Compliance Monitoring Program

8.1 Introduction
Compliance monitoring is an important and major element of the FPHCP. One of DNR’s responsibilities is to ensure that operators and landowners are complying with the forest practices rules when conducting forest practices activities. According to WAC 222-08-160 (4), “DNR shall conduct compliance monitoring that addresses the following key question: ‘Are forest practices being conducted in compliance with the rules?’ DNR shall provide statistically sound, biennial compliance audits and monitoring reports to the Board for consideration and support of rule and guidance analysis. Compliance monitoring shall determine whether forest practices rules are being implemented on the ground. An infrastructure to support compliance will include adequate compliance monitoring, enforcement, training, education and budget.”

The objective of the compliance monitoring program is to determine if forest practices are being conducted in compliance with the forest practices rules in effect at the time. To reach this end, the goals of the compliance monitoring program are as follows:

- Develop methods to streamline and maintain a cost effective field review compliance monitoring process.
- Provide relevant and accurate information to the Adaptive Management program to modify or to clarify the rules in order to improve compliance.
- Identify opportunities to provide education (especially for complex forest practices rule categories) for landowners, regulators, consultants, and operators as suggested by non-compliance rates.
- Provide information for rule and Forest Practices Board Manual revision if necessary.
- Provide results to the Services and the Environmental Protection Agency, where applicable.

The framework for the compliance monitoring program includes the following components:

- The results must be credible and defensible.
- The Program will develop sampling methods, sample size, selection criteria, and reporting format.
- The sampling design will provide required information over time.
- The Program must be sustainable, adjustable, easily understood, and manageable.

8.2 Compliance Monitoring Program Design
In 2006, an internal working group led by DNR and consisting of representatives from DNR’s Forest Practices program, DOE, and WDFW completed a compliance monitoring Program Design focusing on RMZ rules for all typed waters and road activities. The Program Design also included a detailed protocol for field assessments, revised forms, and data collection templates.
The Board recommended that the department, under the supervision of the AMP Manager, conduct a Technical Review of the Program Design. Five reviewers were selected who had operational monitoring experience and the report results were presented to the Board in February of 2008. In response to the review, DNR has revisited the program design and hired a professional statistician to refine the statistics. Other changes as recommended have been incorporated into the program. This revised program design has been completed and currently is in internal review.

Initially, DNR provided appropriate training for the protocol to all field staff including DNR, DOE, WDFW, and tribal participants. Training is ongoing as needed for new staff.

8.3 Highlights of the Compliance Monitoring Program

A study design focusing on RMZ rules for all typed waters from WAC 222-30 along with Road Construction and Maintenance rules from WAC 222-24 was developed for the Compliance Monitoring Program, and initiated in the 2006 field season.

A summary chart of the 2006 field season results can be found in the 2007 FPHCP Annual Report. The report containing the 2006 compliance monitoring results is titled, “Compliance Monitoring 2006 Field Season Interim Report” and can be found at http://www.dnr.wa.gov/BusinessPermits/Topics/ComplianceandEnforcements/Pages/fp_cm_program.aspx.

The 2007 field season was completed and a combined 2006-2007 report has been drafted. The draft is being reviewed internally for finalization and presentation to the Forest Practices Board in November 2008. The results in the report pertain to riparian and road activities throughout the state. There were a total of 289 riparian activities and 234 road activities reviewed during the 2-year period.

A finer look at two smaller populations of FPAs took place in 2007 – 2008. The two populations involved FPAs with Alternate Plans and Small Forest Landowner 20-Acre exempt parcels. This concentrated effort was made because these two groups of FPAs utilize rules that are different than the “standard” rules and the population of each FPA type is so small that it would take years to develop any meaningful statistics about each group. These two rule groups occur in approximately 1.5% of submitted FPAs. The results from this study will be included in the 2008-2009 report to the Forest Practices Board.

8.4 Future Plans for the Compliance Monitoring Program

The results of almost three years of field reviews have begun to provide a better picture statewide of the implementation of the 2001 forest practices rules on the ground. Regional and specific information on rule elements will be available as field data increases.
As a result of findings, the compliance monitoring program is launching a training effort which will cover specific key points to help improve rules compliance. In general, an emphasis is being placed on outreach and training as a means to increase compliance of forest practices rules.

The compliance monitoring program is in the process of forming an advisory committee for future compliance monitoring program adjustments and reviews. Some possible rule elements for review may include wetlands, and unstable slopes. Approximately 15% of submitted FPAs contain wetlands; therefore, FPAs with wetlands will require a separate sample from a discreet population in order to obtain statistically meaningful results. The compliance monitoring program may use the results from a number of CMER projects currently underway on unstable slopes to create a protocol to evaluate compliance on unstable slopes. These proposed future projects will be discussed with the advisory committee.

**8.5 Funding**

The Forest Practices program actively seeks state funding from the Legislature and support from the program’s partners on an ongoing basis to effectively implement the compliance monitoring program. DNR has received funds from the Legislature since 2005 which allows the DOE and WDFW to assist DNR in the compliance monitoring efforts. DNR has established a program manager and program field coordinator positions to implement the compliance monitoring program.