



Forest Appeals Commission

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APPEAL NO. 2000-FOR-005

FOREST APPEALS COMMISSION

IN THE MATTER OF THE FOREST PRACTICES CODE OF BRITISH COLUMBIA ACT R.S.1996, C.159 (ERA File: DIN-1999-0021)

BETWEEN:	FOREST PRACTICES BOARD	APPELLANT
AND:	CRESTBROOK FOREST INDUSTRIES, LTD.	RESPONDENT
AND:	GOVERNMENT OF BRITISH COLUMBIA	RESPONDENT

Consent Order

On April 6, 2000 the Forest Practices Board appealed the rescission of the December 24, 1999 determination of the District Manager of the Invermere Forest District. In that determination, the District Manager determined that Crestbrook Forest Industries Ltd. had contravened section 67(1) of the Code Act because stumps infected with Armillaria Root Rot were not treated within Standards Unit 1 of FL A18978, Cutting Permit 153, Block Number 3, as per the Silviculture Prescription. The March 20, 2000 review decision of Kurt Huettmeyer and Ray Hanson (Ministry of Forests file number DIN-1999-0021) rescinded the determination's findings of contravention.

On October 18, 2000 prior to the matter being heard, the Appellant and the Respondents made the attached joint submission to the Commission requesting that the appeal be dismissed with the consent of the parties.

Accordingly, the Commission dismisses this appeal with consent of the parties.

Dated at Victoria, British Columbia, this 23rd day of October, 2000.

Alan Andison, Chair
Forest Appeals Commission

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**Joint Submission on Behalf of the
Parties**

1. Since the filing of this appeal, new evidence has become available which supports the position of Crestbrook Forest Industries Ltd. on the issue of whether it fulfilled its obligations under the Silviculture Prescription for FL A18978, Cutting Permit 153, Block Number 3, with respect to its obligation to mark and treat Armillaria Root Rot Centres within Standards Unit 1.
2. The parties agree that the said Silviculture Prescription required both marking and treating of Armillaria Root Rot Centres in Standards Unit 1, and agree that the Review Panel decision reflects that requirement.
3. Consequently, all parties jointly request that the Forest Appeals Commission dismiss the appeal by consent.

Respectfully submitted this 20th day of October, 2000.

Calvin Sandborn
Counsel for the Appellant Forest Practices Board

Peter Voith
Counsel for the Respondent, Crestbrook Forest Industries, Ltd.

Dawn House
Counsel for the Government