

## FOREST PRACTICE INSPECTIONS

5507

(No. 6 January 1999)

PRC Sections 4604, 4585, and 4588 in the Forest Practice Act require the Director to provide for forest practice inspections of timber operations, as needed:

- During the period of commencement.
- When well underway.
- After completion, but within six months of receiving a work completion report from the timber owner. Such inspections must be made within six months of receipt of the stocking report. Otherwise, enforcement action on understocked areas will be seriously compromised and may be impossible.
- Within six months after receiving a stocking report from the timber owner, if the THP area has not previously been determined to be stocked.
- At such other times as deemed necessary to enforce the provisions of the Forest Practice Act, related Board of Forestry regulations, forest practice rules, and applicable state fire laws.

The unit ranger (manager) of a unit having timber operations is responsible to the region chief for maintaining a well balanced and orderly forest practice inspection program that meets requirements of law and policy, using assigned foresters and rangers. The region chief will assign responsibility appropriately for forest practice inspection of timber operations on private lands within federal protection areas so that all such areas in the region are covered. Additional inspection and enforcement efforts will give priority to those operations showing the most flagrant and serious violations and where the strongest compliance by other operators in the area can be gained. Use of card records, wall charts, and maps in conjunction with the operator file is virtually essential. These devices will help to ensure that the required inspections for each operation are made and that appropriate priority is given to operations with serious violation and sensitive environmental problems.

Care should be taken to ensure that timber operations near administrative boundaries are not overlooked, or that inspections are not inadvertently duplicated by adjacent administrative jurisdictions. Administration of inspections and enforcement for such areas requires coordinated planning between regions and units.

## **INSPECTION PERSONNEL**

**5507.1**

(No. 6 January 1999)

To complete the inspection load, all available qualified personnel should be used. Except for inspections of timber operations made only for fire prevention and compliance with fire laws, forest practice inspections will be made under the direction and review of a CDF Registered Professional Forester (RPF). The RPF is responsible for the professional work of nonlicensed personnel who may report to him. The RPF responsible for other forest practice work in the administrative unit where the report originated should be assigned to follow up any problems that the inspecting officer cannot handle because of other workload, because a higher degree of professional forestry experience, expertise, and forest practice specialization is needed, or because the situation otherwise requires handling by a licensed forester.

A completion and stocking inspection can be made by an unlicensed inspector, but the completion and stocking report must be signed or countersigned by a CDF RPF, preferably a Forester II or higher.

To determine a guideline, the State Forest Ranger I should inspect the simpler and/or smaller operations within his/her district when he/she is relatively near normal travel routes used for other work and where the inspection is of a routine nature. When a potential problem or more complicated situation is encountered requiring disproportionate amounts of time to other workload or more specialized effort, the Ranger I should request the assistance of a forest practice officer. The Ranger I should be regarded as the eyes and ears for detection of incipient forest practice problems encountered in operations he/she inspects. A Ranger I who is not an RPF must be given supervision by an RPF in forest practice work.

## **INTERNAL FOREST PRACTICE AUDIT INSPECTIONS**

**5507.1.1**

(No. 6 January 1999)

Consistent with the enforcement policy stated in the Procedural Handbook Section 5501, the Department shall activate a formal internal audit of all employees making forest practice inspections. This process is designed to ensure that the application and enforcement of the rules and regulations of the Board of Forestry and departmental policies are being and will be uniformly, timely and correctly applied throughout the state.

Internal Forest Practice Audit Inspections are conducted for the following reasons:

- Improve uniformity of Forest Practice law, rule, and policy application within the Department.

- Identify mitigation measures and practices that are or are not providing adequate forest resources protection.
- Identify Forest Practice regulations that need modification.
- Identify issues that need to be addressed in the Forest Practice law, regulations or policy.
- Evaluate the performance of individual Forest Practice inspectors relative to the application of Forest Practice laws, regulations, and policies.

The audit process consists of three categories of audit inspections.

**A. Category I Audit Inspection**

Category I Audit Inspections are directed at the everyday activities of employees doing forest practice related work. Area staff shall conduct category I audit inspections. Sacramento staff shall make periodic Category I audit inspections and shall assist area staff in making inspections by providing technical and policy guidance in the conduct of Category I audit inspections.

**B. Category II Audit Inspection**

Category II Audit Inspections are complaint driven or specific problem oriented. These inspections may be specifically requested by the unit, area or headquarters or may result from complaints from the public or other agencies.

**C. Category III Audit Inspection**

Category III Audit Inspections are general supervisory type inspections conducted by unit staff supervisors.

Audit inspections will be made based on the category of the inspection as follows:

**A. Category I Audit Inspections**

Inspection responsibility is assigned primarily to the area offices. At a minimum each inspector shall receive one audit inspection per year. Where specific problems are identified, additional inspections may be required to ensure the problems are adequately resolved.

**B. Category II Audit Inspections**

Category II audit inspections shall be made as the need dictates.

**C. Category III Audit Inspections**

A home unit supervising RPF shall conduct a minimum of one (1) audit inspection per year for each inspector. Where specific problems are identified, additional inspections may be required to ensure the problems are adequately resolved.

Timber Harvesting Plans with a wide range of complexity should be selected for audit inspections so the inspector's technical ability and knowledge of Forest Practice laws, regulations, and policies can be fully demonstrated and evaluated.

Plans may be identified as audit inspection candidates at any time during the THP process; however, the final selection of plans for Category I inspections from the candidate pool shall be made by the area staff audit inspector.

Assigned audit inspectors may request assistance from other Review Team agencies where their expertise would be helpful.

A written report shall be prepared for each category of audit inspection conducted. Audit inspection reports should be brief, and may contain positive findings as well as other observations noted at the site. Questions needing further policy clarification should be identified for resolution. Deficiencies will be discussed with the inspector and, if necessary, recommendations will be made for improvement and/or training. Recommendations shall be discussed with the inspector's supervisor. The report may reflect the inspection of one plan or several plans.

Audit Inspection Reports must contain, as a minimum, the following information:

- Date
- Area and Unit
- Audit Inspector's name (not for public release)
- THP number or other identification
- Individuals present at inspection
- Status of the operation inspected
- Brief description of the operation observed
- Observations and findings

- Recommendations for improvement of: the forester's inspection activities, the rules, enforcement activities, uniformity of rule application, training needs, etc.

The [Audit Inspection Report](#) illustrates a suggested format for the written audit report.

Category I audit inspection reports should be completed by the audit inspector and mailed to the unit and Sacramento headquarters within 14 days of the inspection.

Not all Category III audit inspection may require preparation of a full report. In cases where there are no deficiencies noted during the inspection or there are no Forest Practice law, regulation or policy issues that need to be addressed, a full report is not necessary. However, the audit inspection will be recorded in an Audit Inspection Log.

An Audit Inspection Log will be maintained at each Area and Unit office. The purpose of the Log is to track audit inspection activity without the necessity of looking at each and every audit inspection report. The Audit Inspection Log will contain the following information:

- Audit Inspection Category
- Date of Inspection
- Audit Inspector's Name
- Forest Practice Inspector's Name
- Duration of Inspection (hours)
- Was an Audit Inspection Report Prepared Y/N

Category I inspections will be logged at the Area Office. Category II inspections will be logged at the office where the complaint is received. Category III inspections will be logged at the Unit. Responsibility for maintenance of the Audit Inspection Log shall lie with the Unit Forester at the Unit and the Area Forest Practice Auditor at the Area Office.

Unit Foresters are required to review audit reports and take necessary steps to remedy noted deficiencies. Area and headquarters staff is available to assist where needed.

Policy issues raised during audit inspections will be addressed at the appropriate level and written clarifications provided where appropriate.

Audit inspection reports may or may not be considered confidential depending on the circumstances surrounding an inspection. An Audit Inspection Report is considered as confidential by law in the following situations:

1. The report is part of an individual's personnel file.
2. The report is a document that will be used as evidence in an action against an employee.
3. The report is a document that will be used in an enforcement action.
4. The report is a result of a Category II Audit Inspection in which a complaint is made against a **Peace Officer**.

Based on these limitations, the department's policy on handling public requests for copies of the Forest Practice Audit Inspection Reports will be as follows:

- If an audit inspection report is associated with any of the situations that are deemed confidential, it is not open to public review.
- Audit inspection reports, which do not meet the criteria for confidentiality, are considered public records and are open to public examination. An audit inspection may become confidential at any time so to avoid violation of the law and the Forest Practice inspector's privacy rights, the Forest Practice inspector's name shall not appear on audit inspection reports released to the public.

Area office Forest Practice Auditors and the Deputy Chief for Forest Practice Enforcement shall serve on a Forest Practice Audit Inspection Committee. This Committee shall meet two or three times yearly to review the progress of the internal forest practice inspection process. At these meetings, each area will summarize the recent activities and discuss recommendations to modify and improve the Department's Forest Practice Enforcement program and the audit process.

## **RELATIONS WITH OTHER AGENCIES**

**5507.2**

(No. 6 January 1999)

Responsibility for administration of the Forest Practice Act rests with the board and the department and no other. This responsibility cannot be delegated in whole or in part to another agency in the way that fire prevention and fire law enforcement are delegated to the U.S. Forest Service and to contract counties. Regardless of fire protection jurisdiction, forest practice administration and inspections will be done by department personnel only.

During the first forest practice inspection of an operation each year upon land under the fire protection jurisdiction of another agency, the state inspector should work closely with the representative of the other agency in making the inspection. This way the CDF inspector and other agency representative will gain an understanding of mutual and related problems, and above all the timber operator will be informed of each agency's role and the operator's own responsibility in conforming with forest and fire laws and forest practice rules and regulations. Later woods inspections need not be made in company with the representative of the other agency. As a matter of courtesy and coordination, the state inspector should inform the other agency of any violations of law other than those of the Forest Practice Act and related regulations. A copy of any written notice of such violations provided or sent to the operator will be sent to the cooperating agency.

## **FISH AND GAME AND WATER QUALITY LAWS**

**5507.2.1**

(No. 6 January 1999)

Important parts of the forest practice rules relate to fish habitat and water quality and to certain provisions of laws pertaining to stream blockage and water pollution administered by the California Department of Fish and Game and regional water quality control boards. The department inspectors should inform the timber operator of the existence and nature of these requirements.

Information concerning the names and locations of timber operators and other forms of cooperation should be extended to these other agencies, when requested. Situations requiring action by another agency will be called to that agency's attention promptly by letter or report to the appropriate local office of the agency. Such letter or report will be signed and transmitted by the department manager or supervisor responsible for the forest practice inspections in the area where a suspected violation is observed.

The report will contain the following information:

- Precise location of the alleged violation.
- Date observed.
- Name and address of landowner.
- Name and address of timber operator.
- Nature of the alleged violation.
- Whether or not the alleged violation is continuing.

- The full name, title, post office address, and telephone number of the person who observed the violation.

A forest practice inspection or appropriate field examination will be made at the earliest possible time whenever a written report with sufficient information to identify the operation of suspected forest practice violation is received from another public agency.

## **RELATED FIRE LAWS**

**5507.2.2**

(No. 6 January 1999)

One of the purposes of a forest practice inspection is the prevention of fires. A ready means of fire prevention in timber operations is through the report and correction of noncompliance with fire laws as well as of violations of forest practice rules for hazard reduction and fire protection. The Fire Prevention Inspection Report and Notice of Inspection, form LE-38, will be used to record each fire law inspection and to notify the responsible party of violations (see the Fire Prevention Engineering Handbook, 5200/9200).

A department inspector within the state protection area will also inspect a timber operation for compliance with state fire laws and local ordinances which the department is responsible for enforcing (see Law Enforcement Procedures Handbook, Section 9400).

In those areas where the forest fire protection has been contracted to another agency (e.g., U.S. Forest Service or contract county), close liaison will be maintained between department personnel conducting forest practice inspections and those agencies so that detected violations of state fire laws will be brought to the agency's attention immediately.

## **FIRE PROTECTION PLAN**

**5507.3**

(No. 6 January 1999)

The forest practice rules require that each timber operator prepare and file a fire protection plan annually and keep the plan up-to-date during the fire season. The purposes of the fire plan are listed below:

- Make the operator more fire conscious by causing him/her to think about preventing fire and preparing for fire on his/her operations.
- Help the operator organize his/her operation for effective fire fighting.
- Provide valuable information to the fire protection agency concerned.

The fire plan will be submitted and will include such information as may be required by the rules. The Timber Operator's Fire Protection Plan, form FM-58, will be made available to the timber operator for convenience in preparing his/her fire plan. Supplies of the FM-58 will be kept for distribution at all department offices in the timber areas. Comparable forest service or county fire warden offices should be asked to assist in the distribution of this form to operators.

Department office and field personnel should be knowledgeable about and should assist any operator in the preparation of the fire plan. The important considerations are meeting the legal requirements and routing the plan to the appropriate fire protection staff.

## **FILING OF FIRE PROTECTION PLAN**

**5507.3.1**

(No. 6 January 1999)

The rules require that the operator's fire plan be filed with a designated office or offices. Any fire plan received by the Sacramento office will be forwarded to the appropriate region chief.

Normally, the place of filing and retention is the office of the local CDF unit ranger. However, the official depository of some plans may be with the region chief, e.g., those plans filed by operators within a forest service protection area, those from within a contract county, or those operating in more than one CDF unit.

Arrangements should be made with offices of the forest service or contract counties to transmit fire plans received by such offices to the appropriate CDF office. However, if such an agency has jurisdiction for fire protection in the area of the operations, it should make copies of such fire plans for its own use. A CDF office receiving a fire plan that should have been filed in another CDF unit will forward the plan to the proper office.

The final filing place of the official copy of the operator's fire plan will be either with the local CDF unit ranger (when he/she has jurisdiction for fire protection in the entire area of operation) or with the region chief (when jurisdiction for fire protection is with another agency or more than one unit is involved). When the plan is filed with the unit ranger, a copy of the plan or notice of its receipt and custody will be sent to the region chief for placement in the file of the timber operator. To be in compliance with the rules, the plan, or notice of the location of the plan, on file with CDF must be available for the inspection of the timber operator. An inspector should check either the timber operator file at the region office or the files of the unit before making an inspection during fire season.

Information contained in a fire plan should be available to dispatchers and field supervisors, whether inside or outside the department, to achieve the maximum value of the plan.

## INSPECTION PROCEDURE

5507.4

(No. 6 January 1999)

It is important that forest practice inspections be conducted statewide according to the standards and formalized manner set forth in this section. Any necessary law enforcement action subsequent to the inspection is dependent upon the inspection procedure, an accurate record of facts, the evidence collected, and documentation of observations made during the inspections.

All forest practice inspections conducted by department personnel are done under the authority of PRC '4604. An inspection is also usually conducted under the general consent given to the department's personnel when the responsible party signs the THP or other harvesting document. The timber operator also grants consent when he signs the timber operator license application. However, a nonconsensual inspection is authorized and may be necessary.

If the property owner, an agent thereof, the timber owner, a timber operator, or the person responsible for the THP chooses to prohibit access for the conduct of a forest practice inspection, the department's inspector is placed in the practical position of obtaining specific consent for the inspection or proceeding without consent. If refusal of access occurs, the inspector should tactfully inform the person that statutory authority exists for the inspection and attempt to gain access through persuasion. The inspector should seek further instructions from the regional and headquarters' forest practice staff if persuasion fails.

All inspections required by PRC Section 4604 fall into two categories: noticed and unnoticed. Noticed inspections should be made whenever possible in order to maintain direct communication with parties responsible for the timber operations. It is recognized that unnoticed inspections may be required to meet certain exigent enforcement needs; for example, evaluation of activities that may require urgent corrective actions or of potential violations which could be hidden upon receipt of a notice of inspection. These two inspection categories will be conducted with the following minimum standards:

- Inspections will be conducted for those reasons and under the authority identified in PRC Section 4604.
- On noticed inspections, the responsible person or timber operator will be contacted before the inspection is conducted. When arrangements have been made, the contact may be made through the RPF associated with the THP.

- A reasonable time for such inspections will be between sunrise and sunset, Monday through Saturday. The forest practice officer's supervisor, depending upon workweek and workload may approve exceptions to these times. A single inspection may take more than one workday to complete.
- Inspections will be documented as completely as possible by the means available. This may include notes of conversations, written reports, photographs, maps, declarations, or other means. Proper documentation is important to any subsequent enforcement action.
- Individuals possessing expertise on resources affected by timber harvesting may be asked to assist with inspections as agents of CDF. These experts should only be asked to determine whether the operations are in compliance with the Forest Practice Act or rules. When it is determined that experts are needed, the department's inspector will accompany them during the inspection. The inspector should recognize his/her lack of expertise or experience and request such assistance.
- Inspections should be conducted in a manner and under conditions that would minimize damage to erosion control facilities and structures. Department representatives will repair any damage to facilities or structures prior to leaving the harvest area, unless otherwise arranged. Gates and fences will not be damaged for the purpose of conducting a forest practice inspection.
- On unnoticed inspections, the responsible person or timber operator will be contacted as soon as possible following completion of the inspection. The responsible person or timber operator will be informed of the identity of the person (or persons) making the inspection, as well as the results. If possible, this will be done by phone prior to preparing the inspection reports.

## **PROOF AND IDENTITY OF TIMBER OPERATOR**

**5507.4.1**

(No. 6 January 1999)

During an inspection, evidence should be obtained to indicate that the person named in the inspection report is, in fact, the timber operator within the meaning of the law. No inspection is complete until reasonable evidence is included that the person named did, in fact, conduct timber operations on the area described in the report. Such evidence includes answers from the timber operator or his/her employees to direct questions indicating who gives the orders, who owns and/or operates the equipment, who receives payment for the forest products, who is responsible for the woods payroll, and what area on the ground is covered by the operation.

Such questions should be asked and the answer recorded as part of the inspection report or as written memoranda to the file unless the timber operator and the area on which he/she is operating has been established beyond any reasonable doubt.

If these facts cannot be determined in the woods, the individual who appears to be responsible for the operation will be contacted to determine who is responsible for the cutting and removal of forest products on the areas inspected.

Company or individual names on logging equipment should be noted as evidence of whom may be conducting or jointly responsible for the timber operations.

In cases of subcontract or "gyppo" operations, the method of payment and degree of control or supervision are key factors in determining whether a party is an independent contractor, with joint responsibility, or an employee, with wages as sole compensation. In more complicated instances, this may be a matter for legal determination. Sound information on working relationships and manner of payments, ascertained and recorded during the inspection, may later make the difference between prompt correction or prosecution and a dropped forest practice violation case.

## **INSPECTION REPORT LETTER AND RECORDS**

**5507.4.2**

(No. 6 January 1999)

The forest practice inspection report, a computer generated letter, will be used to record inspections of timber operations (except preharvest inspections) for the Coast, Northern, and Southern Forest Districts, respectively.

For convenience and efficiency in reports and inspections, the inspector should prepare a separate inspection report letter for each side or working unit of a large operation. A separate inspection letter will be used for each THP, so that an inspection letter never covers more than one THP. The inspection report should be filed with the THP to which it applies or in the operator's file, and the files should be cross-indexed. This way the THP compliance and the operator's record can be reviewed easily and needed documents assembled in case of an enforcement action.

Copies of each inspection letter will be prepared to mail to the parties concerned and to meet the needs of the region. The original signature copy will be filed in an office designated by the region chief, preferably the regional office. The original signature copy will be used as evidence in the event of an enforcement action.

The name of the operator on the inspection form should correspond exactly with the name of the timber operator licensee. In case of doubt, or where an operation is being conducted without a license, the name should be joint or several, depending upon circumstances.

The term "complete" will be used only for operations for which a completion report has been received. If necessary, other terms that are not self-explanatory may be used provided they are explained. Maps should accompany the inspection letter and will show the THP area and the total area logged at the time of the inspection. The location of violations will be shown on the map when appropriate.

All violations by the operator will be described in the space provided so that they will be clearly understood by a third party weighing the charge of violation against the law or rule.

Comments should not be made about items in compliance. Statements should be confined to either a notation that a previous violation has been corrected or a cautionary statement about an existing condition that will become a violation if it continues.

The inspector should remember that his/her records might be used eventually as evidence in a hearing or trial. At such a time, the question will be direct, and any remarks that depart from the evidence could be embarrassing to the inspector and the state. The questions for direct evidence will be what law or rule was violated, and precisely how, when, and where, and by whom? The degree may be important; for example, the number of snags, size of described area, amount of slash, etc.

Inspectors do not have the authority to overlook a delinquency or call a violation. The inspector is responsible for determining whether a violation of law has occurred and will report his/her findings. Where any doubt exists, the inspector should express his/her opinions to their supervisors.

No personal references, derogatory or complimentary, to any individual connected with the operation will be made on the inspection letter. Name, occupation, and address, however, will identify any person who has violated a law or rule, and the violation specified.

## **INSPECTION LETTERS**

**5507.4.2.1**

(No. 6 January 1999)

Previous Department policy required CDF to inform timber operators, timber owners, and others of all inspections made of a timber operation, even when the forest practice inspector identified no violations. However, the preparation and mailing of such inspection letters created a significant workload for inspectors/clerical staff, and there are no legal requirements for preparing and sending such inspection letters when no violations have been noted.

Thus, as of May 2, 1991, when no violations are identified during an inspection and when there is no advisory information to pass along to the timber operator or others, an inspection letter shall not be prepared and mailed. However, the computer program shall be used to document (report) information about the inspection for Department program administration and future inspections. The computer "checklist" will still be created for each inspection. A printed copy of the checklist will be placed in the official records for the timber operation. The printed copy of the checklist will serve as a backup to the computer program.

This policy will be evaluated at the end of one year to determine if any modifications are needed. The evaluation will determine if there are any changes in the numbers and types of inspections being made and will ensure that checklists are being generated to provide the data needed for Department program administration.

## **MAILING OF CHECKLISTS**

**5507.4.2.2**

(No. 6 January 1999)

The Department maintains an administrative computer record (commonly called a "checklist") for each forest practice inspection made. The checklist indicates the date of the inspection, who made the inspection, codes inspected for, hours making the inspection, etc. Some units in the state are sending this checklist along with the inspection reports to timber operators and others. Sending this checklist increases the time and expense of processing forest practice inspections. There is no legal requirement to send the checklist. Timber operators and others receive all the information they need in the inspection reports.

It is Department policy that the checklist shall not be sent to timber operators and others. The checklist is an internal Department administrative tool.

## **CHECKLIST DATA ENTRY**

**5507.4.2.3**

(No. 6 January 1999)

It is the Department policy that the data entry for the checklist created for each forest practice inspection will have the following constraints:

1. Each code section inspected for will be checked with either a "c" or a "v". A "c" means the timber operation was checked for compliance with the code and found not in violation; a "v" means the timber operation was checked for compliance with a code section and found in violation.
2. Only the name of the person who is responsible for making the forest practice inspection will be entered. The number of hours spent by other staff who assisted in making an inspection will be included.

3. The data entry for the name of the person who made the inspection shall be restricted to the inspector's last name unless there are two inspectors with the same last name.

## **INSPECTION REPORTS**

**5507.4.3**

(No. 6 January 1999)

After a forest practice inspection, a signed copy of the forest practice inspection letter will be given or mailed to the timber operator(s), timber owner, landowner, and to the RPF, as appropriate. If mailed, the letter will be mailed to the addresses shown on the application for timber operator's license, THP, notice of exemption from timber harvesting plan requirements, or other form related to the timber operations.

## **RECORDING VIOLATIONS AND STOCKING REQUIREMENTS**

**5507.4.4**

(No. 6 January 1999)

The purpose for recording a Notice of Forest Practice Requirements or a Notice of Stocking Requirements is to: (1) place potential purchasers of the property on notice before they are surprised by a lien for costs of correction, and (2) ensure that compliance with requirements of the act and rules can be obtained.

It is impossible to give precise guidelines for deciding which violations should be recorded, but a good rule would be to record those for which a landowner is likely to be billed for costs of correction. These would include potential stocking violations and other substantial violations which may result in issuance of a Notice of Intent to Take Corrective Action. Priority should be given to those situations where there is evidence that property may be sold and to serious violations which have not been corrected within a reasonable time following a Notice of Violation. A Notice of Intent to Take Corrective Action should also be considered. If time appears to be of great importance, the notices should be recorded as soon as practical. When notices are recorded, copies should be sent immediately to the owner or operator.

Enforcement of stocking requirements presents some unusual problems because of the time periods involved. During the five years allowed to accomplish restocking, timberland often changes hands and new owners will probably be unaware of the requirements. CDF will have difficulty enforcing the requirements on a new owner unless legal notice has been given before the new owner purchases the property. To overcome this difficulty, filing of a Notice of Stocking Requirements should be given high priority when the CDF inspector believes the area is not obviously stocked or there is reason to believe the lands will be sold before being restocked. When the notice is to be used, it shall be recorded at the applicable county recorder office for each THP immediately upon expiration of the THP or submission of a work completion report, or sooner if desired.

After the timber operator or owner has complied with the rules or taken the required corrective action, a notarized affidavit that forest practice corrective work has been accomplished should be sent to the landowner by the unit filing the notice. A cover letter should explain that the landowner could have the affidavit recorded to remove any cloud on the title caused by the notice. The unit filing the notice may have the affidavit recorded if it is expedient and there is no charge to the state.

The following, Notice of [Forest Practice Rule Requirements](#), [Stocking Requirements](#), and [Forest Practice Accomplishment](#) include the formats for those notices. They should be adapted, as needed, to fit a particular situation. Such notices should be stated in the affirmative mode; i.e., there is no actual charge that a violation exists but only that certain corrective action is anticipated or has been accomplished.

This is important since any violation alleged prior to a hearing may be considered to be an unsubstantiated allegation.

## **CONTACT WITH TIMBER OPERATOR**

**5507.4.5**

(No. 6 January 1999)

Inspections of active timber harvest operations should always be considered as an opportunity to discuss the conduct of the operation with the lead person on the site. This discussion is important even when that lead person on-site is not the actual licensed timber operator. However, the following applies only to those situations where the licensed timber operator or his/her representative is encountered during an inspection.

The objective is to ensure that timber operators are not left with the impression, following an inspection, that there are no problems when, in fact, the inspector has several concerns and may issue a Notice of Violation or citation.

In every case where an inspector is considering issuing a Notice of Violation or citation, the lead person on-site must be informed of this possibility, and the inspector's observations and recommendations discussed with that individual. If the inspector leaves the site without contacting the lead person on-site, or later determines that a Notice of Violation or citation should be issued, the inspector must contact the licensed timber operator by telephone as soon as possible to discuss the impending violation or citation.

The inspection report must document that contact with the lead person was made, or, if not made, document at least two attempts at contact. Such contacts, or attempts at contact, shall occur prior to mailing the Notice of Violation or citation.

FORMS AND/OR FORMS SAMPLES: RETURN TO ISSUANCE HOME PAGE  
FOR FORMS/FORMS SAMPLES SITE LINK.

[\(See next section\)](#)

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