

## Ghag, Kris MTIC:EX

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**From:** IAO Resource Team SSBC:EX  
**Sent:** May-10-13 4:04 PM  
**To:** FOI Requests CITZ:EX  
**Subject:** FW: FOI Request FNR-2012-00353, Fee Update  
**Attachments:** RE: FOI Request FNR-2012-00353, Fee Update

Please see below and the attached. New requests for FLNRO (note the narrowed bullet 8) and JAG (bullet 10 only).

Kris

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**From:** S22  
**Sent:** Friday, May 10, 2013 3:40 PM  
**To:** IAO Resource Team SSBC:EX  
**Subject:** Re: FOI Request FNR-2012-00353, Fee Update

Hi Kris

I agree with the narrowing, please proceed as discussed. It would be easiest for me if I can receive the information via email; however, if you need my mailing address please let me know.

S22

**From:** IAO Resource Team SSBC:EX <[IAOResourceTeam@gov.bc.ca](mailto:IAOResourceTeam@gov.bc.ca)>  
**To:** S22  
**Sent:** Thursday, May 9, 2013 4:11:18 PM  
**Subject:** RE: FOI Request FNR-2012-00353, Fee Update

Good afternoon,

The first attachment was the email that you sent for your original request. I've attached the word document that you had attached to that email here.

The second attachment was the email you sent Rhiannon on December 22 which narrowed the scope of bullet #8 in an effort to reduce fees. In that email you stated:

For clarity around bullet #8...If it would make the request easier I'll drop the "any information;" but I would like a copy of the decision (not to initiate administrative penalty proceedings) made by Compliance & Enforcement under section 105.1. I assume that there would have been a rationale for the decision.

I confirm that information requested from Regional Price Coordinator is related to bullet #3 requesting volume, species breakdown and amounts of stumpage due.

This definitely helps us move forward. I think we are almost there.

Please let me know whether you would prefer the original bullet #8 (in the attached word doc) or the narrowed bullet #8 (above). Once you have confirmed, I will forward to our central intake team to open files to FLNRO for all but bullet 10 and to Justice for bullet 10.

Thank you,

**Kris Ghag | Manager, Access to Information, Resource Sector Team**

Information Access Operations | Logistics and Business Services Division  
Shared Services B.C. | Ministry of Citizens' Services and Open Government  
Desk: 250.356.5702 | E-mail: [Kris.Ghag@gov.bc.ca](mailto:Kris.Ghag@gov.bc.ca)

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**From:** S22  
**Sent:** Thursday, May 9, 2013 3:00 PM  
**To:** IAO Resource Team SSBC:EX  
**Subject:** Re: FOI Request FNR-2012-00353, Fee Update

Hi

Unfortunately I couldn't open 2 of the documents you sent me, I was able to open my original request from Dec 6, 2012.

For clarification bullet 8 was

"any information that led to the Ministry Compliance & Enforcement investigation (from the fall of 2005 thru to July 2009) and decision not to initiate administrative penalty proceedings under section 105.1 of the Forest Act (accuracy of information submitted);" I'm not sure what you mean about subsequent clarification of bullet 8. bullet 10 was..."any information on the rationale for the Ministry of Forests, Lands, and Natural Resource Operations (the Respondent) paying the court costs of \$5,000."

I confirm that Rhianna informed me that bullet 10 should be requested through the Ministry of Justice, not the MFLNRO.

Does this help you to move forward with my request?

S22

**From:** IAO Resource Team SSBC:EX <[IAOResourceTeam@gov.bc.ca](mailto:IAOResourceTeam@gov.bc.ca)>  
**To:** S22 IAO Resource Team SSBC:EX <[IAOResourceTeam@gov.bc.ca](mailto:IAOResourceTeam@gov.bc.ca)>  
**Sent:** Wednesday, May 8, 2013 9:10:15 AM  
**Subject:** RE: FOI Request FNR-2012-00353, Fee Update

----- Forwarded Message -----

Good morning and thank you for your email S22

I have attached your original FOI request relating to FNR-2012-00353 and your subsequent clarification of bullet #8.

Please confirm, via return email:

- that your resubmission of this request to the Ministry of Forests Lands and Natural Resource Operations (FLNRO) includes the above-noted narrowing;
  - which should help to reduce/avoid going through the fee estimating process a second time; and,

- that you are not resubmitting bullet #10 to FLNRO but rather you are submitting that bullet to the Ministry of Justice
  - this will avoid the added administrivia associated with one ministry having to transfer the request to the other (i.e. it gets the ball rolling with Justice faster than if you submit to FLNRO who in turn has to transfer that bullet)

Once we have the above-noted confirmation, I will pass this along to our intake team to open the required files and you should receive acknowledgement emails shortly thereafter.

Thanks,

**Kris Ghag | Manager, Access to Information, Resource Sector Team**

Information Access Operations | Logistics and Business Services Division  
 Shared Services B.C. | Ministry of Citizens' Services and Open Government  
 Desk: 250.356.5702 | E-mail: [Kris.Ghag@gov.bc.ca](mailto:Kris.Ghag@gov.bc.ca)

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**From:** S22  
**Sent:** Wednesday, May 8, 2013 8:28 AM  
**To:** S22 Hamdi, Rhiannon CITZ:EX; IAO Resource Team SSBC:EX  
**Subject:** Re: FOI Request FNR-2012-00353, Fee Update

To Whom it may concern.

Rhiannon email bounced back stating she will be out of the office until June 3rd and to contact your email. We had been waiting for the investigation to be completed. I was told that, that has happened, so I would like to proceed with my request for information.

S22

**From:** S22  
**To:** "Hamdi, Rhiannon CITZ:EX" <[Rhiannon.Hamdi@gov.bc.ca](mailto:Rhiannon.Hamdi@gov.bc.ca)>  
**Sent:** Wednesday, May 8, 2013 8:23:41 AM  
**Subject:** Re: FOI Request FNR-2012-00353, Fee Update

Hi Rhiannon

I have been told that the investigation has been completed. I would like to proceed with my request for information.

S22

**From:** S22  
**To:** "Hamdi, Rhiannon CITZ:EX" <[Rhiannon.Hamdi@gov.bc.ca](mailto:Rhiannon.Hamdi@gov.bc.ca)>  
**Sent:** Wednesday, January 9, 2013 6:46:27 AM  
**Subject:** Re: FOI Request FNR-2012-00353, Fee Update

Hi Rhiannon

I would appreciate having someone follow up once the investigation is over and would appreciate any information you can find out in the meanwhile.

I don't think its worth it (at this time) to ask for records that I would probably have to reask for them to be released again later, so I won't continue with the request and will wait for the investigation is over.

S22

**From:** "Hamdi, Rhiannon CITZ:EX" <[Rhiannon.Hamdi@gov.bc.ca](mailto:Rhiannon.Hamdi@gov.bc.ca)>  
**To:** S22  
**Sent:** Tuesday, January 8, 2013 10:55:13 AM  
**Subject:** RE: FOI Request FNR-2012-00353, Fee Update

Hi S22

Sorry for the delayed response as S22

I will contact the program area and ask if they can designate a person to follow up with you once the investigation is over. I don't know the particulars of the case and can therefore not comment regarding the consent order. I will try to find out as much as I can and let you know ASAP. As previously discussed, you may certainly continue with this request if you wish – that is your right. I cannot guarantee what (if any) records will be released at this time, but it is an option open to you.

Many thanks,  
Rhiannon

**Rhiannon Hamdi, Senior Analyst**  
Logistics and Business Services.  
Shared Services BC  
Ministry of Citizens' Services  
Email: [Rhiannon.Hamdi@gov.bc.ca](mailto:Rhiannon.Hamdi@gov.bc.ca)  
Phone: (250) 387-1437

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**From:** S22  
**Sent:** Friday, January 4, 2013 4:01 PM  
**To:** Hamdi, Rhiannon CITZ:EX  
**Subject:** Re: FOI Request FNR-2012-00353, Fee Update

Hi Rhiannon

Our information is now conflicting; I have been told that after the consent order the MFLNRO under section 105.2 (recalculation of stumpage based on erroneous information) was dropped by the ministry.

Also, if there is an investigation how would one know when its complete?

S22

**From:** "Hamdi, Rhiannon CITZ:EX" <[Rhiannon.Hamdi@gov.bc.ca](mailto:Rhiannon.Hamdi@gov.bc.ca)>  
**To:** S22  
**Sent:** Friday, January 4, 2013 9:21:03 AM  
**Subject:** FOI Request FNR-2012-00353, Fee Update

Dear S22

I have now heard back from all of the returning program area staff regarding your FOI Request FNR-2012-00353. They have explained to me that the changes we discussed to the request would eliminate the need for a fee. They also explained some other aspects of the request which I need to relay to you in order for you to decide how to move forward.

Unfortunately, the information that you are seeking is apparently part of an ongoing investigation. When an investigation is in an active state, section 15 of the *Act* is applied to the records involved (I have pasted in the full wording of section 15, below). Once an investigation is completed, section 15 may no longer be applied and records previously withheld under that section can be released. I do not know how much of the total responsive records fall under section 15, but from their description, I believe it is substantial.

The program area has also advised that the **Ministry of Justice** is your contact for documents referred to in bullet #10: “any information on the rationale for the Ministry of Forests, Lands and Natural Resource Operations (the Respondent) paying the court costs of \$5,000”. I have contacted them to discuss and they have confirmed that section 15 would be applied to those records at this time.

I know that this may sound a bit discouraging to you, but as I explained to another applicant before Christmas, section 15 when applied in this manner, is temporary. If you would like to proceed with the request at this point we can certainly go ahead, but I would caution that the records will be heavily severed. There would be no fee applied if you chose to continue and as explained above, we would not be able to respond to bullet #10.

You are also welcome to withdraw the request pending the end of the investigation and then resubmitting. Please let me know how you would like to proceed and I will instruct the program area accordingly.

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#### **Disclosure harmful to law enforcement**

**15** (1) The head of a public body may refuse to disclose information to an applicant if the disclosure could reasonably be expected to

- (a) harm a law enforcement matter,
- (b) prejudice the defence of Canada or of any foreign state allied to or associated with Canada or harm the detection, prevention or suppression of espionage, sabotage or terrorism,
- (c) harm the effectiveness of investigative techniques and procedures currently used, or likely to be used, in law enforcement,
- (d) reveal the identity of a confidential source of law enforcement information,
- (e) reveal criminal intelligence that has a reasonable connection with the detection, prevention or suppression of organized criminal activities or of serious and repetitive criminal activities,
- (f) endanger the life or physical safety of a law enforcement officer or any other person,
- (g) reveal any information relating to or used in the exercise of prosecutorial discretion,
- (h) deprive a person of the right to a fair trial or impartial adjudication,

- (i) reveal a record that has been confiscated from a person by a peace officer in accordance with an enactment,
  - (j) facilitate the escape from custody of a person who is under lawful detention,
  - (k) facilitate the commission of an offence under an enactment of British Columbia or Canada, or
  - (l) harm the security of any property or system, including a building, a vehicle, a computer system or a communications system.
- (2) The head of a public body may refuse to disclose information to an applicant if the information
- (a) is in a law enforcement record and the disclosure would be an offence under an Act of Parliament,
  - (b) is in a law enforcement record and the disclosure could reasonably be expected to expose to civil liability the author of the record or a person who has been quoted or paraphrased in the record, or
  - (c) is about the history, supervision or release of a person who is in custody or under supervision and the disclosure could reasonably be expected to harm the proper custody or supervision of that person.
- (3) The head of a public body must not refuse to disclose under this section
- (a) a report prepared in the course of routine inspections by an agency that is authorized to enforce compliance with an Act,
  - (b) a report, including statistical analysis, on the degree of success achieved in a law enforcement program or activity unless disclosure of the report could reasonably be expected to interfere with or harm any of the matters referred to in subsection (1) or (2), or
  - (c) statistical information on decisions under the *Crown Counsel Act* to approve or not to approve prosecutions.
- (4) The head of a public body must not refuse, after a police investigation is completed, to disclose under this section the reasons for a decision not to prosecute
- (a) to a person who knew of and was significantly interested in the investigation, including a victim or a relative or friend of a victim, or
  - (b) to any other member of the public, if the fact of the investigation was made public.

Many thanks!

Rhiannon Hamdi, Senior Analyst  
Logistics and Business Services  
Shared Services BC  
Ministry of Citizens' Services &  
Open Government  
Email: [Rhiannon.Hamdi@gov.bc.ca](mailto:Rhiannon.Hamdi@gov.bc.ca)



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Hi Rhiannon

For clarity around bullet #8...If it would make the request easier I'll drop the "any information;" but I would like a copy of the decision (not to initiate administrative penalty proceedings) made by Compliance & Enforcement under section 105.1. I assume that there would have been a rationale for the decision.

I confirm that information requested from Regional Price Coordinator is related to bullet #3 requesting volume, species breakdown and amounts of stumpage due.

S22

**From:** "Hamdi, Rhiannon CITZ:EX" <[Rhiannon.Hamdi@gov.bc.ca](mailto:Rhiannon.Hamdi@gov.bc.ca)>  
**To:** S22  
**Sent:** Friday, December 21, 2012 8:41:50 AM  
**Subject:** FOI Request FNR-2012-00353, Fee Estimate/Request Revision

Good Morning S22

I have received a response from the program area regarding your clarification letter. I have pasted in the response below for your information and it appears that they feel the dropping of bullet #8 would make a substantial difference to the fees:

**The main concern regarding the applicant's original request is bullet #8: *"any information that led to the Ministry Compliance & Enforcement investigation (from the fall of 2005 thru to July 2009) and decision not to initiate administrative penalty proceedings under section 105.1 of the Forest Act (accuracy of information submitted)"***

**The fee estimate you received was based on 3 staff members' emails and documents that are responsive to bullet #8. I'm told there are many other staff members across the South and North areas that have responsive emails and documents as well; these were not included in the initial fee estimate.**

**My read of the applicant's December 14<sup>th</sup> letter leads me to believe she has dropped the contents of bullet #8 from her original request. Could you please confirm this, as it will make a substantial difference in fees.**

Also, the applicant's December 14<sup>th</sup> letter states: *"....Ms. Maley would have based her decision on the information I requested (two harvest notices submitted, the Stumpage Advisory Notices and info from the Regional Pricing Coordinator)".* I would like the applicant to confirm that *"info from the Regional Pricing Coordinator"* is related to bullet #3 in the original request: *"volumes, species breakdown and amounts of stumpage due as determined by the Regional Timber Pricing Coordinator"*.

Responding to all other points in the original request will not be too onerous.

In light of their response, please let me know how you would like to proceed,

Many thanks!

Rhiannon Hamdi, Senior Analyst  
Logistics and Business Services  
Shared Services BC  
Ministry of Citizens' Services &  
Open Government  
Email: [Rhiannon.Hamdi@gov.bc.ca](mailto:Rhiannon.Hamdi@gov.bc.ca)  
Phone: (250) 387-1437



Wishing you all a very merry Christmas!

To whom it may concern:

Please see the attached request for information. Let me know if you require further information.

Thanks

S22



December 6, 2012

Request for Information:

This Freedom of Information and Protection of Privacy request for information stems from a Consent Order dated October 28, 2011 in the Supreme Court of British Columbia No. S-113120 (Vancouver Registry); in which the December 7, 2010, decision of the Regional Executive Director Madeline Maley, of the Ministry of Forests, Land and Natural Resources, ( under section 105.2 of the Forest Act (Redetermination of stumpage rate at direction of minister) was set aside and the matter be remitted for rehearing by a designated official under section 105.2 of the Forest Act.

I would like a copy of:

- the Appraisal Data Submission (ADS) submitted by the McBride Community Forest Corporation with the original application for Cutting Permit 995 on or about December 3, 2003;
- the original ADS submitted to the District Manager on December 3, 2003 signed and sealed by Marc von der Gonna, RPF, of the McBride Community Forest Corporation for Cutting Permit CP 995 indicating 100% helicopter logging;
- the volumes, species breakdown and amounts of stumpage due as determined by the Regional Timber Pricing Coordinator;
- the Stumpage Advisory Notice sent to Marc von der Gonna, RFP for the McBride Community Forest Corporation, dated April 23, 2004 that was based on the information in the ADS of December 3, 2003;
- the two harvest notifications under CP 995 received by the District Office on or about April 29, 2004;
- the December 7<sup>th</sup>, 2010 decision under section 105.2 of the Forest Act (Redetermination of stumpage rate at direction of minister) by Ms. Maley including the dollars values examined for stumpage using 100% helicopter logging; 100% ground-based harvesting and the 50/50% ground-based logging;
- the result of the rehearing by a designated official under section 105.2 (Redetermination of stumpage rate at direction of minister) of the Forest Act, as stated in the October 28, 2011 Consent Order; the authority under which that decision was made and the rationale for that decision;
- any information that led to the Ministry Compliance & Enforcement investigation (from the fall of 2005 thru to July 2009) and decision not to initiate administrative penalty proceedings under section 105.1 of the Forest Act (accuracy of information submitted);
- the results of the investigation and decision under section 52 of the Forest and Range Practices Act (unauthorized timber harvesting) on the basis that the petitioner had harvested beyond the authority of CP 995; and,

- any information on the rationale for the Ministry of Forests, Lands, and Natural Resource Operations (the Respondent) paying the court costs of \$5,000.

Note: The McBride Community Forest Corporation is 100% owned by the Village of McBride. The Village of McBride is the sole shareholder. The Board is comprised of 3 members of Council appointed by Council and 2 directors at large that are also appointed by the Village of McBride Council.

Please let me know if you require any further information.

Sincerely,

S22