

**WEST VIRGINIA**  
**SECRETARY OF STATE**  
**KEN HECHLER**  
**ADMINISTRATIVE LAW DIVISION**

Form #5

Do Not Mark In this Box

FILED  
Aug 5 10 15 AM '99  
OFFICE OF THE SECRETARY OF STATE  
WEST VIRGINIA

**NOTICE OF AGENCY ADOPTION OF A PROCEDURAL OR INTERPRETIVE RULE  
OR A LEGISLATIVE RULE EXEMPT FROM LEGISLATIVE REVIEW**

AGENCY: State Board of Registration for Foresters TITLE NUMBER: 200

CITE AUTHORITY: WV Code 30-19-6

RULE TYPE: PROCEDURAL \_\_\_\_\_ INTERPRETIVE X

EXEMPT LEGISLATIVE RULE \_\_\_\_\_

CITE STATUTE(S) GRANTING EXEMPTION FROM LEGISLATIVE REVIEW

AMENDMENT TO AN EXISTING RULE: YES \_\_\_\_\_, NO X

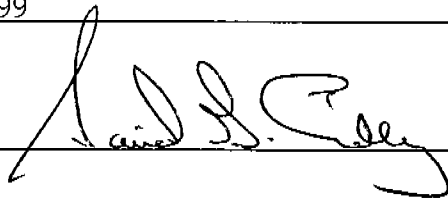
IF YES, SERIES NUMBER OF RULE BEING AMENDED: \_\_\_\_\_

TITLE OF RULE BEING AMENDED: \_\_\_\_\_

IF NO, SERIES NUMBER OF NEW RULE BEING ADOPTED: 200CSR2

TITLE OF RULE BEING ADOPTED: Job Titles and Qualifications

THE ABOVE RULE IS HEREBY ADOPTED AND FILED WITH THE SECRETARY OF STATE. THE  
EFFECTIVE DATE OF THIS RULE IS September 7, 1999

  
\_\_\_\_\_

**APPENDIX B**

**FISCAL NOTE FOR PROPOSED RULES**

**Rule Title:** Job Titles and Qualifications

**Type of Rule:**      Legislative   X   Interpretive      Procedural

**Agency** State Board of Registration for Foresters

**Address** 8 Kepner Street  
Buckhannon, WV 26201

**1. Effect of Proposed Rule**

	ANNUAL FISCAL YEAR				
	INCREASE	DECREASE	CURRENT	NEXT	TWO/THREE/YEAR
<b>ESTIMATED TOTAL COST</b>	\$	\$	\$	\$	\$
<b>PERSONAL SERVICES</b>					
<b>CURRENT EXPENSE</b>		(Not Applicable)			
<b>REPAIRS &amp; ALTERATIONS</b>					
<b>EQUIPMENT</b>					
<b>OTHER</b>					

**2. Explanation of above estimates:**

Not Applicable.

**3. Objectives of these rules:**

The rules provide guidance to prospective applicants for licensure and the public regarding the qualifying experience acceptable to the board for candidates for licensure as registered professional foresters and forestry technicians, and the approved job titles that may be used by persons obtaining qualifying experience.

**Rule Title:** Job Titles and Qualifications

**4. Explanation of Overall Economic Impact of Proposed Rule.**

**A. Economic Impact on State Government.**

Better management and protection of the state's forest resources by licensing only qualified, professional forest resource managers.

**B. Economic Impact on Political Subdivisions; Specific Industries; Specific groups of Citizens.**

Professional management of the state's forest resources to ensure the perpetuation of this renewable resource for timber products, wildlife, recreation, water quality and aesthetics.

**C. Economic Impact on Citizens/Public at Large.**

Stewardship of the forest resource safeguards the many facets of the forest to provide the wood products for homes, the recreation for leisure time, the water quality for life and the scenic beauty of the state.

**Date:** June 30, 1999

**Signature of Agency Head or Authorized Representative**

  
\_\_\_\_\_

**200CSR2**

**TITLE 200  
INTERPRETIVE RULE  
STATE BOARD OF REGISTRATION FOR FORESTERS**

**SERIES 2  
JOB TITLES AND QUALIFICATIONS**

Scope and Purpose. – This rule provides guidance to prospective applicants for licensure and the public regarding the qualifying experience acceptable to the board for candidates for licensure as registered professional foresters and registered forestry technicians, and the approved job titles that may be used by persons obtaining qualifying experience.

FILED

TITLE 200  
INTERPRETIVE RULE  
STATE BOARD OF REGISTRATION FOR FORESTERS

Aug 5 10 15 AM '99

OFFICE OF THE SECRETARY OF STATE

SERIES 2  
JOB TITLES AND QUALIFICATIONS

**§200-2-1. General.**

1.1. Scope and Purpose. -- This rule of the state board of registration for foresters is for the purpose of interpreting and implementing W. Va. Code §30-19-1 et. seq., establishing the Board and conferring upon it responsibility for the registration of foresters and the regulation of the practice of professional forestry.

1.2. Authority. -- W. Va. Code §30-1-4 and §30-19-6.

1.3. Filing Date. -- August 5, 1999

1.4. Effective Date. -- September 7, 1999

**§200-2-2. Qualifying experience.**

2.1. Registered professional forester - - An applicant for registration relating to the qualification and registration of professional foresters must have (1) a bachelor's degree in forestry from a four (4) year school, college or university accredited by the Society of American Foresters and at least two (2) years of full-time equivalent work experience as a professional forester within the ten (10) years preceding the date of filing an application for registration; or (2) a master's degree in forestry, which is expressly found to fulfill or exceed the requirement of a bachelor's degree in forestry, fulfilling course work required for accreditation by the Society of American Foresters from a school, college or university accredited by the Society of American Foresters and at least two (2) years of full-time equivalent work experience as a professional forester within the ten (10) years preceding the date of filing an application for registration; or (3) an associate's degree from a two (2) year technical forestry program recognized by the Society of American Foresters plus a bachelor's degree in another natural science or business and at least four (4) years of full-time equivalent work experience in the field of forestry acceptable to the board within the ten (10) years preceding the date of filing an application for registration.

Registered forestry technician - - An applicant for registration relating to the qualifications and registration of professional forestry technician must have an associate's degree from a two (2) year technical forestry program recognized by the Society of American Foresters and at least four (4) years of full-time equivalent work experience in the field of forestry acceptable to the board within the ten (10) years preceding the date of filing an application for registration.

2.1.a. Qualifying work experience acceptable to the board is employment that includes both of the following: Employment on a full-time basis, or, at the discretion of the board, equivalent part-time experience, with (1) a business that provides professional forestry services, that is in good standing with respect to all lawful obligations imposed by state and federal law, that employs at least one (1) registered professional forester in a supervisory position in West Virginia or (2) a unit of the state or federal government that provides professional forestry services and employs at least one (1) registered professional forester in a supervisory position in West Virginia; and

2.1.b. Actual job responsibilities, under the supervision of or in consultation with a registered professional forester, that include, on a regular basis, at least four (4) of the following:

2.1.b.1. Consultation with respect to forestry activities;

2.1.b.2. Investigation of forestry activities;

2.1.b.3. Planning of forestry activities, which may include the laying out of roads, developing prescriptions, and selecting acreage or individual trees for present or future timber harvesting and/or timber resource preservation and management;

2.1.b.4. Evaluation of forestry activities; and

2.1.b.5 Responsible supervision of forestry activities.

2.2. Forms of Proof. -- Proof of qualifying experience includes:

2.2.a. Verification on a form provided by the board, signed by the employer or employers, of the dates of all qualifying experience; or verification from the employer by signed letter containing the same information. Letter verification must contain sufficient employer identifying information to permit a check on the employer's standing with respect to lawful state and federal obligations.

2.2.b. Verification on a form provided by the board, signed by at least three (3) professional foresters who have knowledge of the applicant's actual job duties, indicating the actual job duties performed by the applicant, or the equivalent information provided in a signed letter.

### **§200-2-3. Approved job titles.**

3.1. A candidate for licensure as a registered professional forester who has completed the minimum educational requirements may file an application pending completion of the experience requirements. Upon receipt of the application and license fee and acceptance by the board, an identification card will be issued certifying that the applicant is a graduate forester who is working toward eligibility for licensing as a registered professional forester in West Virginia. Final action leading to the issuing of a license and certificate of registration will be taken at the first regular board meeting following completion of the minimum experience requirements. A graduate forester who is obtaining qualifying experience for licensure as a registered professional forester may use the title forester or forester trainee.

3.2. A candidate for licensure as a registered forestry technician who has completed the minimum educational requirements may file an application pending completion of the experience requirements. Upon receipt of the application and license fee and acceptance by the board, an identification card will be issued certifying that the applicant is a graduate forestry technician who is working toward eligibility for licensing as a registered forestry technician in West Virginia. Final action leading to the issuing of a license and certificate of registration will be taken at the first regular board meeting following completion of the minimum experience requirements. A graduate forestry technician who is obtaining qualifying experience for licensure as a registered forestry technician may use the title forestry technician or forestry technician trainee.

3.3. Except as specifically permitted in this section, no person other than a person duly licensed as a registered professional forester may use the job titles registered professional forester, professional forester, forester or any other title connoting to the general public that the applicant is a registered forester qualified to perform professional forestry services, and no person other than a duly licensed registered forestry

## 200CSR2

technician may use the job titles registered forestry technician or forestry technician. The board may at its discretion issue a warning letter when cases of inappropriate use of job titles are brought to its attention and may at any time refer cases for prosecution under W. Va. Code §30-19-10 or apply for injunctive relief as authorized under W. Va. Code §30-1-5.

**TITLE 200  
INTERPRETIVE RULE  
STATE BOARD OF REGISTRATION FOR FORESTERS  
SERIES 2  
JOB TITLES AND QUALIFICATIONS**

**POST COMMENT PERIOD AMENDMENTS OF PROPOSED RULE**

AMENDMENTS

Page 1

- Heading Title and Series numbers changed to: Title 200, Series 2.  
Reason: After filing of the proposed Rule, the SOS Office found that the title and number series assigned belonged to the WV Division of Forestry. A new title and series number was given to the Board.
- 200-1-2 society of American foresters changed to Society of American Foresters throughout Rule.  
Reason: improper capitalization.
- 200-1-2 line 3 and 8 and/or approved by the board removed.  
Reason: not consistent with the law.
- 200-1-2 line 10 original requirement (3) was removed and (4) was renumbered (3)  
Reason: requirement was not needed – redundant.
- 200-1-2 item (3) related field changed to business  
Reason: addressed two (2) plus two (2) programs with associate and bachelor degree
- 200-2-1a line 1 The word work was added to qualifying experience.  
Reason: experience needed to be qualified.
- 200-2-1a line 2 The word salaried removed after full-time.  
Reason: so as not to conflict with other full-time work, for example, hourly.
- 200-2-1a line 5 and 6 added in a supervisory position in West Virginia.  
Reason: to substantiate the credibility of the experience.

Page 2

- 200-1-3- 3.1 and 3.2 last sentence reworded to delete classified service of state agency.  
Reason: wording needed to be generic to fit all categories of employment.

200 CSR 2  
Title 200  
INTERPRETIVE RULE  
STATE BOARD OF REGISTRATION FOR FORESTERS  
SERIES 2  
JOB TITLES AND QUALIFICATIONS

PUBLIC COMMENT PERIOD ENDING AUGUST 2, 1999

COMMENTS

<u>NAME</u>	<u>COMMENT METHOD</u>	<u>DATE</u>	<u>REPLY</u>
John T. Robards	letter	July 1, 1999	August 3, 1999
Harry V. Wiant, Jr.	e-mail	July 2, 1999	August 3, 1999
William R. Maxey	e-mail	July 2, 1999	August 3, 1999
John F. Tillinghast	letter	July 2, 1999	August 3, 1999
Harry R. Wilson	letter	July 5, 1999	August 3, 1999
Robert C. McColly	letter	July 5, 1999	August 3, 1999
Robert Radspinner	telephone call	July 7, 1999	August 3, 1999
Jim Maurin	telephone call	July 7, 1999	August 3, 1999
Robert W. Wyland	letter	July 7, 1999	August 3, 1999
Bruce B. Brenneman	letter	July 7, 1999	August 3, 1999
Arthur J. Yagel	memo	July 9, 1999	August 3, 1999
David Hill	letter	July 15, 1999	August 3, 1999
William Gillespie	letter	July 20, 1999	August 3, 1999



## WEST VIRGINIA STATE BOARD OF REGISTRATION FOR FORESTERS

8 Kepner Street

Buckhannon, WV 26201

August 3, 1999

John T. Robards  
124 Wake Robin Trail  
Lewisburg, WV 24901

Dear Mr. Robards:

Your July 1, 1999, letter concerning the proposed Rules for the West Virginia Board of Registration for Foresters was received and reviewed by the Board. We appreciate your favorable comment regarding the use of titles and the continuing education requirement.

The question you pose about 22-5-3 Approved job titles is really addressed in HB2867. The Bill is very clear that to use the title forester or any other title connoting that an individual performs professional forestry services, they must be licensed. 22-5-3 deals with applicants who use the title forester and have not yet met the minimum experience requirements. In cases such as these, the Board will classify the individuals as a graduate forester and will allow the use of the title while the qualifying experience is being gained.

The other question regarding fees and compensation for an unlicensed individual cannot be addressed by the Rules if the person does not use a title as is described in HB2867. If the title is used and the individual does not obtain a license, then the individual would be subject to Board action described in 22-5-3.3.

On behalf of the West Virginia Board of Registration for Foresters, I wish to thank you for your interest in our profession and for the time you took to review and comment on the proposed Legislative Rules.

Sincerely,

David G. Lilly  
Secretary (RPF #178)

DGL:sp

John T. Robards

124 Wake Robin Trail  
Lewisburg, West Virginia 24901  
304-647-5306

July 1, 1999

David G. Lilly, Secretary  
West Virginia State Board of Registration for Foresters  
8 Kepner Street  
Buckhannon, WV 26201

Dear David:

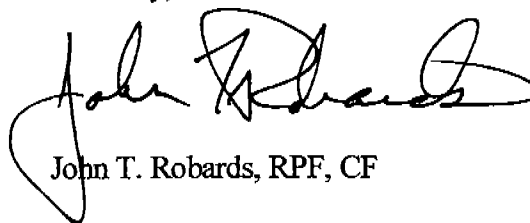
The passage of H.B. 2867 and the proposed rules are long overdue and welcome. They add significant meaning to the designation of Registered Professional Forester, especially the use of titles and continuing education requirements. I have two comments regarding the rules. The second one may be outside the scope of the Board's jurisdiction. If so, but you consider it valid, I will be happy to help lobby next year's Legislature for an amendment.

22-5-3 Approved job titles. This appears to restrict companies employing forestry graduates from giving them the company job title of forester if those employees are not registered. I'm not sure I object to that but we should be able to have job titles relative to the employees' forestry education and responsibilities.

I would like to see, in addition to the use of the specified job titles, a rule that prohibits any person not registered from charging fees or accepting compensation of any kind for providing forestry services to anyone other than employers, who should know of their lack of qualifications. This would make the designation a professional license, which is the law in the real estate sales and appraisal, insurance and financial services professions. I feel that the forestry profession is equally important.

If a hearing is scheduled regarding the code as part of the review and comment period, I would like to be notified in order that I may attend.

Sincerely,

A handwritten signature in black ink, appearing to read "John T. Robards". The signature is fluid and cursive, with a large loop at the end.

John T. Robards, RPF, CF



# WEST VIRGINIA STATE BOARD OF REGISTRATION FOR FORESTERS

8 Kepner Street

Buckhannon, WV 26201

August 3, 1999

Harry V. Wiant  
113 Scenery Drive  
Morgantown, WV 26505

Dear Mr. Wiant:

Your July 2, 1999, e-mail concerning the proposed Rules for the West Virginia Board of Registration for Foresters was received and reviewed by the Board. To address your concerns, we would offer the following:

- Capitalization* - The requirements by the Secretary of State for filing Rules stipulates no capitalization except for the first letter of each sentence (or, in this case, they accepted a few words capitalized by the Legislative Staff Attorney who assisted with the Rules). Other items that are specified deal with margins, page numbering, type size.... When the final Rules are printed, they will be in the proper form.
- Titles* - HB2867 is very specific about the use of titles. Anyone who uses the title of forester, or any title that gives the connotation that they provide professional forestry services requires the individual to be licensed. The Rules cannot relax the standards specified in the Law.
- Section 5.3d* - The wording will be clarified to allow exemptions without removing the continuing education requirement.

On behalf of the West Virginia Board of Registration for Foresters, I wish to thank you for your interest in our profession and for the time you took to review and comment on the proposed Legislative Rules.

Sincerely,

David G. Lilly  
Secretary (RPF #178)

DGL:sp

**From:** Harry V Wiant <[hwiant@juno.com](mailto:hwiant@juno.com)>  
**To:** WVFOREST@ACCESS.mountain.net <[WVFOREST@ACCESS.mountain.net](mailto:WVFOREST@ACCESS.mountain.net)>  
**Date:** Friday, July 02, 1999 8:14 AM  
**Subject:** Rules for registration

---

Please forward to Dave Lilly:

- (1) Change "society of American Foresters" in numerous places to "Society of American Foresters."
- (2) 3.3 It sounds like a forestry graduate who is not registered could not use the title, "forester" or "professional forester." That seems much too restrictive.
- (3) 5.3.a indicates a continuing education requirement, but 5.3.d seems to eliminate that requirement.

Harry V. Wiant, Jr.  
113 Scenery Drive, Morgantown, WV 26505  
phone/fax 304-599-6618  
e-mail : [hwiant@juno.com](mailto:hwiant@juno.com)



## WEST VIRGINIA STATE BOARD OF REGISTRATION FOR FORESTERS

8 Kepner Street

Buckhannon, WV 26201

August 3, 1999

William R. Maxey  
Rt. 1, Box 458  
Leon, WV 25123

Dear Mr. Maxey:

Your July 2, 1999, e-mail concerning the proposed Rules for the West Virginia Board of Registration for Foresters was received and reviewed by the Board. To address your concerns, we would offer the following:

- Capitalization* - The requirements by the Secretary of State for filing Rules stipulates no capitalization except for the first letter of each sentence (or, in this case, they accepted a few words capitalized by the Legislative Staff Attorney who assisted with the Rules). Other items that are specified deal with margins, page numbering, type size.... When the final Rules are printed, they will be in the proper form.
- Titles* - HB2867 is very specific about the use of titles. Anyone who uses the title of forester, or any title that gives the connotation that they provide professional forestry services requires the individual to be licensed. The Rules cannot relax the standards specified in the Law.
- Section 5.3d* - The wording will be clarified to allow exemptions without removing the continuing education requirement.

On behalf of the West Virginia Board of Registration for Foresters, I wish to thank you for your interest in our profession and for the time you took to review and comment on the proposed Legislative Rules.

Sincerely,

David G. Lilly  
Secretary (RPF# 178)

DGL:sp

D3  
Dave

**From:** Lula C. Maxey <luc@citynet.net>  
**To:** WWFOrest@access.mountain.net <WWFOrest@access.mountain.net>  
**Date:** Friday, July 02, 1999 8:28 AM  
**Subject:** Fw: Rules for registration

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Randy - Ralph - Bob W., Please forward to Dave Lilly with my concurrence.  
Thanks! Bill Maxey

-----Original Message-----

**From:** Harry V Wiant <hwiant@juno.com>  
**To:** luc@citynet.net <luc@citynet.net>  
**Date:** Thursday, July 01, 1999 11:02 PM  
**Subject:** Rules for registration

>Bill, here are my comments on the rules which I want to send to Dave  
>Lilly:  
>  
>(1) Change "society of American Foresters" in numerous places to  
>"Society of American Foresters."  
>(2) 3.3 It sounds like a forestry graduate who is not registered could  
>not use the title, "forester" or "professional forester."  
>That seems much too restrictive.  
>(3) 5.3.a indicates a continuing education requirement, but 5.3.d seems  
>to eliminate that requirement.  
>  
>If you have Lilly's e-mail address, or know someone's who can forward  
>this to him, please do so.  
>  
>Thanks, Harry  
>  
>Harry V. Wiant, Jr.  
>113 Scenery Drive, Morgantown, WV 26505  
>phone/fax 304-599-6618  
>e-mail : [hwiant@juno.com](mailto:hwiant@juno.com)  
>



# WEST VIRGINIA STATE BOARD OF REGISTRATION FOR FORESTERS

8 Kepner Street

Buckhannon, WV 26201

August 3, 1999

John F. Tillinghast  
705 Random Road  
Ripley, WV 25271

Dear Mr. Tillinghast:

Your July 2, 1999, letter concerning the proposed Rules for the West Virginia Board of Registration for Foresters was received and reviewed by the Board.

Your question about the two (2) plus two (2) program is being addressed by removing it from the Rules. I recently met with Glenville State College faculty and the provision was not needed to specify qualifying experience for a registered professional forester. The two (2) plus two (2) program is basically terminology used where a student gets a two-year associate's degree in forestry and then continues on for two more years to obtain, most commonly, a bachelor's degree in business or surveying. The Forestry Division of Glenville State College has many students continue on in school following completion of their associate's degree in forestry.

Thanks for pointing out specific canons within the Association of Consulting Foresters of America, Inc.'s Code. The Board discussed various codes of ethics at length, among them were those of the ACF, the Society of American Foresters and other state licensing boards. It was felt that due to the professional diversity of those licensed in West Virginia, the Society of American Foresters' Code provided the best basis, at this time, for developing standards. The SAF is currently in the process of looking at a proposed revision of their code, but it will not get to a vote until late in the Year 2000. Your recommendations will be kept on file for when the Board discusses the West Virginia Code again in 2000 following the SAF action.

On behalf of the West Virginia Board of Registration for Foresters, I wish to thank you for your interest in our profession and for the time you took to review and comment on the proposed Legislative Rules.

Sincerely,

David G. Lilly  
Secretary (RPF #178)

DGL:sp



**John F. (Jack) Tillinghast**  
Consulting Forester (Ret)  
705 Random Road  
Ripley, West Virginia 25271-9783  
Telephone (304) 372-9291



July 2, 1999

Mr. David G. Lilly, Secretary  
W. Va. State Bd. of Registration for Foresters  
8 Kemper St.  
Buckhannon WV 26201

IN RE: Title 22  
Legislative Rules  
Series J  
Registration of Foresters

Dear Dave;

I have one question regarding the wording on page #1, under Qualifying experience 2.1, item 3: "An Associate degree----- in conjunction with two (2) plus two (2) program from an accredited college...". What is a two-plus-two program? Does this mean two more years of college, the equivalent of a four year degree of some sort? I think this should be more clear to the average reader.

Enclosed is a copy of the Code of Ethics of the Association of Consulting Foresters and I have highlighted several items you may want to consider adding to your list.

In general, I like the paper you have presented.

Sincerely yours,

John Tillinghast

TITLE 22  
LEGISLATIVE RULE  
STATE BOARD OF REGISTRATION FOR FORESTERS

SERIES 5  
REGISTRATION OF FORESTERS

§22-5-1. General.

1.1. Scope and Purpose. -- This rule of the state board of registration for foresters is for the purpose of interpreting and implementing W. Va. Code §30-19-1 et. seq., establishing the Board and conferring upon it responsibility for the registration of foresters and the regulation of the practice of professional forestry.

1.2. Authority. -- W. Va. Code §30-1-4 and §30-19-6.

1.3. Filing Date. --

1.4. Effective Date. --

§22-5-2. Qualifying experience.

2.1. Registered professional forester - - An applicant for registration relating to the qualification and registration of professional foresters must have (1) a bachelor's degree in forestry from a four-year school, college or university accredited by the society of American foresters and/or approved by the board and at least two year's of full-time equivalent work experience as a professional forester within the ten years preceding the date of filing an application for registration; or (2) a master's degree in forestry, which is expressly found to fulfill or exceed the requirement of a bachelor's degree, fulfilling course work required for accreditation by the society of American foresters from a school, college or university accredited by the society of American forester and/or approved by the board and at least two years of full-time equivalent work experience as a professional forester within the ten years preceding the date of filing an application for registration; or (3) an associate's degree from a two-year technical forestry program recognized by the society of American foresters, in conjunction with a recognized two (2) plus two (2) program from an accredited college or university, and at least four years of full-time equivalent work experience in the field of forestry acceptable to the board within the ten years preceding the date of filing an application for registration; or (4) an associate's degree from a two-year technical forestry program recognized by the society of American foresters plus a bachelor's degree in another natural science or related field and at least four years of full-time equivalent work experience in the field of forestry acceptable to the board within the ten years preceding the date of filing an application for registration.

*What is a 2+2 program*  
↑

Registered forestry technician - - An applicant for registration relating to the qualifications and registration of professional forestry technician must have an associate's degree from a two (2) year technical forestry program recognized by the society of American foresters and at least four (4) years of full-time equivalent work experience in the field of forestry acceptable to the board within the ten years preceding the date of filing an application for registration.

2.1.a. Qualifying experience acceptable to the board is employment that includes both of the following: Employment on a full-time salaried basis, or, at the discretion of the board, equivalent part-time experience, with (1) a business that provides professional forestry services, that is in good standing with respect to all lawful obligations imposed by state and federal law, that employs at least one registered professional forester



## WEST VIRGINIA STATE BOARD OF REGISTRATION FOR FORESTERS

8 Kepner Street

Buckhannon, WV 26201

August 3, 1999

Harry R. Wilson  
P. O. Box 55  
Franklin, WV 26807

Dear Mr. Wilson:

Your July 5, 1999, letter concerning the proposed Rules for the West Virginia Board of Registration for Foresters was received and reviewed by the Board. We appreciate your support for the continuing education requirements. Although the Board does not have the resources to send out newsletters and notices of upcoming forestry sessions, we will talk with the West Virginia University Extension about this issue. The West Virginia Society of American Foresters, the West Virginia Division of Forestry Stewardship Program and West Virginia University hold several professional sessions around the State each year and, in the meantime, I'm sure that among your many friends and associates, you will be kept abreast of any upcoming sessions.

On behalf of the West Virginia Board of Registration for Foresters, I wish to thank you for your continuing interest in our profession and for the time you took to review and comment on the proposed Legislative Rules.

Sincerely yours,

David G. Lilly  
Secretary (RPF #178)

DGL:sp

Harry R. Wilson  
PO Box 55  
Franklin, WV 26807  
Phone: (304) 358-7504

July 5, 1999

Mr. David G. Lilly  
West Virginia State Board of Registration for Foresters  
8 Kepner Street  
Buckhannon, WV 26201

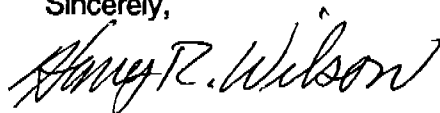
Dear Dave,

Read your recent correspondence of June 30, 1999, on rules of the State Board of Registration for Foresters. My understanding of the rules for renewal of registration found in item 22-5-5.3.a. is a requirement for continuing education. The section states that ten hours of continued education is required annually and must be recognized or approved by the Board or the Society of American Foresters.

I believe that continued education is a wonderful thing. However presently I am not in a position to have knowledge of the continued educational opportunities that would meet Board approval. Therefore I am requesting to be keep informed as to the approved continued educational opportunities available through the year so that this requirement can be met. Perhaps other Registered Foresters would need the same.

Presently I do a limited amount of Consulting and am looking for full-time employment in Forestry. If you would know of any position available in the State or immediate region I would appreciate that knowledge and mentioning my name and recommendation.

Sincerely,



Harry R. Wilson,  
Registered Forester # 340



## WEST VIRGINIA STATE BOARD OF REGISTRATION FOR FORESTERS

8 Kepner Street

Buckhannon, WV 26201

August 3, 1999

Robert C. McColly  
P. O. Box 810  
Ligonier, PA 15658

Dear Mr. McColly:

Your July 5, 1999, letter concerning the proposed Rules for the West Virginia Board of Registration for Foresters was received and reviewed by the Board.

The Board discussed various codes of ethics at length – other state licensing boards, the Society of American Foresters and those of the Association of Consulting Foresters of America, Inc. It was felt that due to professional diversity of those licensed in West Virginia, the Society of American Foresters' Code provided the best basis for developing standards. The Board also realized at the time the Society of American Foresters was looking at a proposed revision of the SAF Code; however, the SAF timetable would not result in a vote until late in the Year 2000. HB2867 stipulated that the Rules must include provisions relating to a code of ethics and they had to be filed by July 1, 1999.

Since the Board's members are also members of the Society of American Foresters, the SAF proposed revision of canons to principles will be monitored and if needed, at a future date, modifications can be made through the Legislative Rules process.

On behalf of the West Virginia Board of Registration for Foresters, I wish to thank you for your interest in our profession and for the time you took to review and comment on the proposed Legislative Rules.

Sincerely,

David G. Lilly  
Secretary (RPF #178)

DGL:sp

**FOREST LAND SERVICES, INC.**  
PROFESSIONAL FOREST MANAGEMENT CONSULTANTS

POST OFFICE BOX 810  
LIGONIER, PENNSYLVANIA 15658  
PHONE (724) 238-2880  
FAX (724) 238-2880

POST OFFICE BOX 1211  
ELKINS, WEST VIRGINIA 26241  
PHONE (304) 636-4837

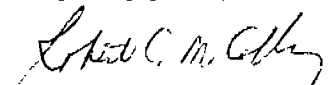
July 5, 1999

David G. Lilly  
West Virginia State Board of Registration for Foresters  
8 Kepner Street  
Buckhannon, WV 26201

Dear Sir:

I am writing regarding the West Virginia State Board of Registration for Foresters proposed regulations. I believe that it should be taken into consideration that the Society of American Foresters (SAF) is about to amend their Code of Ethics, and the proposed amendment and changes are listed in the most recent Journal of Forestry. Since the proposed regulations are based on the SAF ethics, it does not make any sense to me to be using what will soon be their "old" code. I would suggest that the implementation of these regulations be delayed until their proposed new Code of Ethics can be reviewed.

Very truly yours,

  
Robert C. McColly, ACF

TELEPHONE CALLS – Proposed Rules for WV Board of Registration for Foresters to David G. Lilly, Secretary

PERSON: Bob Radspinner

DATE: July 7, 1999

SUBJECT: *Comment* – I support the Rules, they were needed for the profession.

*Reply* – Not applicable.

*Comment* – I question the wording of 5.3d concerning continuing education, it appears to remove the requirements.

*Reply* – The wording will be changed to clarify that the continuing education requirement is not removed, but merely has exceptions for licensed foresters with emeritus and inactive status.

*Comment* – I request the Board contact West Virginia University Extension about having more continuing education sessions available along with notices of training to be offered.

*Reply* – The Board will discuss this in the upcoming October meeting.

PERSON: Jim Maurin

DATE: July 7, 1999

SUBJECT: *Comment* – I question the wording of 5.3d concerning continuing education.

*Reply* – The wording will be changed to clarify the section.



## WEST VIRGINIA STATE BOARD OF REGISTRATION FOR FORESTERS

8 Kepner Street

Buckhannon, WV 26201

August 3, 1999

Robert W. Whyland  
7 North Walnut Street  
Spring Grove, PA 17362-1025

Dear Mr. Whyland:

Your July 7, 1999, letter concerning the proposed Rules for the West Virginia Board of Registration for Foresters was received and reviewed by the Board.

The point you make about the availability of training for continuing education should not be a problem. In West Virginia, the Society of American Foresters holds summer and winter meetings which are normally seven or eight hours of CFE's each, the Division of Forestry holds quarterly Stewardship training for consultant foresters which is worth four ± hours each and West Virginia University normally holds forestry meetings around the state which offers CFE credits. When the Board discussed this requirement, it found many state licensing boards used twelve to fifteen required hours; however, based on the diversity of West Virginia and the time it takes to travel around the state, the required CFE's was reduced to ten.

Continuing education requirements are now specified with nearly all professional licensing boards, not only in West Virginia, but across the Nation. It is a duty for all professions to stay current on their profession so the public can expect the best there is to be offered.

On behalf of the West Virginia Board of Registration for Foresters, I wish to thank you for your interest in our profession and for the time you took to review and comment on the proposed Legislative Rules.

Sincerely,

David G. Lilly  
Secretary (RPF #178)

DGL:sp

7 North Walnut Street  
Spring Grove, PA 17362-1025  
July 7, 1999

David G. Lilly, Secretary  
WV State Board of Registration for Foresters  
8 Kepner Street  
Buckhannon, WV 26201

Dear Secretary :

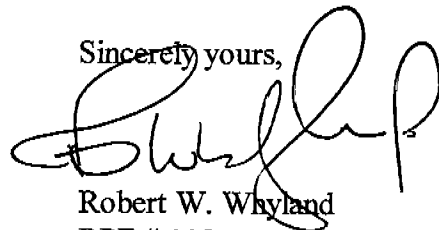
I have reviewed the materials sent to us on June 30 under your signature. I would comment that the 10 hours of approved con-ed could present a problem. It is unusual to be able to make more than ½ a con-ed unit out of an SAF meeting in which there is an approved program. If one can make 5 of those a year they would have 2 ½ to get started.

Since I have not actively pursued SAF or college approved forestry con-ed units or hours I am not familiar with what approved units are available to someone on the Internet or on a one to one basis via mail, or other at home sources. Until "approved" hours are readily available, at a reasonable cost, to all foresters I do not feel it is appropriate to include this in your annual renewal requirements.

I would gladly withdraw my objection if these resources are much more available than I now understand them to be.

Thank you for the opportunity to express my thoughts.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'R. Whyland', written over the typed name below.

Robert W. Whyland  
RPF # 118



# WEST VIRGINIA STATE BOARD OF REGISTRATION FOR FORESTERS

8 Kepner Street

Buckhannon, WV 26201

August 3, 1999

Bruce B. Brenneman  
Rt. 2, Box 36A  
Rupert, WV 25984

Dear Mr. Brenneman:

Your July 7, 1999, letter concerning the proposed Rules for the West Virginia Board of Registration for Foresters was received and reviewed by the Board.

HB2867 is very specific about the use of titles. Anyone who uses the title of forester, professional forester, registered professional forester or other title connoting to the public they are qualified to perform professional forestry services must now be licensed. Rule 22-5-3.3 merely reflects the wording of the Bill and cannot relax the standards specified in the Law.

On behalf of the West Virginia Board of Registration for Foresters, I wish to thank you for your interest in our profession and for the time you took to review and comment on the proposed Legislative Rules.

Sincerely,

David G. Lilly  
Secretary (RPF #178)

DGL:sp

Rt. 2 Box 36A  
Rupert, WV 25984

July 7, 1999

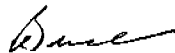
Mr. David G. Lilly  
Secretary  
WV State Board of Registration for Foresters  
8 Kepner Street  
Buckhannon, WV 26201

Dear Dave:

I have reviewed the proposed rules for the Board of Registration for Foresters which you filed with the Secretary of State, and wish to comment during the designated period.

In 22-5-3.3, it is stated that, among other titles, "forester" and "forestry technician" may only be used by duly licensed persons. I believe that these two titles, without modification, are gained by virtue of educational accomplishment independent of licensing. To limit their use to "duly licensed" persons would cause many of our graduate foresters and forestry technicians to be in violation of the rule. Why not just require licensing before the use of such terms as "registered" and "professional", and delete the generic term from the rule?

Sincerely yours,



Bruce B. Brenneman  
RPF 117



# WEST VIRGINIA STATE BOARD OF REGISTRATION FOR FORESTERS

8 Kepner Street

Buckhannon, WV 26201

August 3, 1999

Arthur J. Yagel  
P. O. Box 638  
Summersville, WV 26651

Dear Mr. Yagel:

On behalf of the West Virginia Board of Registration for Foresters, I wish to thank you for your interest in our profession and for the time you took to review and comment on the proposed Legislative Rules.

Sincerely yours,

David G. Lilly  
Secretary (RPF #178)

DGL:sp



# INTEROFFICE MEMORANDUM

Department of Agriculture

Forestry Division

To D G Lilly, District Forester

Date 9 Jul 99

From A J Yagel

Subject RPF comments

I have reviewed the regulations for the RPF rules expected to be filed and have no concerns or comments concerning these regulations.

Thanks,

*AJ*

JUL 1999  
District Forester  
Division of Forestry



## WEST VIRGINIA STATE BOARD OF REGISTRATION FOR FORESTERS

8 Kepner Street

Buckhannon, WV 26201

August 3, 1999

David Hill  
Rt. 1, Box 160-B  
Bristol, WV 26332

Dear Mr. Hill:

Your July 15, 1999, letter concerning the proposed Rules for the West Virginia Board of Registration for Foresters was received and reviewed by the Board.

The Board appreciates your support for the continuing education requirements and the Code of Ethics standards. The point you make about title protection was significantly expanded in our opinion with the passage of HB2867. Basically, HB2867 stipulates that anyone who uses a title that even gives the impression to the public that they perform professional forestry services must first meet the criteria listed for minimum standards of education and experience. In the advent a person does not conform to the Law, the Board may reprimand, prosecute or apply for injunctive relief as stipulated in 22-5-3.3 of the Rules.

The other point you make about a requirement for an apprenticeship may or may not be within the Board's authority. The proposed Rules do address the experience factor in the following sections: 22-5-2.1 – work experience must now be full-time equivalent and be within the ten years preceding the filing of an application for licensing and 22-1-2.1a – work experience must be with a business or government unit that employs at least one registered professional forester in a supervisory position in West Virginia. (This reflects a wording change based on comments during the thirty-day period.) The Board will consult with our Staff Attorney on this question and we may ask you to present your concern at a Board meeting.

On behalf of the West Virginia Board of Registration for Foresters, I wish to thank you for your interest in our profession and for the time you took to review and comment on the proposed Legislative Rules.

Sincerely,

David G. Lilly  
Secretary (RPF #178)

DGL:sp

# DAVID HILL & ASSOCIATES

*Consulting Foresters  
Environmental and Land Management Planners*

Route 1, Box 160-B  
Bristol, WV 26332

Telephone & Fax  
(304) 782-1977

July 15, 1999

Mr. David G. Lilly  
Secretary  
West Virginia State Board of Registration for Foresters  
8 Kemper Street  
Buckhannon, WV 26201

Dear Dave:

In response to your notice of June 30, 1999 regarding the filing of rules for the State Board of Registration for Foresters, I would like to offer the following.

I applaud the action of the Board in implementing the changes, particularly in the requirement for Continuing Education Credit and the adoption in the Code of Ethics. While I support these changes, I feel the proposed rules lack one very important element.

The current registration procedure for the State of West Virginia is still only title protection of the title of Registered Professional Forester, Professional Forester, or Registered Forestry Technician. This title protection does not provide any assistance to the citizens of West Virginia in the protection from non-professional activities by Foresters who have not voluntarily elected to become Registered Foresters or Forestry Technicians under the West Virginia Code 22-5-1. Because registration in West Virginia is still voluntary, the new rules will effect only those of us who have the professional ethics, experience, and desire to be qualified as a Registered Forester or Forestry Technician.

MR. DAVID G. LILLY  
JULY 15, 1999  
PAGE 2 OF 2

Our profession needs to "clean up its act" and eliminate the problems of misrepresentation and non-professional activities by inexperienced or unethical Foresters and Forestry Technicians. The Board must enact mandatory registration for all Foresters and Forestry Technicians operating in the State of West Virginia. If the Board does not mandate registration, then the implementation of these rules, as well as, work done this past spring during the Legislative Session will have been a waste of time.

Further, the Board needs to require an Apprenticeship or Forester-in-Training, similar to that of licensed land surveyors. This apprenticeship should be equal to the number of years experience required to qualify for licensing as a Registered Forester or Registered Forestry Technician. I feel this is the only way to prevent inexperienced persons from representing themselves as knowledgeable and competent Foresters or Forestry Technicians.

I hope the Board recognizes the importance of developing a true Forester / Forestry Technician Registration requirement rather than just title protection. Also, I hope the Board will take the appropriate and necessary steps to revise the current and proposed regulations to resolve the problems which exist at this time.

Sincerely,



David W. Hill, WVRPF #125  
Consulting Forester

DWH:jc



# WEST VIRGINIA STATE BOARD OF REGISTRATION FOR FORESTERS

8 Kepner Street

Buckhannon, WV 26201

August 3, 1999

William H. Gillespie  
P. O. Box 8  
Charleston, WV 25321

Dear Mr. Gillespie:

Your July 20, 1999, letter concerning the proposed Rules for the West Virginia Board of Registration for Foresters was received and reviewed by the Board.

The Board appreciates your thorough look at the Rule proposal, especially from a "clean-up" standpoint and instead of specifically addressing each item you brought to our attention, a revised copy of the proposal is attached.

On behalf of the West Virginia Board of Registration for Foresters, I wish to thank you for your interest in our profession and for the time you took to review and comment on the proposed Legislative Rules.

Sincerely,

David G. Lilly  
Secretary (RPF #178)

DGL:sp

Attachment

**William H. Gillespie**

Gillespie Forestry Services  
PO Box 8  
Charleston, WV 25321-0008  
Phone & Fax 304-346-5849

July 20, 1999

Mr. David G. Lilly  
Secretary, Bd. Reg. For.'s  
8 Kepner St.  
Buckhannon, WV 26201

Dear David:

Thank you for sending a draft of the proposed litany of legislative regulations as proposed by the Board. Everyone sees things differently. As you know, all anyone wants is a fair majority. Such may come up as these regs. pass through the six or so legislative committees' early next year. Since there will be at least two meetings of the Board before any legislative rule can be certified, it may be necessary to file the interpretative rule as provided for in the implementing legislation.

I do not plan to be for or against any reg. unless it is unworkable, unenforceable or definitely not in the best interest of forestry. I am using this letter strictly to point out some areas of concern, which have been called to my attention. I have checked with several foresters, although not all are registered foresters.

Under 22-5-2.1, the insertion of "and/or" approved by the board would seem to be a change of the statute, HB 2867, as passed and signed into law. Why have the well understood SAF criterion if the Board can override it? Also, shouldn't the Board insist on knowledge of the curriculum that is followed? Will a degree in Limnology suffice even if from a school of forestry? How about a degree in Recreation given by a school of forestry? Would it be better to specify the hours and subjects needed, i.e., Dendrology, 6 or whatever hours; Silviculture, etc.; forest soils, etc.; forest measurements, etc; as is now done by the Board?

In the same paragraph, a master's degree is discussed. The same comment applies as to "and/or." This opens the Board up to criticism and political manipulation.

In 2.1.a, I would suggest that the term "work" be placed between "Qualifying" and "experience." I would doubt that the salaried requirement would stand if challenged. To exclude "hourly" personnel may be interpreted as discrimination. You may also want to consider some types of self-employment. I would suggest adding "in a supervisory position" after "forester," in the last line of page 1. You might also want to restrict it even more. For example, what good is a registered forester working for a company in Georgia doing to do for a candidate working in West Virginia? Under subsection (2) of that unit (top of page 2), I would suggest inserting "that provides professional forestry services and that" after the word "government" and again would add "in a supervisory position" after the word "forester."

916 Churchill Circle, Charleston, WV 25314-1747  
Out of Town 1-800-649-8636

Gillespie to Lilly on Bd. of Reg. Regs. 2

Under 2.1.b, the words "in consultation" might take care of the self-employed.

Under 3.1, I doubt that a governmental title will take precedence over a company title. If Coastal calls their graduate foresters "foresters," I doubt if the Board can prevent it, if agencies are allowed the freedom to do so. Actually, it might come down to the Courts saying that the title comes with the diploma. It also could come down to whether the forester in question is being paid by a client. If the work is "for hire," it might be interpreted differently. The 'trainee' term, if all-inclusive might be the out for the agency. The same general comments have come up about 22-5-3.2.

Under 4.7, the terminology should be "receive and account."

Under 5.2, I doubt if the Board wants to send out a certificate annually. Why not something like "Each certificate of registration issued by the board is valid as long as the registrant is in good standing."

Under 5.3, I would suggest substituting "certification" for "certificate of registration."

Under 5.3.a, some will argue against anyone being exempted from the continuing forestry education, even retired members, unless they drop their certification. Under 5.3.g, there should be some way for retirees to keep the certificates as souvenirs. Or you could send them a different certificate saying they were certified members for so many years.

Dave, I have seen regs. picked to pieces several times. They need to be tight and in conformance with the law.

Hurriedly,



William H. Glimpse  
RPF #29