



Forest Practices Decision Appeals



Types of Appealable Decisions



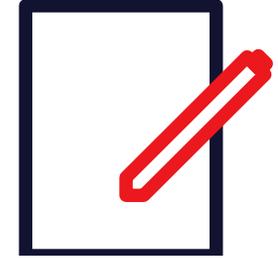
FPA/N NOTICE OF DECISION

A document issued by the DNR Forest Practices Forester to inform the submitter of a Forest Practices Application/Notification of the approval or disapproval of the proposed forest practices and any approval conditions.



SEPA DETERMINATION OF NON-SIGNIFICANCE

The DNR Responsible Official's decision that a proposal is unlikely to have significant adverse environmental impacts.



FINAL ORDER

The Final Order is a written document informing the appellant and DNR of decisions made regarding an appeal. The Final Order can affirm or remand individual issues either wholly or partially. Depending on the appeal type, the Final Order may be promulgated by a DNR Presiding Officer, the Pollution Control Hearing Board (3-judge panel), or a court.

Categories of Appellants

**Forest
Landowner**



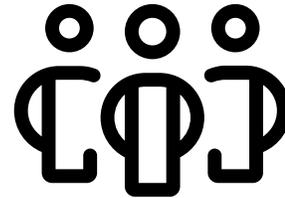
**Timber
Owner**



Operator



**General
Public**



Forest Practices Appeal Options

- Vary by the type of disputed decision
- Each is available only to specified categories of appellants
- All provide further appeal options if the final order remains in dispute

**Informal Dispute
Resolution**

**Brief Adjudicative
Process (BAP)**

**Remission/
Mitigation
Appeal**

**Pollution Control
Hearings Board
Appeal**

What Gives Me Appeal Rights?

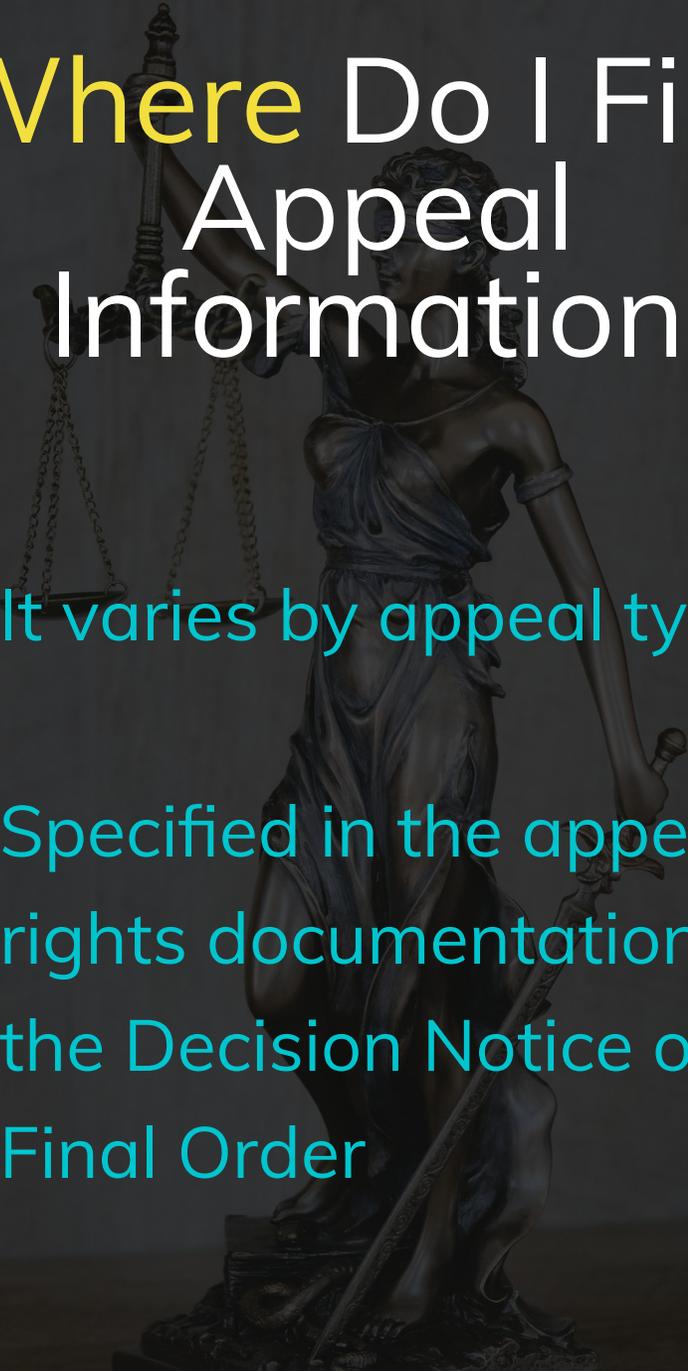
Statues (RCW)

Citation	Description
76.09.080(2)(d).	Stop Work Order Appeals
76.09.090	Notice of Failure to Comply with a Notice to Comply Appeals, Hearing, Final Order
76.09.110	Ensures that all final orders or decisions are universally binding on all involved parties
76.09.170	Violations – Conversion to Non-Timber Operations – Penalties – Remission or Mitigation - Appeals
76.13	State Environmental Policy Act

Rules (WAC)

Citation	Description
222-12-080	Administrative and Judicial Appeals
222-46-030(d)(4).	Notice to Comply
222-46-040(d)(3-5).	Stop Work Orders

Where Do I Find Appeal Information?

A dark, semi-transparent image of a statue of Lady Justice, the personification of the goddess of justice, is positioned on the left side of the slide. She is depicted holding a pair of scales in her right hand and a sword in her left hand.

- It varies by appeal type
- Specified in the appeal rights documentation of the Decision Notice or Final Order

You have thirty (30) days to appeal notices to the Pollution Control Hearings Board (PCHB) in writing at the following address:

Mailing Address:

Pollution Control
Hearings Board
P.O. Box 40903
Olympia, WA 98504-0903

Or

Physical Address:

Pollution Control
Hearings Board
1111 Israel R. SW Ste 301
Tumwater, WA 98501

EXAMPLE

At the same time you file an appeal with the PCHB, also send a copy of the appeal to the Department of Natural Resources region office and the Office of the Attorney General at the following addresses:

Office of the Attorney General
Natural Resources Division
1125 Washington Street SE
P.O. Box 40100
Olympia, WA 98504-0100

And

Department of Natural Resources
Region

See RCW 43.21B.110 and RCW 43.21B.230. Information regarding the Pollution Control Hearings Board can be found at:

<https://elaho.wa.gov/boards/pollution-control-hearings-board>

Understanding Appeals



What an Appeal IS:

A request to review a decision based on the belief that regulatory requirements were not followed.



What an Appeal is NOT:

- Not a whistleblowing tool.
- Not for expressing disagreement with a landowner's choices.

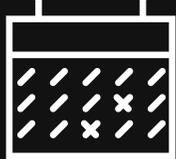
What Do I Put in My Appeal?



Appellant
Name(s) and
Signatures



Appellant(s)
Contact
Information



(1) Date of
Decision or
Final
Order
Disputed

(2) Date on the
written appeal



The disputed
statute, rule,
policy,
requirement,
or
direction



Factual basis
for disputing
the Decision
Notice or Final
Order and
issue(s) to be
resolved



Evidence
supporting
disputed
content or
direction

How Do I Tell DNR I'm Appealing?

Type of Dispute Resolution	Deliver Written Material to:
Decision Notice for Forest Practices Application/Notification	Pollution Control Hearings Board, issuing Region, and Attorney General's Office
Informal Dispute	Level 1: Region Forest Practices District Manager Level 2: Region Forest Practices Assistant Region Manager
Notice to Comply (NTC)	Level 1: Region issuing decision; copy to the Forest Regulation Division, Olympia Headquarters Level 2: Pollution Control Hearings Board
Notice to Comply for an Authorized Deviation (Amendment) of an Approved Forest Practices Application/Notification (Amendment NTC)	Level 1: Region issuing decision; copy to the Forest Regulation Division, Olympia Headquarters Level 2: Pollution Control Hearings Board
Stop Work Order (SWO)	Pollution Control Hearings Board, issuing Region, and Attorney General's Office
Notice of Conversion to Non-Forestry Use (NCNU)	Pollution Control Hearings Board, issuing Region, and Attorney General's Office
Notice of Penalty (Civil Penalty)	Option 1: Chief Operating Officer Option 2: Pollution Control Hearings Board
Notice of Intent to Disapprove (NOID)	Pollution Control Hearings Board, issuing Region, and Attorney General's Office

When Do I Deliver My Appeal?

