

Registered Forester Program [proposed]

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SECTION 1. Definition of Registered Forester

A. Definition

A person who, by reason of his or her knowledge of the natural sciences, mathematics, and the principles of forestry, acquired by forestry education and practical experience, is qualified to engage in the practice of professional forestry.

B. Activities

Professional activities of a Forester and Registered Forester:

1. Sustainable forest management and silviculture.
2. Forest stand improvement.
3. Forest mensuration, inventory, forest products appraisal, and timber sale administration.
4. Reconnaissance and mapping of forest and watershed lands; investigation of wildland soils; delineation and mapping of forestlands and forest management boundaries; does not include the “establishment” of property corners or boundaries.
5. Preparation and utilization of GIS/GPS maps, equipment, and software to assist in forest management planning, planting, harvesting, and protection; GIS/GPS maps created for forest management purposes are not official survey maps.
6. Forest economics.
7. Forest utilization, renewable energy, and forest product development.
8. Forest protection and restoration.
9. Forest regeneration.
10. Forest nursery production.
11. Application of Best Management Practices.
12. Legal and social aspects of forestry and forestlands.
13. Preparation of forest management related contracts, litigation reports, timber trespass, and testimony.
14. Development, maintenance, conservation, and protection of wildlife habitat and forest range resources.
15. Forest recreation and environmental studies.
16. The development of access for protection and management of the resource.
17. Adaptation of forests and forest practices related to climate change.
18. Urban forestry and arboriculture.
19. Teaching collegiate-level forestry courses or forestry outreach based on sound scientific principles.

SECTION 2. Michigan Registered Forester Program Description

A. Purpose of the Program

- To exclusively define the term “forester” and describe associated professional activities of a forester and registered forester (Section 1).
- To help provide a level of assurance and accountability to forest landowners who contract with a registered forester to perform forestry activities.
- To broadly raise the level of public perception about professional forestry.

B. What the Michigan Registered Forester Program Is NOT

- The program is voluntary among foresters, not mandatory.
- The program is not a licensing program as managed under the Michigan Department of Licensing and Regulatory Affairs (LARA). It is believed that licensing authority belongs within LARA, and this program is managed outside LARA.
- The program will not necessarily directly benefit all foresters, but may serve to raise the professional level of forestry with greater participation.
- The program does not provide credentialing through any professional or trade group.

C. Brief History and Background of Michigan Registered Foresters

- The Michigan Registered Forester predates the Society of American Foresters Certified Forester program in the United States.
- “Registered Forester” is referenced in certain forest-related statutes (e.g. Qualified Forest Property Program).
- LARA requested removal of the Occupational Code for foresters in 2012, which was vetoed by Governor Snyder in 2014.
- In 2014, Governor Snyder agreed that forests, foresters, forestry, and forest industry are important aspects of Michigan natural resources, economy, environment, and socio-cultural identity; and, as such, the Registered Forester Program should be re-designed.
- A representative group of foresters has been working on building a revised Registered Forester Program since 2014.

D. Targeted Publics

- Professional foresters, especially those who provide services to private, non-industrial forest owners.
- Private forest owners – offering them a level of professional assurance in their forester of choice.
- Publics at large to distinguish forestry and forest management from related professions such as logging, land conversion, land use change, and other natural resource professions such as wildlife management, soil science, watershed management, forest recreation, and surveying.

E. Acronyms Used in this Program Document

RF: Registered Forester

CF: Certified Forester (trademarked through the Society of American Foresters)

SAF: Society of American Foresters

ACF: Association of Consulting Foresters

MBF: Michigan Board of Forestry

VC: Violations Committee of the Michigan Board of Forestry

MDNR: Michigan Department of Natural Resources

F. Program Structure

- The MDNR will provide services to create and maintain a database of Registered Foresters, build and maintain an RF website, and provide fiduciary functions. The MDNR will not be charged with the direction, oversight, or management of the RF program.
- The MBF will be re-created to manage and oversee the RF program (Section 3).
- Registered Foresters will pay fees sufficient to maintain the RF program, estimated to be \$200 every two years.

- Continuing education (CE) will be an essential component of retaining RF status. Credit hours will be tracked by the SAF [tentative] on per person fee basis paid through the RF dues. Twenty-four (24) hours of SAF-approved continuing education will be required every two years. Cost of CE will be paid by the RF.
- Eligibility requirements will include education background and work experience.
- Remain in good-standing with the Michigan Board of Foresters (Section 3.A.).

G. Eligibility Requirements

To apply for a Michigan Registered Forester designation, interested persons must have appropriate educational background as follows:

- An Associate's Degree in forestry from an SAF-accredited university or MBF-approved program, plus 4 years of experience under the guidance of a Michigan RF, or an SAF-Certified Forester, or an ACF member OR
- A Bachelor's Degree in forestry from an SAF-accredited university or MBF-approved program, plus 2 years of forestry experience within the criteria of "Forester Experience" OR
- Bachelor's Degree in a natural resource field from an SAF-accredited university or MBF-approved program, plus 2 years of forestry experience within the criteria of "Forester Experience" OR
- Master's Degree [Graduate Degree?] in Forestry (MF) from an SAF-accredited university or MBF-approved program, plus 2 years of forestry experience within the criteria of "Forester Experience"

Additionally, RF candidates must have the following:

- References from three current Registered Foresters.
- Maintain continuing education requirements (Section 2.F.).
- Payment of required fees.

"Forestry experience" means those activities demonstrating professional competence in the science, art, and practice of managing and using for human benefit the natural resources that occur on and in association with forest lands.

Members of the ACF and SAF-Certified Foresters in good standing will be automatically eligible, but will still be responsible for all costs of registration and RF maintenance.

H. Registered Forester Maintenance Requirements

- Payment of program fees every two years (section 2.F).
- Proof of 24 credit hours of SAF-approved continuing education every two years (Section 2.F.).
- Good standing with the Michigan Board of Forestry

SECTION 3. The Michigan Board of Forestry

A. Michigan Board of Foresters (MBF): Governing Body

1. The MBF shall be the governing body for the Registered Forester program and shall:
 - Consist of a maximum of 7, a minimum of 5, persons;
 - Be full-time residents of Michigan;
 - Be legal citizens of the United States of America;
 - Possess a minimum of 10 years of forestry experience (Section 1.B.);

- Represent one of the sectors outlined below.
2. Michigan Board of Foresters (MBF) representation shall be comprised of:
 - 1 representative from the Association of Consulting Foresters;
 - 1 representative from the Society of American Foresters;
 - 1 representative from university faculty within a forestry program accredited by the SAF;
 - 2 representatives from state agencies that have forestry staff;
 - 1 representative from the forest products advocacy/industry sector including logging;
 - 1 representative of private forest landowners.
 3. Interested persons shall be nominated by the group they choose to represent. The Michigan State Forester shall approve the nominations.
 - The MBF shall be appointed to 4-year terms with no more than 2 consecutive terms, unless by special appointment approved by the State Forester.
 - The MBF shall meet a minimum of once yearly in person, in addition to conference calls and/or video conferences a minimum of once per year and scheduled as needed.
 - The MBF shall elect from within a chair, vice-chair, and secretary every 2 years.
 - The MBF shall have a Violations Committee comprised of the 3 persons from the MBF and be appointed by the MBF chair every 2 years.
 4. Responsibilities and Powers of the MBF:
 - Must adhere to the Registered Forester “Representations and Standards of Practice” (Section 4)
 - Must record all proceedings.
 - Must make available a registry of all foresters currently enrolled in the program.
 - Must report all proceedings, applications, renewals, hearings, and active members to the State Forester yearly.
 - Must elect officers every 2 years.
 - Must have the power to issue, deny, renew, and revoke all registrations; hear evidence in cases of alleged misconducts; may modify by-laws, may subpoena witnesses and evidence for hearings.

B. Forester Complaints to the Michigan Board of Foresters

Complaints can be submitted via the RF program website or by requesting a complaint form from an MDNR Customer Service Center. It will be filled in, printed, and mailed to the RF program chairperson. Once received, in writing to the MBF chair, it is passed to the Violations Committee, and they review it to see if a violation of the Code of Ethics or Code of Conduct has potentially occurred.

1. If No Action Is Warranted

If the Violations Committee does not find sufficient evidence that a violation has taken place, the case is closed, listed as “do not open” and the complainant is informed in writing as to why the case was not opened.

2. If Action Is Warranted

If there is reason to believe that a violation has occurred, the case is opened. The forester receives a letter detailing the allegations in the complaint and is asked to respond.

Investigation takes 60-180 days, and the report of the investigation is passed to the Violations

Committee (VC). The VC makes a recommendation to the MBF. Once it has reached the MBF, there are three options on which they can act. They can choose to dismiss, choose to issue a formal complaint, or choose to issue a letter of caution. If a formal complaint is warranted, the VC will often set “resolution parameters” that include proposed sanctions. In many cases, the forester may be given the chance to solve the matter via a consent agreement.

3. Hearings

In lieu of agreeing to a negotiated resolution or consent agreement, the forester may choose to have a full hearing. This hearing is conducted like a court proceeding. Once the hearing has concluded, the MBF will issue a final order, either dismissing the charge or finding that a violation has occurred. The forester has 30 days to appeal to the VC.

4. Disciplinary Actions

Sanctions are assigned in the final order. Registered Forester designation can be revoked permanently or temporarily suspended by the MBF.

SECTION 4. Representations and Standards of Practice.

- A. A registrant shall fully disclose personal or financial interests in any public and private project undertaken where there is a potential conflict of interest.
- B. A registrant shall not accept compensation or expenses from more than 1 client or employer for the same service, unless the parties involved are informed and consent.
- C. A registrant shall not make exaggerated, false, misleading, or deceptive statements in advertising, brochures, or written or verbal representations, including the valuation of individual trees, timber, or timberlands in the conduct of professional practice.
- D. A registrant shall clearly and accurately represent his or her qualifications, the extent of the services offered, and the basis for charges to be made.
- E. A registrant shall not offer or make bribes or unlawful persuasions to those responsible for letting contracts.
- F. A registrant shall not interfere with competitive bidding, including making false representations or misleading statements about bidders, prospective bidders, or competitors.
- G. A registrant shall not present the work of another person as the registrant's work and shall not endorse work not done by, or under the personal supervision of, the registrant.
- H. A registrant shall provide services in a manner that will assure the public health, safety, and welfare; and where, in the professional judgment of the registrant, any of these are endangered, the registrant shall notify the client or employer of these circumstances. If the client or employer fails or refuses to follow his or her instructions or recommendations, the registrant shall notify the regulatory responsible governmental department or agency of the problem and the possible danger that will result therefrom.
- I. A registrant shall not violate or act to conceal violations of the law or these rules, and shall not knowingly permit others to do so. Violations of this program or these rules shall be reported to the Michigan Board of Forestry.
- J. A registrant shall not conspire or collude to restrain trade through price arrangement with other registrants or firms and shall not engage in price-fixing activities.
- K. A registrant shall not take funds under false pretenses, and shall not abandon a project without notifying the client or employer.