

4. Forest Practices Operations

4.1 Introduction

Forest Practices Operations is responsible for administering and enforcing the Forest Practices Rules on approximately 12 million acres of private, state, and other non-federal public forestlands. These rules provide protection for public resources defined as: water, fish, wildlife, and capital improvements of the state or its political subdivisions and provide some of the highest standards for resource protection on forestlands in the nation. The rules cover practices such as timber harvest, pre-commercial and commercial thinning, road construction, forest fertilization, and forest chemical application. They give direction on how to implement the state Forest Practices Act.

4.2 Forest Practices Activities

Forest Practices Operations consists of both office and field staff. Statewide there are about 82 positions – the majority are full-time, though some are currently vacant due to budget reductions. Of the 82 positions, 44 are assigned in the field and are directly responsible for reviewing, complying, and enforcing the Forest Practices Act and Rules.

For the reporting period of July 1, 2010 through June 30, 2011 Forest Practices Operations staff processed 5,219 new applications/notifications. The table below provides a breakdown of this information by DNR region.

Decisions for Applications Received or Renewed During Fiscal Year 2011

REGION	RENEWAL	APPROVED	CLOSED	DISAPPROVED	VALIDATED	Total by Region
SOUTH PUGET SOUND	74	616	47	20	0	757
PACIFIC CASCADE	308	1631	46	9	2	1996
OLYMPIC	74	569	37	30	0	710
SOUTHEAST	64	197	8	6	2	277
NORTHWEST	95	588	5	59	0	747
NORTHEAST	72	621	18	21	0	732
Total by Decision	687	4222	161	145	4	5219

Closed means the application/notification was withdrawn by the applicant.

Validated means the department's agreement that a small forest landowner has correctly identified and classified resources, and satisfactorily completed a roads assessment for the geographic area described in Step 1 of a long-term application.

During this same reporting period there were a total of 13,260 applications/notifications statewide that were current, i.e. approved for operations.

4.3 Priorities

Forest Practices Operations has three primary objectives: processing applications, compliance, and enforcement of forest practices activities. Priorities are based upon ensuring that these three objectives are met. This chapter will focus on the priorities that have had the greatest impact on Operations during this reporting period.

DNR's Strategic Plan 2010 – 2014: *The Goldmark Agenda* (DNR 2010) - Goal II *Improve Forest Practices Rules and Strengthen Implementation and Compliance*

The Strategic Plan has identified two major initiatives to be achieved by Operations over the next five years:

- Ensure the Forest Practices Rules are fully, fairly, and consistently implemented and enforced by DNR staff.
- Improve landowner compliance with the Forest Practices Rules.

Each of these initiatives is associated with numerous action strategies that will need to be achieved in order to be successful. The following action strategies must be completed:

- Finalize initial internal field audits and coordinate necessary modifications with regions, and re-confirm/redesign future audit cycles.
- Complete the Clean Water Act assurances milestone to develop a plan and timeline for improving compliance with the forest practices rules.

Forest Practices Program Region Audits

This is one of DNR's Strategic Plan Goal II Initiatives. The intent is to resume conducting the audits that were initiated in 2006. Field audits were completed within each region in 2006 but were never formally finalized. This initiative will get the audits restarted. An important part of this process will be to reevaluate the audit's purpose and implementation plan to ensure the questions being asked and processes being evaluated are still relevant, and prior to restarting the audit process, make appropriate changes where necessary.

The audit plan, as identified in 2006, directed division staff to coordinate a series of audits in order to evaluate the delivery of the Forest Practices Program at the region level. Information obtained from these audits would inform the program where changes should be made in order to improve efficiencies and consistency across regions. There were four components of the original audit plan:

- Operations
- External Relations
- Program Leadership
- Forest Practices Division Support

Progress to date has been minimal due to budget constraints.

Department of Ecology's 2009 Clean Water Act Assurances Review

WAC 222-12-010 states, 'Promulgation of all forest practices rules shall be accomplished so that compliance with such forest practices rules will achieve compliance with the water quality laws.' All Forest Practices Rules that are marked with an asterisk (*) pertain to water quality and can only be adopted or amended with agreement by the Department of Ecology. Because of the level of protection the Forest Practices Rules were anticipated to provide for water quality and the presence of a formal adaptive management program to test and revise those rules where needed, Ecology granted assurances that implementation of the rules would insure compliance with the state's water quality standards. These assurances were reviewed after a ten-year period (in 2009) to determine whether the rules are providing the required level of protection.

For Ecology's report go to, <http://www.ecy.wa.gov/programs/wq/nonpoint/ForestRules.html> and click on: [*2009 Clean Water Act Assurances Review of Washington's Forest Practices Program*](#), (Washington State Department of Ecology, 2009). Based upon the reviews' findings, the assurances were conditionally extended provided specific actions, identified as *milestones* are achieved by specific dates. In all, there are twenty-one milestones identified to be completed by the Forest Practices participants. The state's budget constraints are having a negative impact on DNR's ability to complete the milestones within the identified timelines. Forest Practices Operations have twelve milestones to address and the following five have been completed, or are very near completion:

- #8 - Field Dispute Resolution,
- #9 - Stakeholder RMAP Participation,
- #10 - Water Type Modification Review Process,
- #11 - Water Type On-Line Guidance
- #13 - Individual Landowner Tracking (this milestone was broken into three parts and two have been completed)

See Appendix #1 for a description and current status of the CWA Milestones.

Forest Practices Program Guidance

Forest practices guidance supplements the Forest Practices Rules and Board Manual. The complexity of the rules, details of program administration and variability in the forested environment often pose unique challenges for landowners and DNR staff in implementing the rules across the landscape. Situations commonly arise in which neither the rules nor the Board Manual provide enough specificity to resolve a particular implementation issue. Therefore, DNR develops internal guidance that provides direction consistent with established program goals, resource protection objectives and performance targets. New guidance or changes to existing guidance are communicated to region forest practices staff in writing. Any guidance that affects cooperating agencies, organizations and landowners is shared outside of the agency.

DNR created several guidance documents between July 1, 2010, and June 30, 2011. The following is a summary description of the written guidance that has been shared with the forest practices staff:

Summary of Written Guidance Issued to Department Staff July 1, 2010 – June 30, 2011

Date	Reason for guidance	Accomplishment
10/20/2010	RMZ protection at the upper extent of the Type F stream	Provided examples of several situations and the RMZ requirements. Includes illustrations and rule text.
11/1/2010	Dispute Resolution process (Clean Water Act Assurance milestone #8)	Describes a specific process that stakeholders will follow when a dispute arises pertaining to a decision by forest practices staff.
12/22/2010	Enforcement Handbook	Update of the Enforcement Handbook describing the process used to complete, issue and comply the programs appealable documents.
2/16/2011	Precipitation and forecasted stream flow for the 2011 fish survey season. Required by Board Manual Section 13	Predicted drought is expected to be a factor in accurately determining fish presence or absence in some areas of Washington.
3/15/2011	Collection of unpaid civil penalties	Update of two agency procedures regarding civil penalty payment tracking and the required steps if the civil penalty is not paid.
3/18/2011	Enforcement document service (replaces 2006 guidance)	Provides guidance when enforcement documents are issued and Brief Adjudicated Proceeding (BAP) decisions are made to reflect the changes to the Forest Practices Act in SHB 2935. The time period for a party to appeal a forest practices decision begins at the date of service or the date of receipt.
6/8/2011	Classifying forest practice applications that are near bald eagle nest or roost trees. WDFW rule change.	Beginning May 29, 2011, Forest Practices Applications that are near bald eagle nest or roost trees may require an environmental checklist and SEPA review before the application decision is made.