

March 8, 2004

Dear Registered Forester:

The North Carolina State Board of Registration for Foresters recently completed an extensive self-review of the Forester Registration Act, including issues faced by the Board in administering the act. The Board's conclusions are outlined in the attached summary report. As explained in the report, the Board has been effective to the extent permitted by the current law. Specific problems are identified in the hope that Foresters, the general forestry community, and other interested persons will seek solutions. We urge you to send the Board your thoughts on the issues identified in the report.

Sincerely,

STATE BOARD OF REGISTRATION FOR FORESTERS

By

Clifford Lewis, RF#474
Secretary

Is the current North Carolina Forester Registration Act effective?

5 February 2004

By

The North Carolina Board of Registration for Foresters: Larry Harris, Chairman; Richard Braham, Vice-Chairman; Clifford Lewis, Secretary-Treasurer; Michael Thompson; and Patricia Gaskin

For nearly thirty years, the State of North Carolina has sought to protect landowners and our vast forest resources by enacting and later amending the Forester Registration Act. By establishing a registration program in 1975, the original act provided the public with the means to identify individuals who through education, experience, and adherence to a Code of Ethics are qualified to manage our forest resources properly. The act also established a Registration Board to administer the act. In 1999 the act was strengthened by requiring a rigorous exam, continuing education, and registration of anyone using the title of Forester. But the overall purpose remained the same: to assure landowners that anyone using the title of Forester has the education and experience to manage forestland properly.

The North Carolina Board of Registration for Foresters recently completed a comprehensive self-assessment, based upon its experience with administering the registration act and feedback from Registered Foresters and the general public. All current Board members and two former Board chairmen (Rick Hamilton and Derryl Walden) participated in the discussions. This paper summarizes the discussions that examined two broad subjects, effectiveness of the current act to improve forest management, and issues facing the Board in administering the act.

All participants agreed that the act is vital to protect the forest resources of North Carolina. Forest management has become increasingly complex over the last several decades, as the population and demands upon the state's forests have both increased. The people of North Carolina increasingly look to fewer forested acres to provide more goods and services, including fiber, recreation, water, wildlife, carbon storage, and biodiversity. To help protect these fewer acres, government agencies have increasingly regulated forest management, notably through mandatory Forest Practices Guidelines, river basin rules, local tree ordinances, and wetland and endangered species regulations. In addition voluntary programs and incentives for sustainable management have been established and are gaining popularity. The increased complexity of forest management requires highly trained Foresters.

The registration act has been effective because feedback indicates that the citizens of North Carolina have found this information useful in helping them choose qualified Foresters over non-registered individuals. This situation has encouraged qualified people to seek registration. All Registered Foresters are listed on the Board's web site

and in an annually updated publication. Currently about 950 people are registered as Foresters in North Carolina.

The new requirements for a rigorous exam and continuing education have been helpful in eliminating unqualified people as well as those unwilling to remain professionally current by attending continuing education courses. Indeed since these new requirements began, about 75 people have lost their registration.

Experiences with the current act have also identified, however, two major problems. First, the current penalty for violations (Class 3 misdemeanor) is difficult to enforce. While a criminal (rather than civil) violation seems at first more punitive, the complexities associated with bringing criminal actions provide a hesitation to prosecute. Over the last several years, the Board has found that addressing violations of the Code of Ethics is useful in improving compliance, because registrants realize that convictions may result in loss of registration. Unfortunately, the Code of Ethics does not address all forest management issues, and therefore more appropriate penalties and enforcement methods are needed.

Since the current act is largely a title act, the second problem is that the Board has authority only to review the conduct of Registered Foresters. The Board has been effective in this capacity to the extent allowed by the act. Over the last 5 years, about 50 alleged violations have been reviewed. Most cases were resolved by written warnings, although some cases required further action and one person was placed on probation. However, if the Board is to completely fulfill its function of serving the public and protecting the state's forest resources, the practice of forestry by non-foresters, who are more likely to create major forestry problems, must also be addressed.

Three other lesser but still important issues also exist. First, the current act requires Consulting Foresters to file an affidavit with the Board. While the Board has adopted administrative rules to reject affidavits from unqualified persons, it is not clear whether the Board has statutory authority for rejection. The statute should grant the Board clear authority to approve or reject affidavits. Second, urban forestry is not sufficiently addressed by the act. This situation needs further study to determine how to address it adequately. Third, the Board has no statutory flexibility in administering the continuing education requirements. The authority to waive or reduce the requirements would be desirable in hardship cases, especially severe illness and military reservists called to active duty.

As shown above, the Board overall has been effective in improving forest management within the limits of the current act. To address issues noted in an earlier self-review, some administrative rules were changed in 2000 and 2001, but further meaningful improvements require changes to the act itself. The forestry community and other interested parties should evaluate the current act, and seriously consider addressing the issues identified above.