

THE FOREST PRACTITIONER

THE RIGHT-TO-PRACTISE ISSUE

SUMMER 09

An update of the progress made on drafting legislation for mandatory regulation of foresters and forest technologists in the province. A preview of proposed changes contained in the draft.

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2009 Executive Committee

President	John Kershaw
Vice President	J.D. Woods
Past President	Doug Prosser
Secretary-Treasurer	Nicole D'Aoust
Councillors	
Jean-Louis Laplante	Peggy McDougall
Roger Roy	Chris Smissaert
Executive Director	Jennifer Hacking

**Of all the wonders of nature, a
tree in summer
is perhaps the most remarkable;
with the possible
exception of a moose singing
"Embraceable You" in spats.
- Woody Allen**

OPTIMISTIC TIMELINE

March 09—first meetings with lawyer

April 09—NBFTA agreed to work with us

- formed a working group with John Kershaw, RPF, Roger Roy, RPF, Chris Finnamore, CFT and Gareth Davies, CFT

Working group met to review and draft legislation

Met with lawyer to review draft and changes

May 09—continued work

July 09—final draft of legislation by end of month

- circulate draft to all members of ARPFNB and NBFTA
- seek support from forestry employers, Marketing Boards and private woodlot owners, conservation organizations and general public
- Working group drafts new bylaws and new code of ethics

August/September 09—hold special general meetings to obtain membership approval of proposed legislation, draft bylaws and code of ethics

October/November 09—introduction of bill to legislature

ARPFNB News & Announcements

Vice-President

J.D. Woods has graciously agreed to serve as Vice-President for the Association. A warm welcome to him, and thanks for volunteering.

Dues

To date, 69% of the dues for the year have been received and deposited. Members are reminded that a late fee of 5% will be

applied to the dues invoices at the end of July. Cheques or money orders cheerfully accepted. If you need an invoice to remind you of the amount owing, just call (452-6933) or e-mail (arpf@nbnet.nb.ca) office.

New Member

Congratulations and welcome to Ben Woodward, RPF #574, our most recent new member.

Point of discussion

Dear Newsletter Editor,

I recently read the Spring 2009 ARPFNB newsletter, and I feel compelled to respond to Girvan Harrison's note in the "Point of discussion" section.

While I fully respect Mr. Harrison's entitlement to his point of view, just for the record, I do not agree with his opinion that the Government's strategy to manage Crown land "will result in lower site capability, hence productivity". On the contrary, it is my opinion that the new strategy is responsible and sustainable in both the short and long term. With professional management, it should easily be possible to design and implement stand level treatments and management that maintains site capability while improving forest productivity.

I think that Ms. Hacking is right when she suggests that: "Unfortunately on a lot of (other) issues, we (ARPFNB) cannot represent one point of view".

Sincerely, Blake Brunsdon, RPF

Email from William McKay to John Kershaw, President

John, I have given thought to the response of Member Girvan Harrison in our recent newsletter. I, too, share these concerns. We must put our profession and those we serve first and foremost. This issue should be very clear and transparent to the membership. How might we do this?

William McKay, Nagaya Forest Restoration, Dieppe, N.B.

Proposed Association Name

Members of the NBFTA have been involved in the RTP effort for several years now, and when contacted this spring about our renewed initiative, again agreed to be part of the working group and to join with us in drafting legislation. Although one structure had been considered by which both Associations would continue under a larger governing Council, this proves to be unworkable to include in regulatory legislation. Assuming that the ARPFNB and NBFTA members approve the final draft and the introduction of the

bill to legislature, one Association will result. Therefore a change of name for the new organization will be required. The name proposed by the working committee is the "Association of New Brunswick Forest Professionals (ANBFP)", a name that is in line with the Saskatchewan and British Columbia organizations, both of which include foresters and forest technologists under their Acts. As is everything in the draft legislation, the name is up for comment and suggestions from all members.

Proposed Council and Executive Committee Composition

The new Association will require a larger governing council, but a smaller executive committee is proposed. The President, Vice-president, Past-president and Secretary-Treasurer will comprise an executive committee, while the larger Council will also include at least four councillors-at-large and one member of the public. All executive positions will be open to foresters and forest technologists without restriction, but to ensure representation on Council of both groups, two of the councillor's positions will be held by foresters, and two by forest technologists. Public members to regulatory boards are usually appointed by the government department most closely aligned with the professional organization.

Council will be responsible for strategic direction and planning for the Association, and will meet quarterly for such purpose. Managing routine issues, the trimmed-down executive committee will meet as it does now, about every 4 to 6 weeks.

Positions on standing committees will be appointed rather than elected. These committees include the Board of Examiners, which will be structured to have a majority of foresters examining applicants for RPF and FIT registration, and a majority of forest technologists reviewing applications from RFTs and FTTs. Similarly, appointments will be equally shared for Complaints and Discipline committees.

Proposed Membership Categories

With both forest technologists and foresters regulated under one Act, the membership categories will be more clearly defined and specific. The registered member category will include Registered Professional Foresters (RPFs) and Registered Forest Technologists (RFTs). Enrolled members will be those members with less than two years of forestry work experience: Foresters-in-Training (FITs) or Forest Technologists-in-Training (FTTs). A Retired category will include those Retired Registered members under 65 years of age and Life members (over 65), and will use either the RPF Ret. title or RFT Ret. title, as applicable.

An Associate member category will be retained; members in this category may include: (a) non-resident members, (b) those who do not work within the defined practice of professional forestry and who do not wish to hold the RPF or RFT title, or (c) those members currently classified in the non-practicing category. It is anticipated that annual dues for Associate members will probably decrease from their current level. Members on leave from work may also be allowed to transfer temporarily to Associate status. When our bylaws are updated they will cover situations in which members

transfer between one category and another. For example, if a member has been an Associate for over 5 years, they may be required to submit evidence of maintaining currency through continuing education before they are given approval to revert to registered member status.

While those who work within the defined practice of professional forestry will be required to join as registered members, those foresters and forest technologists whose employment does not fall in the definition may hold registered membership voluntarily, as we do now.

The opportunity also exists for our Association to become a more inclusive organization, and perhaps to offer a regulatory home for other professionals in natural resources management. A membership category for Allied Professionals could be established, which would allow people with training in natural resource management, wildlife and fisheries biology, and other related specialties to join and to possibly be registered in their profession. Currently, there is no provincial professional organization for renewable resource specialists other than forestry practitioners and agrologists.

DEFINING “PROFESSIONAL FORESTRY PRACTICE”

The key to regulating forest practitioners will be clearly defining tasks that fall within the practice of forestry. The rationale is that there are some areas of forestry that should be reserved to trained practitioners to ensure that functions that require specialized knowledge are not undertaken by unqualified people.

To synthesize a logical definition of forestry the working committee studied definitions from other provinces’ legislation, that included in our own Act, and also looked at those written for the agrologists and APENG (engineers and geoscientists). The term “professional forestry” is used because logging, planting, thinning, and other such activities could arguably be described as forestry, but would not be regulated under our Act. This is the definition that the working group proposes to form the basis of the new legislation:

“practice of professional forestry” means advising on, performing or directing works, services or undertakings which, because of their scope and implications respecting forest resources and forest ecosystems, require the specialized education, knowledge, training and experience of a registered member, and includes:

(1) designing, planning, directing or advising with respect to:

the inventory, classification, appraisal, evaluation, and certification of forested land,

silviculture prescriptions and treatments of

forest stands, including timber harvesting, planning, locating and approving forest transportation systems including forest roads, conservation, reclamation, and renewal of forested land, and

protection of forest land.

(2) the preparation, review, amendment and approval of forest management and operating plans and administration of forested land;

(3) assessing the impact of planned activities on forest ecosystems.

(4) auditing, examining and verifying the results of planned activities on forest ecosystems;

(5) assessing, estimating and analyzing the capability of forest ecosystems to yield a flow of timber and other values;

(6) teaching of core forestry subjects as defined in bylaws at a college, technical institute or university.

Restriction of Practice

The restriction of practice is found farther along in the proposed legislation and is worded as follows:

“RIGHT TO PRACTISE

No person shall engage in the practice of professional forestry in New Brunswick, either privately or employed by another, unless registered to practice under the provisions of this Act and the bylaws.”

EXEMPTIONS

Exceptions to this restriction that allow other regulated professionals to practice within their own scope are standard in regulatory legislation. Also, woodlot owners are exempted, as are foresters-in-training and forest technologists-in-training. These exemptions are worded as follows in the draft legislation:

“Nothing in this Act shall be construed to prevent persons from:

carrying out functions on their own land and for their own purposes that may include the practice of forestry;

performing the work of a forester in

training, forest technologist in training or student, provided such work is performed under the direct supervision of a registered member who takes responsibility for the work;

practicing engineering or geoscience under the *Engineering and Geoscience Professions Act*;

practicing land surveying under the *New Brunswick Land Surveyors Act, 1986*;

practicing agrology under the *Agrologists’ Profession Act, 2005*;

carrying on any profession or occupation authorized by an Act of the Province of New Brunswick, or requires such persons to become

registered under this Act to perform such functions.”

Specific exemptions for functions such as forest fire fighting are not required because these duties are not included in the definition of the practice of professional forestry, and therefore do not restrict the practice to registered members. It's been a significant advantage to be able to learn from the experience of other provinces. For example, legislation in Alberta and Ontario

includes a clause that exempts anyone from registration if they are practicing under the supervision of an RPF. The exemption has proved too broad, and many foresters that should be registered in those provinces choose to use the exemption and shift responsibility for their professional practice onto their RPF supervisors. This type of exemption circumvents the purpose of mandatory professional registration with its intention of individual accountability.

Canadian Institute of Forestry National Conference Nanaimo, B.C. September 21—23, 2009

Stewardship: Energizing forestry through new strategies and partnerships

Forests and forest products have outgrown their traditional social and economic boundaries, taking centre stage in the world fight against global warming. Seen as the climate change heroes, trees sequester atmospheric carbon and convert it into wood, locking away harmful greenhouse gasses. At the same time, carbon-neutral biomass energy derived from wood fibre, offsets the use of fossil fuels, leading to cleaner, more earth friendly technologies.

Current global and economic conditions have created an ideal opportunity for private and public sectors to partner in the quest to mitigate climate change. Policymakers from across the political and intellectual spectrum have recognized the potential this holds for long term job growth and industry stimulation. Climate change mitigation is well-suited for public equity markets and particularly private markets such as venture capital, private equity, infrastructure and timberland.

At this 3 day conference, the Canadian Institute of Forestry will explore these emerging aspects of forest management, bringing those involved in the carbon marketplace to the discussion.

Registration Details

Full registration includes all three days of the conference, Sunday evening ice breaker, lunches, refreshment breaks, Newcastle Island BBQ for the registrant (day 2 - post field trip), and day 2 transportation.

Conference Day Passes are for the day specified on the pass only and include refreshment breaks and lunch; a day 2 pass also includes the Newcastle Island BBQ.

Newcastle Island BBQ fee includes passage to and from Newcastle Island and dinner on day 2 (post-field trip).

Partners' Program* will include various tours of Southern Vancouver Island communities and sites such as Nanaimo, Chemainus, Duncan, Victoria, and Tofino.

Post-Conference Field Tours

North Island Tour* will be to the Port McNeill/Port Hardy area of northern Vancouver Island and will include transportation to and from Nanaimo, 2 days accommodation in Port McNeill, forestry/research tours, meals, and a whale watching tour. The Post-Conference Field Tour will leave Nanaimo on September 23rd in the late afternoon and return on the afternoon of

September 25th 2009.

The Montane Alternative Silvicultural Systems (MASS) study is a 10 year old multi-agency cooperative research trial that addresses regeneration, biodiversity and aesthetic concerns over clearcutting at high elevations. Over twenty integrated studies have examining the biological and economic consequences of clearcut, shelterwood, patch cut, and dispersed or "green tree" retention alternatives. The tour will be led by Bill Beese, a well known coastal forest ecologist. The cost per person will include transportation, lunch and refreshments.

Early Bird Registration	Regular Registration	Partner's Program
(before July 21st, 2009)	(after July 21st, 2009)	Day 1 \$ 65
CIF Member \$ 235	CIF Member \$ 265	Day 2 \$ 66
Non-Member \$ 265	Non-Member \$315	Day 3 \$ 55
Retiree \$ 215	Retiree \$ 235	Post-Conference Field Tours
Student \$ 75	Student \$ 75	North Island Tour \$ 390
Conference Day Pass	Newcastle BBQ \$47	MASS Tour \$ 66
\$120 per day		

Conference Program

Sunday Sept 20, 4:00—7:00 pm Registration

Monday Sept 21

9:00-9:20 am Opening Ceremonies Welcome & Introductory Comments

9:20-10:00 am Keynote Speaker Climate Change, carbon, bioenergy and forestry

Werner Kurz, Research Scientist, NRC Canada, PFC

10:00-10:30 Trade Show

Technical Session 1: New Demands—Stewardship and Players

11:30-11:15 Panel Discussion

Bill Bourgeois, President, New Direction Resource Management Ltd. Vancouver, BC

Gordon Weetman, Professor Emeritus, Dept. of Forest Sciences, Faculty of Forestry, UBC

Keith Atkinson, Chair, BC First Nations Forestry Council, North Vancouver, BC

Brian McNaughton, General Manager, BC Federation of Woodlot Owners, Williams Lake, BC

Rick Jeffrey, President and CEO, Coast Forest Products Association, Vancouver, BC

Technical Session 2: New Demands—Products, Bioproducts and Bioenergy

1:30-3:10 Panel Discussion

Bruce Eaket, Director, PriceWaterhouseCoopers, Vancouver, BC

Dave Layzell, Director, Institute for Sustainable Energy, Environment & Economy, U of Calgary

Catherine Cobden, Vice-President, Environment, Forest Products Ass'n of Canada, Ottawa, ON

Tuesday, Sept 22 Field Trips

Wednesday, Sept 23

Technical Session 3: New Demands—Carbon as a Commodity

8:30-10:00 am Mixed media presentation on carbon **Gary Bull**, Associate Professor, Dept of Forest Resources Management, Faculty of Forestry, UBC

Technical Session 4: New Players

10:30-11:30 am Current national First Nations forestry issues

Harry Bombay, Executive Director, National Aboriginal Forestry Association, Ottawa, ON

Current community forest and woodlot issues

Brian McNaughton, General Manager, BC Federation of Woodlot Owners, Williams Lake, BC

Technical Session 5: New Stewardship

1:00-1:30 pm Ecosystem-based Management

Bill Bourgeois, President, New Direction Resource Management Ltd. Vancouver, BC

1:30-2:00 pm New forest management issues in Quebec

Brian Harvey, Chaire industrielle en aménagement forestier durable, Université du Québec, QC

3:00-3:30 pm Forest stewardship from a Green Party perspective: Future issues and directions

Elizabeth May, Leader, Green Party of Canada

Wrap-Up: New Generation

3:30-4:00 pm New Generation viewpoints: Panel discussion with students and young professionals

4:00-4:30 pm Closing Ceremonies

Thursday, September 24, 2009—Post-conference Field Trips

North Island—Port McNeill area

Variable Retention Harvesting: MASS Field Trial