

**Discipline Case:** 2012-01

**Subject Members:** Registered Professional Forester

**Referred to:** Complaints Resolution Committee

**Date of Decision:** April 2012

## Allegations

This case resulted from a complaint from a member of the public about the conduct of an ABCFP member. The allegations are that the member subject to the complaint engaged in conduct unbecoming a member and may have contravened the following bylaws:

1. Bylaw 11.4.1 To inspire confidence in the profession by maintaining high standards in conduct and daily work
2. Bylaw 12.5.1 Members exercise due diligence by being prudent and doing all work with constant and careful attention.

The complainant alleges that:

- a) An ABCFP member submitted three licence applications in old growth management areas (OGMAs) in 2011.
- b) Two of three cut blocks identified for harvesting overlapped with spatially designated Old Growth Management Areas.
- c) Harvesting occurred within the OGMAs prior to the violation being identified.

## Decision

We have confirmed that an ABCFP member submitted three professional applications that state, amongst other required planning considerations, that there were no OGMA conflicts within the harvest application areas. Government then issued three licences for 500 cubic metres each. Upon a subsequent review of the timber harvesting, two of the areas were found to overlap with approximately one third of an established OGMA. Ministry staff has inspected the area and the impacts on the OGMA appear to be minimal. Ministry staff has confirmed that the harvesting was done according to approved cutting permit requirements and no illegal timber harvesting has occurred. However, just because no illegal logging took place, it does not mean that no errors were made. We expect that our members will be diligent in ensuring that logging does not take place in OGMAs. In this particular instance it was fortunate that the logging was of a selective nature and only a very small percentage of the timber volume was harvested.

# Discipline Case Digest

We have contacted the government officials involved as well as the ABCFP member who submitted the cutting permit applications. We understand that the problem was caused by the use of an Internet browser that was not compatible with government data sharing sites. When the professional forester went to the appropriate government website to determine if there was an OGMA, the data showing the OGMA did not come up. As a result, the professional forester believed that the application for a cutting permit did not overlap any OGMAs. In retrospect, the professional forester could have consulted with other people to confirm the check on the OGMAs.

When questioned about how the permit applications were created to include the OGMA areas, the professional forester involved was very apologetic about this situation and took full responsibility for the error made. We have confirmed that the proper internet browser is needed to get accurate data on OGMA locations and have sent a notice out to our members to make them aware of this situation. We are of the opinion that this was an honest mistake and that at no time did the professional forester try to purposefully harvest in an OGMA, or to disregard a required process in the development of these licence applications.

To deal with the concerns raised in the complaint, we have sent a letter of reprimand to the professional forester involved and have informed this member that we will place a note on the member's file to ensure that we have a permanent record of this OGMA problem in case there are any future transgressions.

This complaint is now closed.