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Should the Burn Ban Be Lifted?

Due to current drought conditions across the state, Governor Easley recently ordered a statewide "burn ban." The ban applies to open burning, including prescribed burning for forest management.

In response, the NC Prescribed Fire Council—an organization of diverse membership that includes foresters, ecologists, wildlife biologists, botanists, air quality scientists, and others who support the use of prescribed fire as a land management tool—sent a letter to the Governor requesting the ban be lifted. The Council's goals are 1) to optimize prescribed burning opportunities for the benefit of natural ecosystems and wildlife habitats and to reduce the risk of wildfire and 2) to promote public understanding of the regional importance and benefits of prescribed fire.



Prescribed Fire
USDA Forest Service Photo

Key points made in the Council's letter to the Governor are:

- Fire has influenced North Carolina's landscape for millennia.
- Timely use of prescribed fire conserves ecosystems like Piedmont prairies and longleaf pine forests, and maintains quality wildlife habitat.
- The current burn ban fails to recognize the benefits of prescribed fire in reducing hazardous forest fuels, thereby lessening the risk of catastrophic wildfire.
- A statewide burn ban based on water shortages in urban areas or unusual one-day weather events is unnecessary since water is used sparingly to extinguish rural wildfires.
- A burn ban should distinguish between prescribed burning administered by professionals and other forms of burning (e.g. backyard trash burning). Most prescribed burns in NC are implemented under the supervision of Certified Prescribed Burners who have extensive training and experience. Since a significant amount of planning also goes into conducting a prescribed fire, complications during prescribed burning are rare and require little to no water to correct.
- The current statewide burn ban fails to consider local weather and environmental conditions. Much of the state has had adequate surface moisture to safely prescribe burn on most days since the burn ban was initiated.
- Burning conditions vary across the state on any given day, so a decision to ban prescribed fire should be based on appropriate criteria, made by qualified persons and/or agencies, and adjusted according to changing weather conditions.

So what's the bottom line? Prescribed burning is an excellent tool that lowers fuel loads, reduces wildfire risk, and protects lives and property and its use should not be prevented simply because our municipalities don't have an abundant water supply. ■

Whither Goest Thou, Foresters?

In response to observations within our state's forestry profession in recent years, the North Carolina Division of the Society of American Foresters—through their Licensing and Registration Committee—has led a study of the current forester registration law. Led by former Board of Registration for Foresters Chairman Derryl Walden, the study's purpose was to identify law's weaknesses in protecting the public and to recommend any needed improvements. Major forestry agencies and interest groups within the state, including *NCWoodlands*, were invited to participate with their input. Following is Mr. Walden's summary of the issues at hand thus far:

WHAT IS THE PURPOSE OF THE FORESTER REGISTRATION LAW?

NC General Statute Chapter 89B states "This Chapter benefits and protects the public by improving the standards for the practice of professional forestry in North Carolina."

WHY DOES THE LAW NEED REVISING?

There are two main reasons. The first is that it is only a title act and therefore restricts who can call him/herself a forester but has no control at all as to who can sell their services practicing professional forestry to landowners or others. This means that an individual who has little or no training or expertise in management of forest resources and related issues can establish a business charging landowners to develop and carry out prescriptions on timber harvesting, water quality protection, forest economic analysis, reforestation options and numerous other related issues which can have significant negative economic consequences for the landowner and environmental impact on the land involved. All the individual has to do to be "legal" is to avoid using the job title "forester."

Secondly, there are several administrative issues in the current law that unintentionally restrict the Board of Registra-

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P. O. Box 31024
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(919-787-1220)

ncwoodlands@bellsouth.net

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tion for Foresters (BORF) from fairly and effectively administering the law. For example, the Board cannot waive the annual continuing education requirement to retain registration. This means a Registered Forester (RF) deployed for military assignment overseas for a year, or with an extended illness, must lose his/her registration. Better wording is also needed to clarify BORF's ability to issue written warnings, reject Consulting Forester affidavits that don't qualify, and to use an established Code of Ethics in evaluating complaints against a RF.

WHAT WILL BE CHANGED BY THE CURRENT PROPOSED LAW REVISION?

In addition to improving and clarifying the administrative weaknesses in the current law, the issue of unqualified and/or dishonest individuals providing professional forestry services will be prohibited by a requirement that only foresters who are registered with the Board can legally offer these services for economic gain. There are exemptions which clarify that a landowner has no restrictions on his own land; that individuals doing 'non-professional' forestry work or work for which they have legal authority will not be prevented from doing so; and that individuals currently engaged in providing services may be 'grandfathered in' with specific criteria.

These changes will allow the citizens of NC, through oversight of the BORF, to better ensure that individuals offering their professional forestry services to the landowners of NC are trained and qualified to do so, are accountable to following a Code of Ethics and are required to participate in annual Continuing Education. The changes will help ensure that the forest resources of North Carolina are better managed, better protected, and more productive. They will better protect individual forest landowners who seek professional assistance with the management of their forestland and will help prevent environmental problems resulting from inappropriate timber harvesting and management techniques.

It is appropriate to note that qualifying standards like these are currently required for an individual to offer services to the public in NC for almost every profession except for Forestry.

WHAT RESERVATIONS HAVE BEEN EXPRESSED ABOUT THE CHANGE AND HOW TO RESPOND?

Objection: It is not needed—there are no more problems in forestry. They have been taken care of by SFI, FPG's, etc.

Response: A random survey of field foresters makes it clear that there are still

many on-going instances of landowners receiving poor or dishonest recommendations about timber harvest such as scare tactics about false insect/disease infestation, total cutting of areas with minimal storm damage, excessive site damage by harvesting when too wet, incorrect forest tax guidance, inappropriate reforestation recommendations, and other similar actions. Additional surveys are planned to better document the magnitude of these problems.

Objection: There are forestry problems caused by Foresters who are already registered.

Response: While this may well be true, there is recourse by filing a complaint with BORF and having the Board address the concerns and take appropriate action. Alternately, there is no recourse for a landowner in addressing harmful forestry actions by someone who is practicing without registration. There is currently no law which their actions violate.

Objection: The Board of Registration may be prejudiced in its actions.

Response: The proposed law change calls for a seven member Board with designated employment areas represented to provide a balanced Board. Also, as with the current Board, the members serve three year terms, with varying rotations. So there will be a balance of forestry interests on the Board with membership changing regularly to help ensure fair and objective actions.

Objection: Honest non-foresters may have their livelihood taken away.

Response: Efforts have been made in the current draft to prevent this from happening through the exemptions and part B-1(c). However, it is the intent for those individuals who are unqualified or have dishonest motives to be removed from practicing forestry.

PROPOSED CHANGES IN THE LAW ARE AT www.apsaf.org/nc/Lis_Reg_Report.htm AND COMMENTS ARE WELCOME.

Derryl L. Walden, RF retired as Deputy Director of the NC Division of Forest Resources in 2003 and is former Chairman of the NC Board of Registration for Foresters. He has a Bachelors degree in Forestry from Clemson University and is a member of the Society of American Foresters and NC Woodlands. He lives in Cary and owns forest land in South Carolina. ■

NC Woodlands views the proposed strengthening of the Forester Registration law as being in the public interest.

How to "ID" a Real Live Forester

By William H. Lock, RF, ACF

The last issue of *NCWoodlands Review* promised to tell how to identify a professional forester. Recently, a friend asked me "What exactly is a forester?" He'd heard me speak about forestry a number of times and noticed I'd said to always "hire a professional forester." He wanted to know what I meant by that.

To be sure, a lot of misconception surrounds the term "forester." Remember, just because someone works in the woods, doesn't necessarily make them a "forester." North Carolina law (NCGS 89B) defines who may legally use the term "forester" or "Registered Forester." The law also specifically describes "Consulting Foresters." However, the law does not prevent anyone from "practicing" forestry, just from using the term "forester."

The last issue's newsletter article presented a discussion of selling your timber, so a bona fide Consulting Forester's qualifications become important. These individuals work for, and are paid by, their clients. Their services and loyalty are solely directed to their clients and no one else. Having someone in your corner is to your advantage as a landowner because you have your own forester looking after your interests.

If you're working with a forester or are considering retaining a Consulting Forester, you may want to ask these common sense questions:

- Are you a Registered Forester in North Carolina?

Some individuals bypass this requirement by calling themselves "timber managers" or "forest managers" or some variation.

- What is your educational background and how long have you been practicing forestry?

Forestry is a broad and complex subject and graduation from a university with a forestry curriculum approved by the Society of American Foresters shows the desirable level of education. In addition to education, adequate experience is invaluable in practicing forestry.

- Do you belong to professional associations such as the Association of Consulting Foresters (ACF) or the Society of American Foresters (SAF)?

Active membership in ACF or SAF shows professionalism—similar to an attorney's membership in the BAR association, an accountant's participation as a CPA, or a real estate agent's designation as a Realtor.

- Can you provide references from past clients?

Word-of-mouth advertising is a good source of information and consistently performing quality work should be every forester's goal.

- Do you carry business insurance (Liability, Errors & Omissions, and Workers Compensation)?

This shows a commitment to operate in a business-like manner.

- Do you use written contracts?

This will provide you with a written agreement so that all parties know what is expected of them.

In summary, a forester and/or a Consulting Forester can best be described as:

An individual who possesses the personal qualities (honesty, integrity, fairness, ethics) and the business qualities (education, professionalism, legal requirements, common sense) to represent him/herself as a "Forester".

Remember, because there's currently no law that prevents anyone from practicing forestry, it's your responsibility to correctly identify a forester! Don't be afraid to ask questions, get references, and get contracts in writing.

William H. Lock, RF, ACF lives in Greensboro and has been a practicing consulting forester for 25+ years. He is a member of the Association of Consulting Foresters and has served as NC Chapter President and Chairman of the Board. Lock is also active in the Society of American Foresters and NCWoodlands. He holds both a Bachelor's and Masters degree in Forestry from NC State University. For more information, go to www.whlock.com. ■

Quotable...

"When things get so far wrong as to attract their notice, the citizens, when well informed, can be relied upon to set them right."

—Thomas Jefferson

The North Carolina Conservation Tax Credit

Could this be a possible option for you and your land?

North Carolina has a unique incentive program to assist landowners to protect the environment and the quality of life. The NC Conservation Tax Credit is equal to 25% of fair market value of donated property interest, up to a maximum credit of \$250,000 for individuals and \$500,000 for corporations. Any unused portion of the credit may be carried forward for five succeeding years.

To qualify, a donation must serve a public benefit such as:

- Public Beach Access and Use
- Public Access To Public Waters
- Public Access to Public Trails
- Fish & Wildlife Conservation
- Other Similar Land Conservation Purposes



*Cape Fear River
Photo courtesy of Michael Brown*

Additionally, the "qualifying recipient" (i.e. the easement holder) must be a government entity or public charity with the ability to enforce the easement restrictions (such as a land trust). North Carolina law requires the organization to be a qualified "holder" and the organization's purpose must be related to conservation or preservation as defined in the statute.

For more information, visit www.enr.state.nc.us/conservationtaxcredit/ or contact:

NC Conservation Tax Credit Program
c/o Office of Conservation & Community Affairs
Department of Environment and Natural Resources
1601 Mail Service Center
Raleigh, North Carolina 27699-1601
919-715-4191

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The Association of Consulting Foresters of America, Inc. (ACF) was founded in 1948 to advance the professionalism, ethics, and interests of professional foresters whose primary work was consulting to the public. The ACF is the only national association for consulting foresters.

An ACF Consulting Forester may help:

- **Develop a forest management plan.** A sound plan not only improves your forest's health and productivity but may also lower your property taxes.
- **Maximize your income!** University studies show that landowners who receive professional forestry assistance prior to selling timber have higher net revenues and better protect the environment.
- **Determine how much timber you own and what it is worth.** Accurate timber inventories and appraisals are crucial for investment analysis, assessment of offers to purchase, and fair estate divisions.
- **Properly reforest your land.** Reforestation assistance can improve returns on investment through improved growth of appropriate species on appropriate sites, reduced insect and disease losses, and appropriate tax treatment of expenses.
- **Reduce your risk.** Management can reduce the risk of economic losses from fire, insects, diseases, overstocked conditions, and improper tax treatment of income.
- **Enhance wildlife habitat.** Good habitat can increase hunting lease revenue, improve hunting success, or increase wildlife viewing opportunities.

For more information or to find an ACF Consulting Forester, go to www.acf-foresters.org or www.acfnc.org or call the NC chapter office at 919-303-9957.



NCWoodlands

P. O. Box 31024
RALEIGH, NC 27622

Mission Statement of NCWoodlands:

To promote responsible stewardship of North Carolina's woodlands through sound and sustainable forest management.