



ARCS: 292-30  
File: FNR-2011-00102

September 21, 2011

Dear

**Re: Request for Access to Records**  
***Freedom of Information and Protection of Privacy Act (FOIPPA)***

I am writing further to your request received by the Ministry of Forests, Lands and Natural Resource Operations. Your request is for:

*All records related to: Mr. Andy Witt's communications with Balanced Environmental, Salt Spring Ventures or the Islands Trust with regard to the interpretation of the Riparian Areas Regulation (RAR), including the meaning of Fish Habitat under the RAR; Communications from Ms. Marlene Caskey or other MOE staff, with BE, SSV or Islands Trust to the effect that Swanson's Pond is Fish Habitat within the meaning of the RAR; Communications received from BE, SSV, the IT, Mr. Booth or their representatives regarding the correct interpretation of the RAR in regard to Swanson's Pond, including discussions or analysis of implications of the apparent tension between advice offered by Ministry staff in this case; Discussions or analysis involving Ministry staff about the apparently contradictory Assessment Reports or other expert opinion received in respect of Swanson's Pond; Implications or consequences of Islands Trust failure to implement RAR in this instance; Decision records on how and why the requirement of an Assessment Report was waived in respect of Swanson's Pond; Limits of the Ministry's powers to require compliance with RAR in respect of Swanson's Pond; And the role of Fisheries and Oceans Canada in ensuring that Fish Habitat in Swanson's Pond is protected.*

Please find enclosed a copy of the records located in response to your request. Some information has been withheld pursuant to section(s) 13 (Policy advice or recommendations), 16 (Disclosure harmful to intergovernmental relations or negotiations), 17 (Disclosure harmful to the financial or economic interests of a public body), and 21 (Disclosure harmful to business interests of a third party) and 22 (Disclosure harmful to personal privacy) of FOIPPA. A complete copy of FOIPPA is available online at:

[http://www.bclaws.ca/EPLibraries/bclaws\\_new/document/ID/freeside/96165\\_00](http://www.bclaws.ca/EPLibraries/bclaws_new/document/ID/freeside/96165_00)

.../2

Your file is now closed.

As part of the BC Government's new Open Information initiative, this response and the enclosed records will be published on the Open Information website a minimum of 72 hours after it is released electronically or a minimum of five business days after it has been released by mail in hardcopy. To find out more about Open Information, please access the Open Information website at: <http://www.openinfo.gov.bc.ca/ibc/index.page>

If you have any questions regarding your request, please contact Rhiannon Hamdi, the analyst assigned to your request, at (250) 387-1347. This number can be reached toll-free by calling from Vancouver, 604-660-7867, or from elsewhere in BC, 1-800-663-7867 and asking to be transferred to (250) 387-1347.

You have the right to ask the Information and Privacy Commissioner to review this decision. I have enclosed information on the review and complaint process.

Sincerely,

A handwritten signature in black ink, appearing to read 'Alex Bjelica', is written over a horizontal line.

Alex Bjelica, Manager  
Resource Team  
Information Access Operations

Enclosures

<p>How to Request a Review with the Office of the Information and Privacy Commissioner</p>
------------------------------------------------------------------------------------------------

If you have any questions regarding your request please contact the analyst assigned to your file. The analyst's name and telephone number are listed in the attached letter.

Pursuant to section 52 of the *Freedom of Information and Protection of Privacy Act* (FOIPPA), you may ask the Office of the Information and Privacy Commissioner to review any decision, act, or failure to act with regard to your request under FOIPPA.

**Please note that you have 30 business days to file your review with the Office of the Information and Privacy Commissioner. In order to request a review please write to:**

Information and Privacy Commissioner  
PO Box 9038 Stn Prov Govt  
4th Floor, 947 Fort Street  
Victoria BC V8W 9A4  
Telephone 250-387-5629      Fax 250-387-1696

If you request a review, please provide the Commissioner's Office with:

1. A copy of your original request;
2. A copy of our response; and
3. The reasons or grounds upon which you are requesting the review.

