



Forest Appeals Commission

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Decision No. 2019-FRP-001(b)

**FOREST APPEALS COMMISSION
IN THE MATTER OF AN APPEAL UNDER THE *FOREST AND RANGE PRACTICES
ACT*, SBC 2002, c. 69**

BETWEEN:

BLUEBERRY RIVER FIRST NATIONS AND
BLUEBERRY RIVER ENTERPRISES

APPELLANTS

AND:

GOVERNMENT OF BRITISH COLUMBIA

RESPONDENT

WHEREAS the Appellants, Blueberry River First Nations and Blueberry River Enterprises (the “Appellants”) filed an appeal to the Forest Appeals Commission (the “Commission”) against the Respondent’s decision dated January 10, 2019 (the “Decision”), which provided that:

- (a) the Appellants had contravened ss. 46(1.1), 52(1) and 57(1) of the *Forest and Range Practices Act*, SBC 2002, c. 69 (“*FRPA*” or the “*Act*”) (collectively, the “Contravention Order”);
- (b) pursuant to s. 71 of the *FRPA*, the Appellants were required to pay an administrative penalty in the amount of two hundred dollars (\$200.00) for the contravention of s. 46(1.1) of the *Act*, two hundred dollars (\$200.00) for the contravention of s. 52(1) of the *Act* and two hundred dollars (\$200.00) for contravention of s. 57(1) of the *Act* (collectively, the “Administrative Penalty”); and
- (c) a remediation order be issued under s. 74 of the *FRPA* for the Appellants’ contravention of ss. 46(1.1), 52(1) and 57(1) of the *Act* (the “Remediation Order”);

AND WHEREAS the Respondent, the Government of British Columbia (the “Respondent”), is not pursuing the Contravention Order and the Administrative Penalty against the Appellants, and has advised the Appellants of its decision in this regard;

AND WHEREAS, at the request of the Appellants and the Respondent (collectively, the “Parties”), the Commission approves the following Consent Order under s. 16 of the *Administrative Tribunals Act*, SBC 2004, c. 45, being satisfied that it is consistent with the enactments governing the appeal.

CONSENT ORDER

By Consent of the Parties, the Forest Appeals Commission hereby orders as follows:

1. that the Appellants' appeal of the Contravention Order and the Administrative Penalty is allowed, and the said orders are hereby rescinded; and
2. that the granting of the appeal of the Contravention Order and the Administrative Penalty be made without costs to any party.

Dated the 19th day of August, 2021.

FOREST APPEALS COMMISSION

"David Bird"

David Bird, Vice-Chair Service Delivery

APPROVED AND CONSENTED TO

"Maegen Giltrow"

Lawyer for the Appellants

"Chris Robb"

Lawyer for the Respondent