



**Forest  
Practices  
Board**

File: 97250-20/19083

April 27, 2020

**VIA EMAIL**

Dear Participants:

**Re: Decision to stop investigating complaint 97250-20/19083  
Visual Quality Objectives near Reisetser Creek**

The purpose of this letter is to inform you of my decision to stop investigating the complaint submitted by Christoph Dietzfelbinger of Smithers, BC, on December 23, 2019.

#### **Nature of the Complaint**

The complaint is that Canfor did not adhere to visual quality objectives when it harvested cutblock REIS0031 near Reisetser Creek in the Bulkley Valley. Mr. Dietzfelbinger also asserted that Compliance and Enforcement Branch (CEB) has not conducted an investigation of his concern. For relief, he would like the visual quality in the valley restored and to ensure that the licensee follow the visual quality objectives in the future. He also wants the public to know that impacting visual quality objectives is not good forestry practice and he wants CEB to conduct an investigation.

Although Canfor carried out the harvesting, Lowell A. Johnson Consultants Ltd. (the licensee) holds Forest License A90554. Canfor has an agreement with the licensee to manage the licence.

## **Background**

Initial enquiries revealed that CEB did conduct an investigation, and forwarded the matter to the district manager for consideration. On January 20, 2020, the district manager offered the licensee an opportunity to be heard (OTBH) before making a decision on whether the licensee failed to ensure intended results specified in a forest stewardship plan were achieved. On April 21, 2020, the district manager told the Board that the OTBH is scheduled for September 2020.

Section 123(2)(b) of FRPA states that the Board may stop investigating a complaint if the Chair is of the opinion that the law or existing administrative procedure provides a remedy adequate in the circumstances for the person aggrieved and, if the person aggrieved has not taken advantage of the remedy, there is no reasonable justification for the failure to do so. In this case, the OTBH has not taken place yet, and there is adequate time and opportunity for the complainant to make his views known to the parties and decision maker.

## **Decision**

The OTBH process is an existing administrative procedure that provides a remedy adequate in the circumstances to address the complainant's concerns. Therefore, the Board will stop investigating the complaint in accordance with section 123(2)(b) of FRPA.

If, after the OTBH process is complete, the complainant remains concerned about the appropriateness of government enforcement, I would encourage him to contact the Board.

This concludes the Board's involvement in this file. If you have any questions or concerns, please contact Tracy Andrews at (250) 889-8223.

Sincerely,



Bruce Larson  
Vice-Chair

cc: Jevan Hanchard, District Manager