



The Professional Forester

The official publication of the Ontario Professional Foresters Association <u>www.opfa.ca</u>



ALSO INSIDE

OPFA membership analysis 2010 to 2020 - Measuring diversity



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The Professional Forester is published quarterly by and for members of the Association, as well as those interested in the profession of forestry in Ontario.

Unless specifically stated, views and opinions expressed do not necessarily represent those of the Association, its Council or the employers of members.

Printed in Ontario, Canada.

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ONTARIO PROFESSIONAL FORESTERS ASSOCIATION

OFFICE	905.877.3679		
FAX	905.877.6766		
ADDRESS	5 Wesleyan Street #201		
	Georgetown, ON L7G 2E2		

opfa@opfa.ca

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FireSmart management of flammable forest landscapes

David L. Martell

Institute of Forestry and Conservation, John H. Daniels Faculty of Architecture, Landscape and Design, University of Toronto, david.martell@utoronto.ca, http://www.firelab.utoronto.ca/

Based on a presentation to the Ontario Professional Foresters Association Annual General Meeting, April 8, 2021

Introduction

Fire management has long been an important aspect of forest management in Ontario and is expected to become even more important as climate change exacerbates fire regimes. I would like to address what I consider to be two important fire management topics that I believe should be of interest to Ontario's professional foresters - FireSmart forest management and community protection.

Landscape level FireSmart Forest management

Fire has long posed a threat to timber production in Ontario and forest managers are accustomed to incorporating estimates of future fire losses in their forest management plans. They rely upon the Ontario Ministry of Natural Resources and Forestry (OMNRF) to reduce fire losses with their prevention, detection, initial attack and large fire management programs and are required to adhere to the Modifying Industrial Operations Protocol (MIOP) that was developed to prevent wildfires arising from their operations and help prepare them to control any fires that do occur on or near their industrial worksites.¹

Hirsch et al. (2001) suggested forest managers could go one step further and FireSmart their forest management units by reducing their flammability. Forest companies build and maintain roads, establish cut blocks, harvest timber from those cut blocks, transport that timber to mills and regenerate those cut blocks or leave them to regenerate naturally. They suggested forest managers could decide when and where to schedule some of those activities so as to strategically fragment the landscape with respect to fire spread and thereby mitigate fire losses. Some such measures could increase delivered wood costs but their implicit assumption was that they would reduce future fire losses.



Crown fire in immature Jack Pine. Photo credit: David L. Martell.

Some of my colleagues and I developed a FireSmart forest management planning model (Acuna et al., 2001) that is based upon the FireSmart forest management

principles developed by Hirsch et al. (2001) and we applied it to a portion of Millar Western Forest Products Ltd.'s Forest Management Agreement area located near the community of Whitecourt in west-central Alberta. This is an active area of research and we and others continue to explore how to improve upon our methodology. Our hope is that our approach as well as those developed by others can eventually be used by forest managers but they are, for now, "a work in progress" that may or may not result in the development of sound, cost effective solutions to landscape level "fuel management" problems. For now, forest managers should consult with local fire management specialists and use their advice to inform their decisions concerning the timing and placement of harvest blocks and forest access roads.

Community Protection

Many foresters live and work in forest communities that are sometimes threatened by fire. Such threats are expected to increase in the coming years and that begs the question, to what extent can and should foresters contribute to mitigating such problems?

(Continued on page 4)

¹ <u>https://www.ontario.ca/page/fire-intensity-codes</u>. Fire intensity codes for industrial operations and link to the Ontario Ministry of Natural Resources and Forestry's Industrial Operations Protocol, February 2018, Queen's Printer for Ontario. Printed in Ontario, Canada.



(Continued from page 3)

FireSmart Canada (<u>https://www.firesmartcanada.ca/</u>) has played a vital leadership role in generating, compiling and sharing information concerning how best to reduce the threat wildfire poses to homes, camps, cottages and other structures in what it describes at the Wildland Urban Interface (WUI): "the line, area, or zone where structures and other human development meet or intermingle with undeveloped wildland or vegetative fuels."



Burned immature Jack Pine stand. Photo credit: David L. Martell.

It has that problem well in hand, but what about flammable vegetation or fuel surrounding such communities?

Fuel management is very expensive. Beverly et al. (2020) report the cost of treating small areas (1,200 to 5,000 ha) in British Columbia and Alberta range from \$5,000 to \$7,400 per hectare. Furthermore, their comprehensive overview of Boreal conifer forest fuel treatments and their impact on fire behaviour suggests that despite the fact that some organizations have devoted efforts to furthering our understanding of the cost effectiveness of fuel treatments that might be used to mitigate such problems, the comprehensive knowledge required to inform the management of fuel treatment programs remains elusive. That being said, we simply cannot sit back and wait until such knowledge becomes available.

Beverly et al. (2021) developed a methodology for identifying flammable forest stands that pose a threat

to WUI communities – put simply, conifer and mixedwood stands within 500 metres of the edge of such communities. One could of course, eliminate such problems by simply harvesting all such stands and converting them to less flammable vegetation but I expect the residents of most such communities would reject such sweeping intervention outright. In the end, each such community must decide upon the extent to which it wants that "problem" solved and how it is to be solved. I believe foresters can play a role in implementing some of the solutions I expect will emerge.

Consider for example, communities that decide they want some hazardous stands removed completely with harvesting. Forest companies need fibre, they are major players on flammable forest landscapes and they employ foresters that have the expertise required to plan and manage harvesting operations. They also have manufacturing facilities in some of the communities at risk. My suggestion is that those foresters (**some of you**) explore the possibility of collaborating with fire managers, ecologists and community representatives to develop and implement FireSmart fuel treatment programs near communities at risk. I believe the potential benefits of a collaborative approach include a reduced risk to communities, better corporate and professional goodwill and perhaps even some reduced delivered wood costs?

But there be dragons

The development and implementation of FireSmart forest management practices and participation in community protection initiatives will pose challenges to foresters who choose to broaden their horizons and collaborate with others with objectives that differ significantly from those that shape the development and implementation of traditional forest management plans. Some that come to mind include:

- 1. We have at best, a superficial understanding of the potential impact of some fuel treatments on fire behaviour.
- 2. We probably know even less about the ecological impact of most fuel treatments.
- 3. There will be risks associated with industrial harvesting operations very close to populated areas.

Harvesting in and near the WUI may increase the cost per unit of fibre produced but that fibre will typically be harvested close to the mill and those costs can perhaps, to some extent, be offset by goodwill on the part of residents that support such initiatives.



(Continued from page 4)

Don't drop the ball

Society looks to professional foresters for leadership in forest management and fire is expected to impact forest management in Canada much more in the future than it has in the past. I **believe** forest managers should devote more effort to incorporating fire and its management in their forest management planning processes by collaborating with fire management specialists, forest ecologists and community representatives, to develop and implement FireSmart forest management practices and contributing to FireSmart community protection initiatives. The ball is in your court. Don't drop it!

Acknowledgements

The thoughts and opinions expressed in this article have been shaped by my collaboration with my students, research assistants and others with whom I have been fortunate to have carried out research supported by the Natural Sciences and Engineering Research Council of Canada (NSERC), the Sustainable Forest Management Research Network (SFMN), the NSERC Forest Value Chain Optimization Network (VCO) and the Ontario Ministry of Natural Resources and Forestry and many of their fire management program staff. I thank Jennifer Beverly for her helpful comments on an earlier version of this article.

Literature cited

Acuna, M. A., C. D. Palma, W. Cui, D. L. Martell and A. Weintraub (2010). "Integrated spatial fire and forest management planning." Canadian Journal of Forest Research 40(12): 2370-2383.

Beverly J.L, S.E.R. Leverkus, D. Schroeder and H. Cameron (2020). Stand-level fuel reduction treatments and fire behaviour in boreal conifer forests. Fire 3(3):35.

Beverly, J.L, N. McLoughlin and E. Chapman. (2021). A simple metric of landscape fire exposure. *Landscape Ecology* **36**, 785–801 (2021). https://doi.org/10.1007/s10980-020-01173-8

Hirsch, K., V. Kafka, C. Tymstra, R. McAlpine, B. Hawkes, H. Stegehuis, S. Quintilio, S. Gauthier and K. Peck (2001). "Fire-smart forest management: A pragmatic approach to sustainable forest management in fire-dominated ecosystems." Forestry Chronicle 77(2): 357-363.



Prescribed burn near Timmins Ontario. Photo credit: David L. Martell.



Climate change in Ontario - What are some implications for our urban, rural and northern forests (and foresters)?

Dan McKenney and John Pedlar

Natural Resources Canada, Canadian Forest Service, Sault Ste Marie, dan.mckenney@canada.ca and john.pedlar@canada.ca

A very short precis of our OPFA AGM talk in April 2021

Climate change has added significant complexity to the challenge of forest management and is no longer a subject of interest to just climate scientists and environmentalists. Esteemed and mainstream economists such as Sir Nicholas Stern (former Secretary at the UK Treasury and Vice President of the World Bank) and Joseph Stiglitz (Nobel Laureate in economics) among others are writing and speaking on climate and the environment (see for example Stern and Stiglitz 2021; Wagner and Weitzman 2015 and even Dasgupta 2021 for important perspectives).

A detailed look at Canada's changing climate can be found at <u>https://changingclimate.ca/CCCR2019/</u>. This report provides global, national and even regional insights into how climate has changed and is projected to change under various greenhouse gas emissions scenarios. Based on this report, and our own climate modelling (McKenney et al. 2011), average temperatures have increased by about 0.5-1.5 C across Ontario since 1950, with projected increases of 2-6 C by the end of the century. Precipitation has exhibited modest increases of 10-20 % across the province, with further increases of 10-20 % projected for the future. Overall, temperature increases are projected to outpace increases in precipitation, making for drier conditions across much of the province in the coming decades. It's important to keep in mind that extreme climate events are also projected to change. For example, precipitation and high temperature events that historically happened once every 50 years are likely to happen once every 10 years by the end of the current century under the high emissions scenario.

Data and graphics on past and possible future climates can be found on web sites like: <u>https://climateatlas.ca</u> and <u>https://climatedata.ca/</u>. As a plug for our own work (McKenney et al. 2011), these sites utilize our spatial climate models to help portray Canada's recent climate history.

Of course, all of these past and projected changes in climate have significant implications for trees and forests. For example, we have shown that suitable climate habitat for Ontario's major tree species could move hundreds of kilometers northwards by the end of the current century (McKenney et al. 2007, 2011). In fact, climate habitat has already moved northward by some 60km in the last 50 years (McKenney et al. 2014). Note this does not mean that these species will be able to track these climate shifts, but it does suggest that many forest communities will be experiencing suboptimal climate conditions in the not-too-distant future. The impact of climate change on tree growth is a complex subject, with outcomes expected to vary across the province. One general expectation is that tree populations located in the northern portion of the species' range may benefit from some degree of climate warming, while those in the southern portion of the range are likely to show rapid declines (Pedlar and McKenney 2017). Large scale disturbance regimes, like fire and forest pests, could also increase in the future depending on the interplay of precipitation and temperature (e.g., Hope et al. 2016).

There is much science and related data and tools to help the forestry community begin to grapple with the challenges ahead (for examples see: https://www.nrcan.gc.ca/climate-change/impacts-adaptations/impacts-forests/forest-change-adaptation-tools/17770). One specific area of our own work intended to support climate-smart regeneration is the development of critical seed transfer distances (Pedlar et al. 2021). These metrics, which are generated using provenance data, indicate how far seeds can be moved before exhibiting significant growth losses, thus providing guidance for seed transfer under climate change (Fig. 1).

Despite the many threats that climate change poses to our forests, the forestry profession is increasingly aware of and becoming equipped for meeting the challenges that lay ahead. It will take significant effort on multiple fronts to be successful.



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Step 1. Generate transfer functions from provenance data and use them to calculate critical seed transfer distances. Step 2. Map critical seed transfer distances to identify seed procurement areas for a given planting site under climate change.



Mean Annual Temperature Relative to Test Site (°C)

Figure 1. Steps involved in generating critical seed transfer distances and applying them to a selected planting location.

References

Dasgupta, P. 2021. *The economics of biodiversity: the Dasgupta review*. London: HM Treasury. ISBN 978-1-911680-29-1. Available online: <u>https://www.gov.uk/government/publications/final-report-the-economics-of-biodiversity-the-dasgupta-review</u>

Hope, E. S., McKenney, D. W., Pedlar, J. H., Stocks, B. J., & Gauthier, S. (2016). Wildfire Suppression Costs for Canada under a Changing Climate. PLoS ONE. doi:10.1371/journal.pone.0157425

McKenney, D. W., Pedlar, J. H., Lawrence, K., Campbell, K., & Hutchinson, M. F. (2007). Potential impacts of climate change on the distribution of North American trees. BioScience, 57(11), 939-948.

McKenney, D. W., Pedlar, J. H., Rood, R. B., & Price, D. (2011). Revisiting projected shifts in the climate envelopes of North American trees using updated general circulation models. Global Change Biology, 17(8), 2720-2730.

McKenney, D. W., Hutchinson, M.F., Papadopol, P., Lawrence, K., Pedlar, J., Campbell, K., Milewska, E., Hopkinson, R., Price, D., Owen, T. (2011). "Customized spatial climate models for North America." Bulletin of American Meteorological Society December: 1612-1622.

McKenney, D. W., Lawrence, K., Papadopol, P., Campbell, K. L., & Hutchinson, M. F. (2014). Change and evolution in the Plant Hardiness Zones of Canada. BioScience, 64(4), 341-350.

Pedlar, J. H., & McKenney, D. W. (2017). Assessing the anticipated growth response of northern conifer populations to a warming climate. Nature Scientific Reports, 7, 43881. <u>http://doi.org/10.1038/srep43881</u>.

Pedlar, J.H., McKenney, D.W. & Lu, P. (2021). Critical seed transfer distances for selected tree species in eastern North America. Journal of Ecology. 2021; 00:1–13.

Stern, Nicholas & Joseph E. Stiglitz. (2021) The social cost of carbon, risk, distribution, market failures: An alternative approach. No. w28472. National Bureau of Economic Research.

Wagner, G., & Weitzman, M. L. (2015). *Climate shock: the economic consequences of a hotter planet*. Princeton University Press.

Let's start thinking about forests and methane

Juliana Vantellingen

PhD Candidate at the Institute of Forestry and Conservation, University of Toronto, R.P.F. In Training

Methane (CH₄) is a powerful greenhouse gas that is a strong contributor to climate change. While carbon dioxide (CO₂) is a more abundant greenhouse gas in the atmosphere, one molecule of methane is 28-36 times stronger from a global warming perspective than a molecule of carbon dioxide over a period of 100 years^{1,2}. While your first thought when it comes to methane may be cows, there are actually methane dynamics at play in forests as well.

Methane is naturally produced and consumed by two groups of bacteria – methanogens and methanotrophs. Methanogens produce methane and inhabit anoxic, or low oxygen, environments. Methanotrophs inhabit oxygen -filled (or oxic) environments and consume methane. These two groups of bacteria can co-exist in one environment if both oxic and anoxic conditions exist, such as in a soil profile. The dominance of one bacterial group over another dictates whether the environment is a methane source or a sink. In Ontario, our forest soils are largely well drained, causing them to act as methane sinks.

Within a forest there a several methane sources and sinks: soils, including trees, and dead wood. Soils can serve as either a source or a sink depending largely on how wet they are. For example, wetlands are a well-known source of methane as their wet soils are dominated by methanogens, while upland forests act as methane sinks since their soils are well drained and support a stronger methanotroph population³. Trees are often methane sources, emitting methane from their stem tissues. There are two major reasons for this: trees that are growing in wet soil conditions can channel methane from the soils and out through their stems⁴, and trees that have wet heartwoods can also produce methane when the heartwood turns anoxic⁵. Woody debris when it is freshly deposited on the ground also acts as a small methane source, however with time and as the wood decays it transitions to a methane sink⁶. The emissions from tree stems and woody debris are generally quite weak, so overall the methane dynamics of a forest are mostly driven by whether the soils are a source or a sink.

We're just beginning to understand that some parts of forest management may cause a shift in forest methane dynamics, and this is one of the focuses of my research group at the University of Toronto. Through my own thesis work I've found that the compaction caused by forestry machinery on skid trails causes the soils to shift from a methane sink to a powerful source if combined with wet soil conditions in the early years after a harvest⁷. I've also found that log landings can also act as a very powerful methane source for several years after use due to the incorporation of organic materials produced from cutting logs to length. More research is needed into the management implications of methane emissions from trees, however another project I have been involved in has found evidence to suggest that wounded trees with more heartwood rot emit more methane than healthier unwounded trees. If this is the case, then harvest systems like selection silviculture that remove wounded trees may also be reducing forest methane emissions. This is an exciting field of research that will continue to increase our understanding of how forest management may alter forest methane dynamics.

Methane dynamics in forests may begin to matter more and more to foresters as carbon credits are developed across Canada. The Canadian carbon offset methodology that is currently used in British Columbia only considers a small number of methane sources, and none of them from forests – methane emissions from fossil fuel production, from vehicles used in operations or transport, combustion of biomass, and methane produced by wood decomposing in landfills⁸. However, there will be a financial incentive to manage a forest to minimize methane emissions when sources from soils and trees are recognized and incorporated into future methodologies. As we learn more on how forest management affects methane dynamics from soils and trees, we can develop best management practices that prevent methane emissions and in turn earn carbon credits.

While cows still emit much more methane than forests, forest methane dynamics are going to become increasingly important to forest managers. Forests that are a net sink of methane, which are prevalent in Ontario, provide us with an important ecosystem service that must be preserved or strengthened in the face of climate change. We're all used to thinking about carbon stocks and carbon dioxide in forests, but let's start thinking about methane too.



(Continued from page 8)

Literature Cited

¹ IPCC (2014) Climate Change 2014: Synthesis Report. (Core Writing Team, R.K. Pachauri, & L.A. Meyer, Eds.). Geneva, Switzerland.

² Etminan, M., Myhre, G., Highwood, E.J., & Shine, K.P. (2016) Radiative forcing of carbon dioxide, methane, and nitrous oxide: A significant revision of the methane radiative forcing. *Geophysical Research Letters*. 43: 12,614-12,623.

³Topp, E., Pattey, E. (1997) Soils are sources and sinks for atmospheric methane. *Canadian Journal of Soil Science*. 77(2): 167-177.

⁴ Covey, K.R., Megonigal, J.P. (2018) Methane production and emissions in trees and forests. *New Phytologist*. 222(1): 35-51.

⁵ Wang, Z.P., Gu, Q., Deng, F.D., Huang, J.H., Megonigal, J.P., Yu, Q., Lü, X.T., Li, L.H., Chang, S., Zhang, Y.H., Feng, J.C., Han, X.G. (2016) Methane emissions from the trunks of living trees on upland soils. *New Phytologist*. 211: 429-439.

⁶ Warner, D.L., Villarreal, S., McWilliams, K., Inamdar, S., Vargas, R. (2017) Carbon dioxide and methane fluxes from tree stems, coarse woody debris, and soils in an upland temperate forest. *Ecosytems*. 20: 1205-1216.

⁷ Vantellingen, J., Thomas, S.C. (2021) Skid trail effects on soil methane and carbon dioxide flux in a selectionmanaged northern hardwood forest. *Ecosystems*. https://doi.org/10.1007/s10021-020-00591-8.

⁸ Ministry of Environment, Province of British Columba (2020) Canadian forest carbon offset methodology. <u>https://verra.org/wp-content/uploads/2020/10/VM0034-Canadian-Forest-Carbon-Offset-Methodology-v2.0.pdf</u>

The view from Ottawa

Derek Nighbor



President and CEO, Forest Products Association of Canada, Association des produits forestiers du Canada

As Ontario continues to push through COVID's third wave, it is encouraging to see case numbers coming down in many communities across the province and vaccination levels picking up.

Seeing 2,500 people on TV in the Bell Centre the other night for Game Six of the Leafs-Habs series was surely encouraging and hopefully a sign that some sense of normalcy is just around the corner. (As I write this it is just before Game Seven so I'll hold back on any comments around 'normalcy' and the 'Leafs'.)

As someone who grew up in rural Eastern Ontario, I have long valued the environmental and economic contributions of Canada's forest sector and its workers. I saw it first-hand in communities up and down Highways 41, 60, and 62.

One of my biggest surprises since I moved to Ottawa a little over five years ago has been to see how little people know about our sector and its critical solutions in our move to a lower carbon economy – and as we turn our minds to post-pandemic recovery.

I guess it stands to reason. We are living in an increasingly urban province and most Ontarians just haven't been blessed with the first-hand experience that many of us have in working, living, and playing in the forest.

Recent polling conducted by Abacus Data for FPAC reflects this disconnect.

The good news is that overall 'favourable' perspectives outweigh 'unfavourables' by better than a 4 to 1 margin and that these perspectives are pretty consistent whether you're in Atlantic Canada, Ontario, or British Columbia.

Another interesting finding was that there was not much daylight between the perspectives of federal Liberal and federal Conservative voters. Of those polled who identified themselves as Liberal supporters, 86% of them had a very favourable or somewhat favourable view of the sector. This number ticked up 5 points for Conservative voters at 91%.

The big opportunity before us is getting to the people who want to learn more.

The polling reflected that nearly 50% of Canadians either do not have an opinion of the industry or feel they do not know enough to have an opinion. We must find a way to bring our story to these individuals and their families in a clear and compelling way.

Favourability of Canadian Producers of







Below is a list of different organizations and businesses. For each one, please tell me if you have a very favourable, somewhat favourable, somewhat unfavourable or very unfavourable impression.



(Continued from page 10)

Favourability of Canadian Producers of

Lumber and Wood Products



me if you have a very favourable, somewhat favourable, somewhat unfavourable or very unfavourable impression.

Traditionally, the forest sector has not been the best at communications. We tend to be very good at talking within our own bubble. Over the past few years, I have been impressed by the ramped up efforts by a number of groups in Ontario including OFIA, OPFA, Women in Wood, Project Learning Tree Canada, and Forests Ontario. They have done some great work in our effort to bring our story to more Ontarians from north to south.

At FPAC we recognize that now is the time to take things to the next level and we must find a way to reach out to more non-traditional audiences including millennials, suburban families, and new Canadians.

It is time for a national campaign to showcase our industry, its people, and our solutions. We look forward to sharing more on FPAC's plans in this regard with OPFA's membership later this summer and fall.

Concurrent to this communications work, as we prepare for a likely fall/winter election we are calling on all political parties to commit to a plan that will maximize the economic and environmental potential of Canadian forestry and its workers.

It might surprise some that the Bloc Quebecois has been the first party to come forward with a comprehensive plan for forestry workers and communities. The Bloc proposes a number of things including:

- Prioritizing the use of wood and low carbon materials in government procurement; •
- Increasing federal support for forestry research and development; .
- Accelerating the forest bioeconomy by investing in biofuels and bioplastics: •
- Improving export market diversification; •
- Supporting improved productivity in Canada's forests; and
- Resolving the Canada-US softwood lumber dispute.

In the weeks and months ahead, we hope all major parties will consider adopting similar measures to seize the environmental and economic opportunities for our workforce and forestry communities not only in Ontario, but across the country.

Derek Nighbor is based in Ottawa and is President and CEO of Forest Products Association of Canada. He is also the President of the International Council of Forest and Paper Associations and Chair of the National Strategic Planning Committee for Ronald McDonald Charities Canada.



Building on the community forest owners co-operative model in Ontario with the Ontario Woodlot Association

Shan Shukla

Master of Forest Conservation Candidate, University of Toronto; OWA: York-Durham Chapter

Red and white pine plantations in Southern Ontario were introduced in the early 20th century to help improve the state of our rapidly eroding soils. While the plantations on public lands have generally been effectively managed by the provincial government and companies, those on private lands have been largely neglected; they exist now as hundreds of thousands of hectares of fragmented and orphaned plantations. The main reason being the cost to perform forest management activities on these private woodlots.



An example of a red pine plantation in desperate need of a first thinning.

The Ontario Woodlot Association (OWA) is currently working with woodlot landowners in Huronia and Fleetwood (Kawartha) to build economies of scale through two forest co-operative pilot projects, which will help landowners afford the management of woodlots on their lands. The economies of scale will be built around geographic clusters of properties to help bring down the overall management cost. The OWA holds a wealth of knowledge in woodlot management along with many valuable connections in the forest industry. With this longstanding knowledge and far-reaching networks, the OWA is able to facilitate overseeing the management, harvesting, and subsequent sale of timber harvested from private woodlots. Forest co-operatives have seen success internationally and closer to home in Nova Scotia and Quebec, along with others south of the border. Most of the woodlots that are currently of interest are red pine plantations established many decades ago and are now in need of a first thinning. As it is generally not economically feasible for landowners themselves to have forestry professionals harvest and manage their woodlots at a profit, the OWA will step in to help with this first thinning and subsequent management using best management forestry practices. The pilot projects will help create a market for fibre resulting from this initial thinning while subsequent thinnings are expected to yield higher economic returns to landowners.

Ecologically, these projects will serve as the catalyst to initiate and sustain widescale improvement of woodlots through the transition from red pine monocultures to more native, mixedwood plantations. These resulting mixed-wood plantations will exhibit better health, and resiliency to future climactic changes, invasive elements, and pests. By making use of underutilized wood fibre from private woodlots, the projects will also serve to create a market for a new and sustainable wood fibre supply. If successful, there will be potential to create more of these markets in Ontario and include other key members such as Indigenous Landowners, First Nations, and Community Forests.



(Continued from page 12)

Equally valuable will be an educational component where the OWA will provide resources such as educational videos, and guidance from forestry professionals to educate landowners so they can be more knowledgeable stewards of their ecologically significant lands.

As a student with the Master of Forest Conservation program at the University of Toronto, I have joined the pilot project as an impartial, third party to objectively evaluate the success of the pilot projects. This will help the OWA in determining whether the projects are sufficiently rigorous and viable to continue and potentially see adoption in other parts of Ontario. The co-operative models developed by the OWA will be looked at through a holistic lens. They will be compared alongside other programs that have seen success and struggles. Combining these metrics with the economic and ecological outcomes out of Huronia and Fleetwood, a conclusive evaluation can be made to determine the health of this co-operative and its future potential.

Having already begun some work with landowners, members of the OWA, and forestry professionals, I can safely say that I have learned a great deal when it comes to landowners, woodlots, and best forest practices in Ontario. With the steady help and guidance of John Pineau, Sally Krigstin, and Kymberley Snarr, I look forward to participating in this project for my summer internship and working to translate it into my capstone project later in 2021 with the University of Toronto. The result will be a publicly available paper discussing the results of the pilot projects and an overall evaluation.



Transforming Irish forests through Continuous Cover Forestry

Ted Wilson, Silviculturist

Reflections on the development of silviculture in Ireland, summarizing a recent talk at the OPFA annual conference.

Ireland is known for many things, especially its unique history and culture, and for the Irish diaspora that has made its mark around the world, not least in Ontario and Canada. We think of Ireland as the Emerald Isle with its beautiful, green landscape – one part settled and pastoral, another part windswept and dramatic, hewn by wild Atlantic storms. Rarely do we think of Ireland as a forestry nation.

In my four years working in Ireland, I have come to recognize the great journey this country has taken to restore woodland resources. Far back in history, Ireland was a densely wooded place, with extensive, mostly broadleaved forests. Over thousands of years, human settlement tamed and cleared that "wildwood" to make way for agriculture, reaching its nadir in the early 20th century when forests accounted for only 1 percent of the total area. Trees, where they persisted, were mostly outside woods, and occurred in copses and hedgerows; woodlands were all but lost in the mists of folklore and legend.



Sitka spruce plantation at Ticknock Forest, located in the Dublin Mountains. This forest is popular for public access and recreation. Natural regeneration is freely taking place in small canopy gaps, demonstrating the potential to transform planted forests to CCF. Many visitors appreciate the more natural appearance,

Since the foundation of the Irish State in the early 1920s, policy has been directed to creating a productive forest, supporting a sustainable forest industry and contributing to the rural economy. Sitka spruce was selected as the primary commercial species because of its productivity and site suitability. Over the past 100 years, the forest area has increased to over 700,000 ha (11% of the total area), with 52% of this being plantations of Sitka spruce. The forestry sector is now a thriving € multi-million enterprise and forest products are exported to the UK, and beyond.

Forest policy has evolved in response to new priorities over recent years. Forest resilience has emerged as a major concern due to the threats from climate change, pests and diseases. In addition, there is greater interest in the role of woodlands for recreation, linked to public health and well-being, and a renewed energy for the conservation of native woodlands. These factors have led to new strategies for increasing structural and species diversity.

One of the most important approaches is Continuous Cover Forestry (CCF). This is the term widely used in Europe for management of irregular-structure stands, using irregular shelterwood, group selection and single-tree selection silvicultural systems. However, as Ireland's forest estate is currently dominated by even-aged plantations, the challenge is how to transform stands, and promote greater structural diversity, while maintaining timber production. A new funding programme from the Irish Forest Service is helping to engage woodland owners and increase the area of forest under CCF management.



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Research in CCF is being led by Teagasc (the Agriculture and Food Development Authority) and the Centre for Forest Research at University College Dublin (UCD). Replicated thinning trials have been initiated in Sitka spruce forests on contrasting soil and site types. Low thinning, the standard practice in even-aged stands, is being compared with different crown thinning techniques. Crown thinning results in more diverse tree size and spatial arrangements; canopy gaps create favourable conditions for natural regeneration. This work has reached the

third thinning intervention; planning is underway for the fourth thinning interventions by 2022.

A separate research strand involves a network of monitoring plots in mature woodlands. These are located across the country and follow a protocol devised by the *Association Futaie Irrégulière* (AFI), initially based in France. The network is coordinated independently from the actual forest management, and measurements take place every five years. Results are maintained on a central database that allows for analysis and comparison of stand performance.

The driving force for CCF knowledge and skills development is an association called Pro Silva Ireland (PSI). Members include foresters, contractors, forest owners and ecologists, all interested in promoting the practice of CCF. Much information has been gained from study tours, conferences, workshops and field meetings both in Ireland and in partnership with other Pro Silva groups across Europe. Short courses are now being delivered in tree marking and other aspects of CCF management, supported by PSI and, more recently, the Teagasc forestry extension service.



CCF research is focusing on crown thinning in young stands of Sitka spruce. This work is part of the TranSSFor project, being led by Teagasc and UCD. Here we see differential spacing with future quality trees (white band) being given additional space for crown expansion. Removing competitors to these trees increases stand structural diversity and opens small canopy gaps for natural regeneration. The research programme is also considering timber quality, production, ecological attributes and forest operations.

Overall, forestry in Ireland is going through a very interesting period of growth and development. As we find in most jurisdictions, expanding and restoring woodlands is a major undertaking and not without significant obstacles. The journey is ongoing and much remains to be done. However, recent developments in CCF demonstrate how it is possible to adapt to the new priorities, bring professionals and the public forward together, and meet some of the most significant challenges for the future.

Ted Wilson is a silviculturist currently working in Ireland. He is adjunct professor of silviculture at the Institute of Forestry and Conservation, University of Toronto, and a Walsh Scholar with Teagasc/UCD in Dublin. He is currently studying the transformation of productive Sitka spruce stands to CCF. Contact: <u>ted.wilson@silviculture.org.uk</u>

Ontario's urban forests - Past, present and future

Michael Rosen, R.P.F.

The need to provide parks coincided with the industrial revolution creating Canada's great municipal parks (High Park, Parc Mont-Royal, Stanley Park etc.). Although the priorities were more around "family amusement" their creation coincided with the provincial and national park systems, which were created with more "conservation" related themes. At the turn of the 20th century, roadside planting began in Ontario featuring many silver maple, little-leaf linden, and (the dreaded) Norway maple plantings, directed by those with little formal training.

Arriving in Ontario from his native Denmark in 1955, Erik Jorgensen began working in forest pathology for the federal government before accepting a post as a Professor at U of T to work on Dutch Elm Disease (DED). He was as they say, "a game changer". In the 1960's, the destructive power of DED spawned interest in Canada's urban forests with Jorgensen calling for resources for trees Erik Jorgensen and Bill Morsink, Canada's First Urban in urban areas. He popularized the term "Urban Forestry" at a time when Canada's urban forests had little



Forestry Masters student.

management planning, expertise, inventory, with large populations of monocultures, and little consideration to maintenance or urban expansion. His vision and persistence sometimes put him at odds with university administrators and government officials. He decried the listing of American elm as a "weed species" by the Ontario Department of Lands and Forests, allegedly to exempt the department from action. He ended his career at the University of Guelph eventually spawning the "first generation" of urban foresters including Mike Allen (Winnipeg), Bill Morsink (London, North York) and Andy Kenney (U of T) amongst others.

It would seem only fitting that an undergraduate course in urban forestry would be offered by U of T – the first Faculty of Forestry in Canada (1909) and academic home to Erik Jorgensen but such was not the case. That distinction would go to UBC in 2016, testament to ongoing disfunction between U of T's Faculty of Forestry and its administration who finally decided to "disestablish" the Faculty in 2019.

The 1960's saw steady growth in the employment of urban foresters, arborists, technicians and forest planners at the municipal level and the creation of national, provincial and community urban forestry NGO's. Urban forestry became typified by three trends:

- 1. The most superficial of support by the provincial and federal governments (no positions, funding or programs)
- 2. Individual commitments to developing urban forestry excellence, and
- 3. Awareness and action fueled by natural disasters (Dutch elm disease, emerald ash borer, etc.)

Urban forests were included for the first time in the National Forest Strategy (1988-2008) from which spawned the Canadian Urban Forest Strategy, Canadian Urban Forest Network and "urban forests" being defined for the first time in the Ontario Professional Foresters Act (2000). A groundbreaking paper, Use of Urban Forest Criteria & Indicator Analysis (Kenney et al, 2011) encouraged strategic urban forest planning by benchmarking municipalities' urban forest efforts within 25 defined criteria. The growing influence of urban forestry meant that it was included as one of five, contextual "practice areas" defined by the Canadian Forestry Accreditation Board/ Universities Canada Competencies Review Working Group.



(Continued from page 16)

Ontario continues to lead, in many ways in the management of urban forests in Canada. This is manifested in some ways by municipal spending per capita by municipalities across the country (Table 1).

Indeed, the urban forest profile increased dramatically when the Prime Minister specifically mentioned "urban forests" twice in his Mandate Letter to the Minister of Natural Resources in 2015. This trend to use the term "urban forest" (at one time considered oxymoronic) is seen in consumer products, in the changing of the names of college diploma courses and even in the re-naming of the scientific journal of the International Society of Arboriculture (ISA) rom *Journal of Arboriculture* to *Arboriculture & Urban Forestry*.

Unfortunately, efforts to update the Ontario Professional Foresters Act (PFA) provoked a spirited and negative reaction from the ISA (Ontario), of which (ironically) most urban forestry R.P.F.'s are members. The ISA concerns included: concerns about employment ("arborists would have to employ or be supervised by RPF's"), the all-encompassing definition of "urban forests" with exclusivity given to RPF's and the elimination of the exclusion of "Certified Arborists" from the legislation. The definition of "urban forests" within the Act, seen as a great gain and a fulfillment of Erik Jorgensen's vision nonetheless provoked a reaction which surprised the OPFA, an organization still dominated by "traditional" foresters. With a lack of provincial government support for urban forestry, an absence of an urban forestry presence in the OPFA pre-consultation team as well as a lack of on-going formal dialogue with ISA, the entire experience left many RPF's in urban forestry disappointed and sad. It demonstrated how weak urban forestry continues to be within the profession in Ontario with no provincial, academic or institutional support. The idea of having just one position at the provincial ministry (Ontario Ministry of Natural Resources and Forestry) which governs the PFA engaged in urban forest planning, inventory and statistics still seems to be far-fetched and one that the profession is seemingly not mandated to advocate for. On the positive side, the profile of urban forestry within the profession was definitely raised as was that of OPFA within the arborist community. A number of arborists have actually stepped forward, asking about obtaining RPF status.

Going forward, there are several exciting trends emerging for urban forests and urban forestry in Ontario including:

- Asset Management Planning (and municipal recognition/ funding for green infrastructure like trees)
- Provincial Planning Statement activities
- Natural Asset/Heritage Management which includes trees and forests
- "Risk Management" for trees (as a natural asset) but also mitigation measures for their loss
- New urban design guidelines using trees, and
- Urban Forest Certification

Table 1. Annual Spending on Urban Forests in Canada including planning, removals, planting, maintenance, and

Name of Municipality	\$/Capita on Urban Forests (various years in the late 2000's)
Toronto	\$24.90
Ottawa	\$19.27
Oakville	\$39.69
Cornwall	\$9.52
Montreal	\$13.37
Vancouver	\$10.17
Kelowna	\$19.62



Hard Surface Installation (urban forest planting). Photo Credit: Mike Rosen.

(Continued from page 17)

On the public health side, the link between trees and nature and mental health as well as physical health will increase in importance. Concepts like <u>3-30-300</u> (Konijnendijk van den Bosch, 2021) are gaining prominence whereby planners are urging that citizens be able to see <u>three</u> trees from their home, live in a neighourhood with a minimum of <u>30%</u> canopy cover and only need to walk <u>300</u> metres to greenspace. Provincial and federal governments will be obligated to develop regulations, policies, and programs to improve the urban forest – already planners are targeting a <u>40% forest canopy cover</u> minimum for municipalities (Keesmaat, 2020). Net "O" carbon policies will also become a key reason for managing urban forests.

On the employment/professional side, municipalities and private urban forestry consultants will demand more foresters/RPF's to manage their forests. Urban forestry will continue to be a "growth piece" for forestry in general although the need to increase efforts to demonstrate diversity in urban foresters will be an issue for recruitment into the profession as Ontario continues to diversify its population.

The decision to hire foresters is also guided by historical/ cultural preferences as seen in the following table (Table 2). How this reflects on the urban forests of these communities remains to be seen.

On the technical side several issues will come into prominence including:

- Vertical Forests the growing of trees in unconventional places like roofs;
- Hard surface techniques for increased tree survival (Silva cells...)
- Remote Sensing (LIDAR, Google Street View) and more detailed inventories
- Mycorrhizal applications for new plantings
- Species migration and climate change for urban plantings will continue to have an impact on urban forests perhaps to a greater extent than on wildlands. Warmer temperatures, drier conditions and, perhaps most importantly, extreme weather events such as violent wind, heavy snow, and ice storms will take a heavy toll on urban forests, and
- Seed source expertise

References

Kessmaat, J. 2020. 2020 Declaration for Resilience in Canadian Cities. Online.

Rosen, M.R. 2018. National Context: Best Management Practices for Municipalities in Canada. Presentation to the Eastern Ontario Model Forest Christmas Seminar, December 12. Kemptville, ON.

Kenney, W.A., Philip van Wassenaer and Alex Satel, 2011. Criteria and Indicators for Strategic Urban Forest Planning and Management. Arboriculture & Urban Forestry. 37(3) 108-117.

Konijnendijk van den Bosch, Cecil. LinkedIn. on February 19, 2021

Table 2. Employment of Foresters and RPF's Within Ontario's Top 10 Cities by Population

City	<pre># of Foresters (# of RPF's*)</pre>	# People/ Forester
Toronto	26 (6)	112,692
Ottawa	8 (8)	124,354
Mississauga	3 (3)	276,384
Brampton	0	-
Hamilton	1 (1)	579,200
London	1 (1)	404,699
Markham	0	-
Vaughan	1 (0)	323,281
Kitchener	0	-
Windsor	2 (1)	116,881

* Note # of RPF's practicing urban forestry is approximately 75 out of 571 practicing foresters (or 13%)



Protection of trees during densification ("infilling") – Ottawa. Photo Credit: Mike Rosen.

What is the fate of butternut trees in **Ontario and eastern North America?**

Martin Mostert

B Sc. (Agr.) Guelph, MES candidate, York University

Eastern North American butternut trees are faced with a pandemic fungal canker disease (Broders et al. 2015) that threatens to wipe out the species. What makes butternut particularly vulnerable is the length of time it takes the tree to reproduce. In one generation, 45 years for butternut (COSEWIC 2017, v, vii) Ophiognomonia *clavigignenti-juglandacearum (O c-j)* canker typically wipes out 90-100% of the population (Smith 2011). In most locations the species is already past the point of natural recovery.

Butternut trees are treasured for their medicinal properties, food and fine woodworking

First nation peoples have many uses for butternuts (Krochmal and Krochmal 1982, 52). Leaves have insecticidal properties. Husks are used for dyes. Bark extract is a laxative, treats rheumatism, fever, tapeworms, snakebite and more. Bark or seed hulls thrown into small streams stuns fish. The nuts are sweet and much tastier than black walnut. Besides food, nut oil can be used as a skin lotion, or to treat leather. The sap makes a syrup that rivals maple syrup in sugar content. Its wood, if available, is prized by carvers, furniture makers and artisans.

Will this be the last generation to experience butternut trees?

It takes a seedling at least 20 years of growth to produce its first seeds. Subsequent regrowth of young seedlings is inhibited by lack of habitat (butternuts require open areas to grow), diseased seed, browsing by deer, and human damage. Humans reduce habitat and can also destroy existing trees (Kovach 2019). Ontario's urban and exurban naturalized areas are a refugial habitat for butternuts.

In the 1990s, I observed dead and dving butternut trees in Toronto's river valleys. By that time butternut *O c-j* canker had already wiped out the species in the southern extent of its range, but had yet to make an impact on the northern (Majcen 1995) and New Brunswick portion of its range.

My research in 1995 and 2020

In 1995, I located and researched 71 butternuts in four watersheds of Toronto: the Don, Humber and Dead butternut, Serena Gundy Park, 2020. Photo credit: Martin Mostert. Rouge River, and Highland Creek watersheds.



Trees were observed for O c-i presence, and measured for circumference at breast height (CBH). Height and percentage live crown were visually estimated, using Ostry et al. (1994, 3-5).

62% had trunk lesions typical of O c-j canker. 77% had some crown die back, with an average branch mortality of 27%. Two seed bearing specimens were found in 1995, in a grove of relatively healthy specimens, within metres of diseased trees.

In 2020, trees identified in 1995 were located and re-evaluated if alive. Mortality was 65%, varying from 53% to 80% by watershed. All 25 remaining trees had trunk lesions typical of O c-j canker. Diameter at breast height (DBH) calculated from CBH, increased by 14 cm.

No seed bearing trees were found in 2020, but recruitment was observed in the Don River and Highland Creek watersheds. Mortality of upland butternut was less than riparian located butternut. Some riparian butternuts were washed away by rivers, others removed in public park and golf courses.

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Rate of butternut decline by geographic location and timeline:

State or Province	Date span	Years	Decline/mortality, percent or number	%/ Year
North Carolina and Virginia (Ostry et al. 1994)	1966-1986	20	77% mortality, from 7.5 million to 2.5 million trees	3.85 ²
Wisconsin (Cummings-Carlson and Guthmiller 1993)	1976-1992	16	91% diseased in 1992	5.68 ¹
Michigan (USDA 1993)	1979-1994	15	84% diseased in 1994	5.60 ¹
Wisconsin (USDA 1993)	1979-1994	15	58% diseased in 1994	3.86 ¹
Ontario (COSEWIC 2017)	2008-2015	7	n =1,221, 60 sites, 99.7% infected, 38% mortality of mature trees	5.43 ²
New Brunswick (COSEWIC 2017)	2013-2014	-	70% infected, 50% probable decline	-
Toronto (this research 2020)	1995-2020	25	65% mortality, from n = 71 to n = 25	2.60^{2}

¹ diseased, ² mortality

What can be done to save butternuts?

Use citizen science (<u>iNaturalist.ca</u>) to record and report butternut sightings. Report locations to local and regional forest and conservation authorities. In Canada butternut is a federally and provincially protected tree. Scientists benefit from citizen science records to monitor butternut health. Butternut recovery plans can adapt using this new knowledge.

Plant butternut trees in open areas. Planting collected seed may not be successful. Seed from anthropogenically disturbed areas may have crossed with Japanese walnut (*J. ailantifolia*) (Hoban et al. 2012). Secondly, seed can be infected with *O c-j* canker and thus may eventually fail. Look for nurseries that grow certified native trees from known seed sources.

Across eastern North America germplasm banks have been set up (eg. <u>fgca.net/</u>) to save promising clones of *O c-j* canker resistant butternuts. It will take a concerted human effort across eastern North America to bring this species back from the brink of extinction (Pike et al. 2021).

References

Broders KD, Boraks AAW, Barbison L, Brown J, Boland GJ. 2015. Recent insights into the pandemic disease butternut canker caused by the invasive pathogen *Ophiognomonia clavigignenti-juglandacearum*. For Pathol. 45(1):1–8.

COSEWIC. 2017. COSEWIC assessment and status report on the butternut *Juglans cinerea* in Canada. Ottawa. <u>www.sararegistry.gc.ca/status/status_e.cfm</u>.



Deer damage to young butternuts, Toronto 2020. Photo credit: Martin Mostert.



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Cummings-Carlson J, Guthmiller M. 1993. Incidence and severity of butternut canker in Wisconsin in 1976 and 1992. Phytopathology 83(12):1352.

Hoban SM, McCleary TS, Schlarbaum SE, Anagnostakis SL, Romero-Severson J. 2012. Human-impacted landscapes facilitate hybridization between a native and an introduced tree. Evol Appl. 5(7):720–731.

iNaturalist.ca. 2021. Butternut (Juglans cinerea) https://inaturalist.ca/taxa/54792-Juglans-cinerea

Kovach J. 2019. Removing butternut trees should be last resort for resort, naturalist says. Peterborough Examiner. <u>https://www.toronto.com/news-story/9223288-removing-butternut-trees-should-be-last-resort-for-resort-naturalist-says/</u>

Krochmal A, Krochmal C. 1982. Uncultivated nuts of the United States. Agric. Info. Bull. 450. Washington (DC): USDA Forest Service.

Majcen, Z. 1995. Le noyer cendré au lac Tapani. Sainte-Foy (PQ): Gouvernement du Québec, Ministère des ressources naturelles, Direction de la recherche forestière. <u>https://mffp.gouv.qc.ca/nos-publications/noyer-cendre-lac-tapani/</u>

Ostry ME, Mielke ME, Skilling DD. 1994. Butternut--Strategies for managing a threatened tree

Pike CC, Williams M, Brennan A, Woeste K, Jacobs J, Hoban S, Moore M, Romero-Severson J. 2021. Save Our Species: A Blueprint for Restoring Butternut (*Juglans cinerea*) across Eastern North America . J For. 119(2):196 –206. doi:10.1093/jofore/fvaa053.

Smith R. 2011. Fungus destroying butternut trees in Iowa. The Gazette. https://www.thegazette.com/2011/09/04/fungus-destroying-butternut-trees-in-iowa.

USDA. 1993. Northeastern area forest health report. NA-TP-03-93. Radnor (PA): USDA Forest Service.



Butternut – cankered tree and seedling, Toronto, 2020. Photo credit: Martin Mostert.

Planting an interest in forestry

Emily Dominey, Forestry Marketing Officer, Ministry of Natural Resources and Forestry

Allison Hands, Education Manager, Forests Ontario

Jessica Kaknevicius, VP of Education, Sustainable Forestry Initiative

Do you know how many young people in your community want to be foresters when they get older? Or how many have an opportunity to take a forestry course in high school, or learn about forestry in an engaging, hands-on way? If your answer to these questions is `no', then please, read on. We want you to help us change that!

The importance of clearly communicating Ontario's sustainable forest management practices was heard throughout the development of Sustainable Growth: Ontario's Forest Sector Strategy. As such, the first pillar focuses on Stewardship and Sustainability, including an action dedicated to Earning Recognition for our Sustainable Forest Management Practices. It falls to us as professionals and advocates for sustainable forest management, to ensure that Ontarians of all ages have a good understanding of how Ontario's forests are managed, particularly the sustainable nature of forestry.

Ontario is home to several forestry education organizations that are spreading this message and inspiring the next generation of forestry workers. The Ministry of Natural Resources and Forestry (MNRF) has been working collaboratively with forestry education partners to enhance forestry content for all ages. As OPFA members, we hope you'll join us in these efforts.

Your expertise and up-to-date forestry knowledge make you trusted voices for students across Ontario. You, better than anyone, understand how rewarding a career in forestry can be, and you're well positioned to dispel common myths that tend to be the prevailing opinion of Ontario's youth – that forestry is low-tech, low-paying and a sunset industry. Your engagement with students can help to rebrand forestry as both a sustainable sector, and career pathway. The *Professional Foresters Act, 2000*, also encourages members to "provide vocational guidance to persons wishing to enter the profession" and these experiential learning activities are a great way to do so!

Forestry in High Schools

Introduced in 2006, the Specialist High Skills Major (SHSM) program was designed to engage students through sector-focused curriculum with targeted content and certifications that equip graduates with the skills to be successful in that field. Today, the SHSM program has evolved to appeal to a broad student audience with 16% of Ontario high school students taking one of 19-sector focused SHSMs in 2019.

The Forestry SHSM program focuses on forest operations training for young people. Students learn diverse skills, from how to safely operate a chainsaw to working effectively in teams. Since its inception, over 1,100 students have been through the Forestry SHSM and potentially entered the workforce or carried on through post -secondary education via college or university. It's encouraging to see so many students leaving the Forestry SHSM program with a strong forestry foundation to build on, and there's plenty of opportunities for the program to grow, particularly in forest dependent communities!

You can encourage uptake of the Forestry SHSM in your local high schools to help bolster the future forestry workforce. Speak with your local forest industry network about how this type of programming could support their operations and generate a supply of potential new workers. Then, contact the SHSM Coordinator at your local school board to examine the need for forestry programming in your community. Students who have completed the Forestry SHSM will have the basic skills needed for success in the forestry workforce, including a good understanding of expectations in the industry.

Project Learning Tree Canada

Project Learning Tree Canada (PLT Canada) is an initiative of the Sustainable Forestry Initiative committed to growing future forest and conservation leaders through environmental education, mentorship, and skills development.



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Over the past year, PLT Canada has been exploring opportunities to enhance forestry content in Ontario high schools, including SHSMs. In collaboration with the MNRF, PLT Canada is piloting a new certification "Diverse Perspectives in Sustainable Natural Resource Management" that can be added to relevant SHSM programs like Forestry, Environment and/or Business. Students earn certifications to enhance their interests and employability. This certification is focused on decision making, exercising this concept by developing a forest management plan.

Due to the pandemic, the certification shifted from in-person delivery to a virtual format. Kudos to PLT Canada for responding quickly by partnering with the Beanstalk Project to create an entertaining and interactive course that uses video footage and Zoom interviews to make direct connections to real life scenarios.

When public health measures allow, the certifications will return to in-class delivery with plenty of interactive elements for forest sector professionals to get involved in. Until then, OPFA members can participate virtually by evaluating mock forest management plans, or simply talking about forestry careers! For more information, please contact Jess Kaknevicius at <u>Jessica.kaknevicius@forests.org</u> or 647-797-1117.

Forests Ontario

Forests Ontario is a prominent forestry education organization with a repertoire of experiential learning activities. Through their Forestry in the Classroom program, Forests Ontario connects students of all ages with forestry and environmental professionals. They match schools with local forestry volunteers who deliver hands-on, engaging lessons on different topics – from sustainable forest management to tree identification and urban forests.

Did you know that since 2012, Forestry in the Classroom has reached over 450 schools and 13,000 youth? The pandemic was no match for this long-standing program! Forests Ontario adapted to a virtual delivery model for the 2020/21 school year to continue connecting students and forestry professionals. To share your knowledge and talk about the wide variety of careers in the forest sector, contact Allison Hands (<u>ahands@forestsontario.ca</u>) who can discuss expectations and help onboard you as a volunteer (which includes a Vulnerable Sector Screening).

The forestry sector will see significant turnover in the next 10 years as more foresters retire. Now is the time to ensure we have engaged, well-trained youth lined up to lead the province's forestry efforts! With the school year wrapping up, use the summer to reflect on the difference your voice could make to the next generation and their perceptions of the forest sector. Be it virtually, or in person, you can help students to better understand the viability and diversity of forest sector careers and the inherent sustainability of the industry that makes it a great place to work.

The time for Forest(er)s is now

Rob Keen, R.P.F.

Canadians are increasingly recognizing the importance of growing forest cover to mitigate climate change and reduce biodiversity loss. This growing interest has been observed locally, provincially, and nationally.

The public has also showed their overwhelming support for tree planting as demonstrated when Forests Ontario's 50 Million Tree Program was cancelled in April 2019. The public response was deafening. During the weeks following, there were more than 400 interviews by all media types. A petition which was started to reinstate funding for the program gained nearly 100,000 signatures from concerned Canadians.

On June 5, 2019, Minister McKenna (then Minister of Environment and Climate Change Canada) announced federal support for the 50 Million Tree Program. According to McKenna, this funding was absolutely critical to "keeping the wheels on" the very complex infrastructure that had been developed over, at the time, the past 16 years.

What followed was unprecedented. The federal election campaigns tabled climate change as the major issue at hand, with Trudeau and May battling out who was going to plant the most trees. When was the last time tree planting hit a federal election platform? Never, to my knowledge.

With Trudeau's victory in December 2019, both Minister O'Regan and Minister Wilkinson received mandate letters which addressed his promise to plant two billion trees over the next ten years – the 2 Billion Tree (2BT) commitment.

Program lead Natural Resources Canada immediately launched into consultations to engage stakeholders with an interest in tree planting to gain insight into how a successful program might be developed. Since then, excellent progress continued to be made to lay the groundwork for the 2BT, despite the outbreak of a global pandemic. In December 2020, Minister O'Regan announced the commitment of \$3.16 billion federal funds to support the initiative. "There is no path to net-zero carbon emissions that doesn't involve our forests," stated O'Regan during his announcement.

In addition to the importance of creating new forests, sustainable forest management has also been recognized internationally as a powerful nature-based solution. According to an Intergovernmental Panel on Climate Change report (IPCC, 2019), "Sustainable forest management aimed at providing timber, fibre, biomass, non-timber resources and other ecosystem functions and services, can lower GHG emissions and can contribute to adaptation."

I cannot recall another time when there have been so many eyes on our forests, nor a better opportunity to showcase how their sustainable management can lead the way to a greener future.

Efforts to move the 2BT forward are on the right track. There is demonstrated understanding of the complexity of the infrastructure required for successful tree planting, as well as recognition of the need to increase overall capacity to support this ambitious target. Current afforestation across Canada is estimated at approximately 10-15 million trees annually. If the 2BT were all afforestation, the annual target would be 200 million trees per year to meet the final goal by 2030.

On February 19, Natural Resources Canada released their Expression of Interest (EOI) and Request for Information (RFI), due March 25 and May 27 respectively. The EOI focused on "shovel ready" projects that could be accomplished this calendar year, while the RFI sought ideas and opportunities for the development of multi-year tree planting programs, including the associated capacity which needs to be created or expanded to support.

This capacity would, of course, include all aspects of a successful tree planting program: seed sourcing, stock development, planting partner onboarding and training, ongoing landowner outreach and public engagement, monitoring and assessment, and necessary climate change-related adaptations. This infrastructure requires much investment on the part of partners in their own resources. As such, long-term and guaranteed funding mechanisms must be established to encourage and protect such investments.

The growing awareness of the importance of increasing forest cover, sustainably managing our working forests, and enhancing the resilience of our forests in the face of climate change translates into a need for skilled foresters, across Canada and around the world.

With foresters at the frontline in the fight against climate change, there has never been a better – or more important – time to be an RPF.



Council Corner

Scot Rubin, R.P.F. Councillor Northwest

Council Corner is to provide membership with insight into what happens at OPFA Council meetings.

As I prepared to write this article, I reflected on the Council meetings and how they have changed during my tenure with the OPFA. It is well into my second year on Council and the in-person Council meeting which I was first introduced to, quickly transitioned to a virtual format in response to the current pandemic situation. At first, these virtual meetings were marked by muted comments and frozen screens, but with a group of open-minded individuals and a little patience, these meetings have progressed with only the occasional connection issue or excited dog/toddler.

Luckily, we live in a time where the movement from in-person meetings to a reliance on virtual meeting platforms was quickly adopted and has proven to be quite efficient. Prior to the pandemic, the adoption of this technology into our daily lives would have seemed impractical. Fast forward to today and it is now so common that most of the individuals reading this article likely have two or three platforms downloaded on their computer. While the pandemic has promoted the quick adoption of the technology, it has come with the loss of much body language that you can only really get from meeting in-person.

As we enter the next phase of the pandemic, it is time to start planning the path forward to understand what "normal" should look like. While some of the changes will return to pre-pandemic conditions, the ability to remotely work in an efficient manner will likely be here to stay. A mixture of scheduled in-person and virtual Council meetings would likely be the appropriate option depending on the items requiring discussion.

Scheduled Council meetings aren't the only time Council is engaged on projects, the past few months have been busier than usual and with large projects including the final editing of the



2021-2026 Strategic Plan, planning for the Annual General Meeting and updating of the Professional Foresters Act. I would like to take this opportunity to express my appreciation to Fred for his strong guidance and to Priscilla and Louise for their unparalleled support and devotion to the Association. Prior to joining Council, I was unaware of the volume of work that the OPFA staff is responsible for within the organization. These projects would have been impossible to manage without their knowledge, hard work and dedication. In addition to their normal duties, they allot time to participate in committees, task teams and working groups.

As spring progresses into summer, let's hope the vaccination levels keep increasing so we get back to connecting with family, friends and co-workers.

Finance Committee update on reserve fund investments

Peter Street, R.P.F.

Several years ago, a reserve fund was set up by Council to cover potential non-repetitive but significant legal costs. Currently, the fund is valued at slightly over \$400,000. All of the funds are invested in GICs which have returns less than the rate of inflation. In other words, the real value of the fund is dropping over time.

Over the last year, the Finance Committee, with the approval of Council, has been looking at different investment options to preserve the value of this fund until needed.

Working with potential investment advisors, the OPFA developed an Investment Policy Statement (IPS) to define the level of risk we were willing to expose ourselves to and the kind of returns we desired. This statement would guide any investment manager we hired to manage our funds. The IPS, as approved by Council, sets some high -level objectives:

- To preserve capital investments as primary and growth of capital as secondary,
- Approximately 40% to be invested in equities and 60% in fixed income, and
- Regular reporting on performance to Council, and
- The ability to borrow against our investments in case we needed the funds when the markets were down.

Once Council approved the IPS, the Finance Committee circulated it to three investment management firms, all affiliated with major banks. A proposal from RBC Dominion Securities came closest to our needs and they were selected. While at any given time the market value for our reserve fund may be up or down, it is expected over the long term that the invested funds should yield a return higher than inflation. Fund performance will be monitored continuously and the IPS will be reviewed by Council at least annually.

OPFA membership analysis 2010 to 2020 – Measuring diversity

Lacey Rose, R.P.F. Michael Rosen, R.P.F.

The year 2020 was a year of tremendous introspection for the world. Forced by an international pandemic to limit travel and in-person social interactions, many felt deeply affected by recent events. One of these events was the death of George Floyd, an African American who was killed by a police officer under incredulous circumstances. His death forced many to confront the entire subject of race relations and how our institutions deal with race. Many professional organizations, the OPFA included, looked at their membership and operations to see whether advertently or inadvertently the organization discriminates in the governance of its members. Several OPFA members began asking questions as to what OPFA was doing to promote diversity and equity as well as the composition of its membership. To that end an *Equity and Inclusion Task Team* was formed with Carol Walker, R.P.F. as its Chair. The *Task Team* meets monthly and is helping provide input into the OPFA's new Strategic Plan and other documents.

Regulators such as the OPFA have policies in place to ensure that the practices of the Association are compliant with human rights and privacy laws. Regulators in Ontario, unlike governments, for profit and not for profit organizations have a further need to ensure that their registration processes are fair, transparent, objective, and impartial through oversight with real consequences that can be instituted by Ontario's *Office of the Fairness Commissioner*. A major focus of the *Office of the Fairness Commissioner* is to ensure that internationally trained individuals are dealt with fairly through the registration process - it reviews all policies, procedures, and membership data every year to ensure each regulator in Ontario does not have barriers for the diversity of candidates that apply for registration.

In forestry, a forest inventory is considered a critical step in management. That is, you must know what you have, before you can think of how you are going to manage it. Similarly, to analyze how the OPFA stacks up with regards to issues of equity and inclusion, it is essential to know where the organization is (and where it has been). One of the first actions of the *Task Team* was to establish a baseline measurement for the diversity of OPFA membership.

It may be important at this point to look at some of the statistics for diversity in Ontario. Did you know for example that in Ontario:

- Approximately 50% of the population is female,
- Approximately 30% identify themselves as "visible minority", and
- Approximately 4% are francophones (Wikipedia, Demographics of Ontario, 2021)

At present, member data as it relates to diversity is limited to gender and age, provided by OPFA to the *Task Team* for December 2010, January 2016, and December 2020. Unfortunately, earlier information was not available in digital format. This supports the work plan of the *Task Team* in the construction of a voluntary survey to develop baseline statistics for other important aspects of membership diversity. The *Task Team* was made aware that Student members can be temporary with many not continuing to other membership categories after graduation. Similarly, Honourary members are not practicing members of the Association. Since Student and Honourary members skew the results to be somewhat unrepresentative of practising members it was decided to exclude their information from the overall analysis (it was assumed that student members will show up in following years in different membership categories if they do continue with the OPFA).

Gender of OPFA members (%) excluding student and honorary

(Continued from page 27)

OPFA Membership and Gender

The analysis (see Figure 1) shows an improvement in gender diversity from 2010 to 2020 from 14% female/86% male in 2010 to 17% female/83% male in 2016 to 23% female/77% male in 2020 - an increase of 9% in female members over 10 years. A closer look at the Provisional membership category (that category where an individual is placed while they work towards Full or Associate membership) shows even greater change with a 39% female/59% male split in 2020, an upward shift of 12% since 2010. Interestingly, gender parity in Student membership was evaluated separately and in 2020, reached parity (45% female, 45% male and 10% undisclosed). This is an improvement from 2010 where only 29% of Student members were female.

OPFA Membership and Age

The number and percentage of members for 2010, 2016 and 2020 are presented by a graph which represents the percentage of members again excluding Student and Honourary categories (see Figure 2). When calculating the average age of the membership excluding the Student and Honourary members it was seen to be 50 in 2010, 53 in 2016 and 50 in 2020. There could be several reasons for why the average age is staying the same including the fact that there is a trend to work later in life which would have the effect of offsetting the gains of having more young people join the OPFA.

From the available baseline and historic data, it appears that there are more people in 2020 in the youngest age category (<34 years). This is positive as it indicates good recruitment into the profession and will help fill positions associated with the mass retirement of the workforce forecast by many employers in the sector in the coming years.

Conclusion and Recommendation

It appears that gender diversity is increasing at a slow and steady pace since 2010, with more women entering the Association as Student and Provisional members in recent years. Also, there is growth in the youngest age class of OPFA members even though the average age of all members is staying the same. This follows societal trends.

The statistics compiled in this exercise can be easily added to in coming years to track trends and progress.

Voluntary surveys of other aspects of diversity could be conducted to determine how these are reflected within OPFA which could then be repeated and tracked over time as well. Having an Association that is more reflective of all members of Ontario's diverse society may help recruitment efforts into the profession and allow foresters (and forestry) to stay relevant well into the future.









Comment on the draft Forest Biomass Action Plan

Fred Pinto, R.P.F.

Executive Director and Registrar

The MNRF's draft Forest Biomass Action Plan was recently open for public review and comment (<u>https://ero.ontario.ca/notice/019-3514</u>). It has been posted on the Environmental Registry of Ontario for a 45-day consultation period, ending on June 21st 2021. An e-mail was sent to all OPFA registrants and they were invited to submit their comments. The OPFA also reviewed the draft Action Plan and sent in a comment as one item in the document is at odds with the scopes of Managed Forest Plan Approvers and professional forestry in Ontario.

The draft Forest Biomass Action Plan suggests that sustainable forestry on private land can be obtained through Ontario's Managed Forest Tax Incentive Program (MFTIP). Specifically: On page 10 of the draft Forest Biomass Action Plan it says: "Ontario's private woodlots and other forested lands also provide a source of sustainable forest biomass. Ontario supports implementation of sustainable forest management practices on private woodlots through initiatives like the Managed Forest Tax Incentive Program." The last sentence is incorrect.

The individuals that can develop MFTIP plans need to be Managed Forest Plan Approvers. One becomes a Managed Forest Plan Approver after self-study and passing a written exam managed by the MNRF. The scope of practice for a Managed Forest Plan Approver described by the MNRF allows these individuals to develop descriptive woodlot/forest plans. Their scope does not allow these individuals to develop the prescriptive woodlot plans necessary for sustainable forestry. For example, a Managed Forest Plan Approver who is not also an R.P.F. or qualified Associate R.P.F. is not able to, develop and analyze higher level inventories, calculate allowable harvests, project wildlife habitat changes, or long-term forest stand projections.

We have asked the MNRF to correct the statement on page 10 to indicate that if prescriptive sustainable forest plans are desired by landowners then a Managed Forest Plan Approver <u>who is also</u> a qualified member of the OPFA is needed.

Note that we are not suggesting any new limits to the work that Managed Forest Plan Approvers who are not OPFA registrants are allowed to do nor are we asking for changes to MNRF policy related to the MFTIP program.



Update on potential changes to the Professional Foresters Act 2000 (PFA) and its Regulation, O. Reg. 145/01

Betty van Kerkhof, R.P.F.

In April 2021, the OPFA shared information that summarized the results of its Pre-Consultation Engagement with the MNRF. Further progress is now an MNRF decision.

In proposing changes to the PFA, OPFA is trying to ensure that the changes do not impact other occupations that work in the forest or urban outdoor environment i.e., linking the scope of practice to the professional forestry standards, sustainable forestry and good forestry practices.



Potential Changes to the Act & Regulation

The proposed amendments fall into the following categories:

- Improved definitions, new definitions or qualification of terms,
- Re-wording of the Scope of Practice to include forest sustainability for Crown lands and good forestry practices for natural, rural and urban woodlands,
- The removal of the word "conservation" and "shade tree" as they include services provided by biologists & ecologists and arborists, respectively,
- Removal of excluded trades & occupations (not other Regulated Professions),
- Potential additions to the Scope of Practice dealing with mitigating Climate Change and reducing forest fire hazards, and
- Edits & suggestions from the OPFA's legal counsel to reflect more recent regulatory changes for other Regulated Professions that improve governance of a profession.

At the recent OPFA AGM it was made clear that:

- Government will decide if changes proceed,
- Government's legal counsel will develop the wording for any such changes, and
- If any changes are proposed the Government will determine the consultation process that will be followed.



(Continued from page 30)

Next Steps for the OPFA

Any changes to the PFA will require implementation support by the OPFA, including:

- Additional engagement with affected stakeholders,
- An update to OPFA website with clear messages related to the changes,
- Supplemental guidance documents or updates to the existing ones,
- Enhanced enforcement of the requirements with a focus on improving understanding (rather than penalizing individuals), and
- Improving registration efficiencies.

May 31, 2021

A regulated professional's responsibility to maintain their records and cooperate with an investigation by the Regulator

Fred Pinto, R.P.F.

Executive Director and Registrar

All regulated professionals have a responsibility to maintain their work records and update their membership records. The OPFA does conduct a review of each registrant's records and has notified those registrants whose records in the OPFA members' directory were deficient. Your records may be used in dealing with any complaints against you. Please note that deficient records can result in suspension. This year over 60 registrants had some deficiency in their reporting. All of these registrants were contacted and asked to update or correct their membership records.

You are also reminded that you need to maintain your own records related to your professional work and training. Please be sure to maintain your personal files independently from your employer as you are unlikely to have access to them when you change employers. These records may be required by the OPFA to deal with any complaint made against you.

Read the Grey Areas report titled "Honest, Open and Helpful" submitted by OPFA's legal team on the requirement for cooperation with your regulator and the reason your membership and other professional and work records must be maintained and available when required by the OPFA.

Grey Areas

A COMMENTARY ON LEGAL ISSUES AFFECTING PROFESSIONAL REGULATION

Honest, Open and Helpful

by Bernie LeBlanc May 2021 - No. 256

A challenge for regulators occurs when practitioners do not blatantly refuse to cooperate with an investigation, but still do not provide the requested information or assistance. For example, the practitioner can ask questions to clarify the regulator's request. Or the practitioner can demand disclosure of the basis for the investigation. Or the practitioner can challenge the scope of the request as being overly broad (i.e., a fishing expedition). Or the practitioner can indicate that they will cooperate but explain that they are having difficulties gathering the information and request extensions. Or the practitioner might provide only part of the information requested.

At what point do these responses become a failure to cooperate that is enforceable at discipline? The Ontario Court of Appeal spoke to the issue in *Law Society of Ontario v. Diamond*, 2021 ONCA 255, <u>https://canlii.ca/t/ifhih</u>. In that case, the regulator sought certain documents that practitioners were required by law to keep. Despite numerous communications, many of the documents were not provided. Seven months after the first request, disciplinary proceedings were commenced alleging non-cooperation. The documents were finally produced about 8 ½ months after the initial request. The hearing proceeded and a finding was made.

The practitioner argued that he had not acted in bad faith. His attempts to understand and clarify the requests did not amount to professional misconduct. He ultimately provided the requested information. In terms of the standard of review, the Court said:

... the reviewing court is to apply a standard of correctness to questions of law, while a standard of palpable and overriding error is to be applied to questions of fact and questions of mixed fact and law where the legal principle is not readily extricable

The Court held that while the test for assessing a failure to cooperate is a question of law, subject to correctness review, the tribunals and lower court understood the correct test. The issue as to whether the conduct of the practitioner met that test was one of mixed fact and law subject to palpable and overriding error scrutiny.

The Court found that the test for assessing cooperation could be summarized as follows:

> (a) all of the circumstances must be taken into account in determining whether a licensee has acted responsibly and in good faith to respond promptly and completely to the Law Society's inquiries; (b) good faith requires the licensee to be honest, open, and helpful to the Law Society; (c) good faith is more than an absence of bad faith; and (d) a licensee's uninformed ignorance of their record-keeping obligations cannot constitute a "good faith explanation" of the basis for the delay.

The Court held that a practitioner cannot rely upon an honest misunderstanding of their record keeping obligations or their duty to provide an honest, open and helpful response as demonstrating good faith. Practitioners were expected to know these things.

> If a licensee could simply say to the regulator, "I cannot produce the record promptly or

FOR MORE INFORMATION

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WANT TO REPRINT AN ARTICLE

A number of readers have asked to reprint articles in their own newsletters. Our policy is that readers may reprint an article as long as credit is given to both the newsletter and the firm. Please send us a copy of the issue of the newsletter which contains a reprint from Grey Areas.

Grey Areas

A COMMENTARY ON LEGAL ISSUES AFFECTING PROFESSIONAL REGULATION

completely because I did not know about my record-keeping obligations and made no reasonable effort to find them out", and this response could constitute a "good faith explanation", it would undermine the very purpose of the duty to cooperate. Quite simply, ignorance of one's professional obligations cannot subsist as a demonstration of good faith; they do not go hand in hand.

The Court also did not accept that the omission was insufficiently serious to constitute professional misconduct. The Court said the "conduct constitutes a significant departure from the acceptable standards of the profession".

The Court also rejected the suggestion that a "clear refusal" was required to establish a failure to cooperate. The practitioner argued:

> ... that each request made by the Law Society was responded to promptly. While the Law Society may not have liked all of the responses, they were genuine responses that, at their highest, may show some confusion on the part of both of the Law Society and the appellant, but not a failure to cooperate. The appellant argues that this is best demonstrated through the fact that, once the confusion was cleared, all the requested documents were produced. This is said to underscore how everything the appellant did was in good faith.

The Court deferred to the panel's findings that the practitioner's responses were not made in good faith and constituted a "cat and mouse game".

> The reputation of the legal profession rests on the public's confidence that self-regulation is taken seriously by the legal profession. This

can only occur where the legal profession has at hand effective and efficient tools by which to achieve accountability among its members. This is fundamental to the health and vibrancy of the legal profession.

Returning to the duty to cooperate, r. 7.1-1 of the Rules of Professional Conduct is designed to ensure that there is a complete response and no inordinate delays in investigations by the self-regulated authority. It requires nothing more than prompt and complete responses when requested, which are essential to moving investigations forward. Delays in doing so can only serve to shake the public's confidence in the Law Society's self-regulatory authority As the Law Society points out in their factum, the "reputation of the ability of the profession to self-regulate would quickly be diminished if the obligation to cooperate could be subverted by a 'cat and mouse game' (as described by the Hearing Panel), that fell short of a clear refusal."

In light of this decision, regulators can take seven simple steps to enhance the enforceability of honest, open and helpful responses by practitioners:

- Issue specific requests for the cooperation desired in writing.
- 2. Do not overreach in one's requests. Seek information that is relevant to the scope of the investigation and which does not create unnecessary burdens on practitioners. It is acceptable to make follow up requests for additional information arising from the information that has already been provided. Follow-up requests are preferable to making overreaching requests at the beginning of the investigation.

Grey Areas

A COMMENTARY ON LEGAL ISSUES AFFECTING PROFESSIONAL REGULATION

- 3. Set clear deadlines.
- Follow up missed or incomplete responses with a renewed request for specific cooperation.
- In replying to any questions for clarification, challenges or counter-proposals by the practitioner, be sure to conclude the response by reiterating the pending request for specific cooperation.
- Similarly, do not make a commitment to consider an issue without responding immediately after the consideration is completed. Otherwise, the regulator might leave the impression that the request for cooperation is "on hold".
- In all of this, assert, explicitly and accurately, the practitioner's duty to cooperate.

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Member News

New Full (R.P.F.) Members:

Waurner Adema Blair Binnendyk Kyle Buckley Cameron Duckett Shane Gray Julia Ieropoli Kaitlin Leveille Robert Scott Alison White

Please welcome and support the following people who have been admitted into the OPFA but are not yet entitled to practice professional forestry in Ontario:

New Provisional Members (R.P.F. in Training) (may practice if under the direct supervision of a qualified member):

Rebecca Barakat Brock Bell Scotia Biloski Alexandra Farkas Kristen Grittani Natalie Heyblom James Hosick Thomas Huitema Bettina Henkelman William Huys Anna Ketchum Johnpaul Loiacono Samantha O'Donnell Jonathan O'Neill Miles Peart Madison Postma Dean Rosen Helen Sereda Adrian Smith **Robin Timms** Erik von Luczenbacher

New Student Members:

Riley Belanger Tristan Clarke Joel Goodwin Elliott Groen Sylvia Jorge Sebastian Niemi Quinlan Paterson Wanyuan (Amy) Sheng Ling Shi Bridget Trerise

Deceased Member:

Milton Stevenson

The following registrants are not entitled to practice professional forestry in Ontario but remain a registrant of the OPFA:

New Inactive Members-R.P.F. (Non-Practicing):

Peter Johnson

Mona Wiltshire

The following people are not entitled to practice professional forestry in Ontario and are no longer a registrant of the OPFA:

Membership Cancelled For Administrative Reasons:

Shola Akintola Ahmad Alamad Willem de Bakker Adrien Djomo Aude Fournier Jeremy Jones Praveen Kumar

The following people remain registrants of the OPFA but are currently suspended:

Membership Suspended for Administrative Reasons:

Berhane Bairu Courtney Bender Gareth Cockwell Daniel Coombs Scott Danford Katharine Maklan David Moore Tim Reece



Continuing Education

Webinars and Other Resources

Websites that offer free webinars to earn CEUs for your membership maintenance.

1. Canadian Institute of Forestry (CIF-IFC)

https://www.cif-ifc.org/e-lectures/

2. Ontario Ministry of Natural Resources and Forestry. MNRF Science Insights, contact Kristy Mckay, Science Transfer Specialist at <u>Kristy.McKay@ontario.ca</u>

3. Forestry and Natural Resources Webinars

http://www.forestrywebinars.net/

4. Conservation Webinars

http://www.conservationwebinars.net/

5. Urban Forestry Today

http://www.urbanforestrytoday.org/

6. Climate Webinars

http://www.climatewebinars.net/

7. Cornell University

http://blogs.cornell.edu/cceforestconnect/ subscribe/

8. Forestry Chronicle

http://pubs.cif-ifc.org/journal/tfc

9. Canadian Journal of Forest Research

http://www.nrcresearchpress.com/journal/cjfr

11. FPInnovations

https://web.fpinnovations.ca/blog/

12. Tree Research and Education Endowment Fund (TREE Fund)

https://treefund.org/webinars

Coming Events

CIF-IFC National Electronic Lectures

Urban Forestry E-Lecture Series Research in Urban Forestry in Canada

June 23, 30 and July 7

https://www.cif-ifc.org/e-lectures/

CIF-IFC 2021 National Conference and 113th AGM Ocotber 6-7, 2021. Virtual

http://www.cif-ifc.org/2021-conference-agm/