

Further Comments for the Forester Licensing Review, 29 September 2014

For the Vermont Office of Professional Regulation

On August 20th I submitted the following comments to OPR's Sunrise Review request for information regarding licensing of foresters:

Mr. Winters:

Thankyou for allowing me the opportunity to comment on the state's review of forester licensing. My background and comments are below:

I am a retired civil engineer from Sheffield, Vermont. I spent many years in Germany earlier in my career and gained an appreciation and love of forestry over there. I own a 60 acre Tree Farm in Sheffield and have endeavored to make it an example of good forestry and a working forest; I am not a environmental tree hugger; I have removed thousands of dollars of forest products, with the advice of my foresters (both with forestry degrees and one a retired county forester), over the past 20 years.

I am also the Secretary of the Vermont Woodlands Association (VWA), and Co-Chair of the state Tree Farm Program in Vermont, representing over 450 certified Tree Farm properties and 200,000 acres of woodland. Our listing of over 100 certified Tree Farm Foresters represents the best trained, experienced foresters in the state.

- *Have "foresters" caused harm to Vermonters or the environment?* Your question is not aimed correctly! The question should be, "Are people passing themselves off as foresters- with the requisite education, ethics, and experience- to the detriment of the public, and private forestland? YES. Unfortunately, the most recent evidence is my neighbors' property which just went through a liquidation cutting about a month ago. I have photos if you wish to see them: about 8 of 12 acres of the property (hidden from view from the public) have had virtually every marketable stick of wood removed and the soils have been damaged. The property won't recover for many decades. The logger undoubtedly passed himself off as having a lot of "forestry experience", and that he would do a good job and the owner would see some significant money. The owner has no experience in such matters... and undoubtedly received less than if a licensed forester was involved, and now has ownership of mostly destroyed woodland. This is often the norm in the NEK, and especially Sheffield, where the level of ignorance concerning woodland management, the nature of forester education and ethics, and the prevalence of loggers masquerading as foresters is wide spread. Highgrading is the norm. The state's failure to regulate the profession has allowed the logger population the ability to cast forestry as less than a scientific profession, suckering both new and local landowners into their spiel of quick riches at the expense of the land and the owner's future possibilities.

- *What harm or danger to the health, safety, or welfare of the public can be demonstrated if foresters continue to practice without some form of licensure?* The harm lays in the complete lack of honesty in describing the present and future value of the timber on the land, and the damage to the woodland resource- the environment. The fact is that the lack of regulation and the promotion of foresters as professionals have caused the public to be cheated of their present and future value of their property, and the forest environment to be seriously degraded.

- *What benefit can the public reasonably expect if foresters are licensed, and how would it be measured?* Much depends on the state's ability to educate the public on the need to involve foresters in forest management decisions. The state already has both regulations and laws forcing the use of lawyers, doctors, and engineers for the benefit of the public. Given the state's complete lack of appreciation of the forester profession up to now I would hope that a licensure program would include a major campaign in the state to educate the public in the need for good forest management (as in Current Use) and the recommendation to use licensed foresters in the management of this resource. If that happens I

would guarantee that the incidence of logging infractions such as what occurred on my neighbors land would decrease, and the land and owners would be the better for the program.

- *Is there a need to assure that foresters have a certain amount of education, training, and experience?* YES. Forestry is a complex science, with much still to be learned. Schools were officially “born” less than 150 years ago; it is a profession with a very real limitation on discovering its secrets; foresters rarely are able to participate in multigenerational analysis of silvicultural stands and species, and the ecology of forests is still a young, vibrant science. The public needs more expertise than that available from an individual simply working in the woods. More important, the public needs the ethics that accompany a recognized, licensed profession.
- *Is the public protected from harm caused by foresters by means other than regulation?* NO. The state’s antipathy to foresters carries over to timber trespass and the losses suffered by landowners at the hands of unlicensed foresters and loggers. Vermont’s laws and the attorney generals apparent ambivalence to such losses do not bode well to the landowner who suffers at the hand of these individuals.
- *Names of Groups?* Vermont Woodlands Association... Vermont Tree Farm Committee... Vermont Coverts... NorthWoods Stewardship Center...

For the 29 September public hearing I would like to include a further elaboration of some of the comments I provided above:

- As a co-chair of the Tree Farm program in the state (see our web site: <http://www.vermontreefarm.org/>) I have many occasions to talk to forest landowners about managing their woodlands; there are **a lot** of forest landowners in Vermont, and many at or above 25 acres are in current use. The Tree Farm program tries to encourage these landowners to take a more active role in the management of their land through education and a relationship with one of our foresters. This is a hard sell because there are no obvious monetary benefits. But the hardest conversations I have had are with individuals who aren’t in current use, have had no experience in forest management, have no idea of what the value of the trees on their property are worth (or could be worth), or have any understanding of what a professional forester is or can do for them. **I believe much of my difficulty lays in how poorly the state has defined the difference between a professional forester and the many other individuals, typically loggers, who claim experience or other credentials when talking to a prospective client. The state’s largely unique, long term position in the Northeast in not requiring forester licensing has caused the average forestland-owning person to assume that the profession doesn’t require any significant level of professional expertise, or that forestland hasn’t potentially significant value to the owner, which would cause harm to these landowners if abused, and, therefore, would warrant state oversight.** I have noted this feeling among landowners in several conversations over the years, most recently with two of my neighbors. They have both recently been the recipients of poorly executed logging jobs. One neighbor is clueless to the damage done and how badly it may affect the future value of the land. The other neighbor actually feels confident that knowing the logger personally actually protected him from any possibility of being taken advantage of. Since the landowner hasn’t any real knowledge of good forest practices he is completely ignorant of the damage done, or the loss of value of the land, not to mention the potential environmental damage. If I have TWO neighbors that have suffered at the hands of pseudo-foresters how many individuals state-wide have also unknowingly suffered?
- Past attempts to license foresters have been turned away due to a perceived new cost of a “massive” state bureaucracy needed to manage the operation and enforcement of such a system. As a licensed engineer in the state I can say with complete honesty that this is a very great exaggeration, and a “chicken little” excuse for not licensing this profession. Several states actually allow non-profit (no state funding) professional societies to operate their licensure systems with an interface with the attorney-general’s office for enforcement actions. This is the critical part of the system, for only through enforcement may public abuses be stopped. Vermont’s statutes for professional

engineering discipline (Sub-Chapter 4; section 1191) are a “code of ethics” which are the basis for ethics state enforcement and are a good starting point for a similar professional forester code.

- As I have previously mentioned forester licensing will not automatically solve all the problems the profession has, nor stop abuses by either licensed foresters or those claiming to be foresters. The state has let this situation go for so long, and also avoided dealing with other related problems like the poorly written statutes covering timber trespass, that it will take a real effort at public education, and several years, to educate the public in the need to engage professionals in forestland management. But it needs to start NOW with forester licensing.

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