

File: 135-40/Part 10.1 – C.L.M.A.

October 28, 1999

John Marritt
Vice-President
Riverside Forest Products
820 Guy Street
Kelowna, B.C. V1Y 7R5



Dear John Marritt:

Thank you for submitting a preliminary proposal to pilot test new methods of regulating forest practices, and for participating with staff from the Ministry of Forests (MOF) and Ministry of Environment, Lands and Parks (MELP) in conducting an assessment of the proposal. The Joint Steering Committee (JSC) has reviewed your terms of reference and sees merit in your proposal to convene a project management team and advisory panel for the purpose of developing a more comprehensive piloting proposal for a portion of TFL #49 in the Kelowna area.

I am pleased to respond with the following comments. The J.S.C.:

- believes your progressive concept of a project management team and a complementary project advisory panel is sound in concept and is pleased to note your corporate commitment to the project with or without FRBC funding support. With respect to your suggestion that J.S.C members be part of the team, regrettably this is not desirable given J.S.C.'s responsibility in overseeing all pilots undertaken in this initiative. The J.S.C. is pleased to suggest alternatively that you seek the participation of the Regional Manager and Regional Director.
- suggests the project advisory group establish an effective working relationship with the L.R.M.P. table at the outset to ensure that the group's work will pass the test of public scrutiny. It is important that the pilot project be clearly seen to be compatible with the emerging L.R.M.P.
- notes the high expectations that First Nations have in the area. Caution therefore needs to be exercised to ensure that there is no compromising of government's fiduciary obligation to consult with First Nations. This is a prime concern for your consideration in the detailed design of your proposal. The J.S.C. is encouraged by your willingness to explore innovative approaches to consultation.

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- has concerns that there still remains insufficient detail to fully understand the nature of the regulatory changes that your pilot will ultimately propose. Therefore, the J.S.C. wishes to review the project implementation plan when developed by the Project Advisory Panel prior to you moving to full development of the proposal.

The J.S.C. suggests that your next action should be to meet with the Regional Manager, M.O.F. and Regional Director, M.E.L.P., or their designates, to finalize the project Memorandum of Understanding, that has been agreed to in principle, before convening the advisory panel. You should give full consideration to the above points in this plan.

The J.S.C. appreciates having had the opportunity to review and comment on your preliminary proposal. Following the requested review of your proposed implementation plan, the second step in the process calls for you to fully develop a proposal that achieves the essential purpose of meeting the legislated tests in Section 10.1 of the *Forest Practices Code Act*. Special attention will then need to be given to ensuring adequate review and support of public and agencies, and appropriate methods of information exchange with First Nations. Nothing in this letter should be construed to limit in any way that essential purpose.

The J.S.C. offers its best wishes to you in proceeding with the continuing development of your piloting proposal.

Yours truly,

Guenter Stahl
Project Manager
Result Based Code Pilots

p.c. Regional Manager, M.O.F. – Fred Baxter
Regional Director, M.E.L.P. – John Thompson
District Managers, M.O.F. – Penticton, Vernon
Joint Steering Committee
Ralph Archibald, Director, Forest Practices Branch – M.O.F.
Rod Davis, Director, Forest Stewardship Branch – M.E.L.P.