



Province of
British Columbia

Forest Appeals Commission

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APPEAL NOS. 2003-FOR-007(a); 2003-FOR-008(a)

IN THE MATTER OF
THE FOREST PRACTICES CODE OF BRITISH COLUMBIA ACT
R.S.B.C. 1996, c. 159
(ERA file: DQU 2003-0003)

BETWEEN:	FOREST PRACTICES BOARD	APPELLANT
AND:	ROBERT WILLIAM CORK	APPELLANT
AND:	GOVERNMENT OF BRITISH COLUMBIA	RESPONDENT

CONSENT ORDER

On October 23, 2003, an administrative review panel varied a May 2, 2003, determination made by the district manager of the Quesnel Forest District that the Appellant had contravened section 67(2)(d) of the *Forest Practices Code of British Columbia Act*.

On November 10, 2003, the Appellant, Forest Practices Board, filed an appeal of the review panel to the Forest Appeals Commission. On November 16, 2003, the Appellant, Robert William Cork, filed an appeal of the review panel to the Forest Appeals Commission. The appeals were scheduled to be heard jointly on September 8-9, 2004.

Prior to the hearing, the parties made the attached joint submission to the Commission requesting that the appeal be resolved with the consent of the parties.

Accordingly, the Commission orders, by consent of the parties, that the district manager's determination that the Appellant contravened section 67(2)(d) of the *Forest Practices Code of British Columbia Act* be confirmed and the penalty varied to \$60,000.

Dated at Victoria, British Columbia, this 8th day of September 2004.

"Alan Andison"

Alan Andison, Chair
Forest Appeals Commission

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JOINT SUBMISSION OF THE PARTIES

1. The parties agree that there is sufficient evidence to support the determination that the Appellant contravened section 67(2)(d) of the *Forest Practices Code of British Columbia Act*.
2. The parties acknowledge that the evidence supporting the contravention relates to 1,117 m3 of timber harvested in all 3 cut-blocks of TSL A67618.
3. The parties agree that \$60,000 is an appropriate penalty, being comprised of a compensatory component of \$47,000 and a deterrent component of \$13,000.
4. The Respondent acknowledges that the Appellant will receive a credit in the amount of \$47,000 from the Ministry of Forests for stumpage paid on the timber harvested without authority.
5. Therefore, the parties request that the Forest Appeals Commission confirm the district manager's determination that the Appellant contravened section 67(2)(d) of the *Forest Practices Code of British Columbia Act*, and vary the penalty to \$60,000.

Respectfully submitted this day 2 of September 2004.

"Norman G. McDonald"
Norman G. McDonald
Counsel for the Appellant Robert William Cork

"John Pennington"
John Pennington
Counsel for the Appellant Forest Practices Board

"Guy Brownlee"
Guy Brownlee
Counsel for the Respondent