

Department of Environmental Protection

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Voluntary Registration of Foresters and Loggers

Sec. 23-65g-1. Voluntary registration for foresters

(a) **Definitions.**

(1) As used in section 23-65g-1:

“Board” means the State Board of Registration of Foresters established by regulation adopted pursuant to section 23-65g of the General Statutes.

“Certificate of Registration” or “Certificate” means a document issued by the Commissioner of Environmental Protection authorizing the use of the title registered forester.

“Commissioner” means the Commissioner of Environmental Protection.

“Forester” means a person as defined in section 23-65f (2) of the General Statutes.

“Forestry” means the science, the art and the practice of managing and using for human benefit the natural resources that occur on and in the association with forest lands. The practice of forestry shall not include services rendered for wages or for salary for the cutting, hauling, handling or processing of forest products, or for tree planting, timber stand improvement or other physical labor activities associated with forest resource management.

“Registered Forester” means a person who has been registered pursuant to this section.

(2) Scientific and technical terms not specifically defined in this section shall be used in accordance with the definitions set forth in the Society of American Foresters’ Terminology of Forest Science, Technology, Practice and Products.

(b) **Forester Registration Board.**

(1) The membership of the forester registration board shall consist of seven voting members as set forth in section 23-65h (b) of the General Statutes. The two representatives of the general public shall be appointed by the Commissioner from a roster of individuals interested in serving as board members. Such list shall be maintained by the State Forester or his or her designee.

(2) The terms of office for the initial appointments to the forester registration board shall be as follows:

(A) the State Forester or his or her designee shall serve as a continuing board member without term limitation;

(B) members appointed by the Yankee Division of the Society of American Foresters shall serve as follows:

(i) one member for a four year term;

(ii) one member, the full-time consulting forester, for a three year term; and

(iii) one member for a two year term;

(C) the member appointed by the Connecticut Wood Producers Association shall serve a four year term;

(D) representatives of the general public shall serve terms of three years and two years, respectively.

(3) Upon the expiration of the initial appointments, members shall serve three year terms. A vacancy shall be filled in the same manner as the original appointments.

(4) An individual appointed to fill a vacancy on the board shall serve for the balance of the unexpired term and may be reappointed as provided in subdivision (6) of this subsection.

(5) Absence from three consecutive board meetings by any member shall constitute resignation from the board.

(6) Except as provided in subparagraph (2) (A) and subdivision (4) of this subsection, no board member may be appointed for more than two consecutive terms.

(c) **Registration Board Proceedings.**

(1) The board may recommend to the Commissioner modifications to the standards and procedures for the voluntary registration of foresters and may make recommendations to the Commissioner concerning the issuance of individual certificates of registration for foresters, the response to complaints, and the response to petitions for reinstatement.

(2) The board may adopt bylaws for the regulation of its internal affairs and shall provide an annual report to the Commissioner no later than July first of each year.

(3) The State Forester or his or her designee shall serve as the board chairman and shall provide the necessary clerical and support services to the board.

(4) The forester registration board shall meet at least once a year and may meet more frequently if necessary. Special meetings may be called by the Commissioner, the board chairman or upon written request of any two board members.

(5) A majority of the board shall constitute a quorum. For the transaction of any board business, the board shall have the power to act by a majority of the members present at any meeting at which a quorum is in attendance. A board member shall not vote by proxy.

(6) The board shall record minutes of its meetings which will be reviewed by the board and maintained by the State Forester or his or her designee. All board records shall be available for public inspection pursuant to section 1-21 of the General Statutes.

(7) Upon termination of the existence of the board by law, all records of the board proceedings shall pass to the Commissioner.

(d) **Eligibility Requirements for Registration.**

(1) In order to be eligible for registration, applicants must:

(A) demonstrate attainment of at least one of the following minimum standards of experience and training which are deemed equivalent for the purposes of certification:

(i) a Bachelor's degree from a professional forestry curriculum accredited by the Society of American Foresters or a Bachelor's degree in a curriculum deemed comparable by the Commissioner after receipt of a recommendation from the board; or

(ii) a Master's degree or Doctoral degree in professional forestry from a professional forestry curriculum accredited by the Society of American Foresters or a Master's degree or Doctoral degree in a curriculum deemed comparable by the Commissioner after receipt of a recommendation from the board; or

(iii) two years of professional forestry employment and either a two year Associate's degree in forestry from a professional forestry curriculum recognized by the Society of American Foresters or a two year Associate's degree in a curriculum deemed comparable by the Commissioner after receipt of a recommendation from the board; or

(iv) graduation from a one year college level technical forestry program recognized by the Society of American Foresters or graduation from a one year college level program in a curriculum deemed comparable by the Commissioner after receipt of a recommendation from the board and three years of professional forestry employment; or

(v) five years of professional forestry employment; or

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(vi) a currently valid license or registration as a professional forester from another state or country provided that the state or country observes the same rules of reciprocity regarding persons registered as foresters in Connecticut.

(B) demonstrate not less than one year of field experience in managing forest types common to Connecticut.

(C) agree to attend within one year of registration, a program orientation course conducted by the State Bureau of Forestry.

(2) All education, training or experience must be fully documented. Professional forestry employment or field experience must include significant work in at least three of the following categories during the years for which such experience is claimed: (A) forest resources management; (B) forest resource production and harvesting; (C) forest resource protection; (D) forest products economics and marketing; (E) forestry engineering; (F) urban and community forestry.

(e) **Registration Procedures.**

(1) Application. Applications for registration shall be made on forms prescribed and furnished by the Commissioner. The cost of registration shall be fifty dollars.

(A) One half of the registration fee shall accompany the application and shall be non-refundable. The balance shall be paid before issuance of the registration certificate.

(B) An applicant who fails to remit the remaining balance within sixty days after being notified by certified mail that the application has been accepted, shall forfeit the right to receive the registration so issued, and shall be required to again submit an original application and fee.

(2) Issuance of a Registration Certificate.

(A) The Commissioner shall, within ninety days of receipt of an application, examine the application and may, after receipt of the recommendation of the Board, issue a certificate of registration or deny the application. The Commissioner may, if he or she deems necessary, require additional information.

(B) Within sixty days after payment of the registration fee balance, the applicant shall be sent a certificate of registration and a wallet-sized registration card. The certificate and card shall be signed by the Commissioner and shall show the full name of the registrant and a registration serial number. The certificate and card shall not be transferable.

(3) Registration Expiration and Renewal.

(A) A forester's certificate of registration shall expire five years from the date of issuance or renewal and shall become invalid on that date if it is not renewed.

(B) As a condition of renewal of a certificate of registration, registrants must have completed within the preceding five years at least ten points of category I Society of American Foresters continuing education credit.

(C) The Commissioner shall notify, at the last known address, each registered forester of the pending expiration date of the certificate. Such notice shall be sent, by certified mail, at least sixty days in advance of the registration expiration date.

(D) An individual who allows a registration to expire shall be required to re-apply as a new applicant and shall have satisfied the continuing education requirements of subparagraph (3) (B) of this subsection prior to such reapplication.

(E) The provisions of subdivision (3) of this subsection shall be suspended in the case of a person serving on active duty in the armed forces of the United States. Proper documentation of such service shall be provided to the Commissioner, including an indication of the expected termination of that service.

(f) **Rejection, Suspension, Reinstatement and Cancellation of Registration.**

(1) Application Rejection. If the Commissioner, after reviewing an application for registration, determines that an individual fails to meet all of the requirements for such registration, the Commissioner shall send a letter of rejection to the applicant by certified mail. The rejection letter shall indicate the specific reason(s) for the Commissioner's action. An individual whose application is rejected by the Commissioner may not re-apply for at least ninety days.

(2) Standards for Registration Suspension. A certificate of registration may be suspended if the Commissioner determines that the registrant:

(A) has violated the Society of American Forester Code of Ethics, (1976);

(B) has violated any applicable provisions of federal state laws and regulations or municipal ordinances pertaining to the practice of forestry;

(C) has provided false information in support of his or her application;

(D) has engaged in any conduct in connection with the practice of forestry which involves dishonesty, fraud, deceit or misrepresentation;

(E) has failed to adhere to one or more of the following business practice standards:

(i) a written contract must be provided to clients listing explicitly: the hourly rate or portion of the fee to be charged for consulting services; the other costs for operational components not part of the consulting services; an estimate of the gross income that the client might expect from a sale of forest products; an estimate of the net amount expected after costs are paid; an itemized description of the service or services to be provided; and a contract termination date;

(ii) clients must be provided with a written recommendation that loggers or wood cutters post a performance deposit with the client representative or the forester in an amount sufficient to encourage contract compliance;

(F) has neglected to utilize the management practices recommended in the United States Forest Service silviculture guidelines for major forest types, when the objectives of the guidelines are consistent with those of a client, or has failed to recommend generally accepted management practices when preparing plans intended to satisfy other management goals.

(3) Procedures for Suspension. Upon receipt of a complaint indicating that a registered forester has violated a provision of subdivision (2) of this subsection, the Commissioner shall review documentation and may, after receipt of a recommendation from the board, suspend that registration for a period of not less than one year, provided:

(A) that any and all complaints against the registered forester be presented to the Commissioner in writing;

(B) the registered forester be notified by the Commissioner that a complaint has been received and be provided with an opportunity to rebut;

(C) that the Commissioner investigate such complaint(s) including a field inspection, if necessary, to determine case facts;

(D) that all parties to complaints which may lead to registration suspension be provided an opportunity to present arguments to the Commissioner.

(4) Notification of Suspension. An individual whose registration has been suspended shall be notified by the Commissioner by certified mail of the action taken, including specific reason(s) for the suspension and corrective measures recommended by the Commissioner.

(5) Reinstatement. An individual whose registration has been suspended may petition the Commissioner for reinstatement within one year of the end of the suspension period specified by the Commissioner. The petition for reinstatement

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shall include evidence that corrective measures have been taken. The Commissioner may, if he or she deems necessary, require additional information. The Commissioner shall, within ninety days of receipt of a petition for reinstatement, review the petition and may, after receipt of the recommendation of the Board, reissue a certificate of registration or deny the petition and cancel the registration if he or she determines that the actions which resulted in suspension have not been adequately remedied. The Commissioner shall notify the petitioner, by certified mail, of the action taken, including the specific reason(s) for any denial and cancellation of registration.

(6) Automatic Cancellation. The failure to petition for reinstatement in accordance with the requirements of subdivision (5) of this subsection shall result in automatic cancellation of registration as of one year following the end of the suspension period specified by the Commissioner.

(7) Eligibility to Re-apply After Cancellation. An individual whose registration has been cancelled by the Commissioner pursuant to subdivisions (5) or (6) of this subsection will be ineligible to re-apply for registration for a period of five years from the date of cancellation. The fee for re-application shall be the same as for an initial registration.

(8) Hearings. Any person receiving notice from the Commissioner that an application for registration has been denied, or that registration has been suspended, or that a petition for reinstatement has been denied may, by written petition, request a reconsideration of the Commissioner's decision and formal hearing on the matter. Such petition shall state the grounds upon which the request for reconsideration is based. Within ninety days of the receipt of such a petition, the Commissioner shall schedule a hearing on the matter. The hearing will be conducted in accordance with section 22a-3a-1 of the General Statutes and the provisions of chapter 54 of the General Statutes. The Commissioner shall provide notice of the hearing, any proposed decision, and the final decision to the board. The board may, in its discretion, request to be made a party to the hearing. An appeal to the superior court may be taken in accordance with the provisions of chapter 54 of the General Statutes.

(g) Registered Foresters Listing.

(1) No person, in either a public or private capacity, who is not currently registered pursuant to this section, shall advertise or practice as a registered forester, except that nothing in this section shall prohibit a person not so registered from practicing the profession of forestry in this state.

(2) Each registrant shall notify the Commissioner of any change of name, residence or business address within thirty days of such change.

(3) The State Forester or his or her designee shall publish a listing of professional foresters registered pursuant to this section no later than six months from the date of the issuance of the first registration. Thereafter, an updated roster of registered foresters shall be prepared annually as soon after the first of January as is practical. The name of an individual whose registration has been suspended or cancelled shall be deleted from the next scheduled published listing. An insert page shall be used to notify users of the current list of newly registered foresters and to indicate the names of individuals no longer registered with the State. No mention of the reason for removal from the list shall be included in such insert.

(Effective August 26, 1988)

Sec. 23-65g-2. Voluntary registration for loggers

(a) Definitions.

(1) As used in section 23-65g-2:

“Best Management Practice Guidelines” means those harvesting practices and techniques designed to minimize erosion and sedimentation associated with logging, as recommended by the Connecticut 208 Forestry Advisory Committee in its 1984 publication, Logging and Water Quality in Connecticut.

“Board” means the State Board of Registration of Loggers established by regulation adopted pursuant to section 23-65g of the General Statutes.

“Certificate of Registration” or “Certificate” means a document issued by the Commissioner of Environmental Protection authorizing the use of the title registered logger.

“Commissioner” means the Commissioner of Environmental Protection.

“Logger” means a person as defined in section 23-65g (1) of the General Statutes.

“Logging” means the process of removing trees from a forest site for the purpose of producing wood products and shall include severing trees from the stumps, bucking trees into component product length, skidding or hauling the tree parts to a landing area, bucking at the landing and maintenance of the landing area; but shall not include construction of access roads or landing areas or the practice of professional forestry as defined in section 23-65g-1 (a).

“Registered Logger” means a person who has been registered pursuant to this section.

(2) Scientific and technical terms not specifically defined in these regulations shall be used in accordance with the definitions set forth in the Society of American Foresters’ Terminology of Forest Science, Technology, Practice and Products.

(b) **Logger Registration Board.**

(1) The membership of the logger registration board shall consist of seven voting members as set forth in section 23-65h (a) of the General Statutes. The two representatives of the general public shall be appointed by the Commissioner from a roster of individuals interested in serving as board members. Such list shall be maintained by the State Forester or his or her designee.

(2) The terms of office for the initial appointments to the logger registration board shall be as follows:

(A) the State Forester or his or her designee shall serve as a continuing board member without term limitation;

(B) the member appointed by the Yankee Division of the Society of American Foresters shall serve a four year term;

(C) members appointed by the Connecticut Wood Producers Association shall serve terms of four and three years, respectively;

(D) the Water Resources representative shall serve a two year term;

(E) representatives of the general public shall serve terms of three years and two years, respectively.

(3) Upon the expiration of the initial appointments, members shall serve three year terms. A vacancy shall be filled in the same manner as the original appointments.

(4) An individual appointed to fill a vacancy on the board shall serve for the balance of the unexpired term and may be reappointed as provided in subdivision (b) (6) of this section.

(5) Absence from three consecutive board meetings by any member shall constitute resignation from the board.

(6) Except as provided in subparagraph (b) (2) (A) and subdivision (b) (4) of this section, no board member may be appointed for more than two consecutive terms.

(c) **Registration Board Proceedings.**

(1) The board may recommend to the Commissioner modifications to the standards and procedures for the voluntary registration of loggers and may make recom-

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mendations to the Commissioner concerning the issuance of individual certificates of registration for loggers, the response to complaints and the response to petitions for reinstatement.

(2) The board may adopt bylaws for the regulation of its internal affairs and shall provide an annual report to the Commissioner no later than July first of each year.

(3) The State Forester or his or her designee shall serve as the board chairman and shall provide the necessary clerical and support services to the board.

(4) The logger registration board shall meet at least once a year and may meet more frequently if necessary. Special meetings may be called by the Commissioner, the board chairman or upon written request of any two board members.

(5) A majority of the board shall constitute a quorum. For the transaction of any board business, the board shall have the power to act by a majority of the members present at any meeting at which a quorum is in attendance. A board member shall not vote by proxy.

(6) The board shall record minutes of its meetings which will be reviewed by the board and maintained by the State Forester or his or her designee. All board records shall be available for public inspection pursuant to section 1-21 of the General Statutes.

(7) Upon termination of the existence of the board by law, all records of the board proceedings shall pass to the Commissioner.

(d) Eligibility Requirements for Registration.

(1) In order to be eligible for registration, an applicant must demonstrate compliance with the following requirements:

(A) not less than one year of logging experience in forest stands and topography characteristic of Connecticut;

(B) a good general knowledge of logging techniques characteristic of the Connecticut area;

(C) a field demonstration of operational competency or an on-site inspection of work performance including tree falling and bucking, yarding with either skidders or tractors, and erosion and sedimentation control measures as prescribed by the State 208 Best Management Practice Guidelines;

(D) a currently valid license or registration as a professional logger from another state or country may be substituted for the requirements of subparagraphs (A), (B), and (C) of this subdivision provided that the state or country observes the same rules of reciprocity regarding persons registered as loggers in Connecticut.

(2) An applicant shall agree to attend within one year of registration, a program orientation course conducted by the State Bureau of Forestry.

(e) Registration Procedures.

(1) Application. Applications for registration shall be made on forms prescribed and furnished by the Commissioner. The cost of registration shall be fifty dollars.

(A) One half of the registration fee shall accompany the application and shall be non-refundable. The balance shall be paid before issuance of the registration certificate.

(B) An applicant who fails to remit the remaining balance within sixty days after being notified by certified mail that the application has been accepted, shall forfeit the right to receive the registration so issued, and shall be required to again submit an original application and fee.

(2) Issuance of a Registration Certificate.

(A) The Commissioner shall, within ninety days of receipt of an application, examine the application and may, after receipt of the recommendation of the board, issue a certificate of registration or deny the application. The Commissioner may, if he or she deems necessary, require additional information.

(B) Within sixty days after payment of the registration fee balance, the applicant shall be sent a certificate of registration and a wallet-sized registration card. The certificate and card shall be signed by the Commissioner and shall show the full name of the registrant and a registration serial number. The certificate and card shall not be transferable.

(3) Registration Expiration and Renewal.

(A) A logger's certificate of registration shall expire five years from the date of issuance or renewal and shall become invalid on that date if it is not renewed.

(B) As a condition of renewal of a certificate of registration, registrants must have completed in the preceding five years at least two training sessions on forest product harvesting techniques sponsored or approved by the State Forester or his or her designee.

(C) The Commissioner shall notify, at the last known address, each registered logger of the pending expiration date of the certificate. Such notice shall be sent, by certified mail, at least sixty days in advance of the registration expiration date.

(D) An individual who allows a registration to expire shall be required to re-apply as a new applicant and shall have satisfied the continuing education requirements of subparagraph (3) (B) of this subsection prior to such reapplication.

(E) The provisions of subdivision (e) (3) shall be suspended in the case of a person serving on active duty in the armed forces of the United States. Proper documentation of such service shall be provided to the Commissioner, including an indication of the expected termination of that service.

(f) **Rejection, Suspension, Reinstatement and Cancellation of Registration.**

(1) Application Rejection: If the Commissioner, after reviewing an application for registration, determines that an individual fails to meet all of the requirements for such registration, the Commissioner shall send a letter of rejection to the applicant by certified mail. The rejection letter shall indicate the specific reason(s) for the Commissioner's action. An individual whose application is rejected by the Commissioner may not re-apply for at least ninety days.

(2) Standards for Registration Suspension. A certificate of registration may be suspended if the Commissioner determines that the registrant:

(A) conducts logging activities in violation of: (i) the Connecticut Wood Producers Association Timber Harvesting Guidelines; (ii) Best Management Practice Guidelines; (iii) practices that otherwise fail to minimize adverse environmental impacts on a forest resource;

(B) has violated any applicable provisions of federal and state laws and regulations or municipal ordinances pertaining to the practice of logging;

(C) has provided false information in support of his or her application;

(D) has engaged in any conduct in connection with the practice of logging which involves dishonesty, fraud, deceit or misrepresentation.

(3) Procedures for Suspension. Upon receipt of a complaint indicating that a registered logger has violated a provision of subdivision (2) of this subsection, the Commissioner shall review documentation and may, after receipt of a recommendation from the board, suspend that registration for a period of not less than one year, provided:

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(A) that any and all complaints against the registered logger be presented to the Commissioner in writing;

(B) the registered logger be notified by the Commissioner that a complaint has been received and be provided with an opportunity to rebut;

(C) that the Commissioner investigate such complaint(s) including a field inspection, if necessary, to determine case facts.

(D) that all parties to complaints which may lead to registration suspension be provided an opportunity to present arguments to the Commissioner.

(E) that, after reviewing all available pertinent information, provided by the Commissioner, the Board makes a recommendation to the Commissioner.

(4) Notification of Suspension. An individual whose registration has been suspended shall be notified by the Commissioner by certified mail of the action taken, including specific reason(s) for the suspension and corrective measures recommended by the Commissioner.

(5) Reinstatement. An individual whose registration has been suspended may petition the Commissioner for reinstatement within one year of the end of the suspension period specified by the Commissioner. The petition for reinstatement shall include evidence that corrective measures have been taken. The Commissioner may, if he or she deems necessary, require additional information. The Commissioner shall, within ninety days of receipt of a petition for reinstatement, review the petition and may, after receipt of the recommendation of the board, reissue a certificate of registration or deny the petition and cancel the registration if he or she determines that the actions which resulted in suspension have not been adequately remedied. The Commissioner shall notify the petitioner, by certified mail, of the action taken, including the specific reason(s) for any denial and cancellation of registration.

(6) Automatic Cancellation. The failure to petition for reinstatement in accordance with the requirements of subdivision (5) of this subsection shall result in automatic cancellation of registration as of one year following the end of the suspension period specified by the Commissioner.

(7) Eligibility to Re-apply After Cancellation. An individual whose registration has been cancelled by the Commissioner pursuant to subdivision (5) or subdivision (6) of this subsection will be ineligible to re-apply for registration for a period of five years from the date of cancellation. The fee for re-application shall be the same as for an initial registration.

(8) Hearings. Any person receiving notice from the Commissioner that an application for registration has been denied, or that registration has been suspended, or that a petition for reinstatement has been denied may, by written petition, request a reconsideration of the Commissioner's decision and formal hearing on the matter. Such petition shall state the grounds upon which the request for reconsideration is based. Within ninety days of the receipt of such a petition, the Commissioner shall schedule a hearing on the matter. The hearing will be conducted in accordance with section 22a-3a-1 and the provisions of Chapter 54 of the General Statutes. The Commissioner shall provide notice of the hearing, any proposed decision, and the final decision to the board. The board may, in its discretion, request to be made a party to the hearing. An appeal to the superior court may be taken in accordance with the provisions of chapter 54 of the General Statutes.

(g) Registered Loggers Listing.

(1) No person, in either a public or private capacity, who is not currently registered pursuant to this section, shall advertise or practice as a registered logger without meeting the requirements of this section, except that nothing in this section shall

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prohibit a person not so registered from practicing the profession of logging in this state.

(2) Each registrant shall notify the Commissioner of any change of name, residence or business address within thirty days of such change.

(3) The State Forester or his or her designee shall publish and distribute a listing of professional loggers registered pursuant to this section no later than six months from the date of the first registration board meeting. Thereafter, an updated roster of registered loggers shall be prepared annually as soon after the first of January as is practical. The name of an individual whose registration has been suspended or cancelled shall be deleted from the next scheduled published listing. An insert page shall be used to notify users of the current list of newly registered loggers and to indicate the names of individuals no longer registered with the State. No mention of the reason for removal from the list shall be included in such insert.

(Effective August 26, 1988)