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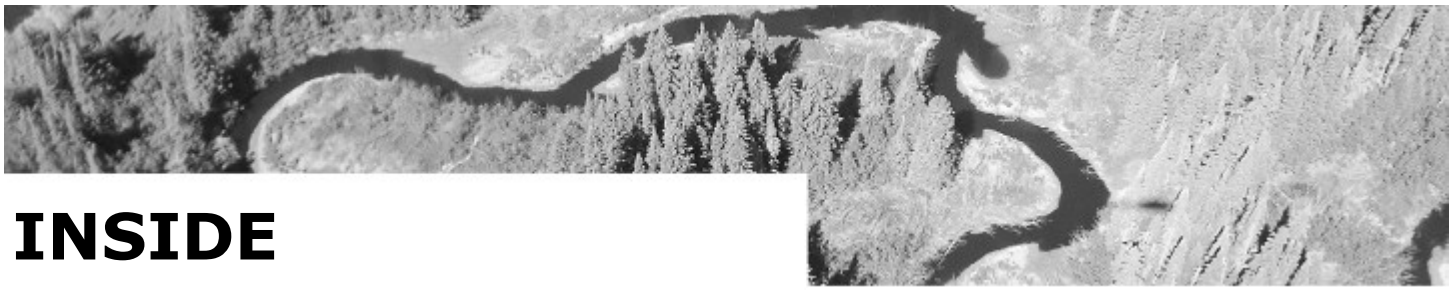
66th OPFA Conference and Annual General Meeting: Professional Foresters adapting through collaboration and innovation

ALSO INSIDE



INSIDE

THIS ISSUE

EVERY ISSUE

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.

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Adaptive Silviculture for Climate Change (ASCC) for white pine at the Petawawa Research Forest (PRF)

Liz Cobb, R.P.F., Forest Operations Manager, Petawawa Research Forest

The climate is changing, we see evidence of it every day. Drier summers, frequent and significant wind events, elevated temperatures, increased wildfires and ice storms are just a few of these changes. Unpredictable cone crops, lammas growth and increased seedling mortality is currently impacting successful renewal of important species such as white pine.

The ASCC research project is a collaborative effort throughout North America that uses a common framework over different forest types, see www.adaptivesilviculture.org. Each site develops locally suited climate change adaption treatments and ultimately will support forest practitioners and managers with tools and approaches that integrate climate change into resource management and silvicultural decisions. In 2019, Natural Resources Canada researchers and scientists initiated a workshop in Pembroke, Ontario, to engage local forestry practitioner exports in developing specific treatments to be implemented at the PRF. This project is the first Canadian installment.

The PRF is located in the Great Lakes St. Lawrence Forest (GLSL). It is a very complex forest that contains a mixture of coniferous and deciduous species managed under three silviculture systems.

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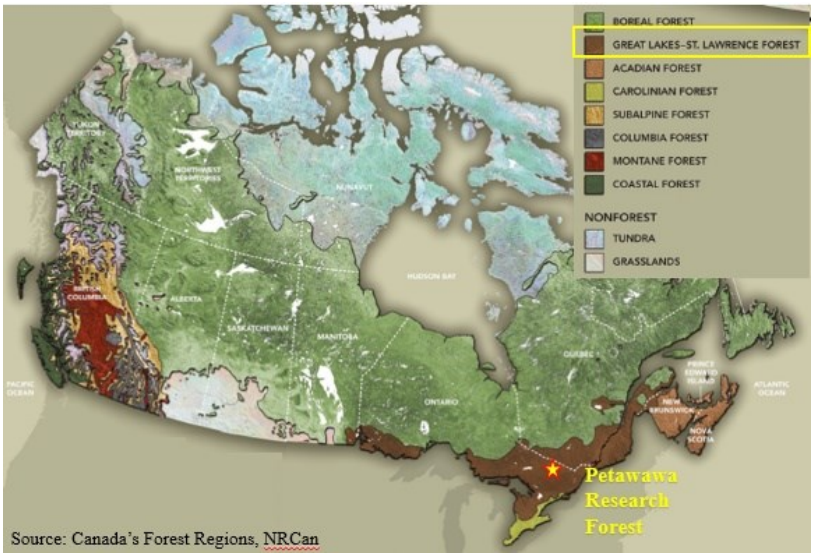

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Four specific treatments were developed for the adaptive approach in managing white pine at the PRF.

Business as Usual (BAU) uses operational treatments currently in place to manage white pine. Management conditions are unchanged and at 40% crown closure will be followed by mechanical site preparation (skidder with rake attachment), chemical site preparation (air blast sprayer using Vision Max ™) and a summer plant of locally sourced seedlings. A final removal will be carried out once the regeneration has reached 6 meters in height.

Resistance is managed the same as the BAU but is regenerated by planting seedlings using local and southern sourced seed. This accommodates some degree of change by using assisted migration.

Resilience or "expanding gaps" is moving a uniform stand to an irregular condition, creating a more diverse vertical structure. Southern seed sourced white pine, red and white oak seedlings will be planted after receiving the same renewal treatments. An increase in the amount of change that occurs by the manipulation of overstory and assisted migration of the understory.

Transition is moving out of white pine management and facilitating some significant change to enable the ecosystem to adapt to new conditions and species. This clear cut with seed tree site receives all treatments as noted above and will be planted to southern sourced pitch pine, red oak, white oak and red pine seedlings.

(Continued on page 5)

(Continued from page 4)

Harvest

The harvest (~ 200 hectares) occurred during the winter of 2021/2022 using the same equipment arrangement for each block. Bruce G. Jones Forest Products hauled tree length mixed loads to a concentration yard where a full species and product sort was completed by the yard manager. This reduced the size of landings, increased operator production, increased volumes due to improved utilization, and resulted in less waste at the landings.

Mechanical site preparation

Mechanical site preparation occurred during the summer of 2022 during a six week timing window due to species at risk on site. Three skidders with rake attachments removed the remaining mid canopy, distributed slash over the site and exposed mineral soil preparing site for planting and natural regeneration.

Chemical site preparation

Chemical site preparation, planned for 2023 will use Vision Max ™, again during the timing window allowed for mechanized operations. This will provide a competition free environment for a few years to allow seedlings a chance to establish and grow in the rich competitive GLSL sites.

Site regeneration

SeedWhere, a climate similarity mapping tool developed by Natural Resources Canada (https://cfs.cloud.nrcan.gc.ca/seedwhere/index.php?randNum=67385&lang=e) was used to identify potential tree species "winners" and to project where our current location's climate would be in 50, 100 and 150 years. With the help of the Forest Gene Conservation Association (FGCA) and the National Tree Seed Centre, seeds from these locations were acquired and seedlings produced at the Ferguson Forest Center.

(Continued on page 6)

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Treeplant

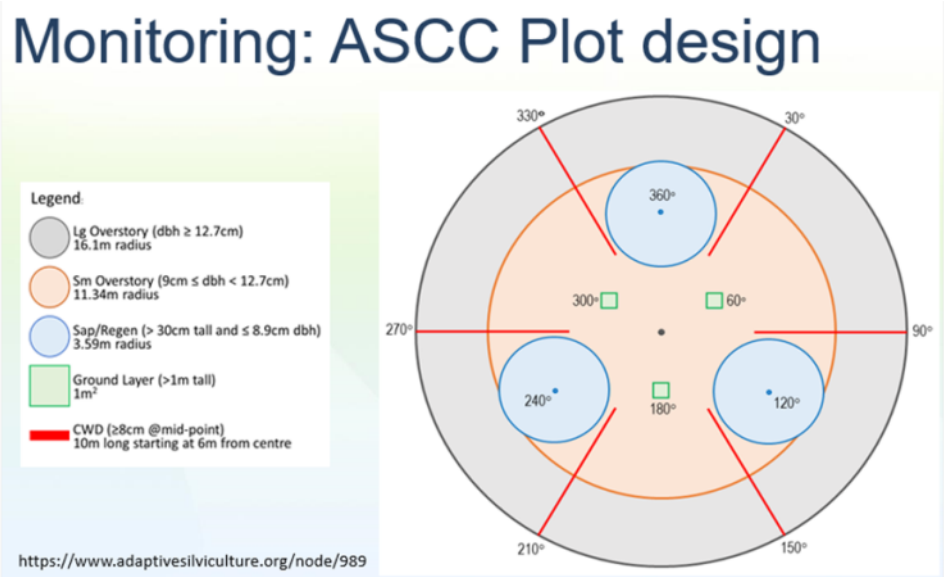
Five species from multiple seed zones will be planted in summer/fall 2023. Clearly labeled totes will be packed at the nursery with some pre-packing of mixed seedlings for "Resistance" and "Transition" operational areas.

Wildlife

Wildlife habitat is an important role in all forest activities, including research projects for climate change. Monitoring changes in habitat, wildlife populations, ecosite conditions and how wildlife reacts to the changing climate will continue.

Plot design and monitoring

168 plots have been installed using the plot design below. Information has been collected pre-harvest and continues to be collected as we progress through renewal treatments. This is a long-term study and will be monitored for many years, following through on good silvicultural decisions, adaptive management and continued documentation.



[Experimental Design | Adaptive Silviculture for Climate Change]

(Continued on page 7)

(Continued from page 6)

For more information, please contact a member of the ASCC Research Team below - see cfs.nrcan.gc.ca for contact information.

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ALGONQUIN FORESTRY AUTHORITY

The Algonquin Forestry Authority (AFA) is the Crown Agency responsible for Sustainable Forest Management in Algonquin Provincial Park.

We have had a long history of managing the iconic forests of Algonquin for the benefit of all Ontarians since 1975.

AFA's mission is to ensure the long-term health of Algonquin Park's forests and to produce a sustainable supply of forest products for the local economy.

Please visit our website at www.algonquinforestry.on.ca to find out more about Sustainable Forest Management in Algonquin Provincial Park.

Hemlock woolly adelgid management guidelines and silvicultural tactics

William C. Parker, Research scientist, Ministry of Natural Resources and Forestry, **Victoria Derry**, forest health biologist, Natural Resources Canada, Canadian Forest Service, **Ken A. Elliott,** R.P.F., Ministry of Natural Resources and Forestry (retired), **Chris J.K. MacQuarrie**, Research scientist, Natural Resources Canada, Canadian Forest Service and **Sharon Reed**, Research scientist, Ministry of Natural Resources and Forestry

Since its accidental introduction to eastern North America more than 70 years ago, the hemlock woolly adelgid (HWA) has caused considerable damage to eastern hemlock throughout much of the tree's natural range. The absence of specialized natural predators has allowed this insect to spread throughout most of hemlock's range in the United States. Hemlock has very little resistance to this exotic, sap-feeding insect, and infested trees show progressive loss of leaf area and crown decline due to a combination of reduced shoot growth and accelerated leaf senescence and abscission. Over time, ≥90% of trees — regardless of age and size — can die within 4–15 years of infestation depending on climate, stand, and site characteristics. Although winter climate has slowed the spread of HWA to the northern portion of hemlock's natural range, continued warming and other factors may facilitate its eventual establishment and spread in the hemlock forests of the Great Lakes region of Ontario. In the last decade, the insect has become established across the southern half of Nova Scotia, and isolated populations have recently been detected in several southern Ontario locations.

Because of the ecological and economic value of this foundation tree species, more than 30 years of research have been directed to understanding the biology of HWA; the environmental factors associated with its dispersal, establishment, and population development; and various chemical and biological options for its control. Knowledge of the physiological responses of hemlock to feeding and injury by HWA, coupled with an understanding of the endogenous and environmental factors associated with progressive tree decline and mortality are needed to develop management approaches to increase the resilience of hemlock stands before and after HWA establishment. Identifying the environmental variables that affect insect development can also help identify stands most at risk of injury to help prioritize management intervention.

A combination of chemical control, biological control, and silviculture will ultimately be needed to reduce HWA populations and mitigate their effects on hemlock. Although chemical control with systemic insecticides is effective for temporary population control, the time and expense associated with this approach limits its application to small, high value locations such as municipal parks and conservation reserves. Biological control through introduction of specialized native and exotic insect predators is critical to managing this insect. Despite significant progress, this approach is not yet available for use at landscape scale in Canada. Research examining silvicultural approaches to reduce HWA effects is limited, but regulating stand density to increase residual hemlock vigour and crown size and create an environment less favourable for insect population development is a promising approach to increase hemlock tolerance to injury before HWA establishes in more northern regions.

Based on 3 decades of research and observation, provincial and federal government agencies have developed management options for application on public and private forest land in Ontario and southern Canada to reduce impacts in 4 stages of HWA invasion: (1) before arrival, (2) scattered local establishment, (3) widespread establishment, and (4) the aftermath forest. Before arrival, stand density regulation to improve the vigour and crown size of residual hemlock can increase tree tolerance and survival rate when infestation occurs.

(Continued on page 9)

(Continued from page 8)

During initial HWA establishment in this region, chemical control should be considered in newly infested stands to slow its spread. Monitoring and early detection are a necessary component of this second stage of invasion. In the absence of biological control, most if not all hemlock will be killed, so silvicultural practices in latter stages of invasion should be aimed at stand conversion that includes retention or establishment of evergreen conifer species (e.g., white and red spruce, balsam fir, white pine) to help restore the ecological function of hemlock. Future restoration of hemlock to the aftermath forest will require seed from a full range of climate and site adapted populations.

For more information and future publications on this topic visit

https://www.ontario.ca/page/hemlock-woolly-adelgid

https://www.invasivespeciescentre.ca/invasive-species/meet-the-species/invasive-insects/hemlock-woolly-adelgid/

https://www.ontario.ca/page/catalogue-natural-resource-scientific-and-technical-publications

or contact Bill Parker (bill.parker@ontario) or Chris MacQuarrie (Christian.MacQuarrie@NRCan-RNCan.gc.ca)

Wildland fire and prescribed burning in Ontario: Opportunities and challenges

Matthew Corbett, R.P.F., Fire Science and Planning Specialist, Ministry of Natural Resources and Forestry

Wildland fires and prescribed burning play a critical role in managing ecosystems and reducing risk of uncontrollable wildland fire in many areas of Ontario. Forest management is intertwined with wildland fire management, creating additional complexities that require further consideration to ensure we maintain healthy and diverse natural resources and ecosystems that are resilient to change. Understanding the opportunities and challenges of wildland fire enables land managers to provide adequate planning to the future forest fire risk after harvest, renewal, and maintenance over the long-term. Forest management decisions directly connect to how and where wildland fire or prescribed fires can burn across the landscape. When a forest is not managed with adequate consideration given to mitigating wildland fire risk, the likelihood of undesirable impacts to critical assets and resources on the landscape increases. The landscape requires our forest fuels to be managed and fragmented to reduce the likelihood of catastrophic impacts of high burn severity to our forests. Let's highlight and discuss some of the key opportunities and challenges related to strategic use of wildland fire management in forest management planning.

Opportunities:

1. Indigenous Knowledge and Cultural Practices: Prescribed burning aligns with the traditional knowledge and cultural practices of Indigenous communities in Ontario. Many Indigenous groups have historically used fire as a land management tool to support landscape health and cultural needs. Recognizing and integrating indigenous practices can strengthen ecosystem management and foster collaboration between Indigenous and non-Indigenous land stewards.

2. Ecological Benefits: Wildland fires and prescribed burning can have positive ecological impacts. They help maintain species richness by promoting the growth of fire dependent species and rejuvenating ecosystems. These natural processes contribute to building healthy resilient ecosystems.

3. Forest Fuel Management: Wildland fire can pose a significant threat to assets and resources. By strategically implementing mitigation treatments, such as density management, crown base height, and fine and coarse fuel reduction on the surface floor of the forest, the negative impacts of fire can be reduced. These mitigation actions can reduce the buildup of flammable vegetation and lessen the effects and impacts of wildland fire. This proactive approach can help reduce the risk and adverse impacts of wildland fires to communities.

4. Silvicultural Prescribed Burning: Prescribed burning can reduce the risk of uncontrolled wildland fires by removing accumulated residual slash. By conducting prescribed burns, land managers can strategically reduce fuel loads, making it less likely for large-scale, destructive wildland fires to occur. When conducted under appropriate conditions and with careful planning, prescribed burning can mimic natural fire regimes, which some species depend on for their life cycles.

(Continued on page 11)

(Continued from page 10)

5. Training and Employment: Effective wildland fire and prescribed burning management requires trained personnel. The implementation of prescribed burning programs can create employment opportunities in forest management, fire ecology, and related fields. Training programs can equip individuals with the necessary skills to manage fires and conduct controlled burns safely.

Challenges

1. Regulatory Framework and Coordination: Implementing prescribed burns requires attention to regulations, policy, and coordination among multiple agencies, including provincial and local authorities, fire departments, and landowners. Ensuring effective coordination, clear guidelines, training standards and a streamlined planning and permitting process are essential for facilitating successful prescribed burn operations while maintaining the safety of all involved.
2. Risk of Escalation: Controlling wildland fires and prescribed burns is a challenging task and requires a well written and executed plan. There is a risk that these fires may escalate beyond what was intended, especially during periods of extreme weather conditions, such as drought or strong winds. Active monitoring, well-trained frontline FireRangers and other fire management personnel, and adequate resources are necessary to minimize the risk.
3. Air Quality and Smoke Management: Both prescribed burning and wildland fires generate smoke, which can have adverse effects on air quality and human health. The release of smoke pollutants can pose challenges and requires careful planning to minimize impacts. Proper smoke management, including selecting desirable weather conditions using modelling tools, is important to mitigate these challenges.
4. Public Perception and Acceptance: Fire can be seen as destructive, and public perception of wildland fire prescribed burning may vary. Concerns about smoke, property damage, or loss of aesthetic value can lead to resistance or opposition from local communities. Educating the public about the benefits of fire and necessity of prescribed burning, as well as involving communities in decision-making processes, can help address these challenges.
5. Climate Change Implications: Climate change can affect wildland fire patterns, making them more frequent or severe in some regions. It is essential to consider the potential implications of climate change on wildland fire and prescribed burning management strategies and adapt them accordingly.

In Ontario, the Ministry of Natural Resources and Forestry (MNRF) plays a central role in wildland fire management. The MNRF collaborates with other stakeholders to develop and implement fire management strategies, balancing the ecological benefits with public safety considerations and utilizing land management tools, including prescribed burning, to mitigate wildland fire impacts.

It's important to note that the specific opportunities and challenges associated with wildfires and prescribed burning in Ontario can vary depending on the region, ecosystem types, and other local factors. Therefore, local context and expertise should be considered when developing and implementing fire management strategies.

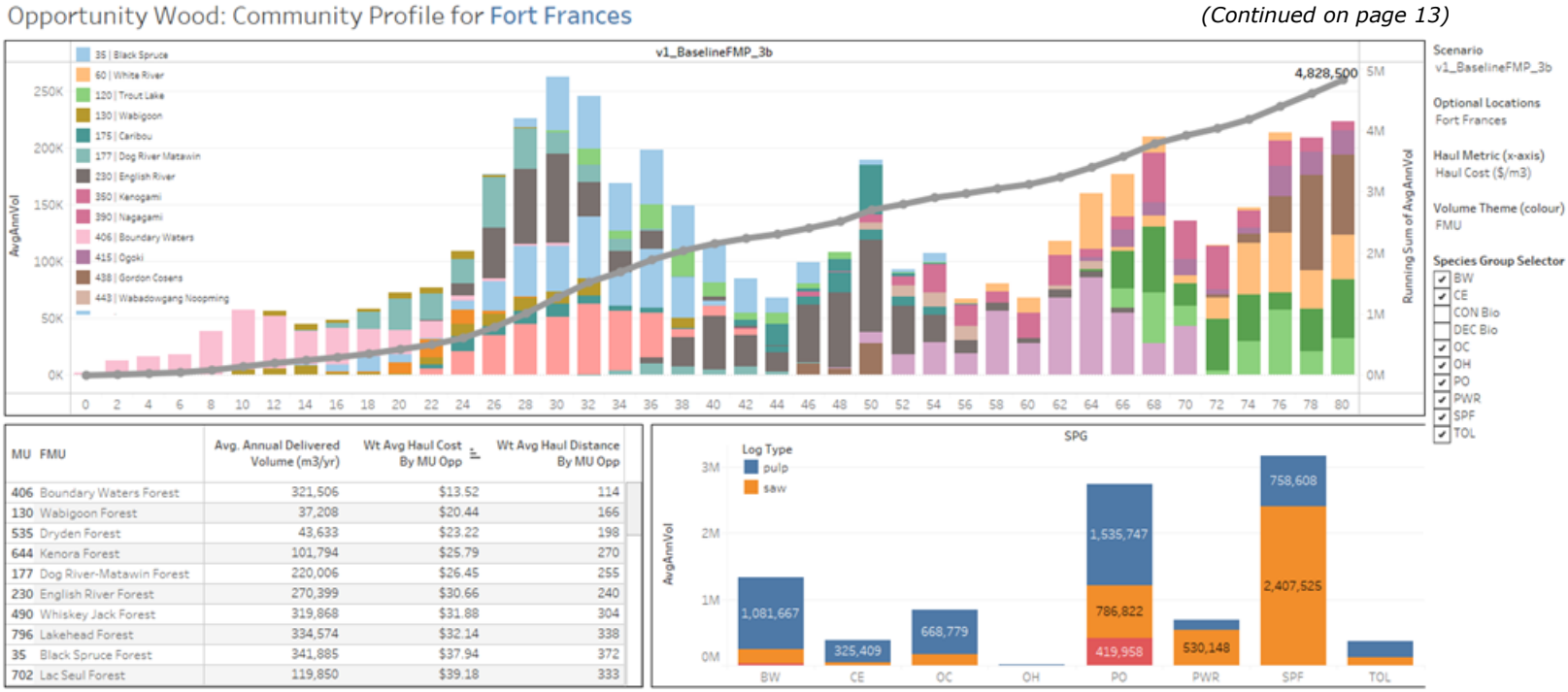
Understanding Ontario Opportunity Wood

Craig Robinson, R.P.F., Forsite Consultants and **Dan Rouillard,** R.P.F.

FindWood is a project conceived by the Center for Research and Innovation in the Bioeconomy (CRIBE) to investigate economic opportunities for unutilised wood fibre in Ontario using an analytical approach. This approach recognizes that forest management and forest product supply chains are inherently complex. Existing tools that quantify existing wood supply are overly simplified and are therefore limited in their ability to fully assess potential economic development opportunities and identify synergies between existing industry and new entrants. FindWood uses an analytical approach, by investigating the entire primary wood products supply chain to evaluate the health of the current supply chain, and where opportunities can co-exist with existing facilities.

FindWood is developed using the Patchworks forest estate model. Patchworks is a sustainable forest management optimization model platform that allows the project team to incorporate real-world operational considerations into a scalable strategic planning framework. A Patchworks model for Ontario provides strategic and tactical spatial harvest schedules while considering transportation factors such as hauling, road building and maintenance cost. Using Patchworks allows us to account for key harvest logistic factors such as harvest patch size distribution, transportation and delivered wood cost for multi-destination and multi-product supply chains, all of which are assessed explicitly and simultaneously in each modelling scenario. The Patchworks framework is a goal programming heuristic approach that uses a randomized approach to minimizing an objective function and is especially unique for solving very large, very complex problems.

Opportunity wood in general is either wood that is surplus to existing mill demand or is uneconomical or operationally infeasible for existing users to access due to harvest logistics. Since, the model generates a spatially explicit harvest schedule, opportunity wood can be summarized for each region and haul cost profiles can be generated for various communities. These types of summaries provide an initial step in assessing potentially viable economic development opportunities. Subsequent steps may include testing proposed activities by adding new entrants to the model and evaluating the wood supply characteristics of the proposed mill and the impact on the supply chain.



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MU	FMU	Avg. Annual Delivered Volume (m3/yr)	Wt Avg Haul Cost By MU Opp	Wt Avg Haul Distance By MU Opp
406	Boundary Waters Forest	321,506	$13.52	114
130	Wabigoon Forest	37,208	$20.44	166
535	Dryden Forest	43,633	$23.22	198
644	Kenora Forest	101,794	$25.79	270
177	Dog River-Matawin Forest	220,006	$26.45	255
230	English River Forest	270,399	$30.66	240
490	Whiskey Jack Forest	319,868	$31.88	304
796	Lakehead Forest	334,574	$32.14	338
35	Black Spruce Forest	341,885	$37.94	372
702	Lac Seul Forest	119,850	$39.18	333

Figure 1. Opportunity wood supply summary for the baseline scenario as an example community profile, showing the potential opportunity cost profile and type of fibre available. The top image shows volume of wood, binned into haul costs/m^3 to deliver the wood to Fort Frances. The graphics tell a user about the cost profile, the type of fibre available, and the forest management units of where the fibre is found.

(Continued from page 12)

FindWood provides an analytical methodology for identifying opportunity wood and evaluating potential economic development opportunities or other changes in the forest supply chain. A baseline scenario was completed to assess the existing forest supply chain. This scenario considered all of the existing facilities in the province, and the demand for forest products that they take from the province's forest management units. The analysis considered the forest products currently demanded at each location, including net merchantable volume and biomass (undersized and defect volume) along with existing tenure and business arrangements between mills and forest management units. The model solves for a least cost demand at each destination with consideration for operational harvest logistics including spatial harvest aggregation and minimization of wood left unharvested in blocks.

Of primary interest in this analysis is the wood supply that is not used by the existing industry, also known as the opportunity wood supply. In the context of the model, the unallocated wood is considered less likely to be used or required by the existing forest industry. The total provincial average annual opportunity wood in the baseline scenario is 19.4M m^3/yr and is comprised of 9.5M m^3/yr (49%) of merchantable volume and 9.9M m^3/yr (51%) of biomass volume.

Analyzing New Opportunities for New Entrants

Understanding Opportunity Wood for a new entrant requires understanding the available wood at any given location, the competitiveness for forest products by other mills in the supply chain that influence the ability to access fibre, and the available infrastructure and costs associated with the fibre. The FindWood model results are spatially explicit, therefore the opportunity wood supply can be described spatially as a cost profile for any specific community where a new entrant could be located. The attached figure shows an example FindWood dashboard opportunity wood supply community profile.

The FindWood approach to assessing opportunity wood and economic development potential in Ontario represents a new advanced and interactive method to evaluate and optimize economic development activities across the province. A fibre supply chain model provides an approach to better understand the complex dynamics of wood supply and to quantify wood supply opportunities for new entrants and potential benefits to existing users. A scenario modelling approach allows for the evaluation of alternative economic development projects (size, location, species mix) to determine the most optimal fit in the supply chain. As such FindWood can be used to identify opportunity wood, assess potential project viability, and evaluate alternatives for optimal benefit.

To learn more the project and how the opportunities can be used to benefit new opportunities for fibre in Ontario, visit cribe.ca.

Women in Wood Fireside Chat

Lacey Rose, R.P.F., **Carol Walker**, R.P.F., **Vanessa Nhan**, R.P.F., **Ritikaa Gupta**, R.P.F., **Fraser Smith**, R.P.F.

In forestry, we tend to be pretty focused on forests and the creatures and people who use them. But what about the people who manage them?

At the recent OPFA Annual Conference in Peterborough, we hosted a Women in Wood (WIW) Fireside Chat to talk about diversity in the sector: how it's improved, barriers that still exist and how we can do better. Women in Wood is a networking group that's created a community for women who work in, with and for the woods since 2015. Although there have been countless conversations within the group about issues and triumphs of women, it's important to have these and other discussions about diversity with a larger audience so that everyone can get a sense of how someone's actions can have an impact – positive or negative. A lot of power and important conversations can come from simply saying things out loud, and that's what the Fireside Chat aimed to do. In case you missed it, here are some of the important messages shared by our fantastic panelists from the event.

Panellists from the Women in Wood (WIW) fireside chat, L-R: Carol Walker, R.P.F., Fraser Smith, R.P.F., Lacey Rose, R.P.F., Vanessa Nhan, R.P.F., Ritikaa Gupta, R.P.F.

Carol Walker, R.P.F., is a long-time advocate for the Forestry profession and supporter of education and initiatives that raise awareness of the value of trees and forests. She has been an active member of the OPFA, having served in several capacities including on Council and several committees. Carol recently retired after spending 33 years managing a diverse portfolio of projects for the City of Toronto. For newcomers to the sector, Carol noted that people in senior positions don't always have the answers to every situation and often rely on those who may be in junior positions; so young women especially shouldn't be shy about sharing ideas or opinions. Also, don't doubt yourself or be afraid to take on new challenges when the opportunity arises. New growth opportunities may be offered when you make it known that you are open to gaining new experiences. Getting out of our comfort zone is often the best way to gain knowledge and grow. Lastly, it is very important to

(Continued on page 15)

(Continued from page 14)

recruit and sustain young people from diverse communities. One of the things we should look at is raising awareness of the sector as a provider of viable opportunities for prosperity to the adults/parents in diverse communities who often are a big influence on the professions chosen by their young people. Exposure to forests, forest education and forest related professions is a window to the forest world and opportunities it offers.

Vanessa Nhan, R.P.F., works as a Forest Resource Analyst with Silvacom and helps with forest management planning and timber supply modelling most days, but wears many other hats. She is also involved with an awesome initiative, called FREED (Field Research in Ecology and Evolution Diversified), which provides accessible field research experience and naturalist skills for Indigenous, Black, and Racialized undergraduate students. Vanessa shared the importance of creating accessible, barrier-free opportunities for students of diverse backgrounds to discover a passion in nature and forestry. Financial, societal, cultural, familial, racial, and other barriers can limit a young person's access to the sector and field. Recognizing that there are many students that want to explore the woods and be outdoors yet have never been north of Vaughan in the Greater Toronto Area, Vanessa believes it is important for our sector to take part in fostering those interests through education and creating accessible, inclusive experiences.

Ritikaa Gupta, R.P.F., didn't initially intend to pursue a career in forestry, but lucky for us, found her way into the profession and now works for the Canadian Forest Service as a Policy Analyst. As a young forest professional, Ritikaa is passionate about increasing youth awareness of sustainable forest management and the diversity of careers available within the forest sector. Ritikaa noted that the forest sector has progress to make in terms of representation of people of color and youth. As a woman of color herself, she faced a unique set of considerations in determining her career path within the sector. The forest sector has a multitude of different jobs where everyone can find a fit. Ritikaa emphasized the importance of communicating what sustainable forestry is, the types of jobs that are available and career pathways into the sector. To sustain the forest sector, different perspectives, cultures, personalities will be crucial. Ritikaa encourages women of color to participate in WIW as we work together to improve the equity, diversity and inclusion within the Canadian Forest sector.

Fraser Smith, R.P.F., is the forester and owner of FSmith Consulting Inc., - a team of 5 dedicated forestry professionals delivering a range of sustainable land management services. He is a passionate advocate for inclusion and diversity in the forest sector. Fraser shared his thoughts and experience from the perspective of a supporter and outside "cheerleader" of the WIW initiative. He spoke about how WIW has changed the landscape of forestry in Ontario for the better, and how the future of forestry will benefit. Recognizing that groups like WIW provide a community and voice for those that work in, with, and for the woods is critical for the future trajectory of professional forestry practice. Fraser noted that in his career, he has been fortunate to benefit from the mentorship and guidance of many female forester peers, and giving back to groups like WIW is a great way to pay that forward.

The Fireside Chat was so well attended that people were spilling out of the room and the conversations ignited at the event continued well into the evening. It was heartwarming to see how many in the room reflected on their own experience and the impact they can have in helping others feel welcome. We hope to see this momentum continue at future events.

Spatial planning in Ontario – The dawn of a new day

Douglas (Doug) E.B. Reid, R.P.F. in Training, Research Scientist – Boreal Silviculture Program, Centre for Northern Forest Ecosystem Research

A new day has dawned for forest management planning in Ontario as the Ministry of Natural Resources and Forestry is proposing to adopt policy which will require future forest management plans be developed using spatial planning tools. This is an exciting development, and though many of us will have to go through the difficult and challenging process of learning new methods and developing new approaches, I believe this change will prove to be very beneficial in the long run. Though less than 0.5% of the available managed forest land base is harvested each year (Ontario.ca 2021)[1], where harvest areas are located, and where and how silvicultural practices are used to renew the forest are sometimes highly contentious. Forest managers can address these concerns at the earliest stages of plan development, and so much more through spatial planning. Spatial planning allows plan authors to incorporate both the strategic and tactical decisions required to develop a plan that can be understood and commented on by the other important participants in forest management planning, including Indigenous communities, special interest groups and the general public. Ontario's forest management community gathered in Sault Ste. Marie in March 2023 for a spatial planning workshop, marking the end of aspatial planning in the Province of Ontario. It was not only a great opportunity to see our colleagues in person for the first time in a long while, but exciting to be at the forefront of a significant potential policy change that will affect all aspects of forest management planning in the future.

To better understand what this change in policy means for OPFA Members who develop and implement forest management plans, it may be useful to look back on where we've come from. Forest management planning is a complex exercise that requires consideration of multiple, sometimes contradictory objectives across large areas under management. The Class EA hearings highlighted the need to not only consider timber supply, but also important ecological, aesthetic, and social values that our publicly owned forests provide. Ontario needed a way to develop strategic forecasts of wood supply for the broad range of forest types and silvicultural systems employed here, and project those forecasts hundreds of years into the future.

Enter the Strategic Forest Management Model (SFMM; Davis 1999), which started as a graduate student project at Lakehead University and was initially developed in the early 1990s. This linear programming model met several policy objectives of the day. It provided consistent outputs of the strategic modelling process and was able to incorporate current knowledge and derive a solution to the management planning challenge. In meeting these objectives, SFMM allowed managers to develop a long-term management direction for their forest that could incorporate current growth and yield information and provide managers and regulators with defensible forecasts of current and future wood supply. SFMM is an aspatial model, so it did not incorporate the tactical decisions of where and when harvesting and road building would take place, nor differences in growth potential between stands that were available for management. At the time, Geographic Information Systems (GIS) were in the early stages of being operationally useful, and affordable computing power limited the size of a linear programming model that could be solved. Foresters are a creative bunch, so solutions to these challenges were found and SFMM became the policy of the government.

Like many policies that solve complex near-term challenges, SFMM became entrenched in Ontario and has been the required model for planning for almost 30 years. During that time, we have seen remarkable change in the tools and technology used to develop forest management plans. Inventories are no longer developed using low resolution black and white photos; Ontario's current inventory was developed using multimillion dollar multispectral digital imagery that could be projected in stereo. This inventory is currently being updated with single photon lidar data that allows highly accurate measurements of tree height and volume to be readily derived for any area at very high resolution (e.g., volume estimates as a 400 m^2 raster). Personal laptop computers can now process data faster than mainframe computers of the 1990s that took up whole rooms in office buildings. Cloud computing allows for the simultaneous remote use of multiple computers to process petabytes of data to solve the modeling challenges associated with predicting and projecting the kinds of changes we expect to see. Computing power is no longer a limitation to the spatial modelling of forest growth, harvesting, and regeneration following disturbance.

(Continued on page 17)

[1] 121,000 ha harvested annually on average. 29.4 million ha of managed forest area.
121,000ha / 29,400,000 ha * 100 = 0.41 %

(Continued from page 16)

Our understanding of the important habitat values of critical fish and wildlife species has greatly improved, all of which have important spatial considerations associated with adjacency, connectivity, and patch size. SFMM did not allow us to incorporate this information as effectively and efficiently as possible because it is an aspatial model.

Using adaptive management, additional tools and approaches were developed that allowed SFMM to continue to meet the planning objectives. The Model Inventory Support Tool (MIST) was developed to allow for inventory information and up to date growth and yield models to be incorporated into forest management plans. Spatial planning components associated with important wildlife species like caribou were developed that were compatible with SFMM (McKenney et al. 1998) but the spatial decisions associated with implementing such solutions were not provided by the model. While other provinces in Canada were adopting spatial planning as the norm, Ontario continued to rely on SFMM to develop sustainable forest management plans. Path resistance was real, despite numerous shortfalls associated with SFMM that had been identified by users (MacGillivray 2002), and workable spatial planning solutions that had been developed and implemented in some managed forests (e.g., Rouillard and Moore 2008).

As a silviculturist, my greatest concern has always been that an aspatial approach to planning fails to account for variation in the site productivity between similar types of stands. The aspatial approach in SFMM determines the average site quality, expressed as site class (SC), for a given forest unit across the entire management unit. There are only five SCs (0 or "x" and 1-4), so most productive forest stands are SC=2 in the inventory. Site productivity, estimated by the relationship between height and age, has a major influence on age to operability, and harvest volume at any given age. Better quality sites are more suited to short rotations and intensive forest management (e.g., planting with improved stock, thinning), because the return on investment can be realized sooner. High quality sites close to mills can thus provide lower cost fibre sooner, which could provide a competitive advantage for lumber and pulp producers. Spatial planning, combined with new tools being developed to derive finer resolution indicators of site quality, will allow prime site management opportunities to be explored and incorporated directly into the plan at the earliest stages of plan development.

Taking advantage of prime sites that are strategically located can also have other positive benefits. These sources of fibre can be used to replace old-growth natural origin stands that have important implications for carbon sequestration, conservation, and wildlife habitat. Transportation costs can be reduced, and conflicts minimized with communities, outfitters and Indigenous groups that want to protect remote natural areas from commercial harvest. Spatial planning will allow these sometimes-competing interests to be addressed transparently and at the earlies stages of plan development.

This exciting and encouraging policy change is at the very earliest stages of implementation. Various spatial models have been developed and tested in Ontario and elsewhere, so SFMM is no longer needed. Ontario's forest management community is working together to converge on optimal solutions within the forest management planning policy framework. I believe that within a spatial planning framework, Professional Foresters in Ontario can and will develop forest management plans that better reflect the spatial challenges and opportunities that our managed forests provide. I look forward to seeing new approaches and innovative solutions that are sure to emerge in the years ahead to ensure that our valuable public forests are managed sustainably for future generations.

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Council corner

Brandon Williamson, Associate R.P.F., Councillor Southwest

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

Apparently, I'm a "joiner", or at least that's what my family calls it. Even though my work and home life are both incredibly busy, I still find the time and have the passion to be a part of something great. I really enjoy working with other like-minded folks to come up with practical solutions, guided by a set of objectives. Well that's exactly what I found when I was elected to the OPFA Council in 2021. I knew I wanted to get involved in the OPFA council to meet new people, learn more about how the OPFA is governed and try to help make a difference for all members. As an Associate R.P.F., I wasn't sure I could even become a council member. So when I found out I was recommended as a candidate for the southwest councillor, I immediately accepted.

I came to this point in my career via the alternate path, you could say. I graduated Sir Sandford Fleming Collage as a Forestry Technician and Parks & Rec Tech, and began my career. I was a logger and tree marker in the Ganaraska Forest, before leaving the profession to pursue other endeavors for personal reasons. After a few years I worked my way back and took a job running a tree harvester in northwestern Ontario. Realizing I wanted more I came back south again to Bancroft and eventually Algonquin Park, once again in the logging industry. In early 2001, I was fortunate to land a job as a Forestry Technician with the Upper Thames River Conservation Authority (UTRCA). Twenty two years later I am still at the UTRCA, now as the Land Management Coordinator. It's been a long road with many stops along the way and many of them very trying. Once established at the conservation authority I began taking all the professional development I could. After a few years of taking forestry exams, completing the Credential Assessment Process (CAP) and enrolling in the Bridge Training program, I achieved Associate R.P.F. status. While I am not a full member, I am proud of the incredibly diverse career I've had in forestry.

Since my time on council, I've learned so much about the governance of a regulatory body. It seems at times that the OPFA doesn't get the recognition for what the organization stands for. Since I've been a member of the OPFA I joined the Private Land Working Group, the Complaints Committee, the mentor program and now a member of council. It wasn't until then I realized how much the staff and council do for the organization, the members and ultimately the public interest. At the end of the day the OPFA is a regulatory body that governs how professional forestry should be practiced in Ontario, and that is the great benefit to the public interest.

At the council table we work on setting the strategic direction of the OPFA by collaborating with staff on policy and guideline development, and initiatives that guide the objectives of organization. My time on council has been extremely enjoyable and dare I say fun. It really has been fun to collaborate and debate various initiatives with such knowledgeable, dedicated and passionate people. I have learned so much in this position and would encourage you to get involved. Contact your councillor and find out how you can participate and make a difference to the organization that holds its members with such high value. My experience on council prompted me to get involved in various other professional committees and working groups. So with that I guess I am a "joiner", and wouldn't have it any other way. I have learned so much during my first term on council, and hope to return for a second term and continue the great work and initiatives currently in progress.

Thanks

Complying with new legislation governing registration

Fred Pinto, R.P.F., Executive Director and Registrar, OPFA

All provinces and territories in Canada are grappling with a shortage of workers, as a result regulators of professions are being required to revise their registration processes to speed up the licensing of internationally and domestically trained individuals. The urgency of the need to quickly license regulated professionals is being acutely felt in the health sector, however, a shortage of licensed regulated professionals exists for all regulated occupations including professional foresters. To try and address this issue the Ontario Government has revised laws that eliminate certain licensing requirements used by regulators and has changed the information each regulator must supply annually with additional changes to reporting requirements that have not been described as yet planned for 2024.

The revised provincial laws eliminate language proficiency and Canadian experience requirements as well as changing the information that regulators must submit each year to the Office of the Fairness Commissioner. The Office of the Fairness Commissioner has oversight responsibilities over all Ontario regulators to ensure registration processes are transparent, fair, objective and impartial. To find out more about the work of Ontario's Fairness Commissioner see: https://www.fairnesscommissioner.ca/en/pages/home.aspx)

To my knowledge the OPFA has never had a language proficiency requirement. Further, the OPFA was one of the first regulators in Ontario to eliminate the need for mentored Canadian experience. OPFA candidates for licensure must have 18 months of experience mentored by a registered forestry professional from any jurisdiction to obtain the experiential skills needed to practice professional forestry. The OPFA implemented this change with the introduction of the Credential Assessment Program (CAP) in 2013.

In the 2013 annual report from the Office of the Fairness Commissioner this is what Jean Augustine, Fairness Commissioner, wrote commending the Ontario Professional Foresters Association "*Foresters are a small regulatory body with limited resources. However, they are focused on ensuring professional competence, and not on defending the way things have always been. They understand that immigrant professionals have important contributions to make to the profession and to the province. Good for them".*

Information on the practices of the OPFA is missing from the news media in the larger discourse on licensing by regulators in Canada. I have had to correct an opinion article published on May 26, 2023 in Canada's national newspaper, The Globe and Mail, where the newspaper attributes the elimination of mentored Canadian experience in 2023 by a different regulator as the first in Ontario.

When laws and public policy change, OPFA staff review the current registration processes and set about implementing any changes that are needed to ensure that the OPFA is in compliance with the new legal framework in Ontario. During our review this year we have found that stipulations in the Professional Foresters Act, Ontario Labour Mobility Act, Fair Access to Regulated Professions and Compulsory Trades Act and Working for Workers Act require changes to the OPFA registration process for R.P.F.'s licensed by regulators of forest professionals from other Canadian provinces who are transferring to Ontario.

Currently R.P.F.'s transferring in from another province are required to obtain their competency in Ontario's legislation and policy within six months of being registered by the OPFA. To comply with the requirements of the legislation listed above transferring R.P.F.'s will now have to pass an accessible, free test to determine if they have this competency before their application for registration in Ontario is processed. If they do not pass the internet based test they will need to complete the necessary training before registration to prove their competency in the laws and policies that govern forestry, environment and land development in Ontario. To ensure fairness to all Provisional Members the internet based legislation and policy test will be made available to all candidates for licensure to assess their competency in this important local knowledge area once it has been developed and deployed.

(Continued on page 20)

(Continued from page 19)

The OPFA is currently preparing its annual report for the Office of the Fairness Commissioner that is due in early August 2023. The information requirements for this report have changed from last year. The OPFA would like to update the membership database so that we can create the future reports more efficiently, however, we have been told by the Office of the Fairness Commissioner that the reporting requirements will change again next year. The details of the additional changes have not been shared with regulators. As there are costs associated with revising the database to meet the reporting requirements, the OPFA will hold back on revising the membership database until we have clarity on this matter.

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Using the Discipline Process to Enforce Governance Obligations

by Julie Maciura
of the Ontario and New Brunswick Bars
March 2023 - No. 276

Council/Board members of professional regulators have a fiduciary duty to the organization and its public interest mandate. For example, they must avoid breaching confidentiality or acting when in a conflict of interest. A significant breach of those obligations will result in a "Code of Conduct" process that could result in censure or even removal from their office. In serious matters, those investigations and recommendations for action are usually performed by external experts.

Where the individual is also a registrant, can the regulatory complaints and discipline process be used instead? If so, should it?

Most regulators strongly discourage the use of the disciplinary process to address governance matters. Complaints about governance issues are frequently screened out as either an abuse of process or not warranting disciplinary action. The primary process, using the regulator's Code of Conduct, is best suited to address those matters. Using the disciplinary process can easily be misused by those who disagree with the views of the Council/Board member. It can "politicize" regulatory activities. Regulatory committees are placed in the awkward position of considering the conduct of those who appoint them to the committee and who review their performance. Using the discipline process to address governance matters can also discourage registrants from serving in these important positions.

Ultimately, the discipline process has a different mandate than a Code of Conduct process. The former protects the public from the incompetent or unethical conduct of registrants. It is not designed to ensure that the leadership of the regulator comply with their fiduciary duties.

Perhaps these considerations were best illustrated two decades ago in *Manitoba Chiropractors Assn. v. Alevizos*, 2003 MBCA 80 (CanLII). There, a Board member was referred to discipline for allegations of revealing confidential information about an investigation of a practitioner to the practitioner's legal counsel and spouse. The hearing panel concluded that there had been a serious breach of confidentiality, but that it did not amount to professional misconduct in the circumstances. After further litigation, Manitoba's highest court upheld the dismissal of the allegations.

Interestingly, the Board member then sued the regulator and many of its representatives for malicious prosecution and other torts for having tried, unsuccessfully, to discipline him. Years later, after a full civil trial, the court concluded that the regulator had not acted improperly in taking the matter to discipline.

However, a recent case illustrates the successful use of the discipline process to address governance concerns. In *Wanglin v College of Acupuncturists of Alberta*, 2023 ABCA 25 (CanLII), a registrant was disciplined for having a conflict of interest while serving on the Council of the regulator. While on the Council, she also served on its executive including as its President. A complaint was made by another member of the profession that the registrant was continuing to serve in a leadership position, including as President, of a professional advocacy and support association. Having such a dual role is prohibited by most regulators and was contrary to this regulator's policies and by-laws.

At the hearing, the regulator rejected the registrant's "innocent explanation" defence attributing the apparent dual role on the lack of updated records for the professional association. This evidence included information on website pages, including both the

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registrant's and the association's pages, recent association cheques signed by the registrant, and that the professional association's corporate mailing address remained the registrant's office. It concluded that the documents and testimony established that she had maintained her leadership role with the association.

The regulator required the registrant to take an ethics course, pay a $3,000 fine, and reimburse the organization for part of its costs in the amount of $72,000.

The Court found that there were no palpable and overriding errors in the factual findings of the regulator, or the finding that the policies and by-laws were breached. Interestingly, the registrant identified certain "disclosures" that she had made (e.g., that she was "affiliated" with the professional association during discussion of relevant by-law amendments). The Court observed that those statements did not meaningfully disclose the nature and currency of her position with the professional association.

As in the *Alevizos* case, the registrant argued that these governance lapses did not amount to professional misconduct. The Court upheld the regulator's finding that it was, stating:

> The crux of this issue is that the Hearing Panel and the Review Panel are better positioned than this Court to assess the impact of Dr. Wanglin's conduct on the public interest and the reputation of the profession from the perspective of a reasonable member of the public. We must defer to their findings on this topic absent some clearly unreasonable conclusion or clear mistake of fact or error of principle. Dr. Wanglin has not shown any such error.
>
> We agree with Dr. Wanglin that not every breach of a policy, including the College's Conflict of Interest Policy, necessarily amounts to professional misconduct. However, the factual record in this case is extensive and nuanced, and there is no basis for interfering with the Hearing Tribunal's conclusions that Dr. Wanglin's overlapping involvement as President of the College and executive member of the AATCMPA constituted professional misconduct.

The Court also found that the existence of a separate Code of Conduct process, that could have better addressed the issue, does not preclude using the disciplinary process in appropriate cases.

Regulators will probably continue to strongly view the Code of Conduct process as the preferred option for most governance transgressions. However, where there is a serious breach of a fiduciary duty that brings the credibility of the regulator into doubt and which reflects on the ability of the registrant to practise with integrity, the discipline process might also be available.

Hopefully, the *Wanglin* decision will not result in a flurry of governance complaints being addressed through the disciplinary process of regulators.

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The Legal Value of a Sound Policy-Making Process

by Bernie LeBlanc
April 2023 - No. 277

A major function of the Council or Board of a regulator is to make policies that direct the organization and guide the profession or industry. Most commentators agree that a sound process results in better quality policies. A model process might be described as follows:

1. Identifying an issue warranting a policy,
2. Researching the nature of the issue and options for addressing it,
3. Preparing a briefing note for the policy decision makers,
4. Consulting with stakeholders and affected persons,
5. Deciding on what the policy should be,
6. Implementing the policy, and
7. Monitoring the impact of the policy and reviewing and revising the policy as needed.

However, a sound policy-making process can also help defend the validity of the policy from legal challenge. In *Sobeys West Inc. v. College of Pharmacists of British Columbia*, 2016 BCCA 41 (CanLII), a lower court decision found a policy by a pharmacy regulator, prohibiting customer incentive programs, to be unreasonable because there was no empirical evidence to support it. (The decision was reversed on appeal, although the appeal court commented that "the evidence supporting the need for the bylaws was thin".)

The value of a sound policy-making process was demonstrated in the recent decision of *Hardick v. College of Chiropractors of Ontario*, 2023 ONSC 1479 (CanLII). In that case the regulator amended its election by-law to extend the period, from three years to six years, of disqualification for being elected to the Council after having been disciplined. The change was made after the registrant, who had been disciplined five years previously, indicated an interest in running for election. The registrant brought an application for judicial review challenging the validity of the by-law and sought a stay to enable him to seek office in the upcoming Council election. He argued that the by-law was amended in bad faith and for an improper purpose. He also argued that the by-law had an impermissible retrospective effect.

The Court refused to issue the requested stay.

The Court concluded that there was not a strong likelihood that the judicial review application would succeed. On the issue of retrospectivity, the Court found that there was evidence that the Council had expressly considered whether the amendment should apply to the upcoming election. In fact, there was a separate vote on the effective date of the amendment. The Council voted, six in favour and five opposed, that "if it was in the public interest to amend the Bylaw, it was equally in the public interest to implement the amendments immediately and not wait until after the next election." All six votes in favour of an immediate effect came from publicly-appointed members of the Council.

The Court noted that the information package considered by the Council identified that the by-law amendment was triggered by the registrant's interest in running for election. Thus, the fairness to the registrant of changing the rules was before the Council.

The Court also observed that the materials before the Council expressly stated that the decision should be made to protect the public interest. While the Council's Executive Committee was aware of the registrant's interest in running for election and that the current by-law only had a three-year cooling off period, circumstances had changed since that by-law had originally been enacted.

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> Since 1999, the environment in which the College operates as a regulatory health college had changed substantially. There had been significant changes to the expectation that regulatory colleges act in the public interest, including stricter requirements related, for example, to the publication of information regarding members on the public register. In addition, in 2020, the Ontario Ministry of Health established annual reporting requirements for all regulated health profession colleges using a College Performance Measurement Framework ("CPMF") to measure and report, in a standardized manner, how they were acting in the public interest. An important aim of the CPMF was consistency across colleges. The College had been working to improve its processes and structures, guided by the goals of the CPMF.

The information package before the Council indicated that several other health regulators had a six-year cooling off period. Three rationales were contained in the Council briefing materials as to why a six-year cooling off period would be a best practise:

> It reasoned that such a change increased the chances that the candidate would be running for election to regulate the profession in the public interest rather than to address their recent interactions with the College. Further, it found the amendment to be in the public interest because of enhanced public confidence in the College by members of the public who might be concerned about Council members who had recently been found to have committed professional misconduct or be incompetent. Finally, the EC was of the view that the amendment reduced the chance of a candidate, if elected, having a conflict of interest when dealing with issues related to a recent finding of professional misconduct.

The Court also noted that other portions of the by-laws that did not affect the upcoming election, such as appointments to committees, were amended at the same time in a similar way.

The Court also observed that, not only was the amendment considered over several meetings, but there had also been a public consultation on the proposed by-law amendment, and that feedback had been presented to the Council.

> In brief, Council passed the amendment with a focus on adhering to best practices in protecting the public and in the context of a regulatory environment intent on public accountability.

Similarly, the Court also found that it was unlikely that the registrant would be able to establish that the by-law amendment was made in bad faith and for an improper purpose.

> Although the process of amending the Bylaw was triggered by Dr. Hardick's expression of interest, the basis for the review was to ensure the College's qualification rules complied with best practice. The College proceeded on an expedited basis and ultimately Council decided to pass the amendment with immediate effect. But it only did so after engaging in consultations with the profession and public, through which the proposed amendment received broad support....
>
> Overall, in my view, a panel of this Court on judicial review would likely interpret the College as having acted in the public interest in a manner that impacted a particular member, Dr. Hardick, but not with the purpose of doing so. Therefore, in my view, Dr. Hardick

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Analysis of Complaints Reviews for the Health Professions in Ontario

by Rebecca Durcan
May 2023 - No. 278

Canada has a wide variety of approaches to external reviews for parties to a complaints screening decision.

Some courts have suggested that, in the absence of a statutorily created right, a complainant can only challenge the procedural fairness (not the merits) of the screening committee's decision: *Makis v College of Physicians and Surgeons of Alberta (Complaint Review Committee)*, 2020 ABCA 451 (CanLII); *Cameron v The Association of Professional Engineers and Geoscientists of Saskatchewan*, 2022 SKCA 118 (CanLII).

Some statutes provide for a complaints review officer whose jurisdiction is often limited to reviewing the process followed by the screening committee and who can only make recommendations. See, for example, s. 26 of the *Professional Engineers Act* of Ontario.

The Health Professions Appeal and Review Board (HPARB) of Ontario, established under the *Regulated Health Professions Act*, provides a fairly extensive external review for both complainants and registrants. Even there, however, the review is confined to whether the investigation was adequate and whether the screening committee's decision was reasonable.

In 2016 the Honourable Stephen Goudge, QC, formerly of the Ontario Court of Appeal, issued a report for the Ministry of Health on *Streamlining the Physician Complaints Process of Ontario*. He noted that only a small proportion of complaints screening committee decisions (18%) resulted in a request for a review. Of those decisions reviewed, only 11.5% were not confirmed by HPARB.

To assess the current state of HPARB complaints reviews, we have scrutinized the first 100 of their decisions released in 2023 as posted on CanLII. HPARB often conducts more than 500 complaints reviews each year.

We noted that HPARB confirmed the screening committee's decision in 95% of complaints reviews. This seems high given that the confirmation rate was noted as 88.5% in the Goudge report (which had a much higher sample size). As a result, we also reviewed the last 100 decisions in 2022. The confirmation rate then was 96%.

There are a number of possible explanations for the high confirmation rate by HPARB. There were several examples where complainants made multiple complaints against various registrants, many of whom had only limited involvement in the complainant's care. Those reviews were conducted separately for each registrant increasing the chances of confirming the decision.

Further, HPARB has been fairly consistent in determining that where there are disputed facts between complainants and registrants, at least in matters that are not extremely serious, the contemporaneous chart notes of the registrant should be accepted unless there are exceptional circumstances to doubt their accuracy. HPARB is also consistent in upholding that it is not the screening committee's role to make credibility findings of disputed facts.

Another contributing factor is that HPARB defers to the expertise of the screening committees (HPARB has no health practitioners on it) when it comes to standards of practice issues unless there are exceptional circumstances (e.g., the reasoning of the screening committee seems inconsistent with the regulator's own published policies). Over half of the complaints could be characterized as primarily dealing with

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standard of practice issues. Another one fifth of complaints dealt with communications issues.

Of the cases that were returned, about half were sent back for additional investigation and about half were sent back because the screening committee's decision was viewed as unreasonable. It will be interesting to see if the recent decision of the Divisional Court released in the middle of our review period, will result in closer scrutiny of the adequacy of investigations: *Kastner v. Health Professions Appeal and Review Board*, 2023 ONSC 629 (CanLII).

Goudge noted that 60-70% of the reviews by HPARB originated from the College of Physicians and Surgeons of Ontario. That percentage is close to that figure, in our review (49% for the 2023 sampling, 62% from the 2022 sampling).

In just over half of the reviews the screening committee took no action. In the other reviews the actions varied from comments or advice, remedial agreements, cautions and remedial directions. Having said that, the reviews initiated by registrants (13% in the 2023 sampling, 10% from the 2022 sampling) almost always arose when the screening committee directed an outcome that would appear on the public register (e.g., caution in person, undertaking, remedial direction). This is an increase from the Goudge report (5% of reviews were initiated by registrants) which was written before such outcomes were generally posted on the public register.

The Goudge report noted the extensive backlog before HPARB. At that time, the average time from the commencement of the review to the rendering of the decision was 547 days. It is impossible from the HPARB decisions themselves to ascertain when the review was commenced. However, the average time for HPARB to render a decision once its review has been held is three months. Only a very few took longer than four months. Several decisions are rendered within one month of the review. The most recent annual report for HPARB, available on its website, for 2019-2020, states that the average complaints review is completed within eleven months of initiation. This suggests that HPARB has significantly improved its timelines.

A few, more qualitative, observations from the recent HPARB cases are as follows:

- HPARB does not appear to expect that the complainant will receive disclosure of the entire regulator's file. In fact, HPARB has indicated that it is not even necessary for the complainant to always be given the opportunity to reply to the registrant's response to the complaint. The latter is a best practice.
- HPARB does, however, expect that if the complaint is expanded by additional submissions from the complainant, the registrant be informed and given an opportunity to respond. HPARB appears content to this being done within the original complaint process, at least where the new concerns are related to the original concerns, rather than by opening a new complaints file.
- HPARB allows some degree of flexibility in the regulator addressing concerns that are not part of the formal complaint. For example, comments and advice about gaps in the registrant's record keeping is often tolerated. Sometimes remedial measures can even address some of the additional concerns.
- HPARB recognizes that where action is taken on a concern (e.g., through a Registrar's investigation), additional measures may well not be necessary pursuant to a parallel or subsequent complaint.
- HPARB appears to support explicit risk-based approaches by the screening committee in determining the level of intervention. For example, conduct that is characterized as having a "low risk of harm" justifies a less

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significant regulatory response by the screening committee.

- Where a regulator encourages individuals to first discuss concerns with registrants before making a formal complaint, complainants are still free to make complaints as their first action.
- HPARB makes extensive use of template reasons for decision. Recurring issues (e.g., the expertise of the screening committee in standards of practice matters, general acceptance of contemporaneous notes by registrants) often receive very similar treatment from case to case. In one decision HPARB even employed the wrong name of the screening committee for a veterinary screening review through its use of a human health review template.

Goudge's report states:

> Nonetheless, I do not think that HPARB reviews should be eliminated, even from the perspective of efficiency alone. Because ICRC decisions constitute a statutory power of decision, there must be some mechanism to review them. In the absence of a statutory alternative, a dissatisfied party could seek to invoke the supervisory jurisdiction of the superior courts, which could be even more costly and time consuming. So the wisdom of having a specialized, expert review body does not appear open to serious question.

It is interesting, however, that one of the more extensive Canadian models for reviewing the screening of complaints confirms most of their decisions. Different people will draw different conclusions from this data. Some possible interpretations include:

- The system works.
- Regulators have learned from HPARB's guidance.
- The reasonableness standard of review by HPARB should be altered to enable HPARB to substitute its own views more frequently.

Whatever one's views, it is clear that HPARB is a very busy tribunal.

Member News

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

Osama Ali
David Baehre
Willem de Bakker
Sam Gildiner
Taylor Hall
Vanessa Nhan
Dean Rosen
Matthew Shakespeare
Daniel Szekely
Robin Timms
Darren Tree
Karlene Zurbrigg

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)

Andrew Austin
Ethan Brandt
Marnie Demand
Lauren Janke
Wing Kei (Vicki) Kwong
Kevin Myers
Enoch Ofosu

New Student Members:

Scott Gauer
Mackenzie Jemmett
Garrick Ksiezopolski
David Maxfield
April McBay
Temitope Ojo
Hailey Orchard
Hannah Rivet
Agsa Shaji
Zachary Wagman

The following registrants are not entitled to practise professional forestry in Ontario:

New Inactive Members:

Martin Neumann

Resigned, Full Members:

Pat Burrough
Adam Hodgson
Ron Luopa
Jennifer Millson
Peter Schleifenbaum

Resigned, Provisional Members:

Joshua DeJong
Greg Urquhart
Andy Wang

Continuing Education

Webinars and Other Resources

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

- Canadian Institute of Forestry (CIF-IFC) - Offers considerable resources and ongoing lecture series https://www.cif-ifc.org/e-lectures/
- Ontario Ministry of Natural Resources and Forestry. MNRF Science Insights, contact Kristy Mckay, Science Transfer Specialist at Kristy.McKay@ontario.ca
- Forestry and Natural Resources Webinars http://www.forestrywebinars.net/
- Conservation Webinars http://www.conservationwebinars.net/
- Urban Forestry Today http://www.urbanforestrytoday.org/
- Climate Webinars http://www.climatewebinars.net/
- Cornell University http://blogs.cornell.edu/cceforestconnect/subscribe/
- Forestry Chronicle http://pubs.cif-ifc.org/journal/tfc
- Canadian Journal of Forest Research http://www.nrcresearchpress.com/journal/cjfr
- FPInnovations https://web.fpinnovations.ca/blog/ https://wildfire.fpinnovations.ca/index.aspx
- Tree Research and Education Endowment Fund (TREE Fund) https://treefund.org/webinars
- Eastern Ontario Model Forest LDD Moth Webinar Link to the recording on YouTube Channel: https://youtu.be/U4BZOM8GtyU
- Ontario Woodlot Association Oak Wilt Webinar Link and passcode to the recording: https://us06web.zoom.us/rec/share/1xAH8qHGgwVV9ki-78A83oQMbcIlZKbH5uHqHtP7xLfEJ8l8mNJE7U4iGx2nZuFp.3LYLtY_SIGeCzRor Passcode: 8Mnwb+@J
- Ontario's Centre for Research & Innovation in the Bio-economy (CRIBE) - Forest EDGE. Decision support tools, projects and case studies. https://www.nextfor-forestedge.ca/
- Canadian Partnership for Wildland Fire Science (Canada Wildfire). Partnership members include: the Canadian Forest Service, Alberta, BC, Northwest Territories, Saskatchewan and the University of Alberta. Originally focused on western Canada, it has expanded and includes information and research of interest to forest managers elsewhere in Canada. https://www.canadawildfire.org/
- Invasive Species Centre webinar series https://www.invasivespeciescentre.ca/learn/webinar-series/
- PlaniIt Geo Urban Forestry Webinars

  https://planitgeo.com/urban-forestry-webinars/

Coming Events

Northern Hardwoods Conference: Leveraging Technology to Improve Silviculture and the Digitalization of the Value Chain
August 1-3, 2023
Fredericton, New Brunswick
https://www.cif-ifc.org/events/2023nhc/

2023 CIF-IFC National Conference & 115th Annual General Meeting: Forestry for All
September 24-27, 2023
Nanaimo, British Columbia
https://www.cif-ifc.org/conference-agm/2023cif/

Please send any upcoming events to opfanewsletter@gmail.com