cutting or otherwise damaging any timber, tree, or other forest product, except as authorized by special use authorization, timber sale contract, Federal law or regulation. Cutting of undesignated timber will result in consultation with LE&I and may result in criminal charges against the purchaser, subcontractors, and/or their agents.

    a. The above policy **shall** be discussed with the purchaser during the pre-operation meeting.
    b. Timber not included in the timber sale contract but needing removal (damaged, safety and operations trees) will only be marked for cutting with the appropriate color of tracer paint and documented on a timber sale inspection report (FS-2400-0081 or 2400-0081a. On scaled sales, some operations trees may be designated as part of an "authorized construction clearing B2.32" in accordance with the direction in the **R1 Supplement to FSH 2409.15, Chapter 61** in lieu of marking (EXCEPTION 1). On tree measurement sales, additional timber must be marked, cruised and paid for prior to allowing felling. Additional volume

marked for cutting on tree measurement sales will be documented on a Form FS-2400-66a. On scaled sales, additional volume will be documented on Form FS-2400-66b.

c. In the event a faller hangs up a tree in an undesignated tree or logging crews encounter a hazard tree, follow procedures set forth in the Hazard Tree Agreement document that is executed prior to beginning operations (EXCEPTION 2) and reads as follows:

"Notwithstanding the requirements of the contract that specify the designation of trees to be cut or retained, any tree designated for retention that poses a safety hazard may be felled by the Purchaser without prior approval of the Forest Service. All such hazard trees felled to provide for a safe work conditions will remain adjacent to the stump and will require written Forest Service approval prior to skidding or yarding. This agreement is made as per the authorization of Standard Provision B2.37 Minor Changes and 29 CFR 1910.266 of the OSHA regulations."

2. Painting and branding of National Forest saw timber shall be accomplished on all timber sale contracts, stewardship contracts, stewardship agreements, and construction service contracts in Region 1 in accordance with R1 **Supplement 2409.15-2013-1 Section 27.12 – Product Identification.** All logs destined to Lewiston, Idaho, Port of Umatilla, Oregon, other Ports east of the Cascades, all points west of the Cascades and any Port of Entry into British Columbia will be branded and painted on each end of the log that is seven inches or greater in diameter. Logs delivered to other R1 forests or Western Regions shall be painted and branded as outlined in the above Supplement. Exceptions to any of the log branding requirements outlined within this Supplement shall be approved in advance of implementation by the Regional Forester and documented in the contract folder. Region 1 assigned log brands to be used, as necessary, on individual forests are shown in **Timber Sale Administration Handbook R1-Supplement 2409.15-15-2013-1, Exhibit 02.**

3. All GNA sales and stewardship agreements must meet the Regional Painting and branding requirements. GNA sales shall include: Attachment E-Use of Timber and Painting and Branding Requirements for GNA Guidance. Stewardship agreements shall provide for Regional painting and branding requirements in the Supplemental Project Agreements (SPA's).

4. Trucks may be parked overnight, but purchasers must obtain written authorization from the CO in advance of any hold over. Hold-over agreements must specify the location and authorize Forest Service personnel to access to the site to inspect the load(s). This should only be allowed for trucks going long distances and not to local mills or for the convenience of the truck driver. Sale Administrators should be inspecting the hold over agreement locations for compliance.

5. All loaded log trucks must have a Product Removal Permit attached to a bunk log on the driver's side with staples. When logs are being hauled using a truck/trailer, pup or "mule train" configuration, Mule Train Product Removal Permit Books (R1-FS-2440-5M) will be

issued for use. This is a two-part permit and Part A will be attached to the truck and Part B to the pup trailer. All log trucks hauling non-sawtimber products must use the salmon colored Product Removal Permits.

6. The permit is to be properly filled out and attached to the load by an individual designated in writing by the purchaser prior to the truck leaving the log landing.

7. On scaled sales, Sale Administrators and LEOs should occasionally follow log trucks from the sale to their destination. These checks should be concentrated on trucks hauling during the early morning, late afternoon, and weekend time periods. These checks will be documented. If a Sale Administrator suspects unauthorized deviation from the approved Route of Haul, Law Enforcement, as well as the Forest Service Representative or CO, will be notified.

8. Activities on timber sales occur at times other than when the Harvest Inspectors and Sale Administrators are normally present. During these periods, there is an increased vulnerability to timber theft and activities leading to timber theft. Since Sale Administrators have thorough knowledge of sale activities, they will be involved in off-hour and weekend inspections of their active timber sales. Criteria to consider when deciding which sale to visit on weekends may include sales with high value species, high value sales adjacent to low value sales, scaled sales adjacent to tree measurement sales or sales with boundaries not on easy-to-define features. These inspections shall be documented. It is recommended Sale Administrators visit each active sale during off-hours (before 6 A.M. or after 5 P.M.) at least twice per month.

9. Sale Administrators will ensure that **four (4) percent** of all loads on each timber sale will be inspected for compliance with log branding and Product Removal Permits requirements. These inspections will be documented and filed in the "Loaded Log Truck Check" file. LEOs shall conduct periodic inspections and document these inspections on a LE&I Sale Inspection Report. A copy of these inspections will be provided to the Sale Administrator for the official file. The Regional Forester has granted COs the optional authority to issue entire Non-Saw ticket books, instead of individual tickets. The authority to use is optional based on the CO's assessment of purchasers/contractors' needs and adequate sale administration personnel. If entire ticket books of Non-sawtimber are issued the frequency of load checks shall be increased to **six (6) percent.**

10. Product Removal Permit books are accountable property. Forest Service personnel that are officially delegated the authority by the line officer have the responsibility to distribute Product Removal Permit books to the Purchasers. A Control Register of when and to whom Product Removal Permit books are issued is kept at each unit. Each Product Removal Permit has a portion that remains in the book after the permit has been filled out and attached to the log truck. This portion, referred to as the "Woods Permit" is to be filled out at the same time the Product Removal Permit is issued for a load of logs. These Woods Permits are to be returned to the Forest Service along with any unused Product Removal Permits and checked back in through the unit's Control Register. This procedure is the same for both scaled sales and tree measurement sales. Since these Product Removal Permits authorize the

transportation of government property, only the number of Product Removal Permits necessary to remove the volume planned to be harvested in the next 30 days should be issued to the operator at one time. A limit on the total number of books may also be imposed, such as "four books checked out at one time." At the end of the sale or during seasonal shutdown, all Product Removal Permit books should be returned to the Forest Service within 30 days. If operations are scheduled to resume the following year, then the books will be re-issued. If an operator reports lost or stolen books, the CO and Law Enforcement will be notified immediately so the numbers of the missing Product Removal Permits can be circulated to alert other units to be watchful for the missing permits.

11. It is the responsibility of Timber Resource staff to report discrepancies with product removal permits and weight slips to the CO. A repeated pattern of the following examples, shall be reported to LE&I.
    a. Date/time not punched out correctly by purchaser.
    b. No scale location.
    c. Inadequate weight slips or handwritten weights.

12. Sale Administrators should make a point of walking cutting unit boundaries prior to commencement of felling to gain familiarity with the location and again when the unit is completed, to verify there was no cutting of undesignated timber beyond the posted boundaries.

13. Sale Administrators shall check use of tracer paint on each active sale unit as a function of normal sale administration duties and document the findings on an inspection report. At a minimum, paint should be checked for each cutting unit. If use of non-tracer paint is detected, notify Law Enforcement and the CO immediately.

14. Sale Administrators will be provided with uniforms and will be required to wear them when conducting Sale Administration duties in accordance with **FSH 6509.11k 48.02**.

15. Weight scaling with 100% frequency is the predominate method of scaling in Region 1. Since the Region does not have a cadre of certified production or check scalers, log scaling is not to be used for measurement. Logs shall be weighed only at locations where the Forest Supervisor has entered into a Weighing Services Agreement with a cooperator. The Regional Office will maintain a list of currently certified scales where there is an agreement in place.

16. In order to maintain continuity in log accountability requirements, sale administrators and harvest inspectors shall personally visit each active scaling station where logs from their unit and logs from off-Forest sales are being delivered at least once per month when actively hauling from national forest timber sales. Any discrepancies in log accountability requirements shall be documented and reported to the home unit and Law Enforcement for follow-up action. Sale Administrators will visit active weight scaling locations and maintain a working knowledge of the accountability process being used on logs delivered from timber sales which they administer.

17. Load weighing requirements are listed in **R1 Supplement 2409.15-2013-1 to Chapter 20** of the Sale Administration Handbook and are applicable to all weight scaled sales.

18. Products that contain different rates as stated in A2 of the contract shall not be hauled as a mixed load, without CO approval.

19. Any logs off-loaded along the haul route or at state weigh stations to reduce overloading require notification from the Purchaser to the Forest Service. Such logs are not permitted to be stored at state weigh stations. They are to be off loaded directly onto an empty truck, and a separate product removal permit attached and delivered immediately to the designated weight scales. On scaled sales any logs removed from a loaded log truck after leaving the landing and before arriving at the scaling location, require contracting officer approval. Logs removed without CO approval will be a breach of contract and or criminal charges.

VI. TIMBER MANAGEMENT AND LAW ENFORCEMENT COORDINATION

1. Integration of Law Enforcement and Sale Administration is essential to achieve the overall objectives of this plan. The successful prosecution of any timber case requires a team effort between timber management personnel and LE&I. A continued open dialogue between Timber Management and LE&I personnel emphasizing coordination, communication and cooperation will be maintained. Recognizing it is the duty of all Forest Service employees to aid in timber theft prevention, LE&I will continue to participate in timber training sessions, as well as enlist the expertise of timber staff during Law Enforcement training sessions.

2. LE&I has the overall responsibility for investigation and prosecution of violations of timber regulations and statutes. LE&I will also be responsible for initiating and maintaining contact with the U.S. Attorney's Office during any investigation.

3. All Forest Service employees and members of the Sale Administration Team should be aware of indicators of potential timber or forest products theft and report this information to the local Law Enforcement Officer or Special Agent. Indicators of potential timber and forest product theft include but not limited to:

    a. Transportation of logs without a Product Removal Permit that is a reoccurring problem or pattern.
    b. Re-use of a Product Removal Permit.
    c. Product Removal Permit being used that is not assigned to specific sale.
    d. The cutting of undesignated timber.
    e. Logs in transit are transported off designated haul routes.
    f. Misbranding of logs, with a brand not assigned to the sale.
    g. Possession of tracer paint by unauthorized individuals.
    h. Tampering with unit boundaries.
    i. Offer of a bribe.
    j. Information is received that timber theft is occurring.

4. **<u>FSH 2409.15 Sale Administration Handbook, Section 13.42b-c and FSH 5309.11 Law Enforcement Handbook, Chapter 23.3</u>**, provide direction on the situations requiring timber theft investigations. Although the timber sale contract provides remedies for removal or damage to undesignated timber, timely coordination with LE&I is important to ensuring the Government's interests are protected. There are two objectives for this coordination:

    a. To ensure cooperation between LE&I and timber management, before and during investigations of unauthorized timber cutting, removal, or excessive damage.
    b. To ensure appropriate actions are taken regarding contractual obligations, while preserving options for criminal remedies.

5. The Sale administrator must document all cutting or damage of undesignated timber or damage to residual timber on sale inspection reports. Unnecessary damage is any damage that could have been prevented by reasonable measures and results in considerable deterioration or mortality (B/BT 2.131). Sale administration personnel should determine whether it was negligent or willful. If the Sale Administrator believes that the timber was cut or damaged by mistake or unnecessarily damaged (items a and b) the sale inspection report must be sent to Forest Service Law Enforcement (LE&I) personnel and the Contracting Officer within 2 days. In this situation Contracting Officers will review and proceed with contractual remedies or refer to LE&I for a determination.

6. The following lists provides examples of the types of unwarranted unauthorized damage or other situations found on timber sale areas that **require documentation on the sale inspection report**.

    a. Timber cut by mistake (Provision B/BT2.14).

    b. Undesignated timber unnecessarily damaged (Provision B/BT2.131).

    c. Undesignated timber negligently cut (Provision B/BT2.132).

    d. Undesignated timber willfully cut (Provision B/BT2.132).

    e. Unauthorized alterations in timber sale or unit boundaries (Provision B/BT2.3)

7. The Sale Administrator must notify the FSR, Contracting Officer and Forest Service Law Enforcement (LE&I) personnel immediately when any of the following events occur on a timber sale as outlined in FSH 2409.15 Section 13.42b-c and FSH 5309.11 Section 23.3:

    a. Undesignated timber negligently cut (Provision B/BT2.132).

    b. Undesignated timber willfully cut (Provision B/BT2.132).

    c. Unauthorized alterations in timber sale or unit boundaries (Provision B/BT2.3)

d. Purchasers' use of paint on the timber sale area without the written permission of the Contracting Officer or.

e. Additional trees marked or designated for cutting by unauthorized individuals, including unauthorized Forest Service Personnel. If the employee believes that the timber was cut through mistake or undesignated timber was damaged without negligence, law enforcement personnel shall be notified within 2 days (FSH 2409.15, sec. 13.42c, and FSM 5304.7).

f. Timber cut in protected, ecologically, or culturally sensitive areas.

8. If any situation in paragraphs 6, a-f occurs, contract remedies, including notifying the Purchaser or suspending harvest operations, **must not** be implemented prior to the contract administration team and Forest Service law enforcement personnel making a joint decision on the appropriate course of action. However, if there is a threat of immediate and irreparable resource damage an immediate suspension of the offending activities is appropriate (FSM 2452.5).

9. If cutting of undesignated timber is detected by a Sale Administrator in the presence of the Purchaser or Purchaser's employees, or if notified by the purchaser, then an immediate oral suspension and notification of breach to stop the cutting and skidding removal of this timber must be issued and the CO and LE&I must be notified.

10. Decisions on whether an incident will be pursued criminally, civilly or administratively will be made by the appropriate U.S. Attorney, the Office of Inspector General (OIG), the Office of General Counsel (OGC), and LE&I utilizing policy established by the U.S. Attorney. The Memorandum of Understanding with the OIG indicates that if the alleged timber theft exceeds $50,000, the case must be referred to the OIG. If the case is referred to the Forest Service, a Special Agent will be assigned to investigate the incident. Refer to **FSM 5332 and FSH 5309.11 Sec. 23.3** for additional guidance on dealing with negligent and willful damage.

11. As part of the investigative process, timber management personnel will be needed to provide field expertise necessary for case development. Individuals requested for investigative support must be qualified, experienced and certified in the specific field requested. These employees should anticipate being called as Government witnesses and in some cases be qualified as experts. These factors should be considered when determining which personnel will assist in the investigation.

12. A coordinated effort between Law Enforcement, Fiscal, and Timber will be required when determining the damages associated with a timber theft or trespass, including but not limited to timber value, restoration, reforestation, slash disposal, road repair or maintenance, and administrative costs and penalties. FSH 6509.11h, Section 21, and FSH 2409.12b, Chapter 30 both provide procedural guidance for determining damage values.

13. Both LE&I and Forest Management will continue to communicate with timber sale purchasers, logging operators and mills to educate these individuals about laws and regulations pertaining to the removal of timber.

14. In addition, the following practices are recommended for LEOs and Special Agents to maintain skills in timber theft enforcement and investigations, and to help maintain a high level of forest product accountability (FSH 5309.11 Sec 23.32 Provides guidelines to LE&I in becoming more familiar to timber sale planning, operations, and their role in prevention of timber theft.)

    a. LEOs and Special Agents should participate in a minimum of two timber sale inspections annually with a Sale Administrator. This will be documented and filed in the sale folder.
    b. Sale Administrators should notify LE&I of pre-operation meetings in a timely manner; LEOs and Special Agents should participate in a minimum of two of these meetings with timber purchasers annually. The purchaser will be advised LEOs will make frequent visits to the sale and will monitor activities. This is intended to provide security for the purchaser as well as theft prevention.
    c. LEOs will conduct drive-by patrols of active timber sales.
    d. LEOs and Special Agents should complete a minimum of two "spot check" inspections annually. These inspections will be documented on a LE&I Sale Inspection Report form and a copy provided to the sale administrator for inclusion in the sale folder.

VII. SECURITY AND ACCOUNTABILITY OF TRACER PAINT

1. Region 1 will follow National direction contained in **FSH 2409.12, Timber Cruising Handbook, Sec. 72,** for the management, security, and accountability of tracer tree marking paint.

2. Paint storage facilities shall not be signed to indicate what is in them. Each District Ranger with a paint storage facility on their district will designate in writing a Paint Custodian to issue paint and maintain the paint inventory and a Paint Property Manager to be responsible for quantity audits. These designations will be issued to separate individuals. There may be one primary Paint Custodian and one alternate Paint Custodian. The intent is to ensure that only a minimum number of personnel have access to the tracer paint storage area. The Paint Custodian and the alternate Paint Custodian will be the only individuals with keys to access the paint storage facility. These keys will always be kept in a secure location at all times and will not be labeled or identified as the key to the paint storage facility. The duties of these positions are contained in **FSH 2409.12, Timber Cruising Handbook, Sec. 72**.

3. All lost, missing, or stolen paint cans, or inventory, shall be reported to LE&I within 24 hours.

VIII. SPECIAL FOREST PRODUCTS

1. Delegated authority by the Forest Supervisor or District Ranger as a Forest Officer and Collection Officer is required to allow frontline Forest Service employees authority to issue and approve forest product permits. Forest Officer and Collection Officer are two separate delegated authorities, and both delegations must be made by official correspondence by the approving line officer.

2. All Personal, and commercial use permits and Free Use Permits for special forest products utilizing Forms 2400-1 and 2400-8 are to be issued through the Timber Information Manager (TIM).

3. Manual TIM permits are only to be used when TIM is unavailable and such permits shall be entered into TIM when the system is back online.

4. TIM roles must be certified annually by the appropriate line officer. Line officers must review and approve any changes to the TIM role assignments, verify the roles are granted correctly, and sign off on a new TIM worksheet. (See TIM User Roles: Role Descriptions and Worksheets available at the Natural Resource Manager (NRM) website).

5. Special Forest Product permits are to be administered consistent with the risk for resource damage and monetary loss. It is the responsibility of all Forest Service employees to check the permits of persons they encounter removing special forest products from NFS lands. If they are not comfortable stopping, they should at a minimum note the location, vehicle description, license number, and provide this information to LE&I in a timely manner.

IX. TIMBER AND FOREST PRODUCTS THEFT PREVENTION TRAINING

1. Timber and Forest Products theft detection and prevention is every Forest Service employee's responsibility. Employees need to understand this responsibility and should be encouraged to become involved. LE&I and Forest Management will plan and make available personnel to conduct annual training on timber theft detection and prevention. Such training will emphasize the objectives outlined in this plan as well as the following items:

    a. Conventional theft relating to convertible and non-convertible products.
    b. Non-conventional theft relating to contracts, permits, and bidding practices.
    c. Forest patrols
    d. Timber sale preparation.
    e. Timber sale administration.
    f. Engineering
    g. The role of Law Enforcement and Investigations
    h. Case studies on civil, criminal, and administrative actions
    i. Regional trends and concerns