

4. Forest Practices Operations

4.1 Introduction

Forest Practices Operations is responsible for administering and enforcing the Forest Practices Rules on approximately 9.3 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. These rules 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 91 positions— the majority of staff are full-time, though some currently are vacant due to budget reductions. Of the 91 positions, 56 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, 2011 through June 30, 2012 Forest Practices Operations staff processed 5,299 new applications/notifications. The table below provides a breakdown of this information, by DNR region.

Decisions for Applications Received or Renewed During Fiscal Year 2012

Region	Renewal	Approved	Closed	Disapproved	Validated	Total by Region
South Puget Sound	26	693	45	25	0	789
Pacific Cascade	131	1,896	47	10	1	2,085
Olympic	42	518	33	19	0	612
Southeast	16	245	12	7	1	281
Northwest	32	666	5	62	0	765
Northeast	76	642	22	19	8	767
Total by Decision	323	4,660	164	142	10	5,299

Closed means the application/notification was withdrawn by the applicant.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 10,569 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. One component of this initiative is to provide training. Operation's goal is to develop and implement additional forest practices training for private land-owners and operators.

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:

- Complete the Clean Water Act assurances milestones to develop a plan and timeline for improving compliance with the Forest Practices Rules. See milestone #12 (30% complete) and milestones #17 and #19 (95% complete) in Appendix 1 for a full description.
- Continue developing new curriculum for the training program for DNR staff and external stakeholders. DNR expects to provide training on water typing in 2012 and 2013. For more information see Chapter 10, Training/Education/Information.

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. Ecology granted Clean Water Act assurances in 1999 as part of the Forests and Fish Report. The assurances established that the state's forest practices rules and programs, as updated through a formal adaptive management program, would ensure 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.

Ecology’s report is at this link, <http://www.ecy.wa.gov/programs/wq/nonpoint/ForestRules.html>. 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-two milestones identified for completion by Forest Practices participants. Progress is being made on the milestones in spite of a challenging state budget. Once budget constraints are eased, DNR anticipates that the completion rate can improve. Forest Practices Operations, including the Compliance Monitoring Program, have twelve Clean Water Act milestones to address. Seven milestones have been completed and three are very near completion. 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, 2011, and June 30, 2012. 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 DNR Staff July 1, 2011 – June 30, 2012

Date	Reason for guidance	Accomplishment
7/15/2011	Road Maintenance and Abandonment Plan (RMAP) Statewide Accomplishment Report	Provides DNR and stakeholders consistent interpretation of reporting elements on the RMAP accomplishment report.
7/20/2011	House Bill 1582	Describes process that DNR is to use to classify a Forest Practices Application as a conversion activity.
8/26/2011	Interim Bald Eagle	Removes Bald Eagle and Peregrine Falcons from WAC-222-16-080. Provides guidance to DNR for processing while Forest Practice Board initiates rulemaking.

Date	Reason for guidance	Accomplishment
9/23/2011	Enforcement Action Guidance	Provides issuance of operational framework to DNR field staff to provide fair and consistent enforcement actions.
2/16/2012	Precipitation and forecast stream flow for 2012 fish survey season	Predicted drought to be expected to be a factor in accurately determining fish presence or absence in some parts of Washington State.
3/16/2012	Implementation of Critical Habitat and Notice of forest practices to affected Indian tribes.	Provides guidance to DNR regarding processing of critical habitat in the Forest Practices Application. Critical habitat replaces interim bald eagle guidance dated 8/26/2011. Notice of forest practice to affected Indian Tribes provides clear expectations regarding how to conduct a landowner/tribal meeting and required documentation.
4/16/2012	Class IV SEPA review	Adds U.S. Geological Survey Quadrangle maps and Bureau of Land Management General Land Office maps to the DNR Forest Practices Risk Assessment Tool. This provides another tool to identify and address potential impacts to cultural resources when evaluating Class IV special Forest Practices Applications during SEPA review.
6/28/2012	Forest Practice Application time periods and fees	Provided DNR guidance for implementation of 2ESSB 6406.
6/28/2012	2ESS Bill 6406 Implementation	A memo for stakeholders describing the increase in Forest Practices Application fees and three year application which starts July 10, 2012. Between July 10, 2012 and July 1, 2013 Forest Practices Application fees may be applied to a replacement application as long as it is within 45 days of decision date. Division has asked the Regions to track incomplete, disapproved and withdrawn Forest Practices Applications.

WDFW contribution to Forest Practices Operations

WDFW also provides a crucial role in Forest Practices operational issues. In FY12, WDFW regional biologists reviewed over 6,000 Forest Practices Applications and issued approximately 670 Hydrology Permit Applications associated with those FPAs. Many HPAs include multiple projects or locations that need to be specifically reviewed and conditioned; for the 670 HPAs issued, there were approximately 1,100 projects or locations. Other forest practices operational work conducted by WDFW biologists included: review of over 3,300 Water Type Modification Forms and participation in field reviews to validate those proposed water types; review and technical assistance on alternate plans for both large and small forest landowners; assisting small forest landowners with stream typing, technical assistance on aquatic resource protection and road issues, site reviews, and review and assistance on completion of long-term plans.