

WEST VIRGINIA DIVISION OF FORESTRY LANDOWNER ASSISTANCE - SERVICE POLICY

The following policy has been established to guide employees of the West Virginia Division of Forestry in the activities and services rendered to private forestland owners. Supervisors shall ensure that all employees thoroughly understand and adhere to this policy:

I. DOF Responsibility

A. Division of Forestry (DOF) employees will render professional technical services to private forestland owners within the scope and guidelines of the forestry programs under the direction of the State Forester.

B. DOF employees will:

1. Respond to a request within 30 calendar days [to determine the extent of the assistance requested, the level of service the DOF will be able to provide based on workload and service policy](#) and [to schedule an appointment if applicable](#).
2. Provide [all new](#) landowners with an "Information Packet." This packet shall include [brochures and information briefs on the](#) services and programs offered by the WVDOF, West Virginia Association of Consultant Foresters (WVACF), West Virginia Forestry Association (WVFA), Woodland Owner's Association (WOA), Natural Resources Conservation Service (NRCS), Farm Service Agency (FSA), etc
3. Maintain a log (Revised Form FM-1, Record of Requests) of all requests for assistance that tracks the status until completion (see attached). This log will be reviewed by the District Forester on a quarterly basis, and periodically throughout the year during project reviews.

C. The landowner will be fully responsible for locating and marking property boundaries. The landowner or representative will accompany the DOF representative, when practical, on the first visit to the property.

D. The following services will NOT be provided by the DOF:

1. Appraisals for tax purposes except for the State Tax Department.
2. Real estate sales or appraisals except for those requested by the USDA Farm Service Agency, Farm Loans Division.
3. Appraisals for estate settlement cases.
4. Appraisals for leasing of forestland including utility and/or industrial easements.
5. Appraisals for damage claims that might involve litigation between two or more individuals or companies except for those cases involving work done by the DOF.

6. Timber theft and trespass investigations except as requested by federal, state, county and/or local law enforcement.
 7. Resolution of disputed ownership.
 8. Cases involving litigation or cases that are likely to result in court action.
- E. DOF employees shall not act as the landowner’s agent during negotiations of timber sales, send out bid sheets and prospectus to loggers, handle money involved in a sale, handle performance bonds, be present during the bid opening meeting or make decisions/ recommendations on awarding sales to prospective bidders. However, the “W.Va. Timber Price Report,” which is prepared by the DOF, which includes the average stumpage price by region, may be provided to the landowner as a guide for valuation of timber.
- F. All landowner requests for timber management assistance will be governed by the following maximum limitations and with consideration to the Service Forester’s project workload.

TIMBER MARKING*	100 ac/yr	200 ac/5yrs
TIMBER SALES ASST*	100 ac/yr	200 ac/5yrs
MANAGEMENT PLANS.....	500 ac/yr	1000 ac/5yrs
COST-SHARE PRACTICES.....	see program limits	

*A management plan or practice plan must be prepared prior to or in conjunction with any timber marking or sale assistance project.

II. Referral Policy

- A. DOF employees will observe the following referral procedures.
1. The DOF will post the names of all landowners requesting assistance that the DOF is unable to service, as limited by Item F. above and workload constraints, on the DOF web site after receiving prior approval from the landowner. This “link” will be accessible only to foresters on the “Stewardship Qualified Consulting Foresters” list. After a landowner’s request for assistance has been posted on the DOF website for 30 days, the DOF will contact the landowner to determine the status of the request. The DOF will respond to the request, as workloads permit, if the landowner has not been able to obtain professional assistance.
 2. To qualify as a “Stewardship Qualified Forester,” a person must:
 - a. Be registered with the West Virginia State Board of Registration for Foresters.
 - b. Attend the DOF’s Stewardship training twice a year.
 - c. Respond to landowner’s requests within 30 days, and initiate work within 90 days.
 - d. Notify the DOF of a landowner’s acceptance by providing the DOF

- with a “Contract for Service” endorsed by the landowner.
- e. Provide the DOF Service Forester in that respective area with a brief summary of management recommendations, information on sale volume, number of acres in sale, and other pertinent information.
 - f. Ensure that all harvests comply with the Logging Sedimentation Control Act of 1992.
3. In the event that the consultant forester(s) does not comply with the expectations listed in II.A.2, the respective DOF employee shall notify the District Forester, who will address the deficiencies with the assistance of the Assistant State Forester, Forest Management and Stewardship. Notification shall be in writing, and identify specific deficiencies in service by the consultant. Repeated failure to comply shall be grounds for removal from the “Stewardship Qualified Consultant Forester” list by the State Forester for a minimum of one year.

III. Division of Personnel “Other Employment / Volunteer Activity” Policy

- A. DOF employees shall follow the Division of Personnel’s “Other Employment / Volunteer Activity” Policy as it pertains to conflicting employment. (See attached policy) The appointing authority, Division of Forestry, State Forester and the Ethics Commission will make the determination of the conflict pursuant to Section 17.1 of the Division of Personnel’s Administrative Rule. (See attached rule)
- B. DOF employees shall receive prior approval from the State Forester before beginning any outside employment. Employees will use the Division of Personnel’s request form entitled “Request For Evaluation Of Other Employment” contained within the policy. (See attached policy)
- C. DOF employees shall not render any professional forestry services for a fee within the boundaries of their project area. DOF employees shall not solicit employment for any other DOF employee. DOF employees may not advertise for professional forestry services.