BRITISH COLUMBIA

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DECISION NO. EAB-WIL-20-A002(a)

In the matter of an appeal under section 101.1(1) of the *Wildlife Act*, R.S.B.C. 1996, c. 488.

BETWEEN:	Richard Todd Bunnage	**APPELLANT**
AND:	Regional Manager, Recreational Fisheries and Wildlife Programs	**RESPONDENT**
BEFORE:	A Panel of the Environmental Appeal Board Darrell LeHouillier, Panel Chair	
DATE:	Conducted by written submissions concluding on November 17, 2020	
APPEARING:	For the Appellant: K.R. Nowiki, Counsel For the Respondent: G. Grande-McNeill, Counsel	

APPEAL

[1] Richard Todd Bunnage appeals a decision prohibiting him from acting as an assistant guide in British Columbia for five years (the "Decision"). The Decision was made on June 3, 2020, under section 61 of the *Wildlife Act*, R.S.B.C. 1996, c. 488, by the Regional Manager of Recreational Fisheries and Wildlife Programs (the "Regional Manager"), Omineca Region. The Regional Manager works for the Ministry of Forests, Lands, Natural Resource Operations and Rural Development (the "Ministry").

[2] The process that led to the Decision was initiated after the Ministry became aware of the Appellant's conviction of several offences under the Alberta *Wildlife Act*.

[3] The Appellant appealed the Decision to the Environmental Appeal Board (the "Board") under section 101.1(1) of the *Wildlife Act*. The Appellant submits that section 61 of the *Wildlife Act* does not apply to him, and the Regional Manager erred in his interpretation and application of section 61. The Appellant asks the Board to find that the Decision is null and void, and order that there be no further proceedings against him under section 61. The Appellant also asks the Board to order the Regional Manager to pay the Appellant's costs associated with the appeal.

[4] Section 101.1(5) of that Act gives the Board the power to:

- send the Decision back to the Regional Manager with or without directions;
- confirm, reverse or vary the Decision; or
- make any decision the Regional Manager could have made and that the Board considers appropriate in the circumstances.

[5] In addition, section 47(1) of the *Administrative Tribunals Act*, SBC 2004, c. 45, provides the Board with the authority to order a party to pay all or part of the costs of another party in connection with an appeal.

[6] The appeal was conducted by written submissions.

BACKGROUND

[7] On July 11, 2018, the Appellant was convicted in the Provincial Court of Alberta of five hunting-related offences under the Alberta *Wildlife Act*. That same day, he was ordered to pay $24,500 in fines and was prohibited from hunting, guiding and guide outfitting in Alberta for five years, starting on July 11, 2018. The offences occurred in 2015. At the time, the Appellant was a professional guide outfitter in Alberta, and operated a company called Rugged Outfitting Inc., which was also convicted of three offences and fined $11,500.

[8] On July 31, 2018, the Appellant was convicted in the Provincial Court of Alberta of eight additional hunting-related offences under the Alberta *Wildlife Act*. The offences occurred in 2014 in Alberta. In a court order dated August 15, 2018, the Appellant was ordered to pay $26,000 in fines and was prohibited from hunting, guiding and guide outfitting in Alberta for 15 years, starting on August 15, 2018.

[9] In July 2019, the British Columbia Conservation Officer Service (the "COS") recommended that the Regional Manager conduct a hearing under section 61 of the *Wildlife Act* regarding the Appellant's assistant guiding activities in British Columbia. According to documents in an evidence binder prepared by the COS, the Appellant was employed as an assistant guide in British Columbia by Tenaka River Guide Services. The COS recommended a 15-year prohibition on the Appellant working as an assistant guide or a guide outfitter in British Columbia, given his convictions in Alberta.

[10] Subsections 61(1) and (1.1) of the *Wildlife Act* give the Regional Manager the authority, in certain circumstances, to prohibit a person from guiding as an assistant guide for a period of time. Since the specific language in those subsections is important in this appeal, they are reproduced below:

> **61** (1) If a person holds, held within the last year or applies to renew, a guide outfitter's licence, … or another licence to guide for game, … and the person is convicted of an offence under this Act … , or for another cause that the regional manager considers reasonable, the regional manager may conduct a hearing to determine whether the person should continue to enjoy the privileges afforded him or her by the licence or certificate or by having the registration and may do one or more of the following:
>
> …

> (c) in the case of a guide outfitter,
>
> ...
>
> (ii) prohibit the person from guiding as an assistant guide for a period of time the regional manager specifies,
>
> ...
>
> (1.1) If a person is guiding as an assistant guide or was guiding as an assistant guide in the past year and the person is convicted of an offence under this Act, or for another cause that the regional manager considers reasonable, the regional manager may conduct a hearing to determine whether the person should be allowed to continue to guide as an assistant guide and may do one or more of the following:
>
> (a) prohibit the person from guiding as an assistant guide for a period of time the regional manager specifies;
>
> ...
>
> [emphasis added]

[11] On January 21, 2020, the Regional Manager issued a letter notifying the Appellant that a hearing would be conducted under section 61 of the *Wildlife Act*. This hearing was to address the Appellant's privileges to work as an assistant guide or a guide outfitter in British Columbia, due to his convictions under the Alberta *Wildlife Act*. The notice offered the Appellant an opportunity to be heard, and included the evidence binder prepared by the COS. The hearing proceeded in writing.

[12] On March 10, 2020, Ministry staff provided a written submission to the Regional Manager and the Appellant's legal counsel.

[13] On March 11, 2020, the Appellant's legal counsel provided a written reply submission which challenged the Regional Manager's authority to conduct a hearing under section 61 regarding the Appellant's assistant guiding privileges. In summary, he argued that section 61 did not apply because the Appellant was not convicted under the British Columbia *Wildlife Act*, and the convictions under the Alberta *Wildlife Act* were not within the past year. The March 11, 2020 submission states, in part:

> ... Mr. Bunnage has not been convicted under the Wildlife Act of British Columbia. He has worked as an Assistant Guide for 4 years with no Charges or Convictions. This is evidence you should have. It was not in the Evidence Binder.

[14] On June 3, 2020, the Regional Manager issued the Decision. On page 6 of the Decision, the Regional Manager stated that he accepted the COS' evidence that the Appellant had worked as assistant guide in British Columbia. The Regional Manager noted that this evidence was undisputed by the Appellant, and was confirmed in the March 11, 2020 submission by the Appellant's legal counsel.

[15] On page 7 of the Decision, the Regional Manager discussed section 61(1.1) of the *Wildlife Act* and concluded that it applied to the Appellant, as follows:

> Mr. Nowicki submitted that there is no authority for the regional manager to make a decision with respect to conduct that occurred outside of the past

> year. It is my opinion that conducting a hearing and making a determination, as described within the statute referencing 'or for another cause that the regional manager considers reasonable', is not predicated on a conviction occurring under this statute within the past year. Rather, conducting a section 61 hearing is predicated on an individual guiding as an assistant guide or was guiding as an assistant guide in the past year, which as previously noted, was confirmed by the parties. This interpretation of section 61 has been applied to previous section 61 decisions, which have considered conduct dating back years in some cases.
>
> [emphasis added]

[16] The Regional Manager addressed the appropriate period for which the Appellant should be prohibited from holding an assistant guide licence, based on factors such as the prohibitions issued to other people under section 61, the nature of the Appellant's convictions in Alberta, the penalties he received in that province, and his work an assistant guide in British Columbia for four years with no convictions. The Regional Manager concluded that the Appellant should be prohibited from holding an assistant guide licence in British Columbia for five years, until the 2025/2026 licence year.

[17] On June 8, 2020, the Regional Manager issued a correction to clarify the prohibition against the Appellant. The correction states:

> Richard Todd Bunnage is prohibited from all Assistant Guide activities until the 2025/26 licence year effective June 3, 2020. Any Assistant Guide authorization issued to you by a Guide Outfitter for the 2020/21 licence year is cancelled.

The Appeal

[18] On June 28, 2020, the Appellant appealed the Decision. He does not dispute the facts regarding his convictions in Alberta. The Appellant's Notice of Appeal and initial submissions on the appeal addressed several grounds of appeal, which I have summarized as follows:

- the Appellant neither held nor applied for a licence, and was not guiding, in the year before the January 21, 2020 notice of hearing, and those things are conditions precedent to a hearing under subsections 61(1) and (1.1);
- the conduct considered by the Regional Manager occurred in Alberta and is irrelevant and outside of the "one-year limitation" in subsections 61(1) and (1.1); and
- a delay of approximately six months occurred between the Regional Manager receiving the COS' recommendations and issuing the January 21, 2020 notice of hearing, and this delay caused prejudice to the Appellant and offended the principles of natural justice and fairness; and,
- it was procedurally unfair for a hearing to have begun before the Ministry's Deputy Director under section 24 of the *Wildlife Act* while the Regional Manager was still deliberating before making the Decision under section 61.

[19] However, the Appellant's closing reply submissions only addressed the first two points above. Further, his closing submissions state that he "abandons the other arguments tendered on this appeal and responded to, … save comment on Costs." I understand this to mean that the Appellant has abandoned the allegations of unfairness related to the six-month delay and the hearing conducted under section 24, and therefore, I need not consider those allegations any further.

[20] Even if the Appellant had not abandoned those allegations, I find that they have no merit. The Appellant has provided insufficient information to substantiate the allegations of unfairness. There is no evidence that the amount of time between the Regional Manager receiving the COS' recommendations and issuing the January 21, 2020 notice of hearing had any adverse effect on the Appellant's ability to make his case and to respond to the case against him.

[21] Similarly, there is no evidence that the section 24 proceedings caused any unfairness in the Regional Manager's decision-making process. The Deputy Director's hearing under section 24 relates to the Appellant's personal hunting privileges, whereas the Regional Manager's Decision under section 61 relates to the Appellant's ability to work as an assistant guide. The two proceedings serve different purposes, have different potential consequences, and involve different decision-makers. The fact that the Decision had not been issued when the section 24 proceedings began is irrelevant, because the two proceedings have no bearing on one another. For these reasons, I would dismiss the latter two grounds of appeal set out above, even if the Appellant had not abandoned them.

ISSUES

[22] The following issues remain to be decided in this the appeal:

1. Should the Decision be reversed because the Appellant's circumstances do not fall within the scope of section 61 of the *Wildlife Act*?
2. Should the Board order the Regional Manager to pay the Appellant's costs associated with the appeal?

DISCUSSION AND ANALYSIS

1. Should the Decision be reversed because the Appellant's circumstances do not fall within the scope of section 61 of the *Wildlife Act*?

Summary of the Appellant's Submissions

[23] The Appellant submits that the Regional Manager had no jurisdiction to make the Decision, given the language in subsections 61(1) and (1.1) and the facts in this case. The Appellant notes that subsection 61(1) begins by stating, "If a person holds, held within the last year or applies to renew, a guide outfitter's license…". Subsection 61(1.1) begins by stating, "If a person is guiding as an assistant guide or was guiding as an assistant guide in the past year…". Both subsections use the phrase "in the past year", which the Appellant submits amounts to is a one-year limitation period. He says there is no evidence that he held or applied for a guide

licence, or was guiding, in the year before the Regional Manager's January 21, 2020 notice of hearing. The Appellant maintains that those things are conditions precedent to a hearing under subsection 61(1) and (1.1). The Appellant maintains that the Regional Manager erred in law by instituting the section 61 hearing outside the scope of both the condition precedent and the one-year limitation in section 61.

[24] In addition, the Appellant argues that the words "for another cause that the regional manager considers reasonable" in subsections 61(1) and (1.1) cannot be interpreted as allowing the Regional Manager to consider the material from Alberta in the COS's evidence binder, or any material that relates to conduct that is not concerned with the British Columbia *Wildlife Act*. It was unreasonable and an error in law for the Regional Manager to consider such material. Also, the material from Alberta was outside the one-year limitation period, and the decision(s) by the Alberta Court were not in the "last year".

Summary of the Regional Manager's Submissions

[25] The Regional Manager submits that section 61 provides two separate authorities for conducting a hearing: subsection (1) provides the circumstances in which a hearing may be conducted in relation to a commercial activity for which a licence, certificate or registration is issued; and, subsection (1.1) provides the circumstances in which a hearing may be conducted in relation to assistant guiding, for which no licence, certificate or registration is required or can be issued. The potential actions that a Regional Manager may take are also different in each subsection.

[26] The Regional Manager maintains that the latter preconditions in the two subsections are identical: the Regional Manager may conduct a hearing if the person has been convicted of an offence under the British Columbia *Wildlife Act*, or for another cause the Regional Manager considers reasonable.

[27] However, the one-year precondition is articulated differently in each subsection. Under subsection (1), the person must hold, have held, or have applied to renew the licence, certificate or registration within the last year. The Regional Manager argues that these preconditions make no sense in the case of an assistant guide, who requires no such authorization under the *Wildlife Act*.

[28] The precondition in subsection (1.1) is that the person "is guiding as an assistant guide or was guiding as an assistant guide in the past year." The Regional Manager maintains that the plain meaning of those words is clear, and the one-year precondition under subsection (1.1) was satisfied in this case. The COS' evidence binder dated July 5, 2019, stated that the Appellant was "known to be actively guiding in BC and is employed by Tenaka River Guide Services". The Decision states that the COS' evidence was not in dispute, and the submission provided by the Appellant's legal counsel confirmed that the Appellant had been working as an assistant guide.

[29] The Regional Manager submits that the COS evidence binder has been admitted for the truth of its contents in this appeal, and the Appellant did not claim that he was not acting as an assistant guide within one year of the start of the section 61 process on January 21, 2020. Therefore, the Regional Manager was

acting with lawful authority in deciding under subsection 61(1.1) that the Appellant should not continue to be able to act as an assistant guide.

[30] Regarding the Appellant's argument that section 61 does not apply because the events in Alberta did not occur within one year of the start of the section 61 process, the Regional Manager submits that in subsection (1.1), the words "in the past year" are only connected to, and only modify, the immediately preceding words "was guiding as an assistant guide in the past year." Therefore, there is no time limit on the conviction or the "other cause".

[31] Furthermore, the Regional Manager submits that nothing in subsection 61(1.1) expressly or impliedly prevents him from considering convictions in another jurisdiction, either in determining whether this precondition is satisfied or as evidence of relevant conduct. The phrase "another cause that the regional manager considers reasonable" uses broad language which grants considerable discretion to the Regional Manager to determine what constitutes a reasonable cause to conduct a section 61 hearing. There are only two implied limits on this: this discretionary power must not be exercised inconsistently with subject and purposes of the British Columbia *Wildlife Act* generally; and, the alleged cause must be relevant to the purpose of a section 61 hearing, which in this case is to determine whether commercial assistant guiding privileges under the British Columbia *Wildlife Act* should continue to be enjoyed.

[32] Further, the Regional Manager submits that the Board has confirmed that wildlife convictions or contraventions in another jurisdiction may be relevant to a section 61 hearing (*Abraham Dougan v. Deputy Director of Wildlife and Habitat*, Decision No. 2018-WIL-008(a), December 23, 2019 [*Dougan*], at para. 162).

[33] The Regional Manager maintains that the Appellant's misconduct in Alberta which led to his convictions was serious: it was related to hunting and guide outfitting, and if it had occurred in British Columbia, it would also have been an offence here. The Appellant's conduct in Alberta is directly relevant to his ability and willingness to hunt and guide lawfully, and thus, is directly relevant to the question of whether he should continue to exercise the privilege of acting as an assistant guide in British Columbia.

Summary of the Appellant's Reply Submissions

[34] In reply, the Appellant submits that it is against the law to guide without an authorization, and it is disingenuous to suggest that he had been guiding in the "past year" without authorization. If he had been, the COS could have charged him for illegally guiding. The Appellant also asserts that someone guiding without a licence would not meet the definition of an "assistant guide" in the *Wildlife Act*. To act as an assistant guide, you must have a licence.

[35] Furthermore, the Appellant submits that there was no direct evidence in the materials that he was acting as an assistant guide, or that he had a guide licence. Suggesting that the Appellant admitted, for the truth of its contents, the COS' evidence stating that he was known to be actively guiding is a contortion of the evidence. Why would the COS not have charged the Appellant if he was actively guiding without a licence? Also, the Appellant submits that, if an individual was

guiding with no licence, a section 61 hearing would only happen if they were convicted of something "in the last year" and then they applied for a licence, which the Appellant has not done**.**

[36] The Appellant maintains that subsections 61(1) and (1.1) contain clear pre-conditions that relate to licensed guiding and a conviction or some comparable conduct or misconduct occurring in the preceding year. "Conviction" is a well-known legal term, and whether it occurs in British Columbia or another jurisdiction, it would have to be in the last year, and so would any other cause for concern.

The Panel's Findings

[37] I turn first to the Appellant's argument that subsections 61(1) and (1.1) do not apply to him because he did not hold a licence, as an assistant guide or a guide outfitter, during the year prior to the Decision. The specific language in those subsections is significant. The Decision indicates that the Regional Manager was exercising his authority under subsection (1.1), not subsection (1). In contrast to subsection (1), which refers to a person who held a guide outfitter's licence or another licence to guide for game in the past year, subsection (1.1) does not refer to a licence at all. Rather, subsection (1.1) refers to a person who "is guiding as an assistant guide or was guiding as an assistant guide in the past year". This is because the provisions in the legislation that specify the requirements to act as an assistant guide do not require assistant guides to hold a licence.

[38] A person may act as an assistant guide if they meet the requirements in section 48(2.1) of the *Wildlife Act*, which include having a written authorization from a guide outfitter who employs them as an assistant guide, carrying the written authorization with them when guiding for game, and meeting any requirements prescribed in regulations. The requirements prescribed in the *Wildlife Act Commercial Activities Regulation*, B.C. Reg. 338/82, include passing an assistant guide examination. Neither the *Wildlife Act* nor the *Wildlife Act Commercial Activities Regulation* state that a licence is required to act as an assistant guide.

[39] Similarly, the definition of "assistant guide" in section 1 of the *Wildlife Act* defines "assistant guide" to mean "a person who guides on behalf of a guide outfitter". In contrast, "guide outfitter" is defined to mean "a person licensed as a guide outfitter under this Act". Consistent with the definition of "guide outfitter", section 51 of the *Wildlife Act* provides regional managers with the authority to issue guide outfitter licences. The *Wildlife Act* contains no authority for regional managers to issue assistant guide outfitter licences.

[40] Based on the language in the relevant legislation, I find that the Appellant is incorrect when he says that it is illegal to act as an assistant guide without a licence under the *Wildlife Act*. Although section 48(2.1) of the *Wildlife Act* requires assistant guides to hold a written authorization from a guide outfitter who employs them, such an authorization is not the same thing as a licence issued by a regional manager pursuant to the legislation.

[41] Section 61(1.1) of the *Wildlife Act* does not require that the Appellant held, or applied for, a guiding licence or any other licence to guide for game during the year prior to the January 21, 2020 notice of hearing. The relevant question is

whether the appellant was "guiding as an assistant guide or was guiding as an assistant guide in the past year". The Appellant refers to January 21, 2020, which is the date when the Regional Manager issued the notice of hearing, as the appropriate date for calculating the one-year period in section 61(1.1). The Respondent does not argue otherwise and, based on the submissions made to me, I accept that this is the appropriate date from which to calculate "the past year". However, I find that the evidence does not, on a balance of probabilities, support the Appellant's contention that he was not acting as an assistant guide during that time frame.

[42] The Appellant's submission to this Board that he was not acting as an assistant guide in the year prior to January 21, 2020, contradicts his legal counsel's March 11, 2020 submission to the Regional Manager, which stated that the Appellant "has worked as an Assistant Guide for 4 years with no Charges or Convictions. This is evidence you should have." I understand those statements to mean that the Appellant intended to tender, as evidence, information that as of March 11, 2020, he has worked as an assistant guide in British Columbia for four years (and had no convictions under the British Columbia *Wildlife Act*).

[43] Even if I accept that the Appellant does not now accept the COS' evidence for the truth of its contents (despite the fact that he did not contest that evidence in the hearing before the Regional Manager), this does not affect the Appellant's own evidence to the Regional Manager. Based on the evidence in the Appellant's March 11, 2020 submission to the Regional Manager, I find as a fact that the Appellant had worked as an assistant guide in British Columbia for four years prior to March 11, 2020. The logical implication is that the Appellant was working as an assistant guide in British Columbia "in the past year" prior to January 21, 2020.

[44] Turning to the remaining language in subsection 61(1.1), I find that the phrase "in the past year" relates only to the words that precede it, which describe the first requirement for applying subsection (1.1): that the person was guiding as an assistant guide or was guiding as an assistant guide "in the past year". The words that follow the word "and" describe a separate condition for applying subsection (1.1) which is not subject to the phrase "in the past year": the person "is convicted of an offence under this Act, or for another cause that the regional manager considers reasonable".

[45] I accept the Appellant's evidence that he has not been convicted of an offence under the British Columbia *Wildlife Act*. However, I find that the phrase "or for another cause that the regional manager considers reasonable" provides the Regional Manager with broad discretion to decide that "another cause" justifies exercising his authority under section 61(1.1). I agree with the Regional Manager that "another cause" includes any cause other than a conviction under the *Wildlife Act* that is consistent with the purposes of the British Columbia *Wildlife Act*, and is relevant to the purpose of section 61(1.1): to determine whether a person should be able to act as an assistant guide in British Columbia. I find that convictions related to hunting and guide outfitting in another jurisdiction are relevant, as the Board found in *Dougan* which involved a series of contraventions involving hunting in the Yukon. The Appellant does not contest the facts around his convictions under the Alberta *Wildlife Act* which were related to hunting and guide outfitting. I find

that those convictions and the associated penalties are relevant to determining under section 61(1.1) whether the Appellant should be able to continue to work as an assistant guide in British Columbia and deciding how long he should be prohibited from doing such work.

[46] In summary, I conclude that the Regional Manager properly interpreted and applied section 61(1.1) in this case. Given my findings above, and that the Appellant has not challenged the Regional Manager's conclusion regarding the length of the Appellant's prohibition from assistant guiding in British Columbia, I confirm the five-year prohibition that was ordered by the Regional Manager.

2. Should the Board order the Regional Manager to pay the Appellant's costs associated with the appeal?

Summary of the Parties' Submissions

[47] The Appellant submits that the requirements under section 61 are so clear that it begs the question why the Regional Manager did not abandon the entire hearing after receiving the Appellant's arguments. The Appellant maintains that the parties and the Board have been put to incredible time, effort and expense, and costs should be determined in favor of the Appellant. The Appellant agrees with the Regional Manager's submission that costs may only be awarded where there are "special circumstances", and the Appellant maintains that this should be considered here.

[48] The Regional Manager submits that the Board's policy does not provide for costs based on success. Rather, an award of costs from the Board is an extraordinary remedy and is used to punish and dissuade abuses of process or other forms of reprehensible conduct. Furthermore, costs may only be awarded where there are "special circumstances", such as conduct amounting to a significant departure for expected standards. In this case, there is no evidence of reprehensible conduct or a significant departure from expected standards by either party, and therefore, the parties should bear their own costs regardless of the outcome of the appeal.

The Panel's Findings

[49] The Appellant's request for costs is based on the assumption that the Regional Manager's arguments were so clearly erroneous that he should have abandoned the hearing after receiving the Appellant's arguments. As I have found in favour of the Regional Manager, this underlying premise is without merit.

[50] Regardless, the Board's policy is to award costs in special circumstances, and not based on the civil court practice of "loser pays the winner's costs". The Board's policy on costs is intended to encourage responsible conduct, and discourage unreasonable and/or abusive conduct, in the appeal process. Some examples of circumstances where the Board may consider awarding costs are set out on page 55 of the Board's Practice and Procedure Manual, as follows:

> (a) where, having regard to all of the circumstances, an appeal is brought for improper reasons or is frivolous or vexatious in nature;

(b) where the action of a party/participant/intervener, or the failure of a party/participant/intervener to act in a timely manner, results in prejudice to any of the other parties/participants/interveners;

(c) where a party/participant/intervener, without prior notice to the Board, fails to attend a hearing or to send a representative to a hearing when properly served with a "notice of hearing";

(d) where a party/participant/intervener unreasonably delays the proceeding;

(e) where a party's/participant's/intervener's failure to comply with an order or direction of the Board, or a panel, has resulted in prejudice to another party/participant/intervener; and

(f) where a party/participant/intervener has continued to deal with issues which the Board has advised are irrelevant.

[51] I find that there are no special circumstances in this case that warrant ordering the Regional Manager to pay the Appellant's costs. I find that neither party made arguments in the appeal that could be characterized as frivolous or vexatious, and neither party behaved in a manner that was unreasonable, abusive, or resulted in prejudice to the other party.

[52] For these reasons, the Appellant's application for costs is denied.

DECISION

[53] Based upon my findings, I deny the Appellant's appeal. The Order is confirmed.

[54] In making this decision, I have fully considered all of the evidence and submissions made, whether or not specifically referred to in this decision.

"Darrell LeHouillier"

Darrell LeHouillier, Panel Chair
Environmental Appeal Board

December 2, 2020