



Forest Appeals Commission

**Annual Report
2023**





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Dear Ministers:

Please find enclosed the 2023 Annual Report for the Forest Appeals Commission.

Yours truly,

A handwritten signature in green ink that reads "D. Le Houillier". The signature is written in a cursive style.

Darrell Le Houillier, Chair
Forest Appeals Commission

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Message from the Chair

I am pleased to present the Forest Appeals Commission's 2023 Annual Report.

The Commission's core business is resolving appeals. Thirteen new appeals, arising from twelve separate statutory decisions, were filed with the Commission in 2023. This continues the trend of a greater number of appeals being filed over the past three years, and resulted in the second-highest number of appeals filed with the Commission in six years, less only than the intake from 2022. The Commission closed eight appeals in 2023. This resulted in an increase in the Commission's appeal inventory, from 20 to 25 appeals. The average age of appeals rose from roughly 414 days to roughly 468 days. The Commission expects to resolve many of its oldest appeals in 2023 and projects a reduction in the average age of appeals in 2024; however, resourcing is a limiting factor and may result in a continuing increase in the appeal inventory.

The factual and legal complexity of the appeals heard by the Commission also remains high in the new appeals. This is unsurprising given that the financial implications of most appeals are significant and parties are motivated to present robust cases before the Commission.

Among the appeals closed in 2023, there was a roughly even split between those rejected or dismissed by the Commission (two appeals), those decided on their merits by the Commission (three appeals), and those withdrawn or settled by consent between the parties (three appeals). The appeal process took, on average, 692 days to complete (an increase from the 343-day average in 2022 and the 598-day average since 2020). Appeals resolved by a decision on the merits took, on average, 767 days from the time the appeal was filed (an increase from the 423-day average in 2022, and the overall average of 694 days since 2020). Of this time, panels took an average of 151 days to complete decisions, after all evidence and submissions were received. Appeals without a hearing resolved on average in 647 days (an increase from the 145-day average in 2022 and the 313-day average since 2020). The Commission expects the time needed to resolve appeals to increase in 2024 as the Commission is addressing the oldest appeals in its inventory and faces ongoing resource constraints.

The Commission focused on improving the efficiency and user-focus of its operations. Its service delivery realignment project, a multi-year effort aimed at a cover-to-cover redesign of its appeal processes, continued throughout 2023 and is expected to continue into 2024 and beyond. This redesign follows a period of stakeholder engagement and a survey of system-users, and emphasizes more active appeal management by the Commission, greater preparation of parties for hearings, and more efficient assignment of appeals to panel members.

The Commission improved access to justice by completing the migration of its catalogue of decisions to CanLII, a free-to-use repository of legal resources with improved search functionality over what the Commission can independently offer. The Commission also completed a website revision; however, government staff unfortunately decided to migrate the website without any notice to the Commission and a several person-weeks of work were lost. The Commission has not had the capacity to re-do its website again during the reporting period but hopes to do so as capacity allows in 2024 or 2025. The Commission has increased its coordination efforts with administrative staff at the Ministry of the Attorney General to avoid similar inefficiencies in the future, while continuing to safeguard the Commission's independent decision-making functions.

The Commission continued its path toward reconciliation and the fulfilment of its obligations under the Truth and Reconciliation Commission's 94 Calls to Action. Its Reconciliation Advisory Committee, comprised of legal experts, representatives from the Commission, and Indigenous leaders in British Columbia continues to meet and work toward drafting recommendations. These recommendations, when complete, will inform the Commission's reconciliation plan.

The Commission maintained a relatively constant roster of members over the reporting period. One member, Brenda Edwards, left to become Chair of the BC Review Board. Ms. Edwards had been with the Commission since 2013 and was an exemplary member during her time. The Commission is grateful for her years of service and wishes her success in her new role.

The Commission also gained one member: Norman Tarnow, who has an impressive degree of legal and administrative experience. The Commission will look to add members in 2024, while focusing on increasing its representation of the diversity of British Columbia.

The Commission's expenditures in the 2022-2023 fiscal year totalled roughly \$171,000, which exceeds the five-year average preceding this reporting period (roughly \$144,000). Expenditures from April 1 to December 31, 2023, totalled roughly \$202,000, indicating that the Commission will again exceed its recent average annual expenditures, and by an increasing margin. This reflects an increase in the number of and complexity of appeals, convening roughly three months of hearings to address its inventory of appeals, and investment in information technology to improve the delivery of services to the public.



Darrell Le Houillier
Chair



Introduction

The Forest Appeals Commission was established in 1995 under the *Forest Practices Code of British Columbia* and operates today under the *Forest and Range Practices Act*. The Commission provides an independent level of appeal from some decisions made by government officials under the *Forest Act*, the *Forest and Range Practices Act*, the *Private Managed Forest Land Act*, the *Range Act*, and the *Wildfire Act*.

The Commission, through its annual reports, also provides the Lieutenant Governor in Council (Cabinet) with an evaluation of appeal and review processes. The Commission may also recommend amendments to forest legislation and regulations respecting reviews and appeals.

In deciding appeals, the Commission weighs evidence and makes findings of fact. It interprets the legislation and common law and applies those sources of law to its factual findings. The Commission may compel the production of evidence and must ensure that its processes are procedurally fair to those involved in appeals.

The Minister and/or any party to an appeal has a further right of appeal from a decision of the Commission to the Supreme Court of British Columbia on questions of law or jurisdiction.

All decisions made by the Commission, as well as its Rules, its Practice and Procedure Manual, and information to assist the public through the appeals process, can be found on its website, www.bcfac.ca.

Review of Commission Operations

The principal work of the Commission is to resolve appeals from certain statutory decisions made under the *Forest Act*, the *Forest and Range Practices Act*, the *Private Managed Forest Land Act*, the *Range Act*, and the *Wildfire Act*.

The Commission also must provide the Minister with an annual evaluation of the manner in which reviews and appeals under those Acts are functioning, and identify any problems that have arisen under the provisions of those Acts. Furthermore, the Commission must make recommendations to the Minister concerning any need to amend those Acts and related regulations respecting reviews and appeals. These functions are all addressed within this annual report.

Appeal Procedures

An appeal begins when a notice of appeal is filed in response to a decision made by a statutory decision-maker. The Commission assesses whether the appeal seems to meet threshold requirements:

- the legislation allows the appellant to appeal the decision,
- the decision is appealable,
- the appeal was filed within the statutory timeframe allowed, and
- the Commission has the authority to grant the requested outcome of the appeal.

Which decisions can be appealed and who can appeal those decisions depends on the statute under which the decision was made, as discussed below.

For appeals of decisions made under the *Forest and Range Practices Act* and the *Wildfire Act*, the Commission will invite the Forest Practices Board to be a party to the appeal, if it is not the appellant. The Commission may invite or consider applications for interveners to participate in an appeal.

The Commission may conduct appeals in writing or orally, or as a combination of these two methods. Oral hearings may be conducted in person or by video-conference. The type of hearing depends on the needs of the parties and the principles of procedural fairness in administrative law and is determined by the Commission.

As part of the legislative scheme governing the Commission, parties who disagree with a decision of the Commission have the right to appeal to the British Columbia Supreme Court on questions of jurisdiction and law.


Forest Act

The *Forest Act* governs the allocation and administration of Crown-owned timber in British Columbia. Under the *Forest Act*, determinations, orders, and decisions may be appealed to the Commission, either directly after they are made, or following a review of that determination, order, or decision, by someone appointed by the Minister to do so.

Matters that may be appealed directly to the Commission are categorized as decisions related to:

- general tenure provisions, including:
 - compensation for tree farm licence holders where allowable cuts in tree farm licence areas are reduced;
 - allowances for third parties to cut timber on unused land within a tree farm licence area; and
 - reducing annual allowable cuts because of soil disturbance; and
- payments to government, including:
 - rent payable in respect of a tree farm licence, woodlot licence, community forest agreement, or First Nations woodland licence;
 - stumpage rates; and
 - ministerial orders to define the volume of timber harvested under certain licences.





Matters that may be appealed to the Commission following internal ministry reviews are categorized as decisions related to:

- general tenure provisions, including:
 - suspension and cancellation of a person's registration as a BC timber sales enterprise or of a BC timber sales agreement;
 - changes to the allowable cut within a timber supply area for a variety of reasons;
 - suspension, cancellation, or reduction of an agreement to allow a person to carry out innovative forestry practices;
 - the ability of the government to use Crown land for a purpose compatible with timber harvesting; and
 - the suspension, reinstatement, or cancellation of rights under an agreement due to failure to comply with obligations under the agreement or legislation; and
- payments to government, including:
 - rent payable in respect of woodlot licences and community forest agreements; and
 - ministerial orders limiting harvested volumes in certain circumstances.

Forest and Range Practices Act

The *Forest and Range Practices Act* regulates: operational planning; forestry practices, such as road building, logging, and reforestation; requirements for range use planning; range stewardship and grazing schedules; protection of forests and ranges; compliance; enforcement; and forest and forestry monitoring. Under the *Forest and Range Practices Act*, appealable decisions are categorized as decisions related to:

- approvals, denials, and amendments to forest stewardship, site, and woodlot licence plans;
- forest practices requiring, in certain circumstances, plan-holders to submit plans to prevent, contain, control, limit the spread of, or dispose of threats to forested areas, including insects, diseases, and animals;
- approvals, orders, and determinations regarding range use plans, range stewardship plans, or amendments to either;
- the protection of resources, including orders related to unauthorized uses of Crown land for:
 - the storage of hay;
 - range development;
 - the construction or occupation of buildings;
 - the construction, rehabilitation, or maintenance of trails or recreational facilities;
- compliance and enforcement, including:
 - stop work orders;
 - remediation orders;
 - the imposition or non-imposition of administrative penalties;
 - orders related to the general intervention power of the Minister;
 - the suspension or cancellation of forest stewardship plans, woodlot licence plans, range use plans, range stewardship plans, and permits in certain circumstances;

- general provisions, including:
 - declarations limiting certain persons' liability to government and/or relieving persons from obligations under the *Forest and Range Practices Act* or an operational plan; and
 - imposing conditions in respect of an order, exemption, consent, approval, or authorization given or granted under the *Forest and Range Practices Act*; and
- regulations and standards, where the Minister exempts a person from regulations related to the construction, maintenance, use, or deactivation of certain roads, or the use of certain vehicles on forest service roads and rights of way.

Sometimes, decision-makers (or other Ministry staff authorized by the Minister) might first review an appealable determination. Those reviews may also be appealed to the Commission; however, only the determination or a review of that determination—not both—may be appealed to the Commission.

Lastly, the Commission may, at the request of the Forest Practices Board, order the Minister or an official to make determinations related to administrative penalties or remediation orders.

Private Managed Forest Land Act

The *Private Managed Forest Land Act* encourages private landowners to manage their forests for long-term forest production by offering property tax incentives. The legislation establishes objectives with respect to soil conservation, water quality, fish habitat, critical wildlife habitat, and reforestation. The legislation also establishes the Private Managed Forest Land Council, which administers the managed forest program.

A person who is subject to certain orders, decisions, or determinations of the Council may appeal those to the Commission. Those matters, which are found within the Compliance and Enforcement provisions of the *Private Managed Forest Land Act*, include:


- determinations that a person has contravened the Act or its regulations;
- stop work orders and remediation orders;
- notifications to the government-appointed assessor that a person has contravened or is contravening the Act or its regulations; and
- variations of orders, decisions, and determinations.

Range Act

The *Range Act* governs management of Crown-owned range land, including by creating various forage tenures, addressing tenure management, and establishing the regulatory framework for grazing and hay-cutting licences and permits. The *Range Act* also includes compliance and enforcement tools.

People who are the subject of, or whose licences or permits are affected by, certain orders, decisions, or amendments made by certain government officials may appeal those to the Commission. Decisions that may be appealed to the Commission are categorized as decisions related to:

- licences and permits, including:
 - suspension and reinstatement of rights under a licence or permit for non-compliance or due to weather or natural events; and

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- reduction of allowable grazing or hay harvesting under a licence or permit for a variety of reasons; and
 - compliance and enforcement, by cancelling rights under a licence or permit for non-compliance.

The Commission also decides appeals from review decisions by government officials of determinations that could have been appealed to the Commission had they not first undergone internal ministry review. Only the determination or a review decision of that determination—not both—may be appealed to the Commission.

Wildfire Act

The *Wildfire Act* is dedicated to wildfire protection in British Columbia. It defines responsibilities and obligations with respect to fire use, prevention, control, and rehabilitation. It allows the Government to recover its fire control costs and money for damages to Crown resources related to wildfires. The *Wildfire Act* also allows the government to make orders, issue determinations, and impose administrative penalties for non-compliance with the legislation.

Certain orders under the *Wildfire Act* may be appealed to the Commission, either by a person named in the order or by the Forest Practices Board. Those orders can be categorized as related to:

- forest and range protection, through orders for the abatement of fire hazards;
- fire prevention and fire control, by reducing compensation to those carrying out fire control because of their role in causing or contributing to a fire or its spread; and
- cost recovery and penalties, through:
 - orders for the recovery of fire control costs and damages;
 - contravention orders and associated administrative penalties, as well as recovery of damages and costs;
 - remediation orders and administrative penalties for noncompliance with those orders; and
 - stop work orders.

The Commission also decides appeals from review decisions by government officials, of orders that could themselves have been appealed to the Commission. Only the order or a review decision of that order—not both—may be appealed to the Commission.

Statutory Framework

The statutory framework governing the operation of the Commission is found in Part 8.1 of the *Forest and Range Practices Act*, sections 140.1 to 140.7. Under section 140.2, the following sections of the *Administrative Tribunals Act* apply to the Commission:

- Parts 1, 2, 3, 4 (except sections 22, 25, 33,¹ 34(1), and 34(2)), 6 (except sections 47.1 and 47.2), 7, 8, and 10; as well as
- sections 59.1 and 59.2.

Performance Indicators

In 2023, the appeal process took, on average, 692 days to complete. This was significantly longer than in 2022, when the average time to resolve an appeal was 343 days. Appeals involving a hearing and decision on the merits took an average of 767 days (up from 423 days in 2022 and 644 days in 2021, but down from 1,015 days in 2020). Appeals decided on the merits involved an average of 617 days of pre-hearing and hearing processes and 150 days between the end of the hearing and issuance of the decision. There was a marked difference between the file which pre-dated more active case management at the Commission, starting in 2020 (1,399 days) and those which were started during the current, active case management process (456 days).

Where appeals were resolved without a decision on the merits (for example, by withdrawal or consent order), the average was 647 days (up from 145 days in 2022, 556 days in 2021, and 237 days in 2020).

The Commission expected an increase of appeal resolution times following quick completion times in 2022. Elevated numbers in 2023 relate to the size of the appeal inventory, the rate at which appeals are being filed, and the Commission's capacity to resolve appeals as presently resourced. Additionally, two of the appeals had been ongoing for more than three years, which affected the averages. The Commission anticipates increased timeframes to resolve appeals in 2024.

The Commission's appeal inventory rose from an average age of 414 days on January 1, 2023, to 468 days on January 1, 2024. While concerning, this metric is expected to fall by the end of 2024 as the Commission has dedicated considerable resources toward hearings for some of its oldest appeals. This metric also remains reduced from January 1, 2021 (561 days) and January 1, 2020 (977 days), but higher than January 1, 2019 (322 days) and January 1, 2018 (261 days).

¹ Generally, section 33 of the *Administrative Tribunals Act* does not apply to the Commission; however, that section does apply to appeals advanced under sections 82 and 83 of the *Forest and Range Practices Act*.



Appeals and Judicial Reviews of Commission Decisions

CNR v. BC

Throughout 2022, the Commission awaited a decision from the Supreme Court of British Columbia with respect to one judicial review and one appeal, both filed in 2020 in response to one decision of the Commission: *Canadian National Railway Company v. Government of British Columbia*, Decision No. 2018-WFA-002(a). The Commission's decision denied an appeal from the Canadian National Railway Company ("CN"). CN sought a monetary reduction in an order to pay the government's costs to control a wildfire, which one of the company's employees accidentally started while working on a railway track. CN also appealed the value of Crown resources that were damaged or destroyed in the wildfire. Some aspects of the company's efforts to detect and suppress the wildfire violated the *Wildfire Act* and the *Wildfire Regulation*. After hearing the appeal, the Commission increased the amount of the cost recovery order to reflect its view of the damage to Crown resources. The effect was an increase in the total amount CN was ordered to pay, from \$15,992,417.97 to \$16,323,527.62.

On December 28, 2022, the Court issued its decision; however, this was not received by the Commission until 2023. The province and CN agreed that the Commission's reclassification of grassland was done inappropriately and reduced, by consent and with a Court order, the amount to be paid by \$422,310.25. The Court otherwise confirmed the Commission's decision.

CN was granted leave to appeal that decision to the Court of Appeal. A hearing has not been completed with respect to that appeal.

Tolko v. BC

The Commission also received one decision on a statutory appeal from the Supreme Court of British Columbia, with respect to *Tolko Industries Ltd. v. Government of British Columbia*, Decision No. 2019-WFA-002(b) ("*Tolko*"). In that decision, the Commission granted, in part, Tolko Industries Ltd. ("*Tolko*")'s appeal of an administrative penalty and cost recovery order levied under the *Wildfire Act*. Tolko had argued that it did not contravene the requirements of the *Wildfire Act* and its regulations, but the Commission found that it had.

The Commission concluded that Tolko's contraventions were not excused by the defences of mistake of fact or due diligence; however, Tolko was exempt from repaying fire control costs under section 29(b) of the *Wildfire Regulation*. The Commission applied this exemption because it concluded that Tolko had been engaged in certain activities protected under section 29(b) (timber harvesting or silviculture treatments) and had not wilfully caused or contributed to the fire which gives rise to the government's costs. The panel concluded this because Tolko had not meant to start a wildfire, and the fire they started was not a wildfire, but a debris burning fire, which later smouldered underground as a holdover fire, before reigniting and becoming wildfire.

As a result, the Commission reduced the total amount that Tolko was required to pay, from \$489,655.20 to \$146,160, and the remainder of the cost recovery order and the penalty were confirmed.

The Court concluded that the Commission erred in two crucial ways. First, the Commission construed “fire” too narrowly in section 29(b) of the *Wildfire Regulation*. That section does not require that the wildfire be in its ultimate classification when lit. The manner in which the fire started, or was contributed to, is important. Second, the Commission erred by concluding that section 29 of the *Wildfire Regulation* could protect someone who does not intend to start a wildfire; the relevant provision only protects those who do not willingly start or contribute to a fire. Intention does not decide the question.

Tolko was granted leave to appeal the Supreme Court decision to the Court of Appeal. No judgment has yet been delivered on the merits of the appeal.

North Enderby Timber v. BC

In 2022, the province appealed *North Enderby Timber Ltd. and Canadian Cedar Oil Technologies Ltd. v. Government of British Columbia*, FAC-WFA-20-A001-A002(a) (“*North Enderby*”). This decision relied on the same rationale as in *Tolko* and, as a result, all parties to this appeal have agreed to wait for a decision from the Court of Appeal in the *Tolko* case.

Eldon Whalen v. FAC

On May 16, 2023, the Commission issued a decision, *Eldon Whalen v. Government of British Columbia*, 2023 BCFAC 3 (CanLII). This decision confirmed the appealed decision. First, the panel confirmed that Mr. Whalen contravened the *Wildfire Act* and its regulation. The panel in this case did not follow the analysis from *Tolko* and *North Enderby* in reaching that conclusion. Second, the panel confirmed that the defenses of mistake of fact and due diligence did not apply. Third, the panel confirmed the administrative penalty and cost recovery order.

Mr. Whalen filed an appeal and a judicial review of the Commission’s decision. The hearing did not take place during the reporting period.



Applications and Appeals in 2023

While the Commission is responsible for considering appeals on a broad range of subjects, the appeals that were active in 2023 represent a relatively narrow focus.

The Commission received one appeal under the *Forest Act* in 2023, which related to Part 7: Payments to Government.

The Commission received nine appeals of eight separate decisions under the *Forest and Range Practices Act* in 2023. These appealed decisions were made under Part 6: Compliance and Enforcement. Five of these also concluded that parties had been noncompliant with requirements under Part 5 of the *Forest and Range Practices Act*: Protection of Resources. Of those five, two decisions also concluded there had been issues of noncompliance with the *Forest and Range Practices Regulation*, while one of the five found there had been noncompliance with requirements under the *Forest Act*. The remaining two compliance and enforcement decisions were based on findings of noncompliance with the *Forest Act* exclusively.

The Commission received one appeal under the *Range Act* in 2023. It involved a decision under Part 3: Compliance and Enforcement.

The Commission received two appeals brought under the *Wildfire Act* in 2023. Both were from decisions under Part 3: Administrative Remedies and Cost Recovery. These decisions also included findings of noncompliance with Part 1: Forest and Range Protection Requirements and with the *Wildfire Regulation*.

The table below summarizes the number of appeals in the Commission's inventory at the start of 2023, filed in 2023, and completed in 2023. These figures are broken down by the legislation under which each appeal was filed. The number of appeals appears as the first number in each field, while the second number (in parentheses) provides the number of government decision letters that were the subject of appeals (as one decision letter may generate one or more appeals).

	Inventory (Start of 2023)	New Appeals in 2023	Matters Resolved via...				Inventory (End of 2023)
			Rejection	Abandonment or Withdraw	Consent Orders	Final Decisions	
Forest Act	0	1 (1)	0	0	0	0	1 (1)
Forest and Range Practices Act	9 (9)	9 (8)	2 (2)	1 (1)	0	0	15 (14)
Private Managed Forest Land Act (Part 5: Compliance & Enforcement)	0	0	0	0	0	0	0
Range Act	1 (1)	1 (1)	0	0	0	0	2 (2)
Wildfire Act	10 (10)	2 (2)	0	2 (2)	0	3 (3)	7 (7)
TOTAL	20 (20)	13 (12)	2 (2)	3 (3)	0	3 (3)	25 (24)

The Commission convened oral hearings on the merits of eight appeals in 2023. Five appeals under the *Forest and Range Practices Act* were heard by oral hearing, totalling 46 days. Three appeals under the *Wildfire Act* were heard by oral hearing, totalling 16 days. The total number of hearing days was 62. Of these hearing days, 55 took place via videoconference and seven took place with a mixed in-person/videoconference proceeding.

The Commission did not convene any mediations in 2023.

Forecast of Workload

From 2016 to 2022, the Commission received five to 19 appeals per year. Appeal volumes were on the lower end of the range in 2020 and 2021, but increased to a higher level in 2022 and 2023. The Commission expects to continue to receive appeals at a relatively high rate due to the more intense wildfire seasons in recent years, projecting the receipt of between 10 and 15 appeals again in 2024.

Forecast of Trends and Special Problems

The Commission has not observed any trends of note. The Commission is unaware of any systemic problems related to its areas of authority. The Commission is unaware of any indications of special problems or issues related to the process of reviews at the Ministry of Forests.

Surveys

The Commission did not undertake any surveys in 2023, having completed a survey in 2020 as part of its service delivery realignment project. The Commission is still working to update procedures and processes in response to that survey and other information gained in the service delivery realignment project.





Plans for Improving Commission Operations

The Commission will continue its service delivery realignment in 2024. Based on feedback the Commission has received from stakeholders, and upon review of its 2020 survey of historical system-users, the Commission is reworking its appeal processes to focus on several objectives:

- ensuring better preparation of parties to present evidence and participate in hearings,
- improving the efficiency of hearings,
- ensuring that self-represented and layperson-represented parties receive appropriate levels of assistance throughout the life of their appeals while maintaining the impartiality of the Commission,
- improving the clarity and responsiveness of the Commission's rules and correspondence,
- ensuring that in-person hearings are offered where feasible and appropriate,
- increasing active case management by the Commission throughout appeals,
- training panels in the consistent and fair application of rules and procedures,
- emphasizing clarity and responsiveness in decision-writing, and
- fostering more professional, respectful, and culturally aware oral hearings.

Lastly, the Commission will work with its Reconciliation Advisory Committee to identify meaningful steps, both within the service delivery realignment project and outside of it, to foster reconciliation with British Columbia's Indigenous population. While the Reconciliation Advisory Committee was expected to make recommendations in 2023, the process has taken longer than expected. The Commission looks forward to incorporating the Committee's feedback into a reconciliation plan when the recommendations become available.

Recommended Legislative and Regulatory Amendments

The Commission has no new recommended legislative or regulatory amendments at this time.

Commission Membership

Members of the Commission are appointed by the Lieutenant Governor in Council under Part 2 of the *Administrative Tribunals Act*. The Commission has diverse, highly qualified members, including professional foresters, biologists, engineers, and agronomists. The Commission also has lawyers with expertise in natural resource and administrative law. Members are appointed from across British Columbia, and the Commission is committed to soliciting applications to ensure its membership reflects the diversity of British Columbians, while ensuring members have the requisite expertise and experience to carry out their responsibilities to the highest standards.

The following tables summarize the membership of the Commission as of January 1, 2024, as well as changes in membership during 2023.

Members of the Forest Appeals Commission with Special Duties as of December 31, 2023

Name	End of Term
Darrell Brian Le Houillier (Chair)	July 29, 2027
David M. Bird (Vice Chair)	December 31, 2028

Members of the Forest Appeals Commission, as of January 1, 2024

Name	End of Term	Name	End of Term
Maureen Baird, K.C.	December 31, 2026	Linda Michaluk	December 31, 2026
Shannon Bentley	December 31, 2024	Ian Miller	December 31, 2024
James Carwana	December 24, 2026	Bijan Pourkarimi	December 31, 2024
Subodh Chandra	December 31, 2024	Daphne Stancil	December 31, 2025
Jeffrey Hand	December 31, 2025	R. Michael Tourigny	December 31, 2025
Kuo-Ching (Gary) Lin	December 31, 2024	Diana Valiela	December 31, 2026
Cynthia Lu	December 31, 2025	Reginald Whiten	December 31, 2024

New and Former Members of the Forest Appeals Commission

New Members	Start of Term	Former Members	End of Term
Norman Tarnow	December 13, 2023	Brenda L. Edwards	April 4, 2023



The Commission Office and Use of Resources

The Commission’s operations are facilitated through resources shared with the Community Care and Assisted Living Appeal Board, the Environmental Appeal Board, the Financial Services Tribunal, the Health Professions Review Board, the Hospital Appeal Board, the Energy Resource Appeal Tribunal, and the Skilled Trades BC Appeal Board. These shared resources include registry services, systems support, financial and administrative services, professional development, and communications support, as well as (between the Environmental Appeal Board, Commission, and Energy Resource Appeal Tribunal) legal advice and research support.

Many of the expenses associated with the Commission’s operations are shared with the Environmental Appeal Board, which is the principal body in the resource-sharing arrangement described above. As such, providing a separate report on the budget of the Commission does not capture the true use of resources for budgeting purposes. This difficulty is compounded by the fact that the Commission is required, by regulation, to report based on the calendar year, whereas its fiscal year runs from April 1 to March 31. The Environmental Appeal Board’s fiscal year and reporting year also runs from April 1 to March 31.

With these limitations in mind, I have provided a summary of the Commission’s direct expenses in 2023 and historically. The figures below do not account for several heads of expenditure, including some staff salaries and benefits. The following table summarizes the Commission’s expenditures, rounded to the nearest dollar. Figures are provided based on a five-year average, the 2022-2023 fiscal year, and the 2023 portion of the 2023-2024 fiscal year.

Area of Expenditure	Fiscal Years 2018/19-2022/23 Average	Fiscal Year 2022/23	Fiscal Year 2023/24 April 1 to December 31, 2023
Staff Salaries and Benefits	\$40,915	\$81,652	\$0
Member Fees and Expenses	71,336	51,238	134,200
Staff Travel	214	0	0
Professional Services	15,535	25,274	55,156
Information Systems	9,214	11,428	11,071
Office and Venue Expenses	4,441	1,789	835
Annual Report Publication	2,147	0	698
Other	29	0	0
TOTAL	\$143,833	\$171,381	\$201,960



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