



ARCS: 292-30
File: FNR-2011-00273

March 7, 2012

Sent via email:

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. You narrowed your request on February 1, 2012 through conversation and email with John Wilson. Your request is for:

A copy of the letter titled Contravention Determination and Notice of Penalty Levied under section 71(2)(a) for First Coal, file #23060-20/DPC-27434 00145472-00 (the Determination); The investigation report prepared by Government staff for the Determination and any other evidence provided to the District Manager by First Coal or BC Government staff for the purpose of his Determination; Any records respecting the decision to proceed with the alleged contravention by First Coal under s. 52 of FRPA as an administrative matter under s. 71 of FRPA rather than prosecuting the alleged contravention as an offence including but not limited to internal government correspondence, legal advice, reports to Crown Counsel, correspondence by BC Government staff with First Coal representatives, and government policy documents respecting this decision.

Please find enclosed phase one of the response to your request. Additional records are being processed and will follow under separate cover. Some information has been withheld in the enclosed records pursuant to section 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

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The records will be published on the BC Government's 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>

Additionally, your request involves a large volume and/or search for records. In order to complete processing the additional phases of this request, we have taken an extension under section 10 of FOIPPA to extend the time limit beyond the current due date of March 7, 2012. The new response due date is April 20, 2012. We will respond sooner if possible.

If you have any questions regarding your request, please contact John Wilson, the analyst assigned to your request, at (250) 356-9164. 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) 356-9164.

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 blue ink, appearing to read 'K. Ghag', is written over a light blue rectangular background.

Kris Ghag, Manager
Resource Team
Information Access Operations

Enclosures

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