

## RETROACTIVE TIMBER HARVESTING PLANS

5513

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Retroactive plans and amendments cover timber operations that are being, or were, conducted in violation of PRC Sections 4581 and 4591.

PRC Section 4581 states, in part, that, "No person shall conduct timber operations unless a timber harvesting plan prepared by a registered professional forester has been submitted for such operations to the department pursuant to this article."

PRC Section 4591 states, in part, that, "Substantial deviations from the original plan shall not be undertaken until such amendment has been filed with, and acted upon, by the department."

Retroactive plans and amendments should not be accepted and processed except as part of the enforcement actions described in [Section 5502.1](#) of this handbook. Timber operations conducted in violation of PRC Sections 4581 and 4591 shall normally be considered substantive violations of the Forest Practice Act.

Where operations have been completed or nearly completed, misdemeanor actions should be pursued. If a court orders a defendant to submit a THP or amendment, the department's letter approving the documents should make it clear that the department is reviewing and approving the documents only to comply with a court order. CDF personnel should not encourage a court to take this action.

If a bail schedule is in place which provides for the posting of bail plus proof of correction, a fully-executed THP or amendment may be accepted and approved to facilitate the issuance of a proof of correction certificate by the department. It should be understood, however, that operating without a THP is actually not correctable and that this action is taken to satisfy procedural requirements only.

Where timber operations have begun, but have not been completed, on an area with no THP or amendment, the operator will be requested to cease operations. A THP can then be prepared for work that remains to be accomplished. The plan will be submitted to the Director, filed, reviewed and approved as a normal THP.

If corrective work is required on the area not covered by a THP, administrative, civil, or misdemeanor actions can be appropriately applied per [Section 5500](#) of this handbook.

Finally, the Board of Equalization should be informed of those timber operations in violation of PRC Sections 4581 and 4591. In addition, each region should maintain a file on all timber operations conducted in violation of PRC Sections 4581 and 4591, whether a plan is filed or not.

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