

WAC 222-12-050 Notices to comply—Stop work orders. *(1) **Violations.** When a forest practice has been completed, the department may issue a notice to comply requiring the operator or landowner to correct or compensate for damage to public resources where there was:

(a) A violation of the act, or these rules; or
(b) A deviation from the approved application; or
(c) A willful or negligent disregard for potential damage to a public resource.

(2) **Other required action.** When a forest practice has not yet been completed, the department may issue either a notice to comply to the operator and/or landowner, or a stop work order to the operator, requiring him/her to prevent potential or continuing damage to a public resource where:

(a) The need for additional actions or restrictions has become evident; and

(b) The department determines that a specific course of action is needed to prevent potential or continuing damage to public resources; and

(c) The damage would result or is resulting from the forest practices activities, whether or not the activities involve any violation, unauthorized deviation or negligence.

(3) **No notice to comply** shall be issued to require a person to prevent, correct, or compensate for any damage to public resources which occurs more than one year after the date of completion of the forest practices operations involved exclusive of reforestation, unless such forest practices were not conducted in accordance with forest practices rules: Provided, That this provision shall not relieve the forest landowner from any obligation to comply with forest practices rules pertaining to providing continuing road maintenance.

(4) **No notice to comply** to recover money damages shall be issued more than two years after the date the damage involved occurs.

*(5) **In emergency action**, where the department requires the operator or landowner to do immediate work that could affect the bed or flow of the stream, the department shall first seek consultation from the department of fish and wildlife.

[Statutory Authority: RCW 76.09.040(3). WSR 13-21-032, § 222-12-050, filed 10/8/13, effective 12/30/13. Statutory Authority: Chapter 34.05 RCW, RCW 76.09.040, [76.09.]050, [76.09.]370, 76.13.120(9). WSR 01-12-042, § 222-12-050, filed 5/30/01, effective 7/1/01. Statutory Authority: RCW 76.09.040 and chapter 34.05 RCW. WSR 97-24-091, § 222-12-050, filed 12/3/97, effective 1/3/98; WSR 93-12-001, § 222-12-050, filed 5/19/93, effective 6/19/93; Order 263, § 222-12-050, filed 6/16/76.]