MFPA Information Bulletin May 2020

These bulletins provide general updates and information to Managed Forest Plan Approvers under the Managed Forest Tax Incentive Program. If you have any questions, contact us at MFTIP@ontario.ca.

Stewardship Portal Information

Submitting online:

Starting this year, all Managed Forest Plans **must be submitted online using the Stewardship Portal. Hard copy plans will no longer be accepted.** For help or a guide on using the portal, contact us. We'd be happy to walk you through it or help you troubleshoot any problems you encounter.

When you enter a plan into the portal, it goes directly into the MFTIP database. All information that you enter directly is searchable by staff, whereas information that's in an attached document such as a PDF can't be accessed without opening each plan individually.

Consider adding information about the property to compartment names and descriptions that can help to identify properties for targeted communications. For example, include the dominant species present, forest type, or notable endangered or invasive species. With this information, we can target stewardship communications to only relevant landowners (for example, sending a notice about Hemlock Woolly Adelgid to landowners with hemlock on their properties).

Email addresses:

We're working to modernize our notifications! When submitting through the portal, **please include the landowner's email address** in the contact information you enter. By entering it directly into the portal, not just on the plan, MFTIP staff will have access to email addresses to send deadline reminders and other information by email. Landowners with email addresses may get reminders earlier, and receive additional reminders.

Assessment Roll Numbers:

Before submitting a Managed Forest Plan, please double check that the roll number listed is correct. If a property roll number is entered incorrectly, the property may not get the property tax benefit to which it's entitled. Furthermore, a roll number entered incorrectly can impact properties that are not in the MFTIP at all.

Check the roll number carefully when you enter it, and review the roll numbers when you get your confirmation email after submitting. Inform MFTIP staff as soon as possible if you realize or think you may have entered the ARN incorrectly.

Submitting Plan Amendments:

If possible, please scan amendments and submit them (as a PDF) by email to MFTIP@ontario.ca. This ensures that the documents are not lost in the mail, and allows us to provide confirmation upon receipt.

As we are currently not in the office to receive mail, there may be a delay in processing any amendments sent in hard copy, and we will not be able to answer inquiries about the amendment until we're back in the office.

General reminders for MFPAs

Review the plan with the landowner and provide a copy of the final plan

It is critical that MFPAs share a copy of the final Managed Forest Plan with their clients. Landowners require a copy of their plan in order to ensure they are able to effectively carry out the management activities outlined in their plan over the 10-year period. Please ensure a final copy of the plan is provided to your client to allow them to maintain their eligibility status. It is also very important that you review the plan with your client before submitting to ensure they understand their obligations and responsibilities under the program as well as the management activities they have agreed to undertake.

Keep a copy of plans

It is important that Managed Forest Plan approvers keep a copy of all plans that are prepared and submitted to the MNRF. This can become useful in the event that your clients misplace the copy of their plan, to allow you to assist clients with management during the course of their plan if needed, and as a tracking tool to allow you to reach out to past clients to help them recall important deadlines (i.e. 5-year progress reports/ renewal dates).

Protecting personal information

As an MFPA, you play a key role in protecting the personal information that is collected from your clients and included in Managed Forest Plans. Please ensure you maintain these records responsibly and do not share them with any third parties unless authorized (e.g., an executor or power of attorney for the original landowner.)

Reminder: a site visit is required for every plan

In cases where the plan and/or inventory components are completed by someone other than the approving MFPA, the MFPA must still do a site visit to verify the inventory and eligible and ineligible areas prior to approving any plan.

Ownership change plan start dates

As specified in the regulation that governs the MFTIP (O. Reg. 282/98), ownership change plans should start the year following the year in which the land was transferred (e.g.,. if the transfer date was September 2020, the MFTIP plan begins Jan 1, 2021, if received within the 90-day window). The previous owner's plan is in effect until the new plan's start date.

Common questions

Notices were sent late this year — what you can do to help landowners

MNRF has been behind schedule in sending out confirmation packages and other notices this year—we apologize for any inconvenience this has caused.

Confirmation packages are scheduled to be sent in fall this year. However, there will be a period of at least two months between the deadline and when landowners receive confirmation packages. We ask that MFPAs share the portal confirmation email that is sent upon submission with their clients to ensure they are aware that their application has been submitted and they will be enrolled in the program.

Note that if landowners agree to email correspondence and provide an email address, they may receive confirmation earlier.

Completing Section 2.2 (Legislation, Regulations and Policy):

This section should provide information to the landowner about legislation, regulations and policy which could affect how they manage their property.

Some of the most common things that will affect landowners are tree-cutting by-laws and conservation authority regulations. Tree-cutting by-laws will affect whether landowners need permits for any harvesting. We suggest you note here whether there is a tree-cutting by-law in place in the municipality where the property is located, and direct the landowner to where they can find more information.

Conservation authority regulations apply to natural hazard lands, such as floodplains, wetlands, watercourses, steep slopes and valleylands, and areas around those lands. Many conservation authorities have maps online to show which areas are regulated. If the area is regulated, or if there are natural hazard lands such as watercourses or wetlands on or near the property, the plan should direct landowners to their local conservation authority to find out more before doing any work on the property.

If you're discussing municipal or conservation authority by-laws or regulations in the plan, consider quoting directly from the municipality or conservation authority's public materials to ensure the information you provide is accurate. If public wording isn't available, you may want to reach out to your conservation authority or municipality to verify wording which you can then include in every plan where it's relevant.

Avoid listing legislation without context. The plan should describe how the legislation is relevant to the landowner. For example, if you are mentioning the Forestry Act, explain that this is relevant because it affects boundary trees and contains the definition of "good forestry practices" that the landowner must follow.

We suggest including a disclaimer to note that it's ultimately the landowner's responsibility to be aware of and follow all pertinent legislation and get any required permits.

When do new participants see tax savings?

Municipalities generally begin billing in each tax year based on the previous year's taxes. For new plans, the landowner may not see changes to their tax bills until a mid-year adjustment is done, usually around June. It's helpful to ensure clients understand this. The portal submission email that is sent to you as well as the confirmation package that we send out will act as confirmation that their property has been accepted into the program. They can also check the classification at AboutMyProperty.ca after the plan starts (Jan 1st).

Requests for Reconsideration:

Landowners who missed the June 30th new application deadline, July 31st application or progress report deadline, or the 90-day deadline after acquiring a property already enrolled in the MFTIP, can apply for a Request for Reconsideration (RfR) for the current tax year **if there were mitigating circumstances which caused them to miss the deadline.**

An RfR is a request to the Administrator for "a reconsideration as to whether the land should be classified in the managed forests property class" (O. Reg. 282/98). An approved RfR can allow an application or progress report to be accepted after the deadline in cases of mitigating circumstances. Examples of mitigating circumstances include a family death, illness, emergency, or MFPA/MNRF error. This year, we will also accept RfRs for circumstances related to the pandemic (e.g., unable to access property with appropriate physical distancing).

If a landowner is submitting an RfR, their plan should be submitted through the portal with a term in accordance with regular deadlines. The RfR should be sent at the same time to MFTIP@ontario.ca. If the RfR is approved, MNRF will adjust the planning term of the plan in the portal.

The deadline to submit a Request for Reconsideration is March 31st of the year following the missed deadline.

Questions about eligibility

When preparing plans, you may run into situations where you're not certain whether an area is eligible or if it should be included as open area or forested area.

Below is some guidance on determining eligibility. MFTIP staff are also always available to help, at MFTIP@ontario.ca.

Forested areas:

Besides whether or not the area can reasonably be considered "forested", there are two main factors to consider to determine whether an area of land can be included in the forested area of a managed forest plan:

1) Does it meet minimum tree density requirements?
2) Is it managed in accordance with good forestry practices?

Some areas may meet minimum tree density requirements, but aren't managed according to good forestry practices, so shouldn't be included in the plan. Other areas may follow good forestry practices, but not meet the minimum tree density requirements. These could be included within the open area provisions.

Open areas:

There are two types of eligible open area:

- Natural areas, such as forest openings or abandoned farm fields (maximum 10% of area); and
- Natural areas that **could not support trees** through normal forest management activities because of **natural constraints** (maximum 25% of area).

Besides whether or not the area can reasonably be considered a "natural area", there are two criteria that must be met for an open area to be eligible:

1. It must contribute to the objectives of the managed forest plan, and
2. It must be managed in accordance with good forestry practices.

Natural areas that cannot support trees because of **non-natural** constraints, such as herbicide application or mowing, are not eligible for the second (25%) category. They may be eligible for the first (10%) category only if they follow good forestry practices and contribute to the objectives of the plan. For example, land being pastured or hydro corridors being maintained with herbicide are not eligible, as they are developed rather than natural areas and do not follow good forestry practices. However, land where prescribed burning is taking place for a time to manage invasive species may be eligible.

Program updates

MFTIP evaluation underway

You may have heard that the MNRF is undertaking an evaluation of the MFTIP. The evaluation began in 2019 and is being conducted by MNRF's Outcomes and Evaluations Section. Part of the evaluation has involved collecting information on participants' and stakeholders' experiences with the program.

To support these efforts, an invitation to complete an online survey was sent out in January to a random selection of approximately 40% of active MFTIP participants. The survey collected information about landowners' experience with the MFTIP including how well they believed the program is achieving its intended outcomes. Further to this, approximately 20 Managed Forest Plan Approvers were invited to participate in a two-hour focus group teleconference to gather their perspectives on the relevance, effectiveness, and efficiency of the MFTIP, and their overall satisfaction with the program. Input from focus group participants, along with findings from the survey and other evaluative methods, will be considered as part of the evaluation.

The evaluation is strictly an information gathering exercise. There are no changes proposed to the MFTIP at this time. If MNRF decides to pursue changes in future, we will consult with stakeholders including MFPAs.

Ducks Unlimited incentive for landowners continuing!

Ducks Unlimited Canada (DUC) will again offer financial assistance to landowners participating in the Managed Forest Tax Incentive Program (MFTIP) for 2020. This program offers property owners a reimbursement of 40% of the cost of completing the MFTIP plan up to a maximum of $600. Qualifying properties must be within an eligible area of Southern Ontario and contain at least 5 acres of wetlands that are suitable as waterfowl habitat. Cooperating landowners are required to sign a 10-year DUC Conservation Agreement to secure program support.

For more information go to:

www.ducks.ca/resources/landowners/managed-forest-tax-incentive-program-wetland/

Stay tuned for updates to the Standards and Review Criteria—General Information and Procedural Guidelines

We're still working on updates to the General Information and Procedural Guidelines to expand on and clarify some common questions and points of confusion, and bring it up to date with current standards and processes such as online submission. Input has been provided by the Technical Advisory Group which consists of four current MFPAs.

We hope to release it this year for your use, and we want to hear your feedback on the changes and your suggestions for improvement! We'll update the document as needed based on your input.