

Ontario Professional Foresters Association

Practice Bulletin No 5

Forest Operations Prescriptions

Approved by Council, December 6, 2004

PURPOSE

The purpose of this bulletin is to clarify the accountability of members of the Ontario Professional Foresters Association (OPFA) associated with the certification of Forest Operations Prescriptions within the Forest Management Planning process for Crown forests.

BACKGROUND

The Forest Management Planning Manual (FMPM) clearly states that Forest Operations Prescriptions (FOPs) are to be certified by a Registered Professional Forester (R.P.F.). The certification states that the forest operations which will be carried out are appropriate for the actual site conditions encountered. In addition the FMPM sets out a process for the establishment of FOPs at various stages of the planning process.

The FMPM describes a forest operations prescription as a site-specific set of harvest, renewal and maintenance activities that will be used to ensure that the current forest is managed to achieve the expected forest structure and condition.

The complete forest operations prescription for a particular stand (or group of stands) is comprised of a combination of:

- (a) the applicable silvicultural ground rule for the stand(s) in the forest management plan(s);
- (b) the silvicultural treatments for the stand(s) identified in the list of areas of scheduled forest operations in the applicable annual work schedule(s) and changes appended to the annual work schedule(s); and
- (c) the actual silvicultural treatments for the stand(s) as identified in the list of areas of completed forest operations in the applicable annual report(s).

In practice, the FMPM allows Forest Operations Prescriptions to be established as per the following process. For areas of regular operations, the silvicultural ground rule (SGR) for the appropriate site conditions (forest unit + ecosite) will serve as the preliminary forest operations prescription. These prescriptions are developed using the direction in approved silvicultural guides. The SGRs are also mapped using the Forest Resources Inventory (FRI) information that was available when the FMP was prepared. (There is no real accountability attached to the preliminary FOPs as it is understood that additional modifications may take place). A listing of the areas scheduled for operations can be generated to identify the preliminary FOPs, based on the forest unit + ecosite information portrayed on operations maps.

In the preparation of the Annual Work Schedule (AWS), each preliminary forest operations prescription will be confirmed or changed to reflect the actual site conditions (forest unit + ecosite). At this point, the R.P.F. certifies the FOPs and thus assumes accountability for stating that the forest operations which will be carried out are appropriate for the actual site conditions encountered based on the information available at that time. If the actual site conditions (forest unit + ecosite) are different from the information in the forest management plan, the appropriate silvicultural ground rule will be identified. The results of the confirmation of, or change to, silvicultural treatments will be recorded in the list of areas of scheduled forest operations in the annual work schedule.

Prior to the commencement of operations, it is expected, but not explicitly required by the FMPM, that a field check (e.g. aerial survey or direct on the ground checking) will occur to increase the degree of certainty as to the site conditions (i.e. forest unit + ecosite as well as the physical properties of the site, such as soil moisture, presence or absence of other values), present on the ground. The FMPM does not indicate that any specific site inspection is required in order to establish or change a FOP leaving it to the professional judgement of the R.P.F. to determine the appropriate method and intensity of inspection that suit the local circumstances (e.g. aerial or ground; personal or by some other qualified individual). Any

changes to FOPs that occur throughout the year however must be certified by an R.P.F. and must be consistent with the SGRs from the FMP. Any changes to FOPs will be appended to the approved AWS.

The FMPM also provides the opportunity to change the FOP during the duration of the FOP (e.g. delete the requirement for herbicide spraying in year 3 after the regeneration treatment, as the actual site conditions do not have sufficient brush cover to warrant it).

ISSUES

Issue 1 - It has been identified that in some situations, members may be establishing and certifying Forest Operations Prescriptions without following the process for the establishment of FOPs.

The Principles and Standards of Professional Forestry state in Principle 1 that **“A member of the Association shall undertake activities in conformity to all relevant legislation and regulations and in consideration of all guidelines and shall ensure the client is informed.”** Therefore, a member is required under this by-law to act in conformity with all relevant legislation. Given that the FMPM is a regulation under the Crown Forest Sustainability Act, the member would be in violation of By-law No. 4 if the member does not follow the process and procedures outlined in the FMPM.

Issue 2 – To what extent is a member at risk if one certifies a Forest Operations Prescription based on the absence of any type of field survey or on-the-ground inspection?

The Forest Management Planning Manual does not require that a Forest Operations Prescription be verified by means of a site visit or field survey at any time during the planning process. Given that this is the case, is the R.P.F. in violation of the Professional Foresters Act 2000, the Code of Ethics, guilty of professional misconduct or in violation of By-law No. 4 if the FOP is certified without the benefit of a site visit or field survey?

The OPFA is of the opinion that the certification by an R.P.F. of a Forest Operations Prescription prior to the commencement of operations absent some type of site inspection acceptable to the R.P.F. may be a violation of the Code of Ethics (Credibility), By-law No. 4 and may be guilty of Professional Misconduct. In other words prior to the commencement of operations, some type of field check (e.g. aerial survey or direct on the ground checking, any means by which the R.P.F. is in a position to personally view the sites in question or receive detailed on the ground reports prepared by qualified personnel as to the actual site conditions) must occur to verify the site conditions present on the ground. At this point, the R.P.F. can decide if the certification of the original FOP is appropriate or whether some adjustment in the original prescription is required and thus assumes accountability for stating that the forest operations which will be carried out are appropriate for the actual site conditions encountered.

SUMMARY & RECOMMENDATIONS

Issue 1 – To what extent are Registered Professional Foresters required to follow the process set out in the FMPM for the establishment and certification of FOPs?

The FMPM (a regulation under the Crown Forest Sustainability Act) sets out a process by which Forest Operations Prescriptions are to be established. Failure to follow this process may place the R.P.F. in violation of By-law No. 4, may make them guilty of professional misconduct and may put the R.P.F. in violation of the Code of Ethics.

Issue 2 – Is a member in violation of the Professional Foresters Act 2000 or in violation of a by-law if, prior to the start of operations, they certify a FOP absent any type of field survey to confirm the actual site conditions?

The OPFA recommends that R.P.F.s ensure that prior to the start of operations, some type of site inspection (including but not restricted to such actions as personal site visits, ground reports from qualified personnel, aerial surveys) be carried out in a fashion that is acceptable to the R.P.F. These inspections should be designed to provide the R.P.F. with sufficient information on which to decide if the certification of the original FOP is appropriate or whether some adjustment in the original prescription is

required. **Reliance on the use of a computerized model employing SGRs and FRI data to develop preliminary FOPs is not considered to be a sufficient basis for the commencement of operations.**

Given that some type of site inspection that results in the verification or amendment of the FOP does take place prior to the commencement of operations, the subsequent certification would not place the R.P.F. in violation of By-law No. 4, make them guilty of professional misconduct or be a violation of the Code of Ethics. Certification in the absence of some type of acceptable field survey however would place the R.P.F. in violation of By-law No. 4, make them guilty of professional misconduct and/or be a violation of the Code of Ethics.

In addition, if the site was verified absent any sort of site inspection, the FOP was certified by an R.P.F., the silvicultural treatment (consistent with the certified FOP) turned out to be inappropriate for the site conditions but was implemented anyway, the R.P.F. would again be in violation of By-law No. 4, make them guilty of professional misconduct and/or be a violation of the Code of Ethics.

GENERAL RECOMMENDATIONS

Given that a member considers that they are in a situation where they may face a potential Code of Ethics violation or be guilty of professional misconduct, what are the appropriate steps for the member to follow in order to determine the appropriate action to be taken?

1. Ask themselves what would a reasonable forester do in these circumstances and how would that forester view the situation if asked to comment.
2. Consult with other professional colleagues for their professional opinions.
3. Consult the OPFA's Blue Ribbon Panel for confidential advice.
4. If the prevalent opinion is that there is a potential violation of the Professional Foresters Act 2000, the Code of Ethics or a by-law or that to continue would constitute professional misconduct, the member must notify the supervisor or client and advise that continuation would constitute a violation of the Professional Foresters Act 2000 and that the member is not prepared to continue until these potential conflicts do not exist.