

Forest Practices Operations

4.1 Introduction

This chapter provides information on two elements of the forest practices program that are specific to forest practices operations. The first element is forest practices guidance. DNR develops internal guidance that provides direction for implementing the Forest Practices Act and rules. The second element is the forest practices program region audits. In 2006, the forest practices program began an internal audit process with the purpose of evaluating delivery of the forest practices program within each of the regional offices. The 2007 FPHCP Annual report provided the audit results from Northwest and Olympic regions. This year's report contains audit results from Pacific Cascade, South Puget Sound, and Northeast regions.

4.2 Forest Practices Guidance

Internal guidance developed by DNR 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 implementing the regulations across the landscape. Situations commonly arise where neither the rules nor the Board Manual provide enough specificity to address a particular implementation issue. In these cases, it is necessary for DNR to develop internal guidance that provides direction consistent with established program goals, resource objectives and performance targets. Internal guidance is developed within DNR's Forest Practices Division. Once complete, new guidance or changes to existing guidance are communicated to region forest practices staff. Guidance that affects cooperating agencies, organizations and landowners is then shared outside of the agency.

Guidance Provided July 1, 2007 – June 30, 2008

DNR has provided several types of guidance from July 1, 2007 – June 30, 2008. Following is a description of the written guidance that has been shared with forest practices staff.

Summary of written guidance issued to department staff (July 1, 2007 – June 30, 2008).

Date issued	Reason for guidance	Accomplishment
8/8/2007	Updated office review checklist	Inform staff of changes made and the process of adding regional specific checkboxes
8/8/2007	FPA changes	Inform staff of changes made to FPA and the FPA processing procedures
8/8/2007	Letter template sent with notice of decision to 20 ac. Exempt RMZ (stating that the parcel may not be covered by the HCP).	Inform landowner that he/she may not be covered under the HCP and could be held responsible for an Endangered Species Act (ESA) taking
10/15/2007	Implementation of SSSB 5883	Inform staff of the way the bill affects the manner in which the DNR must notify local government of non forest practices activities and the continuing landowner obligation.

10/30/2007	DNR State Lands HCP crosswalk update	Inform regions on how to handle replacement language for WAC 222-30-045 associated with DNR state lands
11/5/2007	Concurrent issuance of ICNs with NTC/SWOs	To clarify that a ICN is NOT required to issue a NTC of SWO
12/12/2007	Expedited FPA processing	Letter stating the WAC 222-20-070 that permits landowners to conduct emergency forest practices necessitated by fire
1/3/2008	Expedited FPA processing	Updated letter that includes storm language instead of fire
2/7/2008	Revised HCP/Forest practices crosswalks for state lands	Inform staff of revised Northern spotted owl, Marbled murrelet and riparian crosswalks
2/7/2008	2008 Fish survey season-water level and stream flow forecast	Drought should not play a role in accurately determining fish presence, but the December storm could invalidate fish protocol survey due to localized extirpation or severe density reductions
2/29/2008	Implementation of SSSB 5883-RCW 6.09.060, 76.09.460, and 76.09.70 <u>Replaces memo dated 10/15/2007</u>	Updates previous memo with more information pertaining to notification of local governments of conversion activities and landowner obligations
2/29/08	Withdrawal of FPA/Ns (forest practices application/notification)	Assist landowners and staff with understanding the process involved when requests to withdraw or cancel FPA/Ns are submitted
3/17/2008	Timeline for digitizing FPAs	All harvest and road construction type FPAs would be spatially entered within 30 days. All spray and fertilizer FPAs would be entered within 90 days. Disapproval were not to be entered
6/16/2008	Riparian Management Zone (RMZ) Salvage Logging-Down Wood Requirements	Staff review of requirements due to the Dec. 2007 storm and the addition of required length of 20 ft.
6/17/2008	Groundwater Recharge Areas (GWRA)	Emphasis on using geologists to identify GWRA. These areas will be classified as Class IV-SPs. Geologists should identify areas within regions where GWRA are most likely to occur and alert the foresters to these areas.

4.3 Forest Practices Audits

To: Lenny Young, FP Division Manager

**From: Gary Graves, FP Assistant Division Manager -
Operations**

RE: Final NE Region Audit Team Report

Date: October 20, 2006

First, I would like to thank the staff in NE Region for creating an environment that allowed us to openly discuss and explore your current methodology of implementing the forest practice program in the region. Generally the region has a good understanding of what is necessary to process forest practice applications in accordance with current policies and guidance from the FP Division.

- ✓ 18 of the FPAs were complete when approved.
- ✓ 18 of the FPAs were correctly classed when accepted and approved.
- ✓ Pre-approval sites visits were conducted on 12 FPAs while four other FPAs should have had site visits. It was appropriate to not conduct site reviews on the remaining four FPAs.
- ✓ 18 of the FPAs were appropriately conditioned to protect public resources. The 2 remaining FPAs were disapproved.
- ✓ All FPAs were processed in a timely manner and within time limit associated with the assigned classification.
- ✓ Two civil penalties were issued during the review period. The team considered both civil penalties to be issued in a timely manner and the penalty assessments were calculated correctly.
- ✓ Three FPAs had cultural resources identified with them; all three had the appropriate documentation that the required meeting between the landowner and tribe took place.
- ✓ 4 of the 5 RMAP plans reviewed indicated they were consistent with the even-flow concepts discuss with the regions. The team was concerned that on the fifth RMAP a high number of projects were scheduled for 2015 while none were scheduled for 2014. No documentation was contained in the file to explain the reasoning.
- ✓ The region used the correct enforcement document in 6 of the 10 VNTC/SWO files reviewed.

- ✓ Generally the region has a good understanding of when an ID Team is called and the proper processing of the request.
- ✓ The region staff has a good understanding of how to safe guard sensitive information such as cultural resources and T&E species.
- ✓ The working relationship with the TFW participants appears to be in good shape with room for continual improvement.
- ✓ In 2005 the region recognized that a system to track and allocate compliance time would improve program efficiency.

- x 6 of the 18 FPAs had evidence of a post approval site visit and of those only 4 had adequately documentation.
- x The region is generally attempting to implement and enforce all of the forest practice rules. In some cases the high elevation riparian management zone requirement that a buffer be placed on all type Np waters. The buffer must meet desired future condition for the site class as outlined in WAC 222-30-021(1)(b).
- x The FP Coordinator only reviews FPAs when the AAI has questions, but does review Class IV Specials and most Class IV Generals.
- x Documentation in all phases is lacking and needs to be improved to be able track and understand decisions made in association with FPAs.
- x When compliance dates are established on the enforcement documents the region must ensure that follow-up checks are completed and documented to close out the file.
- x The region needs to review the use of enforcement documents for consistency. Some of the VNTC/SWOs were written for the same violation but one forester used the NTC while another used the SWO. In the opinion of the reviewers, the SWO was the correct document to have used.
- x The region continue to make adjustment and or corrections to forest practice applications, which in some cases they are using white out to mark out original comments or answers. The division has several times sent guidance to all regions not to use white out. They have been advised to simply cross-out minor changes followed by the initials and date of the person making them. If it is more than a few minor changes or it is a major change the FPAs should be returned to the applicant with a detailed list of the corrections needed.

- ⇒ The agency needs to create system to track leaves areas contained on FPAs for future reference such as a GIS layer.

To: Lenny Young, FP Division Manager

**From: Gary Graves, FP Assistant Division Manager -
Operations**

RE: Final PC Region Audit Team Report

Date: December 18, 2006

First, I would like to thank the staff in Pacific Cascade Region for creating an environment that allowed us to openly discuss and explore your current methodology of implementing the forest practice program in the region.

- ☞ The region staff understood the need for confidentiality of sensitive information and had a system in place to manage it.
 - ☞ The FP staff understood when an ID Team could be called and the primary objective or outcome.
 - ☞ The ID Teams visits:
 - 3 of the 5 reports had identified the key issues
 - 4 of 5 had documented the team recommendations
 - 4 of 5 had recorded the DNR's decision
 - 2 of 5 identified essential team members
 - ☞ All FPAs were processed within the assigned time limits.
 - ☞ The region had issued one civil penalty during the review period, which the audit team found to be issued in a timely manner. The assessed penalty had been calculated correctly.
 - ☞ 17 of 20 were conditioned to adequately protect the resources.
 - ☞ The RMAP reviewed met the even-flow concept.
 - ☞ The region issued the appropriate enforcement documents in 6 of the 8 reviewed.
 - ☞ The region is attempting to implement all forest practice rules by setting priorities and expectations with allotted staff.
 - ☞ Most industrial landowners are locating pip on the ground verse using the default basin size.
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- 17 of the 20 applications were incomplete when approved.
 - 17 of the 20 applications were not classified correctly. (The FP Coordinator reviews 95% of the FPAs for classing.)
 - 2 of the 20 FPAs had documentation to confirm that a pre-approval site visit had occurred.

- No documentation either in the files or from the foresters was provided to confirm that any post approval site had been conducted.
 - Lack of overall documentation within the FPA files or with the FPF. The program is not looking for a lot of documentation. It could be a one liner that the forester visited and found no problems.
 - The overall number of enforcement action seems low in comparison with the numbers issued in other regions.
 - The enforcement documents generally lacked the specific location of the problem to allow our staff to locate it in the future.
 - For 2 of the NTCs written, the team could not determine if the correct document was issued based on the information contained in the file.
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- × The program needs to evaluate the need to capture and track long-term requirements.
 - × The program needs to have a discussion with the region about ICNs issued in conjunction with the enforcement action as required by WAC.

The region has collected the CDs containing the sensitive information from the field staff. The field staff had been given a CD that contained the sensitive wildlife information. The safe guards to protect this information ranged from very good to non-existent.

Two FPA identified cultural resources, which should have required a meeting between the landowner and the affected tribe. No documentation was found to confirm the meetings had taken place. Region reported that these were not tribal archeological sites and that the information was in the FPA files.

To: Lenny Young, FP Division Manager

From: Gary Graves, FP Assistant Division Manager - Operations

RE: Final South Puget Sound Region Audit Team Report

Date: December 18, 2006

First, I would like to thank the staff in South Puget Sound Region for fostering an environment that allowed us to openly discuss and explore your current methodology of implementing the forest practice program in your region. The fire activities throughout the state reduced the number of forest practices foresters interviewed to two. The region\division leadership discussed and decided that staff interviewed was representative of the region field staff. No additional field staff will be interviewed.

Good

- The region correctly classed 19 of the FPAs reviewed.
- The ID Teams reports reviewed were well documented.
- The RMAPs reviewed showed the work was planned to be accomplished in an even-flow manner.
- The majority of the FPAs (19) were conditioned to adequately protect the resources.
- All FPAs were processed in a timely manner and within the assigned time limits.
- The FPA files were well organized which allowed the team to easily locate the information. The new FPA form is a good improvement when accessing the issue associated to the proposal.
- The staff told us that they documented all field visits on the region's field compliance form, which are turned to the AAI for tracking.
- Four of the five civil penalties were issued in a timely manner. The assessed penalty was correctly calculated on three of the five reviewed.
- The correct enforcement document was issued on 9 of 10 documents reviewed. The FPFs could do a better job of describing the scope of the issues found and specific location.
- FP staff understood when and why ID Teams were called. They have more informal ID Team site visits than official ones. No differences on the outcome between the formal and informal processes.

Issues

- The ID Team report didn't identify the essential team members.
- 10 of the FPAs should have had a site visit. No documentation was found in the file to confirm the site review occurred.
- Could validate through documentation that only four of the FPAs had post-approval site visits.

- Eight of the FPAs were incomplete when approved - (Greenup, road abandonment and moratorium form).
- The field documentation of site visits was not found in the FPA files as reference information.
- Two of the civil penalties had the assessed penalties calculated incorrectly.
- 03WXSJ - The assessment form originally had an assessed penalty of \$34,000 associated with seven identified violations. Five of the violations were crossed out and a hand written assessment for the remaining two for \$10,000. Team believed that a new assessment sheet should have been completed as well as an explanation of the changes.
- 01WXGW - It appears that Violation 2 was repeated by Violations 3, 4, and 5.
- Several of the enforcement documents used the incorrect WACs or didn't identify the specific sub-element of the WAC that was violated.
- Copies of enforcement documents issued for violations of the FP rules to applicants applying HCP strategies were not sent to the Federal Services as required.
- One FPA was not conditioned to adequately protect the resources. The FPA didn't identify the conditions listed in MDNS as part of the SEPA process.
- The moratorium form was not properly corrected when sent to the counties for recording.
- Several of the FPA's were stamped with more than one acceptance date without any of the previous dates being crossed out which caused some confusion of when the FPA was received.
- Some of the enforcement documents identified mitigation steps, which the violator was required to contact the counties for additional requirements and to comply with those additional stipulations. This places the department into a position of complying county requirements as part of the NTC or SWO.
- The FPFs need to take additional time as necessary to ensure enforcement document are properly completed and accurate. Some of the enforcement actions had specified completion dates, no follow-up information could be found to confirm these site inspections were done.
- This office appears to be giving the application reviewers only 13 days rather than 14 days to provide comments based on the method used to count days.
- The region may want to develop disapproval language on the few FREP FPAs that are received that cannot be approved to ensure a consistent message is delivered.
- There is some confusion between what the field FP foresters told the interviewers verses what was found in the files for documentation. If the FPFs are recording each site visit on the field inspection form, where is the information being kept?
- The program should have some GIS layer to manage and track long-term rule requirements such as WRTs, GRTs, APs, unstable slopes, etc.
- The program needs to have a discussion with the region about ICNs issued in conjunction with the enforcement action as required by WAC.

Enforcement Document Counts: The spreadsheet indicates that one FPF has had only 4 FPA's. According to our records he has had 120 approved FPA's in 2005. The spreadsheet indicates that a forest practices staff is POSN 0057. She is not; it is the position code for temporary Forester 1's assigned to us. The number of VNTC's for 5 Foresters are different from our records. We do not know how the division's numbers

were generated and why there is such a difference. The number of enforcement documents shown, represent the information sent to the FP Division from the region for calendar year 2005.