



PRACTICE BULLETIN No. 10

# MINIMUM CONTENT FOR PRESCRIPTIONS

For

## Partial Harvesting on Private Land in Ontario

October, 2010

# OPFA Practice Bulletin 10

## Ontario Professional Foresters Association Minimum Content for Forest Operations Prescriptions for Partial Harvesting on Private Land in Ontario

### PURPOSE:

The purpose of this bulletin is to provide guidance to OPFA members with regard to the preparation of prescriptions for partial harvesting on Private Lands

### ISSUES:

What should a prescription contain?

Are there specific procedures needed?

What constitutes a minimum acceptable level of documentation?

- For approval by another person?
- To adequately inform the landowner and/or client?
- For guidance in tree marking?
- To allow an assessment of the prescription and its preparation, either in an audit or as a result of a complaint?
- To provide an historical record?

What if the prescription is deemed inadequate?

### BACKGROUND:

The Manuals under the Crown Forest Sustainability Act set out process and documentation requirements on Crown Lands. No similar requirements exist to guide Members' practices on Private Lands.

A number of issues have arisen relating to the adequacy of such prescriptions; while no standard in this regard exists, OPFA Council, advised by its Private Lands Forestry Committee, believes some guidance is required.

While thinning of plantations or clearing of land can be readily documented, and some commonly accepted approaches exist, partial cuts are a specific area of concern.

### The Code of Ethics

There are two sections of the Code of Ethics that are relevant to this discussion:

The Code of Ethics (Fidelity) states that "A member works in the interest of and with fidelity to citizens, employers, clients and fellow members and provides services that are specifically related to the objectives and requirements of the employer or client."

The Code of Ethics (Diligence) indicates that a member must “disclose the consequences of actions to clients”. This means that a member has an obligation to indicate to the client the likely outcome of an action and whether the outcome will result in the achievement of the client’s objectives. Members are encouraged to document these “disclosures” in writing so that they are protected in the event of a dispute.

### **Professional Misconduct**

The definition of Professional Misconduct set out in regulation 145/01 includes, among other matters;

2. “failing to maintain a standard of the profession or contravening a standard of practice as set out in the by-laws”

48. An act or omission relevant to the practice of professional forestry that, having regard to the circumstances, would reasonably be regarded as disgraceful, dishonourable or unprofessional conduct.

### **Principles and Standards of Professional Forestry**

Principle 1 states 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.”, and the associated standard requires Members to “maintain familiarity with legislation, regulations, and guidelines, which are relevant to the Member’s practice”.

Principle 2 states that “a member of the Association shall advocate and practice forest land management consistent with ecologically sound principles”, and the associated standard requires Members to “Demonstrate an understanding of the relevant ecological processes related to forest practices”.

### **GENERAL RECOMMENDATION:**

**The following describes the Association’s minimum expectations for Members’ forest operations prescriptions to perform partial harvesting on private land in Ontario.** These prescriptions require a certain set of components in order to provide guidance to tree markers who will choose which trees will be cut, retained or identified for other purposes or in order to allow effective review.

Additional information may be required for specific situations, and further detail may be appropriate, however, this bulletin prepared through extensive consultation among Members, contains the recommended minimum requirements.

- The prescription must comply with any federal, provincial or local law.
- The prescriptions should describe the intended long term direction for a particular forest stand or a group of stands with similar attributes, based on landowner objectives and reflecting acceptable practices, together with the immediate actions to be taken.
- The prescription should provide sufficient documentation for one or more other Members or review agencies who may audit or regulate harvesting or forest management in the designated area on private land or for consideration should there be a complaint about the Member’s practice.

- 1. Prescriptions to be written or prepared under direction of a qualified Member.**  
Unless working under the supervision of another qualified Member, only Full Members (RPFs) able to demonstrate competence in the area covered by the prescription or Associate Members whose restricted scope of practice covers the functions and geography involved, may authorize/prepare the prescription.
- 2. Location Ownership, Client and Contact Information**  
This information must allow anyone unfamiliar with the site to be able to locate the property and understand exactly where within the property the prescription is to be applied. As well, it must specify who the landowner is; who the Member's client is if not the landowner and how each maybe contacted. A suitable map with the treatment boundaries and relevant details should be part of the prescription.
- 3. Site and Stand Condition**  
The site and stand must be described in sufficient detail to allow markers and other evaluators to understand the stand's: composition, density, stage of development, regeneration status, quality, limitations, stand history and potential. As well, any sensitive or special features should be discussed here. This section provides a description of the data sources used, including any dates of the prescription approver's site inspections and inventory work. This background data should be retained on file for future reference for a minimum time period equal to the dates mentioned in Section 9. The prescription provides current **stocking, stand structure or basal area** figures relevant to the silvicultural system.
- 4. Habitat, Biodiversity and Recreation Considerations**  
Describe features to be protected or enhanced through tree marking, including guidelines for Species At Risk. Wildlife habitat decisions and direction must consider available science or management guidelines for the forest type and location and be appropriate for the landowner's objectives and property.
- 5. Last Silvicultural Operation**  
The prescription must provide the date and a brief description of the last stand disturbance or silvicultural operation, to the best of the author's ability.
- 6. Objectives**  
Prescriptions will have regard for existing approved management plans and through direct consultation with landowners (preferred) or through a landowner signed document will describe the i)**long term** desired future forest condition and ii) objectives for the **current** silvicultural intervention (tree marking), including an indication of which **silviculture system** is to be employed and what stage this operation is at (ie. Regeneration cut vs. Removal Cut). The objectives should be realistic expectations given the site and current forest conditions. Members are directed to Practice Bulletin #1 for concerns regarding Good Forestry Practice.
- 7. Tree Marking Direction**  
Where individual trees are to be marked this section provides the specific direction to the tree markers for the current operation. This must provide clear direction regarding **residual density** or **stocking** (ie. **basal area spacing** and/or **crown closure** given the silvicultural system being employed); size, maximum number and location features for group selection gaps or other site specific applications. Most

prescriptions will provide direction regarding the improvement of health, quality, species diversity, stand structure and/or size class distribution. Tree marking direction must consider the best available science or management guidelines for the forest type and location and be appropriate for the landowner's objectives and property.

**8. Paint/Marks**

Where individual trees are to be marked a distinct approach will be used and recorded (symbols, paint colours, etc.).

**9. Estimated Time of Next Silvicultural Intervention**

Provide the year and a brief description of the next logical silvicultural intervention that would continue on the path towards the long term objectives. The Prescription may also recommend the timing of stand assessments.

**10. Author and Legal Approval**

The prescription must show the name of the prescription author, the date it was prepared and the stamp, signature and date of the member of the OPFA who has authored or has supervised the preparation and has the authority to approve this type of prescription in this location.

**11. Reference to Other Documents**

Particularly on larger properties, some of the required information may be contained in other documents. Where it is not reasonable to repeat such information in the prescription and the documents are reasonably accessible, clear references and locations should be provided.

**NOTE**

OPFA Council considered issuing this as a standard (i.e. mandatory requirement) and decided not to do so at this time, but rather to issue it as a Practice Bulletin for now. While a Practice Bulletin is advisory, Members are advised that, in a complaint/discipline proceeding or similar matter, such a bulletin may have weight as a considered opinion of a knowledgeable group of practitioners.