

CP-36 / Cooperating Forester Program

New York State Department of Environmental Conservation

DEC Policy

Issuing Authority: Denise Sheehan, Acting Commissioner

Date Issued: 3/24/05

Latest Date Revised:

I. Summary

The Department is authorized by the Environmental Conservation Law to provide certain forestry services to landowners of the state. Awareness of opportunities available for landowners to access technical forestry assistance encourages and fosters comprehensive forest management planning and implementation of sustainable forestry practices on private forest land. Numerous public benefits result from the delivery of such technical assistance including forest products, fish and wildlife habitat, clean air, quality water, recreational opportunity and scenic beauty. Establishment of a cooperative program with private sector forestry professionals enhances the availability of forestry assistance to private forest owners, complementing the Department's Cooperative Forest Management assistance program.

II. Policy

The Department may establish a cooperative effort with private sector forestry professionals, to enhance landowner awareness of the availability of professional forestry services. Implementation shall be consistent with relevant statutory authorities, Department policies, Program responsibilities and requirements, and principles of professional conduct.

The Department may:

- establish a system for the referral of private forest owners to qualified individuals in the private sector that provide forestry services consistent with Department programs, to address requests for assistance which are beyond the Department's ability to respond to adequately,
- establish criteria and process for forestry professionals to participate in a landowner referral program, consistent with existing state and cooperative state/federal Cooperative Forestry program initiatives that include the delivery of technical assistance to owners of forest lands,
- promote communication and dissemination of information between the Department, forest landowners and private sector forestry professionals,
- encourage and promote delivery of forestry assistance consistent with recognized principles of professional conduct,
- inform forest owners of the opportunities for assistance from the Department and the private sector,

- encourage private forest owners to use the services of forestry professionals,
- evaluate actions and effectiveness of cooperative efforts to enhance landowner awareness of the availability of technical assistance and provide for resolution of conflicts in Program implementation in so far as possible.

III. Purpose and Background

Sections 9-0701 and 9-0713 of the Environmental Conservation Law, Cooperative Forest Management Program (Program), authorize the Department to render forest management assistance to cooperating landowners. Referral of landowners to private sector forestry professionals, which provide forestry assistance essentially equivalent to that of the Department, is a form of assistance to forest land owners consistent with the legislative intent of this Program, and complements Department efforts.

In addition, the Department cooperates with the United States Department of Agriculture (USDA), Forest Service in the delivery of technical and other forms of assistance to private forest owners under various federal/state Cooperative Forestry program initiatives, including the referral of landowners to private sector forestry professionals. The Department is limited in the extent of forestry assistance it can provide to forest landowners so referral of landowners to private sector forestry professionals is an essential component of the State Cooperative Management Program.

The purpose of this policy is to facilitate Program development that enhances landowner awareness of the availability of technical forestry assistance, consistent with state Cooperative Forest Management and state/federal Cooperative Forestry program initiatives. The Division of Lands and Foresters shall be responsible for implementation of policy.

This policy supersedes Program Policy DLF-98-3.

IV. Responsibility and Requirements

The Department:

- shall, for purposes of this Program, act through the Division of Lands and Forests.

The Division of Lands and Forests:

- shall establish procedure, requirements and responsibilities for the implementation of a cooperative effort with private sector foresters, to achieve stated program purposes,
- may enter into collaborative arrangements with Qualified Foresters to achieve Program purposes,
- shall maintain a Directory of Cooperating Foresters, updated periodically,
- shall advise landowners of the availability of forestry assistance, promote a Cooperating Forester Program and furnish referred forest owners with the

Directory of Cooperating Foresters that includes Program informational material,

- shall document landowners referred to the Cooperating Forester Directory and may identify landowners referred to the Directory, consenting to the release of their names, upon request by a Cooperating Forester,
- shall provide upon request by a landowner or Cooperating Forester retained to provide professional services, pertinent forestry field data compiled and management recommendations made by the Department for an owner referred to the Program,
- shall periodically evaluate Cooperating Forester compliance with Program requirements and responsibilities,
- shall undertake effort to verify that program participants have met continuing education requirements,
- shall endeavor to provide Cooperating Foresters, dependent upon availability, research papers, stocking guides, bulletins and other documents that present technical forestry information for application as appropriate on referred properties,
- shall periodically meet with Cooperating Foresters, whereby Regional Foresters, will communicate and discuss operation of the Program, exchange information and engage in training on pertinent forestry topics and programs,
- shall endeavor to provide Cooperating Foresters information, as available, on classified streams, regulated wetlands and Natural Heritage records for use in developing management recommendations for referred landowners,
- shall periodically evaluate the Program, engage in actions to ensure appropriate assistance is delivered in connection with referrals made and that desired outcomes are achieved,
- shall investigate documented complaints concerning alleged noncompliance with policy, Program requirements or responsibilities and facilitate development of recommendation(s) for correction of the alleged noncompliance as appropriate,
- shall cease to cooperate with program participants, at any time, upon written notification for failing to comply with Program requirements and responsibilities, principles of professional conduct or engaging in actions contradictory to the purpose or intent of the Program, as determined by the Director in conformance with procedure established for Conflict Resolution,
- shall provide procedural guidance pertaining to requirements and responsibilities to Program participants and
- shall periodically report upon the accomplishments of the Program.

Cooperating Foresters:

- shall provide services to meet the objectives and goals of referred landowners,
- shall promote sustainable silvicultural and forest management practices based on scientific forest management principles, to the forest landowners referred under the Program or when an owner engages the services of a Cooperating Forester resulting from landowner involvement in or incentive by a state or state/federal cooperative forestry program initiative,
- shall utilize research papers, stocking guides, bulletins and other documents that present technical forestry information developed by the federal government, state resource agencies, the Department, industry or academic institutions to guide the Cooperating Forester in matters of resource management including silviculture, wildlife management, recreation and protection of soil and water resources when providing management recommendations or services on lands referred by the Department or when an owner engages the services of a Cooperating Forester resulting from landowner involvement in or incentive by a state or state/federal cooperative forestry program initiative,
- shall promote the use of New York's forestry Best Management Practices,
- shall, in cases where they are unable to give sufficient or timely forestry assistance to meet landowner needs, refer the landowner to another Cooperating Forester,
- shall provide an Annual Forestry Accomplishment Report to the Department's Regional Forester,
- shall participate in regional meetings as conducted by the Regional Forester for purposes of communication and discussion of Program operation, exchanging information or engaging in training on pertinent forestry topics and programs,
- shall acquire a minimum of twenty (20) continuing forestry education credits (CFE) every two years. Society of American Foresters requirements will be used for eligibility, course content and credit hours, and
- shall adhere to the Society of American Foresters, Code of Ethics regardless of membership in this professional organization which shall be considered a principle of professional conduct for purposes of this program.

V. Procedure

Definitions

For purposes of this Program, the following definitions shall apply:

"Bureau" shall mean the Bureau of Private Land Services of the Division of Lands and Forests.

"Consultant Forester" shall mean a "Qualified Forester" that provides forest management services on a contract basis to landowner and other clients and who is not directly employed by a forest industry or wood using manufacturer and does not have a direct economic interest in a timber purchasing or procurement entity.

“Cooperating Forester” shall mean a “Qualified” “Consultant Forester” or “Industrial Forester” who has entered into a voluntary collaborative arrangement with the Department under this program for the purposes stated.

“Department” shall mean the Department of Environmental Conservation.

“Department Forester” shall mean a Forester I, II, III or IV employed by the Department of Environmental Conservation.

“Director” shall mean the Director of the Division of Lands and Forests in the Department of Environmental Conservation.

“Directory of Cooperating Foresters” or *“Directory”* shall mean a listing of Cooperating Foresters including appropriate information to facilitate contact by referred landowners.

“Division” shall mean the Division of Lands and Forests of the Department of Environmental Conservation.

“Forest land” shall mean the total ownership of an individual, or, in the case of joint ownership or corporate ownership, to the collective ownership of all persons having an interest in land that contains forest or is suitable for the establishment of forest.

“Industrial Forester” shall mean a “Qualified Forester” who provides forest management services to landowners and is employed by a forest industry or wood using manufacturer or has a direct interest in a timber purchasing or procurement entity.

“Landowner” shall mean an individual, association, or corporate owner of forest land.

“Program” shall mean the Cooperating Forester Program established pursuant to DEC Program Policy DLF-98-3.

“Qualified Forester” shall mean an individual who has a Bachelors or higher degree in forest management or an associated forestry discipline from a Society of American Foresters accredited or candidate institution, and at least three years of substantial forestry experience of a grade and character satisfactory to the Director of the Division of Lands and Forests. Such experience can include professional level work in silviculture, forest land management planning, urban forestry, forest land taxation planning, forest engineering, forest pest control or similar duties deemed suitable by the Director.

OR

shall mean an individual who is a Society of American Foresters Certified Forester.

OR

shall mean a member of the Association of Consulting Foresters.

OR

shall mean an individual who has entered into an agreement as a “Cooperating Consultant or Cooperating Industrial Forester” with the Department as of April 1, 2004.

The following are not eligible for “Qualified Forester” status:

- employees of the Department of Environmental Conservation, and
- employees of public agencies which offer forestry services to landowners on a regular basis.

Foresters retained by public agencies on a contractual basis for forestry services on a limited basis are not considered employees of such agency for purposes of the Program.

“*Regional Forester*” shall mean the Regional Forester (Forester III) in charge of Division programs for the Department’s Region in which the Cooperating Forester lists their business address. In the case of an out-of-state Cooperating Forester, an appropriate Regional Forester shall be designated by the Director for purposes of contact and communication.

Cooperating Forester Enrollment

The Division shall cooperate with “Qualified Foresters” who desire to participate in the Program.

Qualified foresters:

- may apply to the Department, in a form and manner prescribed by the Division, stating their desire to participate in the Program and comply with Program responsibilities and requirements and Procedure. Such application shall include three client references and a copy of college diploma or college transcript, OR proof of Association of Consulting Foresters membership OR Society of American Foresters Certified Forester certification, and
- shall submit application to the Regional Forester in the DEC region in which the applicant maintains their business office.

The Regional Forester:

- shall accept applications from Qualified Foresters who wish to participate in the Program,
- shall review application materials submitted and verify that the applicant meets eligibility criteria for Program participation and schedule an introduction meeting with applicants to provide an opportunity to explain the Program, address any questions and establish a line of communication, and
- shall forward three copies of the application, with their recommendation for approval to the Bureau of Private Land Services. A recommendation for disapproval must be accompanied with supporting statements.

The Bureau:

- shall document the submission from the Regional Forester, forwarding it with recommendation for action, to the Director.

The Director:

- shall approve or disapprove the application,
- shall inform the applicant, the Bureau and Regional Forester of their determination, and
- may advise disapproved applicants reasons for such determination.

Program Evaluation - Cooperating Forester Review

The Division shall periodically evaluate Program accomplishment, effectiveness and assistance rendered through landowner referrals.

The Regional Forester:

- may contact and communicate with landowners referred to Cooperating Foresters to determine if assistance and services were provided in compliance with Program purpose, responsibilities and requirements and principles of professional conduct,
- shall investigate documented allegations of actions by Cooperating Foresters on lands referred through the Program, that may not be in compliance with Program purpose, responsibilities and requirements or principles of professional conduct,
- may inspect sites upon which assistance was provided through the Program to determine if such assistance is in compliance with Program purpose, responsibilities and requirements and principles of professional conduct ,
- if determined that assistance provided does not meet Program purpose, responsibilities and requirements, or principles of professional conduct through complaint or Program evaluation process, shall address the non-compliance through the Conflict Resolution procedure,
- shall receive and summarize reports of accomplishments from Cooperating Foresters on privately owned lands, through referrals under the Program or resulting from the owner's involvement in or incentive by a state or state/federal cooperative forestry program initiative, and
- shall prepare regionally summarized reports of Cooperating Forester accomplishment (annually in October or more frequently through the CFM Quarterly reporting system) and submit to the Bureau.

The Bureau:

- shall summarize regional accomplishment reports and share this information with Cooperating Foresters and Regional Foresters, and

- shall, as necessary, provide guidance to Regional Foresters and Program participants in Program implementation.

Conflict Resolution

The Department has an inherent interest to see that services and assistance provided to owners and recommendations provided for the treatment, management and use of forest lands referred are consistent with Program intent, responsibilities and requirements. Additionally, certain procedural actions are required of Program participants to document accomplishments, communicate with the Department and participate in meetings of the Department and Cooperating Foresters. Questions of compliance with Program responsibilities and requirements may be between the Cooperating Forester and a referred landowner or the Cooperating Forester and the Department. The Division shall recommend actions to resolve alleged violations, consistent with statutory authority, Department policy, Program purpose, responsibilities and requirements.

The Regional Forester:

- shall investigate alleged failure to comply with Program responsibilities and requirements, communicate with the principals involved, document facts and develop recommendations for resolution,
- shall communicate in writing with the Cooperating Forester and complainant (if any) describing actions and time frame(s) recommended to resolve, to the extent feasible, the issue,
- shall communicate facts and recommendations to the Director, and
- shall document actions that have been taken for resolution. If no action or resolution has taken place, shall so inform the Director for consideration and recommend further direction to resolve the issue.

Failing resolution of an alleged noncompliance with Program through the above process, the Regional Forester, Cooperating Forester or referred landowner may petition the Director to provide a recommended resolution.

The Director:

- shall initiate action to resolve issues of failing to comply with Program purpose or responsibilities and requirements, upon notice from the Regional Forester that regional efforts have not resulted in a satisfactory resolution,
- shall respond to petitions submitted in writing, by developing recommendations for actions to resolve issues of noncompliance, based upon facts, Department policy, Program purpose, responsibilities and requirements,
- may, at their discretion, assemble a committee of representatives to review the facts and suggest action for conflict resolution. Committee constituency may include representation of the:

USDA Forest Service, Northeastern Area,
New York Institute of Consulting Foresters,

Empire State Forest Products Association,
New York Chapter, Association of Consulting Foresters,
New York Section, Society of American Foresters, and
Department of Environmental Conservation,

- shall communicate in writing with parties involved in the conflict, a recommended resolution, in consideration of facts, committee recommendation (if any), Department policy, Program purpose, responsibilities and requirements,
- shall terminate agreement with a Cooperating Forester upon failure of the forester to implement recommendations provided, and
- shall cease providing forestry assistance to owners upon failure of owner to implement recommended actions requested.

VI. Related References

Environmental Conservation Law; Title 7; Sections 9-0701 and 9-0713

Cooperative Forest Management Services Policy

New York Forestry Best Management Practices - handbook, NYSDEC January 2000

Society of American Foresters - Code of Ethics