

Enforcement

11.1 Introduction

Forest landowners, timber owners, operators and Forest Practices staff are all responsible for ensuring that forest practice activities comply with the Forest Practices Act, rules, and the conditions of the approved forest practices permit. Regional forest practices staff prioritizes compliance visits based largely on the potential risk to public resources posed by the forest practice activity. For example, forest practices that propose substantial road construction in steep terrain above a public resource are more likely to receive regular compliance visits than those with limited road construction on gentle slopes without public resources nearby. Generally, prioritization of these visits coincides with the classification of forest practice. There are 4 classes of forest practices. Class I has the lowest possibility of impact on public resources and does not require a forest practices application. Class II, III, and IV have progressively greater possibility of impact on public resources. Class III and Class IV forest practices typically receive more frequent compliance visits than Class II forest practices. Other factors that influence the number of compliance visits include timber harvest operator experience, proficiency and the time of year the operation is conducted. This targeted approach helps DNR ensure the effective and efficient use of field staff when carrying out resource protection responsibilities. Compliance checks are used to identify the level of forest operations in compliance and the information gathered is used towards the goal of continual improvement. Improvement to the program may include clarification of rule language, improved administration of the rules, additional education and training, and/or rule modification.

The Forest Practices Act and the Board encourage informal, practical, result-oriented resolution of alleged violations and action needed to prevent damage to public resources. It is also the Board's policy to use a progressive approach to enforcement that begins with consultation and voluntary efforts to achieve compliance while reserving civil penalties (i.e., monetary fines) for more serious infractions. When forest practices are found to be out of compliance with the rules, DNR has a number of compliance and enforcement options available. The options that are currently used include informal conferences, notices to comply, stop work orders, civil penalties, notice of intent to disapprove and criminal penalties.

11.2 Enforcement Activity (July 1, 2007 – June 30, 2008)

In general, there were a total of 5,396 FPAs reviewed and approved for this time period. During this time there were 233 Stop Work Orders and Notices to Comply issued which is 4% of the total FPAs. Only 162 enforcement actions of the 233 were for violations, or approximately 3% of total FPAs. Enforcement documents can be used for either violations or non-violations. Violations are used for forest practices activities that are presently damaging a public resource or violating a RCW or WAC. Non-violations are used when forest practices staff has determined that damage to a public resource is imminent if the activity is not altered. An example would be: An operator does not have adequate drainage on a haul road for the rainy season. The operator could be giving a NTC non-violation to upgrade the road so it does not pose a threat to public resources

during heavy rains. The following tables present the enforcement activity between July 1, 2007 and June 30, 2008.

Fiscal Year 2008 Stop Work Orders and Notice to Comply

Region	Stop Work Order		Notice to Comply		Total
	Non-Violation	Violation	Non-Violation	Violation	
SE	0	9	0	12	21
NW	0	27	16	43	86
SPS	7	4	10	5	26
NE	3	16	11	22	52
PC	3	2	13	11	29
OL	3	0	5	11	19
Total	17	58	56	104	233

Fiscal Year 2008 Enforcement Data

Total # of FPAs	5,396
# of DNR Staff Participating in Enforcement	66
Total # of Enforcement Documents	233
Percent (# Enforcement Docs/Total FPAs)	4%
Total Non-Violations	71
Percent (# Non-Violations/Total FPAs)	1%
Total Violations	162
Percent (# Violations/Total FPAs)	3%

A very low percent of the violation enforcement documents go on to secondary enforcement such as a Civil Penalty or Notice of Intent to Disapprove. Each region makes this determination based on a number of factors including the applicant's failure to comply with the terms or conditions of a forest practices application or notification; the probability of damage to public resources and the extent of damage; and whether there have been multiple violations of the same WAC or RCW. This year the percent of enforcement documents that went onto secondary enforcement was approximately 1% (2 enforcement documents out of 162 total violations).

Fiscal Year 2008 Secondary Enforcement Documents

Region	# of Civil Penalties	# of Notice of Intent to Disapprove
SE	1	0
NW	0	0
SPS	0	0
NE	1	0
PC	0	0
OL	0	0
Total	2	0

Note: Civil penalties counted are those that have reached final order

