

SUGGESTED LANGUAGE FOR APPEALS, NOTICE OF VIOLATION

In the event the recipient of a Notice of Violation disagrees with the factual or legal basis for issuance of the Notice of Violation, the recipient may proceed as follows:

- a. Request a meeting with the issuing officer and the Unit Forester to discuss the recipient's reasons for disagreement with the issuance of the Notice of Violation; or,
- b. Submit a written comment to the Unit Forester and the Regional Office, identifying 1) the THP at issue, 2) the issuing officer, 3) the Notice of Violation, and 4) setting forth the recipient's factual and/or legal bases for disagreeing with the issuance of the Notice of Violation; or,
- c. Both 1 and 2, above.

Following a meeting with the Unit Forester, or receipt of a written statement, or both, the Unit Forester shall, at that time, or following taking the matter under submission within ten days issue a written decision,

- a. Ratify the Notice of Violation, setting forth the factual and/or legal reasons supporting the Unit Forester's ratification;
- b. Modify the Notice of Violation, setting forth the factual and/or legal reasons for ordering a modification of the Notice of Violation;
- c. Rescind the Notice of Violation, setting forth the factual and/or legal reasons for ordering the Notice of Violation be rescinded; or,
- d. Refer the matter to the Regional Office for further consideration.

The Unit Forester or Regional Office shall base their decision on the extent of harm or significance of environmental damage at issue in the Notice of Violation, the history of the recipient's conduct of operations, the ease of mitigating any damage or potential damage to the environment, and other equitable reasons.