
DECISION NOS. 2008-FOR-001(b) and 2008-FOR-002(b)

IN THE MATTER OF AN APPEAL UNDER s. 82 OF THE
FOREST AND RANGE PRACTICES ACT, S.B.C. 2002, c. 69

BETWEEN:

CANADIAN FOREST PRODUCTS LTD.

APPELLANT

AND:

GOVERNMENT OF BRITISH COLUMBIA

RESPONDENT

AND:

FOREST PRACTICES BOARD

THIRD PARTY

AND:

COUNCIL OF FOREST INDUSTRIES

INTERVENOR

CONSENT ORDER

WHEREAS the Appellant Canadian Forest Products Ltd. ("Canfor") holds a road use permit within the Fort St. James Forest District (the "District") that requires Canfor to carry out maintenance activities for certain roads identified in Schedule A of the permit, including that portion of the Teardrop Carrier Forest Service Road (the "Road") at 138.5 km;

AND WHEREAS on January 22, 2008, the Acting District Manager of the District (the "District Manager"), determined that Canfor had contravened section 79(6)(a) of the *Forest Planning and Practices Regulation* by failing to replace a failed culvert at 138.5 km of the Road with an appropriate permanent structure and had not established a defence of due diligence, because, Canfor did not take necessary steps to protect the structural integrity of the road prism (collectively, the "Determination");

AND WHEREAS, concurrent with the issuance of the Determination, the District Manager issued remediation order no. DJA 26080 requiring Canfor to re-establish a road prism at 138.5 km of the Road, including the installation of a suitable permanent structure (the "Order");

AND WHEREAS the Canfor appealed the Determination and the Order;

AND WHEREAS the Appellant and the Respondent agree to conclude the appeal by way of a consent order of the Forest Appeals Commission;

NOW THEREFORE the Forest Appeals Commission orders, by consent and pursuant to its powers under section 84 of the *Forest and Range Practices Act* that:

1. the appeal is allowed; and
2. the Determination and the Order are hereby rescinded.

Dated at Victoria, British Columbia, this 10th day of February 2009.

"Alan Andison"
Alan Andison; Chair
Forest Appeals Commission

BY CONSENT:

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Mark S. Oulton
Counsel for the Appellant

"Bruce Filan"
Bruce R. Filan
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