



Forest Appeals Commission

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Appealing Decisions Under the *Forest and Range Practices Act*

The *Forest and Range Practices Act* (the “Act”) grants different appeal rights to individuals and organizations that are the subject of certain determinations under the Act and to the Forest Practices Board. The Act defines a determination as “any act, decision, procedure, levy, finding, order or other determination made under this Act by the minister or an official”. For the purposes of this definition, “minister” includes a delegate of the minister.

The determinations that can be appealed by the subject of them, where those determinations are:

- under section 16,
 - approving or denying a forest stewardship plan, woodlot licence plan, or an amendment to either,
 - requiring an applicant for a forest stewardship plan, woodlot licence plan, or amendment to either to submit information the minister reasonably requires, to decide whether the proposed plan or amendment conforms to specific legislative requirements, or
 - determining whether a forest stewardship plan, woodlot licence plan, or amendment to either conformed, when it was approved, with specific legislative requirements, and if not, ordering conformance with those requirements;
- actions taken under section 20(3) by a minister if they are satisfied that the holder of a forest stewardship plan or woodlot licence plan wrongly concluded that an amendment of that plan did not require approval, as described in section 20(1);
- requirements under 26(2) for a holder of a forest stewardship plan, woodlot licence plan, or other prescribed operational plan to propose a mechanism to control or dispose of insects, diseases, animals, or abiotic factors damaging the forest;
- minister’s orders under 27(2), requiring a timber sales manager or the holder of an agreement under the *Forest Act* to carry out measures in a designated forest health emergency management area, to contain or limit the spread of forest health factors;
- a minister’s authorization under 32(2), allowing the holder of an agreement under the *Range Act* to prepare a range stewardship plan;

- the approval, denial, or referral to an advisory committee of a proposed range use plan, range stewardship plan, or amendment to either under section 37;
- a requirement for the holder of a range use plan or range stewardship plan to submit a proposed amendment to that plan under section 38(5);
- a minister's determination under section 39, that other range use plans or range stewardship plans prevent the holder of an agreement under the *Range Act* from exercising their rights under their agreement or fulfilling the requirements of their own range use plan or range stewardship plan, and if so, ordering the holders of those other plans to submit amendments to their plans;
- a ministerial order under section 51(7), following unauthorized storage of hay or unauthorized range development activities on a Crown range;
- a ministerial order under section 54(2), following the unauthorized construction or occupation of a structure on Crown land in a Provincial forest;
- a ministerial order under 57(4), following unauthorized construction, rehabilitation or maintenance of a trail or other recreation facility on Crown land;
- a stop work order under section 66;
- an administrative penalty under section 71;
- a remediation order under section 74;
- a ministerial order under section 77 addressing the transportation of beetle-infested timber or acts or omissions under the *Forest Act* or *Range Act*;
- the suspension or cancellation of forest stewardship plans, woodlot licence plans, range use plans, or range stewardship plans under section 97(3);
- related to declarations limiting liability under section 107;
- granting of relief from obligations under section 108;
- the imposition of conditions on orders, exemptions, consents, approvals or authorizations under section 112(1)(a); and
- exemption of a person, under section 155(2), from regulations respect certain roads and rights of way, and vehicular traffic on those roads and rights of way.

The Forest Practices Board can appeal to the Commission, determinations made under sections 16, 37, 71, and 74, as described above.

Someone with appeal rights may also, or instead, request that ministry staff (either the original decision-maker or someone else appointed by the minister) review the determination with which they disagree. Reviews are described in sections 80 and 81 of the *Act*.

You can appeal either the original determination to the Commission, or the result of any review you request, but not both. Appeals by the subjects of determinations must be filed within 30 days, while appeals filed by the Forest Practices Board must be filed within 60 days.

The Commission may extend these deadlines in special circumstances. If seeking an extension, you need to explain the reasons for your delay in filing your appeal, and any special circumstances that you think the Commission should consider.

To start the appeal, you must submit a Notice of Appeal. Most people use the [Notice of Appeal](#) form, created by the Commission. You do not have to use it, however. Just make sure that you include the following:

- your name, address, telephone number and email (if applicable);
- the name and daytime address, telephone number and email of your representative (if you have one);
- an address for delivery of official documents, if different from your address;
- identification of the decision being appealed (including the decision-maker, the date, the issue(s) decided, and a copy of the decision letter, if available);
- the date you received or were informed of the decision;
- a description of why the decision is wrong and should be changed;
- a description of what you want the Board to order at the end of the appeal; and
- your signature.

If you do not provide all necessary information, the Commission will contact you to advise you what else you need to provide. A timetable will be established for you to provide the missing information. Failure to do so within the timeframe given may result in your appeal being rejected or dismissed.

You can send your Notice of Appeal by:

- delivering it to or leaving a copy at the Commission's office, located on the fourth floor of 747 Fort Street, Victoria BC, V8W 3E9, from 8:30 am to 4:30 pm Monday to Friday, except on public holidays;
- submitting via facsimile to (250) 356-9923; or
- emailing it to info@bcfac.ca

Please note, a decision remains effective while it is appealed unless it is the subject of a “stay”. Generally, any determination that is appealed to the Commission is automatically stayed until the appeal is decided. The minister may, however, order that a determination is not stayed on appeal, other than a determination to levy an administrative penalty under section 71 or 74(3)(d) of the Act.

For more information, please consult sections 78, 82, 83, and 140.4 of the *Forest and Range Practices Act*, sections 22 and 24 of the [Administrative Tribunals Act](#), and [Rule 5](#) from the Commission’s Rules.