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Liability worries may prompt closure of private forest lands - Court rules companies can be held liable for wildfires

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Private forest companies may soon be closing off to the public millions of acres of forest land in California.

The California Forestry Association recently announced its members are considering cutting off public access to private forest land because of a recent court decision that says timber companies can be held liable for fires on their land, regardless of how they start.

"Our members are finding it difficult to obtain insurance and face serious potential financial consequences of an open access policy," association President David Bischel said in a recent statement.

"Each company will be reviewing their individual policies to find the best solution for themselves," Bischel said.

The association said a recent federal judge's ruling makes private forest landowners liable for fires on their property, even if the property owner had nothing to do with starting the fire.

Last month, the U.S. attorney's office, Sierra Pacific Industries of Anderson and several other firms settled a lawsuit stemming from the 2007 Moonlight Fire in Plumas County. The U.S. attorney's office said the settlement was worth $122 million.

The Moonlight Fire burned for more than two weeks, consuming about 65,000 acres. The U.S. attorney's office sued Sierra Pacific and numerous other landowners and companies, claiming they were responsible for the fire.

Sierra Pacific officials said they were forced to settle the case last month after U.S. District Court Judge Kimberly J. Mueller ruled SPI and others could be liable for damages caused by the blaze, even though they were not responsible for starting the fire.

"The ruling is having a chilling effect on private landowners' willingness to allow any public access to millions of acres of privately owned forestland in California," the forestry association news statement says.

While U.S. attorneys said the fire was started by loggers working in the area where the fire started, SPI and others dispute that.

Rich Elias, an assistant U.S. Attorney who worked on the Moonlight Fire case, maintained SPI and others were responsible for the fire and that the forestry association has mischaracterized the judge's decision.

"The judge's order says no such thing. The judge's order is limited to the facts in the case," Elias said.

The judge did not make a blanket ruling that all forest landowners could be liable for fires on their property, regardless of how it starts, he said.

Mark Pawlicki, director of government affairs for SPI, said the company doesn't want to be held liable if recreational users come onto the firm's property and start a fire.

He said if SPI closes access to its land, the company would have to install more gates and increase patrols to keep forest users off the company's 1.65 million acres in California.

"It's not something we would want to do, but we would be forced to do," he said.

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