



Forest Appeals Commission

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APPEAL NO. 2002-FOR-005

FOREST APPEALS COMMISSION

IN THE MATTER OF
THE FOREST PRACTICES CODE OF BRITISH COLUMBIA ACT
R.S.B.C.1996, C. 159
(ERA File: DQC-2002-0042)

BETWEEN:	FOREST PRACTICES BOARD	APPELLANT
AND:	GOVERNMENT OF BRITISH COLUMBIA	RESPONDENT
AND:	WESTERN FOREST PRODUCTS LIMITED	RESPONDENT

Consent Order

On March 28, 2002 an administrative review panel rescinded a November 2, 2001 Stopwork Order issued by forest official Dan Skafte in the Queen Charlotte Islands. On April 17, 2002 the Forest Practices Board appealed the rescission of that Stopwork Order.

On November 21, 2002 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 21st day of November, 2002.

Alan Andison, Chair
Forest Appeals Commission

FOREST APPEALS COMMISSION

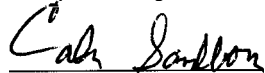
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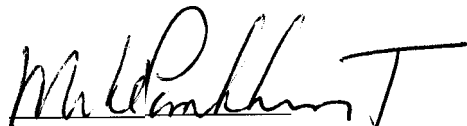
Joint Submission on Behalf of the Parties

1. All parties jointly request that the Forest Appeals Commission dismiss the appeal by consent, noting that:
 - a. Government will act to change Stopwork order forms, deleting statements that a contravention has occurred and that the determination becomes part of a record that can be considered when making future determinations. Training materials will be amended accordingly.
 - b. Government will ensure that any standardized reports designed for ERA (Enforcement Action, Administrative Review and Appeal System) contain the notation "Stopwork orders do not constitute a formal finding of a contravention" or phrasing of a similar nature, whenever statistics on SWOs are included in a report.
 - c. Government will ensure that future Ministry of Forests hard copy Annual Reports will be made consistent with online Annual Reports to clarify that Stopwork orders are listed separately from findings of contravention because Stopwork orders are not findings of contravention.
2. Government agrees that a legally issued Stopwork Order that has already been lifted should not be rescinded solely on the basis of policy.

Respectfully Submitted this 20th day of November, 2002.



Calvin Sandborn
Counsel for the Appellant Forest Practices Board



Michael Pankhurst
Counsel for the Respondent, Government of British Columbia



Keith Clark
Counsel for Western Forest Products Limited