1/56

Inspection Compliance by Priority

Inspections from 2002-04-01 to 2013-06-21

Org Unit:

Headwaters Forest District

Tenure Number:

Inspector:

All

Inspection
Client #:
Client Name:

00042664 PETER MILLER

All

Priority:

All

	Site ID		Inspection ID	Date	Compliant
GENERAL					
High	FRP_TO		256931	13410-09-04	N
	FRP_TO		256903	13410-09-04	N
	FRP_TO		256868	13410-09-04	N
	FRP_TO		256924	13410-09-04	N
PRIORITY TOTALS:		# Inspections	4	# Compliant	0
		s.15			
		ώ			
PRIORITY TOTALS:		# Inspections	3	# Compliant	1
BUSINESS AREA TOTALS:		# Inspections	7	# Compliant	1
GRAND TOTALS:		# Inspections	7	# Compliant	1

Date Printed:

2013-06-21

User ID: Environment: IDIR\PJTOBIN PROD Page 1 of 1 Report ID: CIMS-RPT-008

	BRITISH GENERAL INSP	ECTION REPORT ID: 256931 X-Ref. IDIRIMCOLLING 2011/07/22 00:00:00				
A	Licensee/ Tenure Holder: PETER MILLER	Tenure (type/no): / Site ID: FRP_TO Inspection Date (yyyy/mm/dd 24:mm): 2011/07/22 0:00 Regional Inspection:				
	Operator/Contractor: In Attendance: Merle Collinge Peter Miller Inspection Method	Area Inspected				
В						
С	Site or Activity Status: CP A, Block 9 of WLL 305 was harvested during the period April through Oc	otober of 1995.				
	On July 22, 2011, Peter Miller and the writer viewed this block in the field. That portion of the block viewed was found to be fairly well stocked but marginally FG - due to voids in stocking and moderate levels of deciduous (mostly Ep). Douglas-fir regeneration along with lesser amounts of Cw and BI make up the majority of stocking for this block. A few Douglas-fir and cedar vets were also retained after harvest. Minor incidence of armillaria root disease was noted. A Free Growing survey completed on July 30, 2011 reported that this block can now be considered stocked and free growing.					
D	Alleged Non-Compliance:					
	Compliance Summary Comments: The late free growing (FG) date for CP A, Block 9 of WL 305, expired in April of 2010. MFLNRO's database RESULTS, indicated that the block was NSR. The block was field inspected with the Licensee on July 22, 2011. The Licensee subsequently had the block surveyed on July 30, 2011 at which time the block was found to be SR and FG. A copy of the survey has been submitted to the MFLNRO - Thompson Rivers District, but no information has yet been submitted to RESULTS.					
Е	Inspector: Merle Collinge Signature: X (I certify that this inspection conforms to Ministry of Forests' compliance procedures)	Received by: Peter Miller Signature: X (Signing does not imply agreement with findings)				
	Attachment Description: Checklist: Digital Image: Other: Checklist: Other:	Delivery Method: Email: ☑ Fax: ☐ Mail: ☐ Hand Delivered: ☑				
8 1	File # 18750-20/92P0701531 File #					

ALLEGED NON COMPLIANCE SUMMARY

ID: 256931

X-Ref: IDIR\MCOLLING 2011/07/22 00:00:00

Licensee/ Tenure Holder:

PETER MILLER

Tenure (type/no):

Site ID:

FRP TO

Inspection Date (yyyy/mm/dd 24:mm):

88 (3)

2011/07/22 0:00

Regional Inspection: Location (optional):

WL 305, CP A, Block 9

Operator/Contractor:

In Attendance:

Merle Collinge

Peter Miller

K	General Req#	Row	Action Taken	Compliance Action Type	Est. Incident Date	Act/Reg Section	Warning Ticket#	Issued To	Licence Plate
	1.00	А	Compliance Action	Compliance Notice	2010/04/01	Woodlot Licence Forest			
						Management Regulation (EPC)			

Comment/Notice:

The late free growing (FG) date for CP A, Block 9 of WL 305, expired in April of 2010. A recently run report from RESULTS data base indicated that the block was NSR. A joint inspection of the block with the Licensee (Peter Miller) was conducted on July 22, 2011 during which the block was estimated to be SR and marginally FG. The Licensee had the block surveyed on July 30, 2011 at which time the block was found to be SR and FG. A copy of the survey has been submitted to the MFLNRO - Thompson Rivers District, but no information has yet been submitted to RESULTS.

The Licensee is alleged to be in non-compliance with s.88(3) of the Woodlot Licence Forest Management Regulation Il failure to conduct a survey on or before the late FG date). Due to the cooperative nature of the Licensee in immediately bringing this matter into compliance and the favourable conclusion, it is deemed not to be in the public's best interest to proceed with enforcement action.

The Licensee is now requested to report the results of the 2011 survey complete with a forest cover map to RESULTS within 90 days of this notice. Failure to comply may result in further follow-up actions being taken.

L Inspector: Merle Collinge

Received by:

Peter Miller

Signature: X

(I certify that this inspection conforms to Ministry of Forests' compliance procedures)

Signature: X

(Signing does not imply agreement with findings)

FS 544 - C HEN 01/11

Page 2 of 2 Report ID: CIMS-RPT-030

	BRITISH GENERAL INSP	ECTION REPORT ID: 256903 X-Ref: IDIRMCOLLING 2011/07/22 00:00:00					
A	Licensee/ Tenure Holder: PETER MILLER	Tenure (type/no): / Site ID: FRP_TO Inspection Date (yyyy/mm/dd 24:mm): 2011/07/22 0:00 Regional Inspection: □ Location (optional): WLL 305, CP A, Block 5					
	Operator/Contractor: In Attendance: Merle Collinge Peter Miller Inspection Method	Area Inspected					
В	Ocular: Recce: Detailed Survey: Admin/Office: Area Inspected: Location Inspected: Recce thro	ugh the center of each unit within this block.					
С	CP A, Block 5 (includes units/blocks 5, 6a and 6b) of WLL 305 was harvested during the period January 1989 through May of 1993. According to RESULTS, 6 hectares of this block were planted with cedar and yellow pine in 1998. Approximately 1,800 allegedly 'off site' Py were planted over approximately 2 hectares within the NW portion of unit 5. The current form and vigour of this Py is very good. According to the Licensee all three units/blocks were fill-planted with Douglas-fir (planting date and seedlot numbers are unknown). On July 22, 2011, Peter Miller and the writer viewed all three units/blocks. Overall, all units/blocks were found to be well stocked with healthy Douglas-fir, cedar, minor Sx/Pli and low to moderate levels of birch and aspen. Incidence of armillaria root disease was noted to be as high as						
_	3% within unit 5. A FG survey completed on July 30 and August 1, 2011 re 6a - short ~40 sph pref) can be considered stocked and free growing.	ported that an armo main this block (that are peoples suspense since					
D	Alleged Non-Compliance:						
	Compliance Summary Comments: The late free growing (FG) date for CP A, Block 5 of WL 305, expired in Apr was NSR. The block was field inspected with the Licensee on July 22, 2012 2011 at which time all areas of the block(s) were found to be SR and FG. C Thompson Rivers District, but no information has yet been submitted to RES	 The Licensee had the block surveyed on July 30 and August 1, opies of the surveys have been submitted to the MFLNRO - 					
Е	Inspector: Merle Collinge Signature: X (I certify that this inspection conforms to Ministry of Forests' compliance procedures)	Received by: Peter Miller Signature: X (Signing does not imply agreement with findings)					
	Attachment Description: Checklist: □ Digital Image: □ Other: □ Checklist: Other:	Delivery Method: Email: ☑ Fax: ☐ Mail: ☐ Hand Delivered: ☑					
	File # 18750-20/92P0701057 File #						

	變	BRITISH COLUMBIA	(
ļ	4.00	COLUIVIDIA	_

ALLEGED NON COMPLIANCE SUMMARY

X-Ref: IDIR\MCOLLING 2011/07/22 00:00:00

Licensee/ Tenure Holder:

PETER MILLER

Tenure (type/no):

Site ID: FRP TO

Inspection Date (yyyy/mm/dd 24:mm):

2011/07/22 0:00

s.22

Regional Inspection:

88 (3)

Location (optional):

WLL 305, CP A, Block 5

Operator/Contractor:

In Attendance:

J,

Merle Collinge

Peter Miller

General Req#	Row	Action Taken	Compliance Action Type	Est. Incident Date	Act/Reg Section	Warning Ticket#	Issued To	Licence Plate
1.00	А	Compliance Action	Compliance Notice	2004/04/01	Woodlot Licence Forest Management Regulation (FPC)			

Comment/Notice:

The late free growing (FG) date for CP A, Block 5 of WL 305, expired in April of 2004. A recently run report from RESULTS data base indicated that the block was NSR. A joint inspection of the block with the Licensee (Peter Miller) was conducted on July 22, 2011 during which the block was estimated to be SR and most likely FG. The Licensee had the block(s) surveyed on July 30 and August 1, 2011 at which time the block(s) were found to be SR and FG. Copies of the surveys have been submitted to the MFLNRO - Thompson Rivers District, but no information has yet been submitted to RESULTS.

The Licensee is alleged to be in non-compliance with s.88(3) of the Woodlot Licence Forest Management Regulation II Ifailure to conduct a survey on or before the late FG date. Due to the cooperative nature of the Licensee in immediately bringing this matter into compliance and the favourable conclusion, it is deemed not to be in the public's best interest to proceed with enforcement action.

The Licensee is now requested to report the results of the 2011 survey complete with a forest cover map to RESULTS within 90 days of this notice.

Failure to comply may result in further follow-up actions being taken.

1.00	В	Compliance	Compliance	1998/05/05	FPC of BC Act 70	
		Action	Notice		(4)(C)	

Comment/Notice:

Yellow pine seedlot 25475 planted in 1998 is alleged to be non-compliant with the seed transfer guidelines. Approximately 1,800 Py tree were transferred from the PPxh2 to the IDFmw2 BEC zone and from the TOA to the SA seed planning zones. Most of the trees were planted over a 2 ha area within unit/block 5. The condition of the Py is currently very good and the 2 ha area is experiencing substantial ingress of natural regeneration. Py numbers are not required to achieve FG status for this unit/block therefore the matter can be considered trivial. No further action regarding this matter is being considered.

Inspector:

Merle Collinge

Received by:

Peter Miller

Signature: X

(I certify that this inspection conforms to Ministry of Forests' compliance procedures)

Signature: X

(Signing does not imply agreement with findings)

FS 544 - C HEN 01/11

Page 2 of 2 Report ID: CIMS-RPT-030

Page 1 of 2

7/56

C & E Portal >> Home >> Search Inspection By ID >> General Inspection Alleged Non-Compliance Attachments Addendum Assoc, Files Inspection Risk Notes CIMS 109 - General Inspection MapView Print Invalidate Copy Clos Complete Status **ERA Case** Inspection ID 256868 Regional Inspection Risk Evaluation ID 129908 PETER MILLER Tenure **Obligation Holder** FRP_TO Site Id WLL 305, CP A, Block 1 Location 00:00 Inspection Time (hh:mm) Operator/Contractor 2011-07-22 Inspection Date In Attendance Merle Collinge Peter Miller Alleged Non-Compliance **General Compliance** Area Inspected Inspection Method Complete Ocular Area Inspected Recce through the south end (clearcut portions) of Blocks 2, 3 and 4 (SU 2) only. Location Inspected Recce **Detailed Survey** Admin/Office Compliance Summary Comments Site or Activity Status The late free growing (FG) date expired in April of 2005. MFLNRO's database RESULTS indic CP A, Block 1 (formerly Blocks 1-4) of that the block was NSR. The block was field inspected with the Licensee on July 22, 2011. The WLL 305 was harvested in 1990. The Licensee had the block surveyed on August 4, 2011 at which time all areas of the block were block was divided into two SUs based found to be SR and FG. Copies of the surveys have been submitted to the MFLNRO - Thomps on the harvesting system used; SU 1 Rivers District, but no information has yet been submitted to RESULTS. (9.9 ha - Shelterwood) and SU 2 (4.9 ha - clearcut). Planting records are incomplete in RESULTS, but it appears that at least part of stratum A2 (most easterly clearcut portion of old Block 4) was planted in 1992 (species and seedlot used are unknown). According to RESULTS, the remainder of the clearcut areas were fill planted with Fdi in 1996. Planting of Cw and Hw on 1.2 ha was reported for 2000 (location planted and seedlots used are unknown). On July 22, 2011, Peter Miller and the writer viewed the three most easterly clearcut patches of CP A, Block 1 (old Blocks 2, 3 and 4). Overall, these patches were found to be well stocked with healthy Douglas-fir, Cedar and low to moderate levels of birch and aspen. Armillaria root disease and root collar weevil have been active in the past, especially with the clearcut portion of old Block 4. The shelterwood portions of Block 1 were not walked, but from a distance appeared to be well stocked with layer one cedar and Douglas-fir. A FG survey for this block completed on August 4, 2011 confirmed that all SUs within the block can be considered stocked and free growing. Peter Miller Received by Inspector Merle Collinge

MoF - Compliance Information Management System

Page	2 of 2	
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elivered		

Attachment Description Digital Image Additional Checklist Other	Delivery Method Email	Fax	Mail	Hand Delivered
ARCs File #	18750-20/92P0701056	ORCs File #		
			Print	Invalidate Clos

Page 1 of 1

9/56

C & E Portal >> Home >> Search Inspection By ID >> General Inspection Attachments Alleged Non-Compliance Assoc Files Addendum Inspection Risk Notes Clos CIMS 109 - General Inspection MapView Print Invalidate Copy Complete Status 256924 **ERA Case** Inspection ID Regional Inspection Risk Evaluation ID 129908 **Obligation Holder** PETER MILLER Tenure FRP TO Site Id s.22 WL 305, CP A, Block 8 Location 00:00 Inspection Time (hh:mm) Operator/Contractor 2011-07-22 Inspection Date Merle Collinge In Attendance Peter Miller Alleged Non-Compliance **General Compliance** Area Inspected Inspection Method Complete Partial Area Inspected Ocular Reece though central portion of block. Location Inspected Recce **Detailed Survey** Admin/Office **Compliance Summary Comments** Site or Activity Status The late free growing (FG) date for CP A, Block 8 of WL 305, expired in April of 2010. MFLNR CP A, Block 8 of WLL 305 was database RESULTS, indicated that the block was NSR. The block was field inspected with the harvested during the period April 1995 Licensee on July 22, 2011 . The Licensee had the block surveyed on July 29, 2011 at which til through December of 1999. According the block was found to be SR and FG. A copy of the survey has been submitted to the MFLNF to RESULTS, 8.1 hectares (NAR = Thompson Rivers District, but no information has yet been submitted to RESULTS. 13.7 ha) of this block were planted with Douglas-fir and spruce in 2002. On July 22, 2011, Peter Miller and the writer viewed this block in the field. Overall, the block was found to be well stocked mostly with healthy Douglas-fir (higher presence of resid Cw in west end) and low to moderate levels of deciduous species. Minor incidence of armillaria root disease was noted. A FG survey completed on July 29, 2011 reported that this block can be considered stocked and free growing. Received by Peter Miller Merle Collinge Inspector **Delivery Method Attachment Description** Hand Mail Email Fax Digital Image Delivered Additional Checklist Other 18750-20/92P0701530 ORCs File # ARCs File # Invalidate Clos Print

Tobin, Patrick J FLNR:EX

From:

Sommer, Rick FLNR:EX

Sent:

Wednesday, April 17, 2013 8:17 AM

To:

Schafthuizen, Jim FLNR:EX; Fraser, Jennifer FLNR:EX

Subject:

RE: AS PROMISED: W0305 (Millar) Issues

Thanks for the follow-up Jim. I am going to wait would like to better understand the history and facts.

before moving this file forward. I

Rick Sommer RPF

District Manager Thompson Rivers District

Ministry of Forests, Lands and Natural Resource Operations

Phone: 250-371-6501 Fax: 250-371-6565

Email: rick.b.sommer@gov.bc.ca

From: Schafthuizen, Jim FLNR:EX

Sent: Tuesday, April 16, 2013 12:20 PM

To: Fraser, Jennifer FLNR:EX; Sommer, Rick FLNR:EX Subject: AS PROMISED: W0305 (Millar) Issues

Importance: High

Good afternoon. I have followed up with Pat Tobin regarding the inaccurate information discussion we had on Friday afternoon. Pat has responded that C&E has confirmed that the information in the BN is accurate and stands by the information as presented. With regards to a debrief on communications, he feels that this would be inappropriate at this time given the ongoing unauthorized harvest investigation.

Jim Schafthuizen, R.P.F.

Director Pricing & Tenures - Southern Area Ministry of Forests, Lands & Natural Resource Operations 441 Columbia St., Kamloops, B.C. V2C 2T3

ph. (250) 828-4625

From: Fraser, Jennifer FLNR:EX

Sent: Monday, April 15, 2013 10:45 AM

To: Schafthuizen, Jim FLNR:EX Subject: FW: W0305 (Millar) Issues

Importance: High

As discussed.

Jenniter | raser, K[|
Resource Manager
Thompson Rivers District
Ministry of Forests, Lands, and Natural Resource Operations
office: 250.371.6503 cell:

12/56

From: Vandesteeg, Lindsay FLNR:EX Sent: Wednesday, April 10, 2013 4:31 PM

To: Fraser, Jennifer FLNR:EX

Subject: FW: W0305 (Millar) Issues

Importance: High

14/56

Tobin, Patrick J FLNR:EX

15/56

From:

Schafthuizen, Jim FLNR:EX

Sent:

Tuesday, April 16, 2013 12:20 PM

To:

Fraser, Jennifer FLNR:EX; Sommer, Rick FLNR:EX

Subject:

AS PROMISED: W0305 (Millar) Issues

Importance:

High

Good afternoon. I have followed up with Pat Tobin regarding the inaccurate information discussion we had on Friday afternoon. Pat has responded that C&E has confirmed that the information in the BN is accurate and stands by the information as presented. With regards to a debrief on communications, he feels that this would be inappropriate at this time given the ongoing unauthorized harvest investigation.

Jim Schafthuizen, R.P.F.

Director Pricing & Tenures - Southern Area Ministry of Forests, Lands & Natural Resource Operations 441 Columbia St., Kamloops, B.C. V2C 2T3

ph. (250) 828-4625

From: Fraser, Jennifer FLNR:EX

Sent: Monday, April 15, 2013 10:45 AM

To: Schafthuizen, Jim FLNR:EX Subject: FW: W0305 (Millar) Issues

Importance: High

As discussed.

Jennifer Fraser, RPF

Resource Manager

Thompson Rivers District

Ministry of Forests, Lands, and Natural Resource Operations

office: 250.371.6503 cell:

7.

email: jennifer.fraser@gov.bc.ca

From: Vandesteeg, Lindsay FLNR:EX Sent: Wednesday, April 10, 2013 4:31 PM

To: Fraser, Jennifer FLNR:EX

Subject: FW: W0305 (Millar) Issues

Importance: High

Page 16 redacted for the following reason:

s.15

Thompson Rivers District - Kamloops Office Ministry of Forests, Lands, and Natural Resource Operations Phone: 250-371-6533 Fax: 250-371-6565 17/56



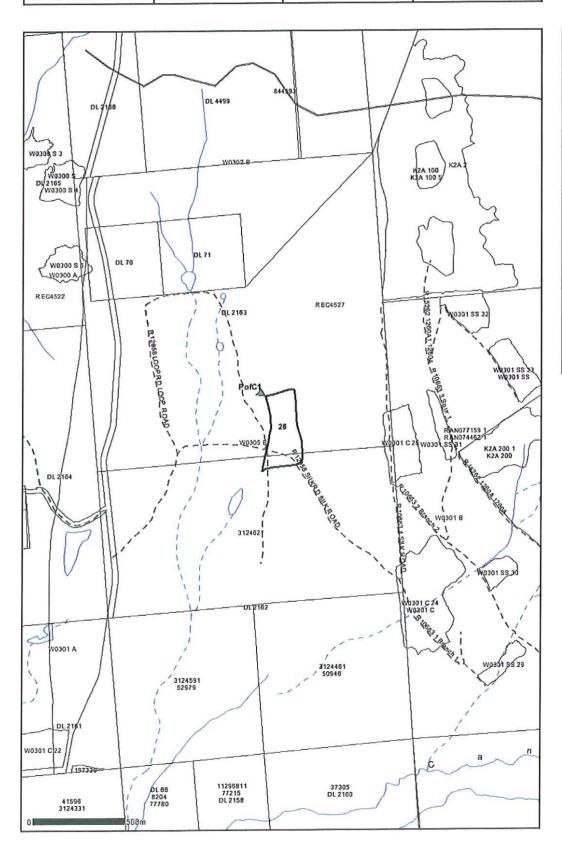
Ministry of Forests and Range

EXHIBIT A



MAP OF : W0305 CP CC (shown in bold black)				
FOREST REGION : RSI	TSA: 11	PULPWOOD AGREEMENT :	MGT UNIT TYPE : Woodlot	
FOREST DISTRICT : DHW	LAND DISTRICT: KDYD	PAG02 0	MGT UNIT NO :	
ESF SUBMISSION ID : 811673	SCALE: 1:20000 at A Size	UTM : 11	DRAWN BY : FTA	
BCGS MAPSHEET NO : 82M.071	Area (Ha): 7.145	NAD : NAD 83	DATE : Mar 31, 2010	











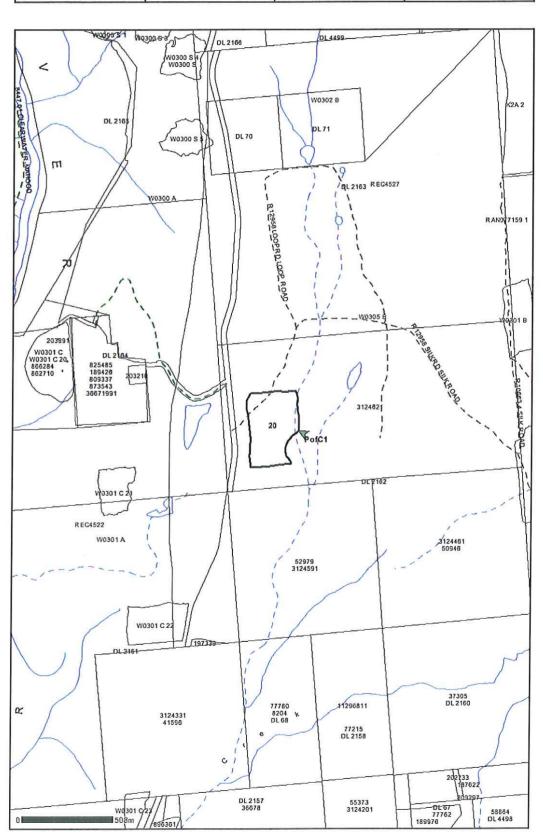
Ministry of Forests and Range

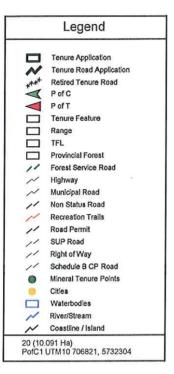
EXHIBIT A



MAP OF : W0305 CP SS (shown in bold black)				
FOREST REGION : RSI	TSA: 11	PULPWOOD AGREEMENT :	MGT UNIT TYPE : Woodlot	
FOREST DISTRICT : DHW	LAND DISTRICT: KDYD	PAG02 0	MGT UNIT NO :	
ESF SUBMISSION ID : 811665	SCALE: 1:20000 at A Size	UTM : 10	DRAWN BY : FTA	
BCGS MAPSHEET NO : 92P.080	Area (Ha): 10.091	NAD : NAD 83	DATE : Mar 31, 2010	







Tobin, Patrick J FLNR:EX

23/56

From:

Schafthuizen, Jim FLNR:EX

Sent:

Tuesday, April 16, 2013 12:06 PM

To:

Tobin, Patrick J FLNR:EX

Subject:

RE: FOLLOW-UP: Woodlot 305

Appreciate the follow-up notes Pat. I will relay that C&E has confirmed that the facts are correct and that a debrief isn't feasible given the ongoing investigation.

s.15

Jim Schafthuizen, R.P.F.

Director Pricing & Tenures - Southern Area Ministry of Forests, Lands & Natural Resource Operations 441 Columbia St., Kamloops, B.C. V2C 2T3

ph. (250) 828-4625

From: Tobin, Patrick J FLNR:EX

Sent: Tuesday, April 16, 2013 11:55 AM

To: Schafthuizen, Jim FLNR:EX

Subject: Re: FOLLOW-UP: Woodlot 305

Lets be clear that the facts are correct. The BN is accurate in that communications between C&E and Lindsay occurred on the 7th. It is irrelevant in the context of the BN whether or not we shared whether or not e-mails were also sent.

3.15

Sent from my iPhone

On 2013-04-16, at 10:38 AM, "Tobin, Patrick J FLNR:EX" < Patrick. Tobin@gov.bc.ca wrote:

Not convinced that is the issue that needs a debriefing, and regardless we cannot debrief that piece with the District when we have an ongoing investigation.

I'll call uou to get your thoughts on this Jim.

Sent from my iPhone

On 2013-04-16, at 9:44 AM, "Schafthuizen, Jim FLNR:EX" < Jim, Schafthuizen@gov.bc.ca> wrote:

I think the main focus would be around communications as it sounds like there are differing views on the history. I think it would be beneficial to have a debrief.

Jim Schafthuizen, R.P.F.

Director Pricing & Tenures - Southern Area Ministry of Forests, Lands & Natural Resource Operations 441 Columbia St., Kamloops, B.C. V2C 2T3 **Sent:** Tuesday, April 16, 2013 9:17 AM

To: Schafthuizen, Jim FLNR:EX

Subject: Re: FOLLOW-UP: Woodlot 305

24/56

A debrief would be an excellent opportunity to generate learnings. The question for me is what would we be debriefing?

Sent from my iPhone

On 2013-04-16, at 9:14 AM, "Schafthuizen, Jim FLNR:EX" < Jim.Schafthuizen@gov.bc.ca > wrote:

Pat, appreciate the quick response. After hearing the concerns I wanted to ensure that the facts are correct. I agree that either way that this would not change the outcome of my decision. As there are differing views as to how the file played out a debrief may be helpful. Thoughts?

Jim Schafthuizen, R.P.F.

Director Pricing & Tenures - Southern Area Ministry of Forests, Lands & Natural Resource Operations 441 Columbia St., Kamloops, B.C. V2C 2T3 ph. (250) 828-4625

From: Tobin, Patrick J FLNR:EX

Sent: Tuesday, April 16, 2013 8:51 AM

To: Schafthuizen, Jim FLNR:EX

Subject: RE: FOLLOW-UP: Woodlot 305

Thanks Jim.

3.15

If you have any questions please call me.

Patrick Tobin, RPF
Regional Manager-Thompson Okanagan
Compliance and Enforcement Branch
Ministry of Forests, Lands and Natural Resource Operations
Phone: 250 558-1780
Cell:

Sent: Tuesday, April 16, 2013 8:18 AM

From: Schafthuizen, Jim FLNR:EX

2

To: Tobin, Patrick J FLNR:EX

Subject: FOLLOW-UP: Woodlot 305

Importance: High

Hi Pat.

s.15

<< File: Briefing Note for Seizure DHW30467.doc >> Please give me a call to discuss when you get a chance.

Jim Schafthuizen, R.P.F.
Director Pricing & Tenures - Southern Area
Ministry of Forests, Lands & Natural Resource Operations
441 Columbia St., Kamloops, B.C. V2C 2T3
ph. (250) 828-4625

From: Fraser, Jennifer FLNR:EX Sent: Monday, April 15, 2013 10:45 AM

To: Schafthuizen, Jim FLNR:EX **Subject:** FW: W0305 (Millar) Issues

Importance: High

As discussed.

Jennifer Fraser, RPF

Resource Manager

Thompson Rivers District

Ministry of Forests, Lands, and Natural Resource Operations

office: 250.371.6503 cell:

From: Vandesteeg, Lindsay FLNR:EX Sent: Wednesday, April 10, 2013 4:31 PM

To: Fraser, Jennifer FLNR:EX

Subject: FW: W0305 (Millar) Issues

Importance: High

All the woodlot files are in Kamloops. If you need anything, please let me know and I can get it to you. Thanks,

Lindsay Vandesteeg, RPF Area Tenures Forester

Thompson Rivers District - Kamloops Office Ministry of Forests, Lands, and Natural Resource Operations

Phone: 250-371-6533 Fax: 250-371-6565

27/56





File:

23060-20 - DHW- 30543

00042664-00

February 07, 2013

Peter Agnus Miller Box 1106, RR#1 451 Hydro Road, Clearwater, B.C VOE 1NO

Dear Peter Agnus Miller:

Re: Notice of Seizure under Section 67 (1) of the Forest and Range Practices Act

This is to confirm the seizure of 3 loads of Douglas Fir logs marked with timber mark WAHASS as recorded on load description slips 042278 (Tolko mill tag #212126), 042280 (Tolko mill tag #212137) and 042281 (Tolko mill tag # 212147) and weigh scaled for a total volume of 122.894 cubic meters, under section 67 (1) (a) and (c) of the *Forest and Range Practices Act*:

FOREST AND RANGE PRACTICES ACT CHAPTER #69 [SBC 2002] Part 6: Division 2 - Segur Part 6: Division 2 - Seizure Seizure of timber, chattels, hay, etc.
67. (1) An official may seize the following:
(a) Crown timber that the official has reasonable grounds to (a) Crown timber that the official has reasonable grounds to believe was cut or removed in contravention of section 52; (b) timber, lumber, veneer, plywood, pulp, newsprint, special forest products, wood residue and chattels on which the government has a lien under section 130 (1) (d) of the Forest (c) timber, including special forest products, that the official has reasonable grounds to believe was removed from land in contravention of section 84 (1) or (3) of the Forest Act, is being or has been manufactured, sold or transported contrary to section 94 or 94.1 of the Forest Act, (iii) is being transported outside British Columbia in contravention of section 127 of the Forest Act, (iii.1)a person is attempting to remove from British Columbia in contravention of section 127.1 of the Forest Act, (iv) is being or has been transported in contravention of any regulation made under the Forest Act, or is mixed with timber to which this subsection applies;

Page 1 of 2

The seizure occurred on January 30, 2013 at Tolko Industries Limited Heffley Creek Division. I am the official who made the seizure, which was carried out for the following reasons:

• Timber was cut from crown land without authority and shipped under a timber mark that did not pertain to that portion of crown land

Please note that, if I determine there is no longer any basis for retaining the seized timber, I am authorized to release it to you, as the person from whom they were seized, or to another person if you so direct. Accordingly, if you think there are valid reasons for me to make such a determination, you can contact me at 250-371-6500.

Please note also that the minister or the minister's delegate has the authority to deal with the seized 122.894m3 of Df timber in accordance with section 67 (3) of the *Forest and Range Practice Act*, which may include sale or other disposition. You will be advised before any decisions are made in this regard.

Yours truly,

Mike Tjader, RFT Natural Resource Officer Ministry of Forests, Lands and Natural Resource Operations Thompson Okanagan Region Phone -250-371-6500 Fax 250- 371-6565

pc: Patrick Tobin, Regional Compliance and Enforcement Leader, Thompson Okanagan Region

MINISTRY OF FORESTS, LANDS AND NATURAL RESOURCE OPERATIONS BRIEFING NOTE

March 6, 2013

File: 23060-40/DHW-30467

- I. Prepared for: Dave Hails, DM Statutory Decision Maker, Okanagan Shuswap District
- II. Issue: Disposal of Seized Timber

Disposal of felled Douglas fir as per Sections 67 of the *Forest Range and Practices Act* (FRPA), as a result of a suspected contravention of Section 52 of FRPA.

III. Background

In reference to subsection 1 of Section 67 of FRPA, the following are the particulars on the Crown timber that was seized.

Volume and description: 3 logging truck loads of timber comprised of Douglas fir totalling 122.894 m³.

Location of Timber:

The timber was harvested from schedule B Crown land within Woodlot 305 north of the town of Clearwater, British Columbia, near the Clearwater Valley Road. The timber was seized on January 30th, 2013 at the Tolko sawmill at Heffly Creek, British Columbia.

Reason for Seizure:

The timber was harvested in contravention of Section 52 of the *Forest Range and Practices Act* and Section 84 of the *Forest Act*.

Background and Circumstances Resulting in Seizure:

On December 7, 2012, Natural Resource Officer (NRO), Lisa HUDEMA was informed by FLNRO Thompson Rivers Woodlot Forester, Lindsay VANDESTEEG, about a possible unauthorised harvesting on Woodlot 305 which is held in the name of Peter MILLER

On December 20, 2012, NRO Mike TJADER and HUDEMA determined through a field inspection that the harvesting on Woodlot 305 was being allegedly conducted contrary to section 52 of the *Forest and Range Practices Act*.

On December 21, 2012, NRO TJADER issued a Stop Work Order (SWO) for those activities allegedly being conducted contrary to section 52 of the *Forest and Range Practices Act* on Woodlot 305.

On January 29, 2012, an inspection was conducted by NRO TJADER and NRO Glen ALLAN on Woodlot 305. The inspection was to determine compliance with the SWO that was issued on December 21, 2012. The inspection revealed that unauthorised harvesting was still occurring on Wood lot 305.

On January 30, 2013, NRO ALLAN spoke with Scaling Officer Patrick HOYLE who revealed that 3 logging truck loads of timber, with timber mark WAHASS, was received by the Tolko sawmill (Heffley Division) on January 29/30, 2013 from WL 305.

NRO TJADER and HOYLE seized 3 logging truck loads of douglas fir timber from WL 305 (marked WAHASS) in accordance with section 67(1)(a) of the *Forest and Range Practices Act*, at the Tolko sawmill, Heffley Division, BC. The calculated volume of the seized timber is 122.894m3.

On February 7, 2013 letter was sent to Peter MILLER advising him (in writing) of the seizure as per section 67 of *Forest and Range Practices Act*.

Value:

The market value of the timber was calculated using the B.C Interior Log Market system. By using the average log prices for the 1-month period ending December 2012, the value of the total 122.894 m3 volume of the timber was calculated at \$ 8,382.60.

Other Claims to the Timber:

The timber originated from Crown land within schedule B (Crown portion) of WL 305.

The Woodlot tenure holder (Peter MILLER) did not have a cutting authority for the areas of alleged unauthorized harvest and as such has no claim to any portion of the crown timber seized.

Enforcement Action:

The timber has been seized and the case file is being prepared and will be forwarded to the District Manger for an Administrative Hearing.

Costs to the Crown:

There are no invoices associated with this file.

Seizure Report:

FS 96A Completed and attached.

ERA	report:
ERA	report:

Case file DHW-30467 has been opened.

Contact Name:

Glen Allan Natural Resource Office Thompson Rivers Field Unit / Thompson Okanagan Region

Recommendations:

Option 1:

Sell the seized timber through a Forestry Licence to Cut (FLTC) or Sale of Seized Timber Agreement (SSTA) and make the crown whole (Policy 16.15 under section 67 of the *Forest and Range Practices Act*).

s.13

RECOMMENDATION:

Option 1: [description of Option 1 as it appears above]

By selling the seized timber through a FLTC or SSTA the Crown / public will receive fair market value for the timber.

Signatures:		
Patrick Tobin Regional Compliance and Enforcement Manager Thompson Okanagan Region	Date	

Comments:

Approved/Not Approved	Date
Dave Hails, RPF	
District Manager Statutory Decision Maker	
Okanagan Shuswap District	

Attachment(s): FS 96A Timber or Forest Products Forfeiture Report



FORFEITURE REPORT

35/56

Forfeiture Section 115 Forest Practices Code of British Columbia Act or Section 67(1) Forest and Range Practices Act

								1	DATE	2013-01-30
	FOREST REGION FOREST DISTR Southern Interior Forest Region Thompson Ri						1	DATE OF	SEIZURE (YYYY-MM-DD) 2013-01-30	
NAME OF PERSON WHOSE PROPERTY WAS SEIZED Crown timber harvested by Peter Miller on WL305					inito i	PLACE OF SEIZURE Tolko Industries Ltd Sawmill, Heffley Creek Division				
ADD	RESS (1106,rr#1									
451 Hydro Road Clearwater B.C						PRESENT LOCATION OF SEIZED PROPERTY Tolko Industries Ltd Sawmill, Heffley Creek Division				
1925 D D	TAL CODE E 1NO		PHONE	s.22 NO(s	·).					
WHA	AT WAS SEIZED?	⊠ TIM	MBER	☐ HA	Y BOTANIC	CAL	FOREST PRODUCTS [] PROF	PERTY OF	R CHATTELS
310	CRIBE THE QUANTI Dads of Douglas F total weigh scale	ir logs n	narked v	with 7	Timber Mark W	/AH/ e 12:	ASS Load Description 2.894m3 log grades 1	Slips # &2	4042278	#042280, #042881.
REA	SON FOR THE SEIZ	JRE (ched	k one or	more)		Vicinity (1987) - All Address Constitution (1987)			50 (ill Frankland
\boxtimes	Range Practices (FPRA) Act).									
	Timber, timber products, chattels for which there is an outstanding debt with the Government. (An outstanding debt with the Crown constitutes a lien under Section 130(1)(d) of the <i>Forest Act (FA)</i> . Excludes hay and livestock [refer to definitions on back: lien, chattel].)									
	Timber, including timber products that the official has reasonable grounds to believe was:									
	□ not properly marked (Section 84, FA), applies to Crown or private land;									
	not properly scaled (Section 94, FA);									
							proper exemption (Section			CHARLES BY BY TANK
	(Section 104 FPC A	ct).					ercially traded without the p			
	land without authority	(Section	101 FPC	Act or	Section 51, FRPA	1).	ty (Section 100, FPC Act or			
	A vehicle which is transporting timber, timber products, forest products or hay for which a violation of the <i>Forest Act</i> or <i>FPC Act</i> or the <i>FRPA</i> as specified above, applies. NOTE: A vehicle seized must be released once it has delivered the seized timber, timber products or forest products, etc. to the location specified by the official.									
	Livestock under Sec	ion 68 (1)	of the Fo	rest ar	nd Range Practices	s Act				
SEIZ Nat	zure was conduc ural Resource Off	тев ву icer, Mic	hael Tj	ader	and Scaling Of	ffice	r , Patrick Hoyle			MATED SEIZURE COST 200.00
ACTION TAKEN: HAS THE PERSON WHOSE ITEMS (TIMBER FOREST PRODUCTS, ETC.) Mr Peter MILLER W.						was telephoned on Fe Officer Glen ALLAN o	ebruary of the se	5,2013 eizure ar	and informed by nd followed up with a	
	⊠ YES □	NO	→		letter on Febru	ıary	8, 2013.			
REC	OMMENDATION:									
	SELL THE SEIZED I RETAIN THE SEIZE RELEASE ITEMS OF OTHER (EXPLAIN):	D ITEMS (CTED	<i>l.</i>			

DEFINITIONS

LIEN

A right to retain or enforce a charge against property until the claim is paid or satisfied. The lien under Section 130 of the Forest Act is only for the purposes of having the cargo delivered to a secure place. Then the truck or other vessel must be released and cannot be held to cover seizure costs.

SEIZURE

To take or effect legal possession under Section 115 of the FPC Act or Section 67(1) FRPA.

CHATTEL An item of tangible movable or immovable property except real estate. In this policy, a chattel refers to:

- a) timber, lumber, veneer, plywood, pulp, newsprint, special forest products and wood residue owned by a person who owes money; and
- property or an interest in it, other than chattels referred to in subparagraph (a), owned by the person who owes the money.
- hav or livestock can both be chattels upon which we place a lien under section 130 of the Forest Act.

NOTE: Seizure Costs for items covered under Section 115 and Section 67(1) can not be included in an administrative penalty.

Pages 37 through 39 redacted for the following reasons:

s.15



MINISTRY OF FORESTS, LANDS & NATURAL RESOURCE OPERATIONS

COMPLIANCE & ENFORCEMENT CONTINUATION REPORT

INCIDENT #	#: 2012-891				
CIMS REPO 269911	RT#	ERA REPO DHW-304			
WL 305 Clea	rwater				
DATE	TIME	OFFICER			
2013/01/29		L HUI	DEMA		
					د. ت
					ι
2013/01/29		L HUE	EMA		
2012/01/02		N.C. TOTAL	DED		
2013/01/29		M TJA	DER		
2013/01/30	08:30	GALL	AN		rough scaling system for record of er mark WAHASS for Jan 29, 2013.
					oads marked WAHASS scaled at 13 - first one at 10:25hrs and next at
				14:36hrs. HOYLE also said one was received at TOLKO mills ea	
2013/01/30	10:00	GALLA	AN	ALLAN discussed with GRIFFIT	N the proposed seizure and it was
				agreed to go ahead and seize the mill if it was possible to seize the	em separate from other decks.
2013/01/30	10:30	GALLA	AN	ALLAN discusses with TJADER WAHASS marked timber at TOI	the seizure of the 3 loads of LKO HEFFLEY DIV mill yard and
				TJADER agrees to perform seizu	
2013/01/30	11:00	GALLA	AN	ALLAN called and spoke with A	rmajit SUDHU - TOLKO Scaler
DATE CONC	LUDED:				
INVESTIGATOR: SIGN				ATURE:	DATE:

41/56



MINISTRY OF FORESTS, LANDS & NATURAL RESOURCE OPERATIONS

COMPLIANCE & ENFORCEMENT CONTINUATION REPORT

INCIDENT #:	2012-891		OTHER AGENCY FILE #:					
CIMS REPOR	RT# E	RA REPORT #	REGION		Field Unit			
269911	144.5	HW-30467	Thompson	n Okanagan	Thompson Fraser			
WL 305 Clear	water		ACT/SECTIONS INVOLVED					
DATE	TIME	OFFICER	机门机局		S/MEASURES TAKEN			
	×		and Cliff ROBERTSON-TOLKO Log Buyer to confirm the 3 loads of timber marked WAHASS and received Jan 29 and 30 th were decked separately. ALLAN was informed that the 3 loads were mixed in with 3 other loads(different mark) in a deck and that there would not be an issue if we were to seize the deck with WAHASS loads in it - as is at the TOLKO mill yard. ALLAN informed SUDHU and ROBERTSON that Mike TJADER would be arriveing at TOLKO mill yard to seize the 3 loads of WAHASS marked timber this date.					
2013/01/30	12:10	M TJADER	HOYLE mark WI log yard under 67 issued 20 mark that Armajit identifying	The visit to the second 2013/01/29 A of FRPA due to 012/12/21 and mit does not pertain SUDHU tolko seang the three loads agged with the following 212126 Tag 212137 Tag 212147 The above loads Timber Mark Three other loads Tag 212163 Tag 212110 Tag 212128 Tolko has no issettime h the above	with Thompson Rivers district Scaler Pat ite was to identify the loads with Timber transported from Woodlot 305 to the tolko ND 2013/01/30JAN and seize these loads not compling with the stop work order smarking these loads(utilizing a timber to the area the wood was harvested.) aler assisted TJADER and HOYLE in These three loads were idendified in deck lowing numbers to idendify the loads were hammer stamped with the FS are tagged with in deck 54 and they are uses with including in the seizure at this tagged loads that do not pertain to wl 305 were posted in the front of deck 54 and on			

DATE CONCLUDED:			
INVESTIGATOR:	SIGNATURE:	DATE:	

42/56



MINISTRY OF FORESTS, LANDS & NATURAL RESOURCE OPERATIONS

COMPLIANCE & ENFORCEMENT CONTINUATION REPORT

INCIDENT #	4: 2012-891		OTHER AGENCY FILE #:					
CIMS REPO 269911 WL 305 Clea		ERA REPORT # DHW-30467	REGION Thompson Okanagan ACT/SECTIONS INVOLVE	Field Unit Thompson Fraser D				
DATE	TIME	OFFICER	ACTIONS/	MEASURES TAKEN				
			remove any wood loads(nothing to b • Pictures were take deck 54,tagged loads)	nformed Tolko loaderman Danti to not from deck 54 and as well not to add any				
April 3/13	08:30	GALLAN & TJADER	Pete MILLER at 441 Colum	ed Jim SCHAFTHUIZEN'S OTBH for abia St, regarding seizure of 3 loads of SS at TOLKO HEFFLEY division.				
April 10/13	15:23	GALLAN	Receives copy of determination letter from SCHAFTHUIZEN sent to MILLER informing that the seized wood is to be sold.					
April 12/13		GALLAN	ALLAN called and informed	d Earl Korsi Log Buyer, TOLKO Heffley dered to sell seized wood and DKA staff				

DATE CONCLUDED:		
INVESTIGATOR:	SIGNATURE:	DATE:

MINISTRY OF FORESTS, LANDS AND NATURAL RESOURCE OPERATIONS BRIEFING NOTE

March 6, 2013

File: 23060-40/DHW-30467

- I. Prepared for: Jim Schafthuizen, Director Pricing and Tenures
- II. Issue: Disposal of Seized Timber

Disposal of felled Douglas fir as per Sections 67 of the Forest Range and Practices Act (FRPA), as a result of a suspected contravention of Section 52 of FRPA.

III. Background

In reference to subsection 1 of Section 67 of FRPA, the following are the particulars on the Crown timber that was seized

Volume and description: 3 logging truck loads of timber comprised of Douglas fir totalling 122.894 m³.

Location of Timber:

The timber was harvested from schedule B Crown land within Woodlot 305 north of the town of Clearwater, British Columbia, near the Clearwater Valley Road. The timber was seized on January 30th, 2013 at the Tolko sawmill at Heffley Creek, British Columbia.

Reason for Seizure:

The timber was harvested in contravention of Section 52 of the Forest Range and Practices Act and Section 84 of the Forest Act.

Background and Circumstances Resulting in Seizure:

On December 7, 2012, Natural Resource Officer (NRO), Lisa HUDEMA was informed by FLNRO Thompson Rivers Woodlot Forester, Lindsay VANDESTEEG, about a possible unauthorised harvesting on Woodlot 305 which is held in the name of Peter MILLER

On December 20, 2012, NRO Mike TJADER and HUDEMA determined through a field inspection that the harvesting on Woodlot 305 was being allegedly conducted contrary to section 52 of the *Forest and Range Practices Act*.

1 of 4

On December 21, 2012, NRO TJADER issued a Stop Work Order (SWO) for those activities allegedly being conducted contrary to section 52 of the *Forest and Range Practices Act* on Woodlot 305.

On January 29, 2012, an inspection was conducted by NRO TJADER and NRO Glen ALLAN on Woodlot 305. The inspection was to determine compliance with the SWO that was issued on December 21, 2012. The inspection revealed that unauthorised harvesting was still occurring on Wood lot 305.

On January 30, 2013, NRO ALLAN spoke with Scaling Officer Patrick HOYLE who revealed that 3 logging truck loads of timber, with timber mark WAHASS, was received by the Tolko sawmill (Heffley Division) on January 29/30, 2013 from WL 305.

NRO TJADER and HOYLE seized 3 logging truck loads of Douglas-fir timber from WL 305 (marked WAHASS) in accordance with section 67(1)(a) of the *Forest and Range Practices Act*, at the Tolko sawmill, Heffley Division, BC. The calculated volume of the seized timber is 122.894m3.

On February 7, 2013 letter was sent to Peter MILLER advising him (in writing) of the seizure as per section 67 of Forest and Range Practices Act.

Value:

The market value of the timber was calculated using the B.C Interior Log Market system. By using the average log prices for the 1-month period ending December 2012, the value of the total 122.894 m3 volume of the timber was calculated at \$ 8.382.60.

Other Claims to the Timber:

The timber originated from Crown land within schedule B (Crown portion) of WL 305.

The Woodlot tenure holder (Peter MILLER) did not have a cutting authority for the areas of alleged unauthorized harvest and as such has no claim to any portion of the crown timber seized.

Enforcement Action:

The timber has been seized and the case file is being prepared and will be forwarded to the District Manger for an Administrative Hearing.

Costs to the Crown:

There are no invoices associated with this file.

Seizure Report:

FS 96A Completed and attached.

2 of 4

ERA report:

Case file DHW-30467 has been opened.

Contact Name:

Glen Allan Natural Resource Office Thompson Rivers Field Unit / Thompson Okanagan Region

Recommendations:

Option 1:

Sell the seized timber through a Forestry Licence to Cut (FLTC) or Sale of Seized Timber Agreement (SSTA) and make the crown whole (Policy 16.15 under section 67 of the Forest and Range Practices Act).

s.13

RECOMMENDATION:

Option 1: [description of Option 1 as it appears above]

By selling the seized timber through a FLTC or SSTA the Crown / public will receive fair market value for the timber.

Patrick Tobin

Signatures:

Regional Compliance and Enforcement Manager

Thompson Okanagan Region

Comments:

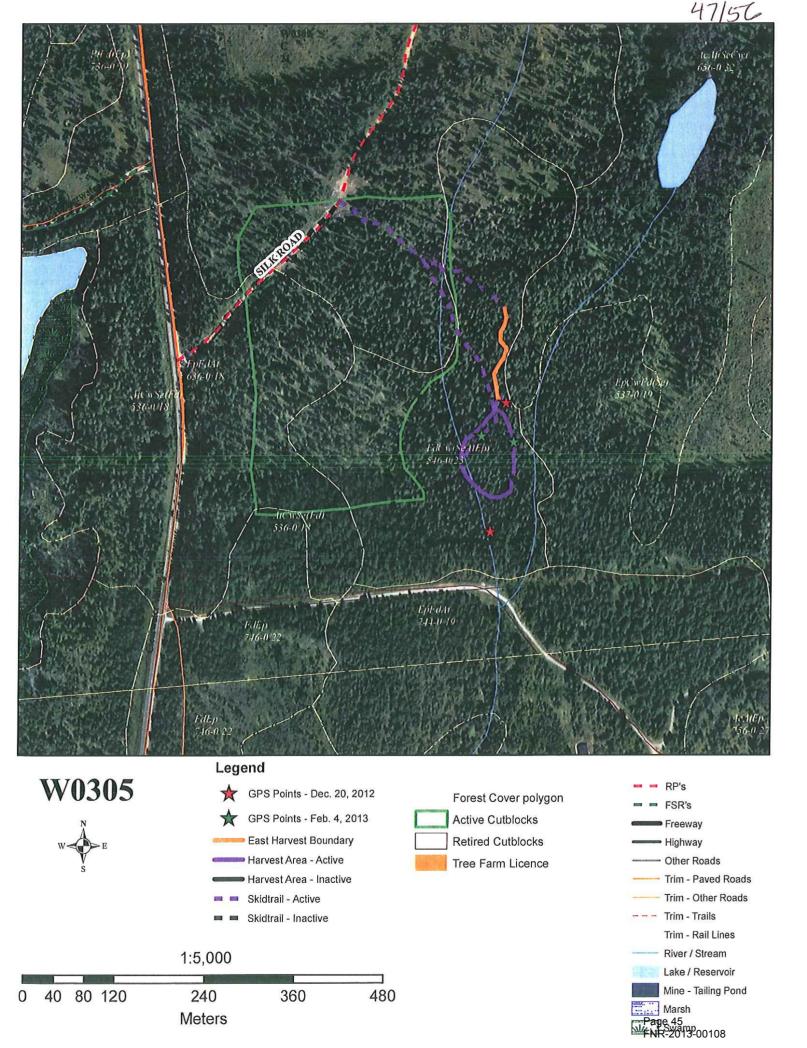
15

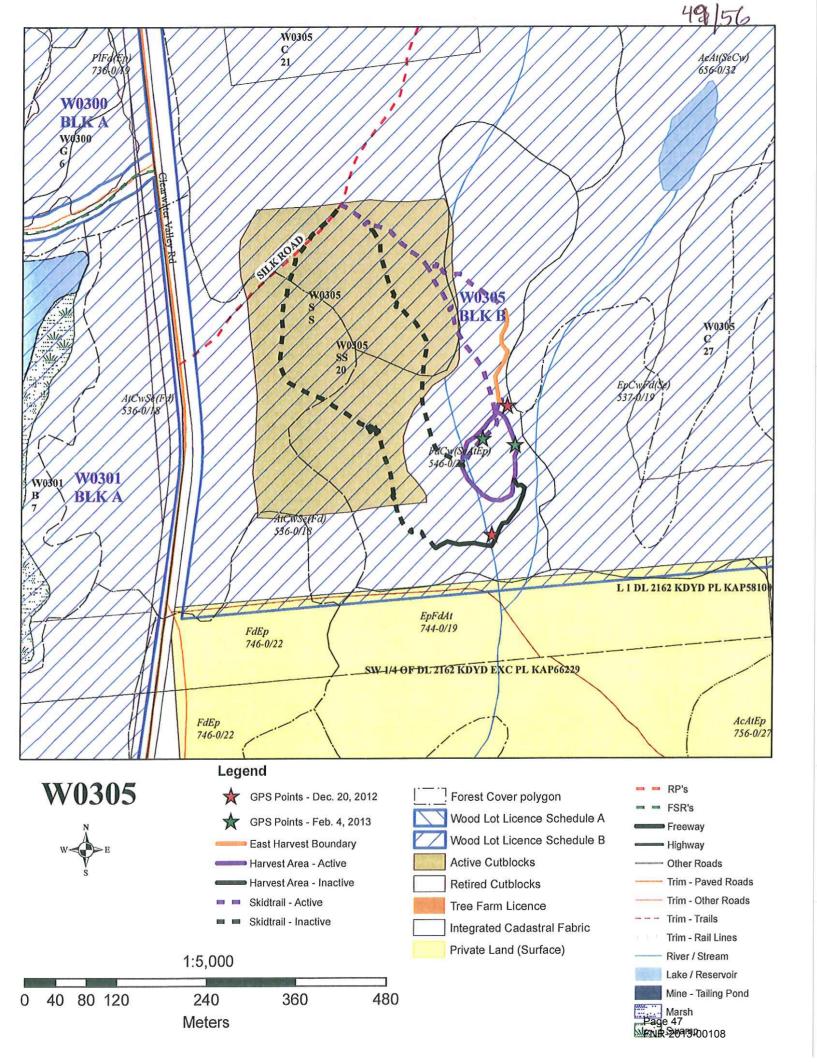
Approved/Not Approved
Jim Schafthuizen, RPF
Director - Pricing and Tenures
Regional Operations - South

Attachment(s): FS 96A Timber or Forest Products Forfeiture Report

Date

152





Tobin, Patrick J FLNR:EX

From:

Tobin, Patrick J FLNR:EX

Sent:

Wednesday, May 1, 2013 2:51 PM

To:

Sommer, Rick FLNR:EX

Cc: Subject: Vandesteeg, Lindsay FLNR:EX RE: letter from Pete MILLER

The SWO prevents him from harvesting where he has no authority to harvest. He can harvest where he has authority to do so however I believe he has little or no wood remaining on either of his permits/blocks and his operations to date have allegedly been concentrated in areas where he has no authority.

This ability to continue harvesting on his approved permits has been explained to Mr Miller on numerous occasions.

Call me if you have any questions or concerns.

Patrick Tobin, RPF
Regional Manager-Thompson Okanagan
Compliance and Enforcement Branch
Ministry of Forests, Lands and Natural Resource Operations
Phone: 250 558-1780

Cell:

17.

From: Sommer, Rick FLNR:EX

Sent: Wednesday, May 1, 2013 2:43 PM

To: Tobin, Patrick J FLNR:EX
Cc: Vandesteeg, Lindsay FLNR:EX
Subject: Fw: letter from Pete MILLER

Pat, just to clarify, Mr. Miller has two CPs with a block each under active authorities. Does the Stop Work Order prevent Mr. Miller from harvesting under this authority?

Rick

From: Vandesteeg, Lindsay FLNR:EX

Sent: Wednesday, May 01, 2013 02:22 PM Pacific Standard Time

To: Sommer, Rick FLNR:EX

Subject: FW: letter from Pete MILLER

L

From: Tobin, Patrick J FLNR:EX

Sent: Wednesday, May 1, 2013 12:10 PM

To: Allan, Glen FLNR:EX; Griffin, Paula J FLNR:EX; Vandesteeg, Lindsay FLNR:EX

Cc: Fraser, Jennifer FLNR:EX

Subject: RE: letter from Pete MILLER

Thank you for the heads up Glen.

My thoughts on this issue:

C&E piece

from the District, would be that the matter is currently under a Compliance and Enforcement investigation and that if Mr. Miller would like to understand the process he should contact myself to have the process explained.

52/56

Possible District piece:

Rick I think the District can choose to explain what plans/permits Mr. Miller needs in place to commence harvesting in a legal manner. At this stage of the game the Stop Work Order, and his lack of approved plans/permits is precluding him from undertaking any further harvesting.

I will leave it to you Lindsay to decide whether you want C&E to answer this on your behalf and simply notify the client that the matter is being referred to C&E for a response or whether you want to put something out regarding the clients "woodlot obligations" that need to be resolved before any commencement of harvesting can occur. If you wish to respond please be mindful not to speak to his issues currently under investigation as he will have a chance to speak to those before the SDM when our casefile is done.

Take care.

Patrick Tobin, RPF Regional Manager-Thompson Okanagan

Compliance and Enforcement Branch
Ministry of Forests, Lands and Natural Resource Operations
Phone: 250 558-1780
Cell:
□

From: Allan, Glen FLNR:EX

Sent: Wednesday, May 1, 2013 11:44 AM

To: Griffin, Paula J FLNR:EX
Cc: Tobin, Patrick J FLNR:EX

Subject: FW: letter from Pete MILLER

FYI

The attached letter (was in sealed envelope addressed to District Manager, Headwaters District) was hand delivered to Headwaters office on April 29 and received at TR office on April 30 and Rick passed onto Lindsay Vandesteeg for response.

Lindsay will be allowing us to peruse response before sending.

Glen Allan, *RFT* Natural Resource Officer

Thompson Rivers Field Unit / Thompson Okanagan Region

Compliance and Enforcement Branch

Ministry of Forests, Lands and Natural Resource Operations

Phone: 250 371-6569

s.15

Pages 54 through 55 redacted for the following reasons:

s.15

Tobin, Patrick J FLNR:EX

55/56

From: Sent: Tobin, Patrick J FLNR:EX Friday, March 8, 2013 3:21 PM

To: Subject: Dickenson, Kevin FLNR:EX; Schafthuizen, Jim FLNR:EX FW: ACTION: BN re:WL305 (disposition of seized timber)

Importance:

High

Good day Kevin and Jim!

We have an issue with a number of seized loads (3 loads) and the requirements to have a hearing to determine whether they can be returned to the client or disposed of at auction.

Only Reds and District Managers can deal with forfeiture under Section 67 of FRPA and since the District Manager in this instance (Rick S) will be hearing the casefile surrounding the alleged unauthorized harvest it is strongly suggested he not also get involved in the disposition of the seized timber.

Under Section 120.2 of FRPA the RED or DM can subdelegate the decision making in this instance. I suggest that Jim would be a good candidate however that is totally up to you Kevin and Jim and I do not presume to make any claim that it needs to be any-one in particular, other than Rick has specifically asked that it not be any-one from his District.

3.22

Whomever takes this on please have them call me as there are some "security/staff safety" issues that will need to be discussed before entering into a room with this particular client.

Subdelegation

120.2 (1) Except in prescribed circumstances, a delegate under section 120.1 (1) may subdelegate the power or duty to

(a)

a person employed in a

ministry,

(b)

a class of persons

/ \

employed in a ministry, or

(c)

an agent of the Crown.

(2) Except in prescribed circumstances, a delegate under section 120.1 (2) may subdelegate the power or duty to

(a)

a person employed in a

ministry, or

(b)

a class of persons

employed in a ministry.

2007-18-89.

Call me if you have any questions or concerns.

Patrick Tobin, RPF
Regional Manager-Thompson Okanagan
Compliance and Enforcement Branch
Ministry of Forests, Lands and Natural Resource Operations
Phone: 250 558-1780

From: Griffin, Paula J FLNR:EX

Sent: Wednesday, March 6, 2013 3:22 PM

To: Tobin, Patrick J FLNR:EX Cc: Allan, Glen FLNR:EX

Subject: ACTION: BN re:WL305 (disposition of seized timber)

56/56

Pat, we have completed the BN for WL 305 seizure. Please review and if satisfactory, sign and forward to Dave Hails for decision.

If you need anything further, please let Glen or I know.



Briefing Note for Seizure DHW3...



WL 305 Seizure Report.doc

Thanks

Paula Griffin, RFT
Natural Resource Officer
Thompson Rivers Field Unit / Thompson Okanagan Region
Compliance and Enforcement Branch
Ministry of Forests, Lands and Natural Resource Operations
Phone: 250-587-6721 (Clearwater) // 250-371-4454 (Kamloops)
Cell:



File: 19720-50/W0305

19720-70/W0305

May 1, 2013

Registered Mail

Peter Miller

s.22

Dear Peter Miller:

Please consider this as a reminder to the January 22, 2013 notification (attached) that a new Management Plan and AAC calculation is required for Woodlot Licence W0305.

Under paragraph 4.01 of Woodlot Licence W0305 and section 45(1)(f) of the *Forest Act* a proposed Management Plan and AAC calculation must be submitted on or before July 31, 2013. Failure to do so may result in suspension and cancellation of Woodlot Licence W0305 as per s76(1)(d) and s77 of the *Forest Act*.

A new Management Plan and AAC calculation is required as per the letter sent to you on March 29, 2010 (attached). The letter stated that a new Management Plan and AAC calculation were to be submitted by January 30, 2012. We have not received a new Management Plan and AAC calculation.

As you are currently operating without an active Management Plan, no new cutting permits or road permits will be issued to you until a Management Plan and AAC calculation is submitted and approved.

The proposed Management Plan and AAC calculation must be consistent with the requirements specified in paragraph 4.02 of Woodlot Licence W0305. If you have any questions, please contact Lindsay Vandesteeg at 250-371-6500.

ours truly,

Rick Sommer, R.P.F.

District Manager

Kamloops/Headwaters Forest Districts

pc: Trudy Goold. Tenures Forester. Southern Interior Region.

Ministry of Forests, Lands and Natural Resource Operations

Kamloops Forest District

Address: 1265 Dalhousie Drive Kamloops, BC V2C 5Z5

Tel: Fax: (250) 371-6500 (250) 371-6565

> Page 1 FNR-2013-00108



File: 19720-50/W0305 19720-70/W0305

January 22, 2013

Peter Miller

s.22

Dear Peter Miller:

Please consider this letter as notification under paragraph 4.01 of Woodlot Licence W0305 and section 45(1)(f) of the *Forest Act* to submit a proposed Management Plan and AAC calculation on or before July 31, 2013. Failure to do so may result in suspension and cancellation Woodlot Licence W0305 as per s76(1)(d) and s77 of the *Forest Act*.

A new Management Plan and AAC calculation is required as per the letter sent to you on March 29, 2010 (attached). The letter stated that a new Management Plan and AAC calculation were to be submitted by January 30, 2012. We have not received a new Management Plan and AAC calculation.

As you are currently operating without an active Management Plan, no new cutting permits or road permits will be issued to you until a Management Plan and AAC calculation is submitted and approved.

The proposed Management Plan and AAC calculation must be consistent with the requirements specified in paragraph 4.02 of Woodlot Licence W0305. If you have any questions, please contact Lindsay Vandesteeg at 250-371-6500.

Yours truly,

Rick Sommer, R.P.F.

District Manager

Kamloops/Headwaters Forest Districts

pc: Trudy Goold. Tenures Forester. Southern Interior Region.



File:

19720-50/W305

March 29, 2010

Peter Miller

s.22

Dear Pete Miller:

Please consider this letter as rescinding the previous notification, dated October 14, 2009, requiring you to submit a proposed Management Plan on or before January 30, 2010.

I have reviewed your request to extend the deadline for submission of a new Management Plan. As per your letter and your conversation with Al Hicks, I am in agreement that it is reasonable to wait for the completion of the proposed Site Index Adjustment project, and the completion of all inventory updates, in order to determine a more accurate AAC. In the interim, this will give you an opportunity to address the current forest health issues related to Douglas fir beetle prior to setting a new AAC.



Therefore, in accordance with paragraph 4.01 of Woodlot License 305, and under authority of Section 45(1)(f) of the *Forest Act*, please consider this letter as notification to submit a new Management Plan and AAC by January 30, 2012. The proposed Management Plan must be consistent with the requirements specified in paragraph 4.02 of Woodlot Licence 305.

I have also reviewed your request for an amendment to your Management Plan to increase the AAC in order to address increased Douglas Fir bark beetle activity. As long term cut control levels have historically been adequate to allow salvage logging to address Douglas Fir bark beetle, I am not willing to entertain an exemption to cut control limits at this time.

If you have any questions please contact Helena Adamowicz at 250-569-3756.

Yours truly

Garth Wiggill District Manager

Headwaters Forest District

pc:

Helena Adamowicz, Tenures Officer, McBride Office

Trudy Goold, Woodlot Forester, Kamloops Regional Office

Ministry of Porests and Range Headwaters Forest District

Location: 687 Yellowhead S Hwy 5 Clearwater, British Columbia VOB 1NO CANADA

Clearwater, BC VOE 1N0
Tel: (250) 587-6700
Fax: (250) 587-6790

PO Box 4501 RR 2

Mailing Address:

Page 3 FNR-2013-00108



File:

19720-50/W305

October 14, 2009

Peter Miller

s.22

Dear Peter Miller:

Please consider this letter as notification under paragraph 4.01 of Woodlot Licence 305 to submit a proposed Management Plan on or before January 30, 2010. The proposed Management Plan must be consistent with the requirements specified in paragraph 4.02 of Woodlot Licence 305.

A new Management Plan with a proposed Allowable Annual Cut (AAC) is now due because approval of the current management plan in August of 2000 require a new inventory and plan within 5 years of approval. As the woodlot had a new inventory in 2006 it is now time to submit a new proposed plan and AAC.



If you have any questions please contact Alan Hicks at 250-587-6772.

Yours truly,

Garth Wiggill
District Manager

Headwaters Forest District

pc:

Helena Adamowicz, Tenures Officer, McBride Office

WOODLOT LICENCE #305

WOODLOT LICENCE PLAN

First Term **2011 to 2021**

Peter Miller Box 1106, RR #1 Clearwater, BC V0E 1N0

Phone:

s.22

Fax:

s.22

Authorized Licensee Signature:

Peter Miller

Mille

July 26, 2011



File: 19720-75/W0305

September 29, 2011

Peter Miller Box 1106, RR #1 Clearwater, BC V0E 1N0

Dear Peter Miller:

Our review of the Woodlot Licence Plan (WLP) for Woodlot Licence W0305 has now been completed. This letter is a determination regarding the approval of the WLP.

Determination:

As the statutory decision maker under Section 16 (1.1) of the *Forest and Range Practices Act*, I hereby approve your WLP for the term July 26, 2011 to July 25, 2021. Further development occurring under Woodlot Licence W0305 must be done in accordance with the approved WLP.



In making this determination, I have reviewed the material submitted with your plan. For guidance I have also considered the Kamloops Land and Resource Management Plan. I am satisfied that your WLP conforms to Section 13 of *Forest and Range Practices Act*.

Please keep in mind that this approval does not absolve you of the requirements to address aboriginal rights and avoid infringement of those rights in your future planning and implementation.

In addition, this approval does not exempt you from any of the requirements of the *Fisheries Act*. Please approach Fisheries and Oceans Canada directly for any additional advice on this point.

Page 1 of 2

To Peter Miller

Thank you for your effort and co-operation leading to this approval of your WLP.

Yours truly

Rick Sommer, RPF District Manager

Kamloops Forest District

pc: Paula Griffin, Compliance & Enforcement Supervisor. Thompson Okanagan Sub Region, Kamloops Field Team

Brett Gunn, RPF. Cascade Forest Management Ltd. Box 1781. Clearwater, BC. V0E 1N0



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Contact: Trudy Goold

Date typed: 2012-04-10 Date last saved: 2013-03-12

File:

19720-70/W0305

March 22, 2013

PETER ANGUS MILLER.

s.22

Dear Licence Holder:

Re: 2012 Cut Control Report for Operations on WL W0305

Your licence is subject to the cut control provisions of the *Forest Act* (act) and the Cut Control Regulation, B.C. Reg. 578/2004 (regulation). You should review Part 4, Division 3.1 - Cut Control of the act and the associated regulation to ensure you understand how this legislation will affect cut control administration for your licence.



The cut control period for this licence is designated as the interval beginning January 1, 2010 and ending December 31, 2014, unless you choose to terminate the cut control period under the provisions of Section 75.4 of the act. You must advise the ministry before June 30 of this year if you intend to make such a termination.

Under Section 75.41(1) of the Act, the total volume of timber harvested during the cut control period must not exceed 120 percent of the sum of allowable annual cuts (AAC) specified in the agreement for that period.

Any overcut carried into this cut control period from a previous cut control period will be considered as timber volume harvested in this period.

Unbilled scale is shown on the Harvest Volume Summary Report but is not normally included on the cut control table. However, all or a portion of this volume will be incorporated in the volume of timber harvested at the end of the cut control period upon written request from the licence holder. The volume requested will be subtracted from next year's cut control report to ensure the volume is not double counted. In addition, the unbilled scale volume will be included in the volume of timber harvested at the end of the final cut control period for the licence.

Page 1 of 2

MILLER, PETER ANGUS

Our records show that the AAC and volume of timber harvested since the commencement of your licence are as stated in the attached "Cut Control Advice". A detailed report of the volumes charged to the most recent calendar year (Harvest Volume Summary Report) is also attached. If you are electing to terminate the cut control period under the provisions of section 75.4 of the act, you have the option of including all or a portion of the unbilled scale in the volume of timber harvested. Please indicate the unbilled scale volume you wish to include when submitting your termination notice.

This letter and attachments constitute a draft report of the cut control status of your licence under the act and regulation. If your records do not agree with this information, please inform the undersigned in writing within 30 days. After the expiry of the 30-day period this letter will be deemed to be your final cut control report, with the following exceptions. Licences eligible to terminate the cut control period under S. 75.4 of the Act may do so until June 30. Additionally, requests for adjustments under sections 17(6) (Grade 4 credit) or 19 (attribution to another licence) of the regulation must be made before November 30. A revised cut control report will be issued under these circumstances.

Yours truly,

Trudy Goold, RPF

ec:

Timber Tenures Forester

Southern Interior Forest Region

Attachments: Harvest Volume Summary Report

Cut Control Table

Rick Sommer, District Manager, Headwaters Forest District

Cut Control Advice Calendar Year ending December 31, 2012



Southern Area Timber Tenures

WL W0305

Headwaters Forest District

MILLER, PETER ANGUS

Licence Expiry Date: 2024-12-31

Current AAC: 2,300

Woodlot Licence Replaceable Term of More Than 5 years Can Elect to End CCP

Legislated Cut Control under Division 3.1 of Forest Act

Timber Volumes-Annual

Gut Control Year	Galendar Vear	AAG	Volume Gut	Volume Unbilled Scale	Volume Wasted	Volume Gredited- Other	EEE C. 22 C. 200 C. XCX 23 C.	Participation of the Color of t	ÜCCF Harvested	Total Timber Volume
1 1	2010	2,300	4,585		0					4,585
£ 12	2011	2,300	3,068	457	走车 o					2,611
3	2012	2,300	2,529		٥	 NAME OF STREET				2,529
E4.23	2013	2,300								T o
5	2014	2,300								0

	Vo	olume of 1	Timber Ha	ırvested f	or Cut Co	ntrol Peri	od		 ······································	Overcut	Exempt- ion: No	AACtimit
										Volume of Timber Harvested	Volumes Remaining	Percent AAC Farvested
TOTAL TO END 2012	6,900	10,182	-457	0					9,725	10,119	-3,219	146.7%
TOTAL TO END CCP	11,500	10,182	-457	0				:	9,725	10,119	1,381	88.0%
UCCF												

W0305	Headwaters Forest District
440000	Headwaters Forest District
MILLER, PETER ANGUS	
MILLER, PETER ANGUS	
· ·	

L-W4	C	irade	Grade	Grade 4	Grade 6	Gradé Z	Total Vol To:	Adjusted Vol
TIMBER MARK	WAHA	SS				CUTTING PE	ts andaranan an	
Normal Production	1	,336.8	1,054.8	137.7	1.6	0.9	2,531.8	2,529.3
Unbilled Scale	;	307.7	167.7	16,8	0.4	0.1	492.7	492.2
W0305 TOT.	AL	Papa Mariento de Santo Periodo						i kanana ang manana an
Normal Productio	n	1,336.8	1,054.8	137.7	1.6	0.9	2,531.8	2,529.3
Unbilled Scale		307.7	167.7	16.8	0.4	0.1	492.7	492.2
Licence Adj	ustmer	nt Factors	- Percent	Reduction	n By Specie	s and Grade		
	Grade 1	Grade 2	Grade 4	Grade 6	Grade Z			1.
AL -	0.0%	0.0%	0.0%	100.0%	100.0%			:
AR	0.0%	0.0%	0.0%	100.0%	100.0%			
AS .	0.0%	0.0%	0.0%	100.0%	100.0%			
BA	0.0%	0.0%	0.0%	100.0%	100.0%			
BI	0.0%	0.0%	0.0%	100.0%	100.0%			
CE	0.0%	0.0%	0.0%	100.0%	100.0%			
CO	0.0%	0.0%	0.0%	100.0%	100.0%			
CY	0.0%	0.0%	0.0%	100.0%	100.0%			
FI	0.0%	0.0%	0.0%	100.0%	100.0%			
HE	0.0%	0.0%	0.0%	100.0%	100.0%			
L A	0.0%	0.0%	0.0%	100.0%	100.0%			
LO	0.0%	0.0%	0.0%	100.0%	100.0%			
MA	0.0%	0.0%	0.0%	100.0%	100.0%			
SP	0.0%	0.0%	0.0%	100.0%	100.0%			
WB	0.0%	0.0%	0.0%	100.0%	100.0%			
WH	0.0%	0.0%	0.0%	100.0%	100.0%			
Wi	0.0%	0.0%	0.0%	100,0%	100.0%			
YE	0.0%	0.0%	0.0%	100.0%	100.0%			

Not Responsi

Status of Cut Control

• W0305 is managing within cut control limits set out for the woodlot. Attached is the most recent cut control report dated March 22, 2013, which is a summary of the W0305 cut control period to the end of the calendar year ending December 31, 2012. It should be noted that there is unbilled scale from December 2012 and a minor amount from early 2013 that is not accounted for in the attached report. However, those additional volumes are still within the W0305 cut control limits.

Status of Silviculture Obligations

- The following table shows the status of authorized harvested openings within W0305.
- <u>Please note</u> that this information is the best information MFLNRO has available in our electronic data management systems; FTA and RESULTS. If there are no harvest start dates reported in FTA, RESULTS cannot track silviculture obligations. Without field verification, if there are no activities reported through RESULTS, MFLNRO can only assume that the opening has been logged and no further activities completed.

СР	Block	Opening Number	RG Status	FG Status	Comments
Α	1	92P 070-1056	overdue	declared FG 2013-06- 07	MRLNRO has 15 months to approve/reject recent FG declaration

		·	1	•	
	1A	92P 070-1005	RG declared	declared FG	pre 87 therefore not licensees responsibility
				declared FG 2013-05-	
	5	92P 070-1057	overdue	23	MRLNRO has 15 months to approve/reject recent FG declaration
	7	?	ı	unsure	Entered into FTA, but opening not entered in RESULTS, therefore silviculture obligations are not being tracked.
				declared FG 2013-04-	
	8	92P 070-1530	overdue	30	MRLNRO has 15 months to approve/reject recent FG declaration
				declared FG 2013-05-	
	9	92P 070-1531	overdue	13	MRLNRO has 15 months to approve/reject recent FG declaration
В	10	92P 070-1532	overdue	FG due 2013-11	
В	11	92P 070-1533	overdue	FG due 2013-11	
	21	92P 080-1598	overdue	FG due 2020-08	
С	27	92P 080-1601	overdue	FG due 2021-05	
	28	82M 071-1078			
CC	26	92M 071-1088			Entered into FTA, but opening not entered in RESULTS, therefore
S	S	?	1	unsure	silviculture obligations are not being tracked.
SS	20	92P 080-1618			
	2	92P 070-1559	not declared	FG	pre 87 therefore not licensees responsibility
?		92P 070-1560	not declared	FG	pre 87 therefore not licensees responsibility

Status of Forest Management Plan (AAC)

• W0305 Management Plan and AAC Calculation is expired. Several requests from the District manager to submit a new one for review and approval have been sent to the licensee (attached).

Status of Operational Plan

• W0305 Woodlot Licence Plan (WLP) is approved for the term 2011 – 2021. WLP title page and approval letter attached.

Not Responsiv

Page 15 redacted for the following reason:
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