



Environmental Appeal Board

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DECISION NO. 2015-WIL-009(a)

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

BETWEEN:	Robert F. Johnson	APPELLANT
AND:	Regional Manager	RESPONDENT
AND:	Doig River First Nation	PARTICIPANT
BEFORE:	A Panel of the Environmental Appeal Board: Cindy Derkaz, Panel Chair	
DATE:	Conducted by way of written submissions concluding on February 19, 2016	
APPEARING:	For the Appellant: Martin Scholz For the Respondent: Anthony H. Dalmyn, Counsel For the Participant: Alison Leong, Counsel	

APPEAL

[1] This is an appeal by Robert F. Johnson of a decision issued on October 27, 2015 by Chris Addison, Director of Resource Management, Peace Region, Northeast Resource Management and Major Projects, Ministry of Forests, Lands and Natural Resource Operations (the "Ministry"). Mr. Addison made the decision in his capacity as the designated Regional Manager of the Recreational Fisheries and Wildlife Programs (the "Regional Manager") under the *Wildlife Act*.

[2] The Regional Manager denied the Appellant's application for a permit to trap fur bearing animals on vacant trapline #TR0733T010 (the "Trapline"), located in the vicinity of the settlement of Clayhurst, east of the City of Fort St. John, in northeastern British Columbia. The Appellant appealed the decision to the Board by a Notice of Appeal received November 24, 2015.

[3] In a December 15, 2015 letter to the Board, counsel for the Regional Manager identified the Doig River First Nation (the "DRFN") as having a possible interest in the subject matter of the appeal. The DRFN was granted participant status in the appeal by the Board on January 13, 2016.

[4] On January 5, 2016, Martin Scholz advised the Board by email that he would be representing the Appellant in the appeal. At the time, Mr. Scholz was also

pursuing his own appeal before the Board arising from the Regional Manager's denial of his application for a permit to trap fur bearing animals on a vacant trapline located to the southeast of Fort St. John. The Board issued its decision in Mr. Scholz's appeal on April 12, 2016 (*Scholz v. Regional Manager*, Decision No. 2015-WIL-008(a)) [*Scholz*].

[5] The Regional Manager and the DRFN were the respondent and participant, respectively, in *Scholz*. The facts, the Regional Manager's decision, the issue and the submissions of all three parties in this appeal are substantially similar to those in the Scholz appeal.

[6] The Environmental Appeal Board has the authority to hear this appeal under section 93 of the *Environmental Management Act* and section 101.1 of the *Wildlife Act*. Section 101.1(5) of the *Wildlife Act* provides that the Board may:

- a) send the matter back to the person who made the decision being appealed, with directions,
- b) confirm, reverse or vary the decision being appealed, or
- c) make any decision that the person whose decision is appealed could have made, and that the board considers appropriate in the circumstances.

[7] The Appellant asks the Board to grant his application for a permit to trap on the Trapline for the remainder of the 2015-2016 season, and to issue a permit for the 2016-2017 season.

[8] The Regional Manager and the DRFN ask the Board to dismiss the appeal.

[9] The appeal was conducted by way of written submissions.

BACKGROUND

[10] The Trapline was established sometime in the first half of the 20th century and has been vacant¹ since approximately 1985. It is a polygon, bounded on the east by the Alberta border, on the south by the Peace River, and includes the settlement of Clayhurst. The boundaries enclose land that is privately owned and used for agriculture and other activities, as well as Crown land. The Trapline area is the Crown land contained within the boundaries: private property is excluded.

[11] The Appellant, a resident of Clayhurst, has held trapping permits for the Trapline on and off since 2002. The Appellant's most recent permit (#FJ14-93675) authorized him to trap on the Trapline from July 1, 2014 to June 30, 2015. It was

¹ The term "vacant trapline" is not defined in either the *Wildlife Act* or the regulations. The Board considered the ownership of a trapline in *Galbraith v. Deputy Regional Manager*, (Decision No. 2014-WIL-027(a), June 3, 2015) at paragraph 55, stating: "The existence of an 'owner', that is a person who is registered on a trapline, makes a transfer of rights possible from that 'owner'. In the absence of an 'owner', the trapline is vacant."

issued pursuant to section 19 of the *Wildlife Act* and section 2(c)(iii) of the *Permit Regulation*, B.C. Reg. 253/2000 (the "*Permit Regulation*").²

[12] During his last season on the Trapline, the Appellant trapped marten, coyotes, fisher, lynx, squirrels, weasels and beaver. Other species previously caught on the Trapline include mink, wolf, muskrat and otter.

[13] Over the years, the Appellant has sustained an annual catch of 25 marten, and has helped in the management of wolves and coyotes in areas experiencing cattle/predator conflict. He has also trapped "problem" beavers for landowners, including in the last year when he trapped beavers that were causing blocked culverts. He finds trapping both economically and mentally rewarding, and notes that the income he earns goes back to the local economy to pay for his snowmobile, ATV, chainsaws, fuel and other trapping supplies.

[14] Sometime in 2015, the Appellant applied to the Regional Manager for a permit to trap on the Trapline for the 2015-2016 season. A copy of the application was not provided to the Board.

[15] By letter dated October 27, 2015, the Regional Manager denied the Appellant's application, stating:

Re: Vacant Trapline Permit Application – Traplines#TR0733T010

Thank you for your application requesting a permit to trap on vacant traplines. I have reviewed and considered all of the information you have provided in your application and have decided that I cannot grant your request for the reasons described below.

The province does not recognize that trapping may take place on vacant traplines. All the traplines that you have requested access to trap are currently vacant. For this reason your application is being denied.

You have the right to appeal this decision to the Environmental Appeal Board within 30 days. ...

[Emphasis added]

The Panel notes that the Regional Manager refers to "traplines". There is no evidence before the Panel with respect to the Appellant's application for any other trapline.

The Appeal

[16] The Appellant states that his objective in the appeal is "to gain access to trap vacant trapline TR0733T010". He appealed the Regional Manager's decision to the Board on the grounds that:

² The Panel notes that the Appellant's submissions state that he has held permits "on and off 2002- 2012" and do not refer to a permit for 2014-2015. Given the express reference to Permit #FJ14-93675 for 2014-2015 in paragraph 8 of the Respondent's submissions, the Panel accepts that this was the most recent permit issued to the Appellant for the Trapline.

- the decision conflicts with the Regional Manager's past practice of issuing permits for the Trapline, including to the Appellant "off and on" since 2002;
- the Trapline has been both financially and mentally rewarding;
- trapping on this Trapline has assisted with wildlife management in areas of cattle/predator conflict; and
- the revenue from trapping supports the local economy.

[17] The Appellant submits that the Regional Manager denied his permit application "for reasons that are unjust and not fair". He asks that the decision be reversed and for the Board to issue a permit to him for the remainder of the 2015-2016 season. In his submissions on the appeal, he also asked the Board to issue a permit for the 2016-2017 season because the appeal process "has taken far longer than originally scheduled".³

The Respondent's position

[18] The Regional Manager submits that:

- he observed the requirements of procedural fairness; and
- the Appellant did not have any right to be granted a new permit.

[19] The Regional Manager submits that he reached a fair, principled and reasonable conclusion, and that there is no compelling reason to issue a permit. The Regional Manager asks that the appeal be dismissed.

The Participant's position

[20] As noted above, the DRFN became a participant in the appeal on January 13, 2016. The DRFN submits that the Regional Manager's decision was appropriately made and also asks the Board to dismiss the appeal.

ISSUE

[21] The issue to be determined in this case is whether the Regional Manager's decision is reasonable and fair in the circumstances.

RELEVANT LEGISLATION

[22] There is no dispute that neither the *Wildlife Act*, nor the regulations under that *Act*, specifically address vacant traplines. The authority for the Regional Manager's decision in this case is found in the general permitting provisions in the

³ The Panel notes that the Board did not receive the Appellant's appeal until November 24, 2015 and that the Board advised the Appellant and the Respondent of the hearing schedule on November 26, 2015. The schedule was extended at Mr. Scholz's request because the Appellant failed to file his written submissions by the December 31st deadline. The deadlines were further extended to allow the DRFN time to file submissions and provide an opportunity to the other parties to respond.

Wildlife Act, and in the specific provisions relating to permits for trapping in the *Permit Regulation*.

[23] The relevant provisions in the *Wildlife Act* are as follows:

Definitions and interpretation

1 (1) In this Act:

...

“**trapline**” means an area for which registration is granted to one or more licensed trappers for the trapping of fur bearing animals;

...

Property in wildlife

2 (1) Ownership in all wildlife in British Columbia is vested in the government.

(2) A person does not acquire a right of property in any wildlife except in accordance with a permit or licence issued under this Act

...

Permits

19(1) A regional manager or a person authorized by a regional manager may, to the extent authorized by and in accordance with regulations made by the Lieutenant Governor in Council, by the issue of a permit, authorize a person

(a) to do anything that the person may do only by authority of a permit or that the person is prohibited from doing by this Act or the regulations, or

(b) to omit to do anything that the person is required to do by this Act or the regulations,

subject to and in accordance with those conditions, limits and period or periods the regional manager may set out in the permit and, despite anything contained in this Act or the regulations, that person has that authority during the term of the permit.

(2) The form and conditions of the permit may be specified by the director.

...

Prohibition within a trapline

41 A person commits an offence if the person sets a trap for, hunts, kills, takes or captures a fur bearing animal in an area of British Columbia unless the person

...

(e) holds a permit to trap that is required by regulation.

Reasons for and notice of decisions

101(1) The regional manager or the director, as applicable, must give written reasons for a decision that affects

(a) a licence, permit, registration of a trapline or guiding territory certificate held by a person, or

(b) an application by a person for anything referred to in paragraph (a).

...

(2) Notice of a decision referred to in subsection (1) or (1.1) must be given to the affected person.

...

[24] The relevant provisions in the *Permit Regulation* are as follows:

Authorization by permit

2 A regional manager may issue a permit in accordance with this regulation on the terms and for the period he or she specifies

...

(c) authorizing a person to hunt, trap or kill wildlife during the open or closed season for the following purposes:

...

(iii) if the regional manager considers it necessary for the proper management of the wildlife resource;

...

...

Restrictions on issuing permits generally

5(1) Before issuing a permit under section 2, 3 or 4 the regional manager or the director, as applicable, must be satisfied

(a) that the applicant meets the specific requirements, if any, for the permit as set out in this regulation, and

(b) that issuing the permit is not contrary to the proper management of wildlife resources in British Columbia.

...

DISCUSSION AND ANALYSIS

Is the Regional Manager's decision reasonable and fair in the circumstances?

The Appellant's submissions

[25] In addition to the grounds for appeal set out in the Background, the Appellant makes the following points:

- Although he has been issued permits to trap on the vacant Trapline a number of times since 2002, the Regional Manager refused his application in 2015 because "[t]he province does not recognize that trapping may take place on vacant traplines." What changed?
- Vacant traplines are usually in areas with more private land where there are more human/wildlife conflicts and predator problems. Trapping in these areas is necessary for wildlife management.
- Trapping decreases the risk to human health from diseases such as Giardia, Mange, Distemper and Lyme disease.
- Trapping provides "free" wildlife management for the government.
- The government is missing revenue from traplines that are not being used.
- Traplines should be available for British Columbia trained trappers for the long term ensuring that proper management of these areas is sustained.

[26] In his Written Comments dated February 19, 2016, the Appellant states, for the first time, that the term "vacant trapline", used in the Regional Manager's decision, and throughout this appeal, is incorrect. The Appellant states that over 20 years ago the government turned the Trapline into a "permit line" because it is over 60% private land. The government would permit these traplines on an annual basis to qualified trappers. The Appellant did not refer the Panel to any section of the *Wildlife Act*, regulations, policy, Ministry directives or other evidence to support this submission.

[27] The Panel finds that the terms "vacant trapline" or "permit line" are not determinative of the issue in this appeal. For the purpose of this appeal, the Trapline will be considered to be a "vacant trapline" within the meaning set out in the Board's decision in *Galbraith*, cited in footnote 1 above.

The Respondent's submissions

[28] The Respondent states that, before 2011, permits had been issued to the Appellant, and others, pursuant to section 2(l) of the *Permit Regulation*:

- (l) authorizing a licensed trapper or a person exempt from holding a trapping licence to set traps for and trap fur bearing animals on a trapline registered to another person,

[29] Following a Ministry re-evaluation of the authority to issue permits for vacant traplines in 2010, applications for permits to trap on vacant traplines were considered under section 2(c)(iii) of the *Permit Regulation*. This section states as follows:

2. A regional manager may issue a permit in accordance with this regulation on the terms and for the period he or she specifies

...

(c) authorizing a person to hunt, trap or kill wildlife during the open or closed season for the following purposes:

...

(iii) if the regional manager considers it necessary for the proper management of the wildlife resource;

[30] The Appellant's permits for each of 2011, 2012 and 2014 were issued pursuant section 2(c)(iii).

[31] The Respondent submits that a regional manager has the discretion to issue permits because the enactment uses the word "may". There is no requirement that permits must, or should, be issued on vacant traplines. Permits are time limited instruments, with no right to renewal, extension or re-issuance.

[32] Further, under section 5 of the *Wildlife Act*, a regional manager must ensure that issuing a permit for vacant traplines is not contrary to the proper management of wildlife resources in British Columbia. The Respondent submits that a regional manager can, and should, use his or her knowledge and judgment to decide what is necessary for the proper management of the resource.

[33] The Respondent notes that permits have become the subject of consultation and possible contention with First Nations, stating that "[i]t was fair to avoid a contest between the Appellant and First Nations interests or other persons and to give the Appellant a chance to explore other opportunities including trapping on private land."

[34] The Respondent states that the DRFN has been consulted with respect to its claims over the area within the boundaries of the Trapline; however, the Appellant's permit application was not discussed with the DRFN. The Respondent submits that the duty to consult the DRFN does not empower it to "forbid" the issuance of permits to trap.

[35] In regard to the 2015 decision to deny a permit to the Appellant, the Respondent submits that the Regional Manager was not satisfied that commercial trapping was necessary for the proper management of the wildlife resource "at this place at this time". While a permit to trap on the Trapline was issued to the Appellant for 2014-2015, the Regional Manager did not make the same decision for the 2015-2016 application.

[36] The Respondent submits that:

[53] The decision letter explained that a permit would not be issued under s. 2(l), and that permits were no longer being renewed or reissued year after

year. The letter was responsive to the application under s. 2(c)(iii) of the Regulation and the issue of proper management. The Director was not satisfied that the conditions for a permit had been met i.e. that trapping on this vacant trapline was necessary for the proper management of the wildlife resource.

[37] Finally the Respondent rejects the Appellant's submission that the Ministry should be creating opportunities for trapping:

[56] ... The Appellant's grievance, in part, is against:

- a. a change in policy by which renewals and re-issuances of permits on vacant traplines were not automatic; and
- b. a policy that does not promote commercial trapping.

The Board does not normally treat policy as a proper basis for an appeal.

[38] The Respondent did not provide the Panel with particulars of any Ministry policy, either with respect to previous automatic renewals of permits, or any change in that policy. Nor was there an explanation as to what circumstances had changed between the Regional Manager's decision to issue a permit to the Appellant in 2014, and his October 27, 2015 decision to deny the Appellant's application.

The DRFN's submissions

[39] In an affidavit sworn on January 29, 2016, Trevor Makadahay, Chief of the DRFN, outlined the basis for DRFN's participation in the appeal. In summary, Chief Makadahay's evidence is as follows:

- The DRFN's main reserve is Doig River Reserve (I.R. No. 206) located approximately 40 kilometres northeast of Fort St. John.
- The DRFN's predecessor Indian Band was the Fort St. John Band, which signed Treaty No. 8 with Canada in 1900.
- For centuries, the DRFN's ancestors used the land base now in northeastern British Columbia and northwestern Alberta as part of their seasonal round.⁴ Their activities included camping, hunting, trapping, fishing and gathering. The area within which the Trapline is situated has historically been part of the seasonal round.
- The introduction of the registered trapline system in British Columbia in 1925 resulted in loss of historic trapping areas when traplines were registered to other parties, the majority of whom were non-First Nations.
- The loss of historic trapping area is the subject of a "Specific Claim" currently being negotiated between the DRFN and the Federal Crown.

⁴ Chief Makadahay describes the seasonal round at paragraph 6 of his affidavit as a pattern of land use used by their people to sustain themselves by moving across the land, depending on the season, to different areas for the purpose of resource gathering.

- Although the terms have not yet been defined, the Federal Crown has agreed to compensate the DRFN for the loss of historic trapping areas and the DRFN intends to use the funds to buy back any available or vacant traplines within its traditional trapping territory for use by its members.
- The DRFN currently holds one community-registered trapline, which is an amalgamation of traplines, and a DRFN member holds another registered trapline in her own name.
- The Trapline is immediately south of, and contiguous to, the DRFN's community-registered trapline which would make for easy amalgamation.
- On numerous occasions the Trapline has been identified by the DRFN, in consultation with the Regional Manager, as being important to their community and as one of the traplines the DRFN is interested in acquiring.
- Many of the DRFN's cultural heritage sites, including unmarked graves, historic trails, and at least two recorded bear kill sites lie within the boundaries of the Trapline.
- One of the DRFN's members has been trapping on the Trapline this season in accordance with their Treaty rights.

[40] The DRFN submits that the Regional Manager's decision was appropriately made because the Regional Manager was aware of the DRFN's Specific Claim about the loss of historic trapping area, and its plan to purchase available traplines, including the Trapline, with compensation from the Federal Crown. It submits that, where the Crown has been advised of Treaty or Aboriginal interests, including that the DRFN is seeking to acquire traplines, those interests must be considered by the Crown when making decisions on whether to approve permits to trap on vacant traplines. It states that the Provincial Crown has a duty to consult with the DRFN before issuing a permit to trap on the Trapline, and the DRFN should be given a right of first refusal with respect to the disposition of vacant traplines.

The Panel's findings

[41] In *Scholz*, the Board considered a regional manager's authority to issue trapping permits, stating:

[42] ... the language in the *Act* and *Regulation* gives a regional manager broad discretion to make decisions for the proper management of wildlife resources in British Columbia. This broad discretionary power applies to decisions in respect to permit applications. However, that broad discretionary power must be exercised in accordance with any legislated requirements, within the bounds of the jurisdiction conferred by the statute, and in accordance with the rules of natural justice.

...

[45] A regional manager is required by statute, and at common law, to provide reasons for his or her decision, and those reasons must be adequate. ...

[42] Under section 101 of the *Wildlife Act*, a regional manager must provide written reasons for a decision that affects a permit application. Section 101(1) states:

101(1) The regional manager or the director, as applicable, must give written reasons for a decision that affects

(a) a licence, permit, registration of a trapline or guiding territory certificate held by a person, or

(b) an application by a person for anything referred to in paragraph (a).

...

(2) Notice of a decision referred to in subsection (1) or (1.1) must be given to the affected person.

[Emphasis added]

[43] As noted above, in paragraph 53 of his written submissions, the Respondent states:

The decision letter explained that a permit would not be issued under s. 2(l), and that permits were no longer being renewed or reissued year after year. The letter was responsive to the application under s. 2(c)(iii) of the Regulation and the issue of proper management. The Director was not satisfied that the conditions for a permit had been met i.e. that trapping on this vacant trapline was necessary for the proper management of the wildlife resource.

[44] The Respondent acknowledges that the Regional Manager's reasons in the October 27, 2015 decision letter were "short". However, he submits that the Board's comments in *Blueberry River First Nation v. Regional Manager*, Decision No. 2010-WIL-018(a), October 27, 2010, are applicable:

[66] ... although the reasons ... are brief and succinct, they are adequate reasons in the circumstances. He explains the basis for his exercise of discretion under ... the Act.

[45] The Panel finds that the only "reason" given to the Appellant for the Regional Manager's October 27, 2015 decision was that "[t]he province does not recognize that trapping may take place on vacant traplines." Not only does the decision not explain "that a permit would not be issued under s. 2(l)"; it does not mention, and is not "responsive to", the Appellant's application under section 2(c)(iii).

[46] The Panel finds that, contrary to the Respondent's submission, and unlike the *Blueberry* case, the Regional Manager did not explain the basis for his exercise of discretion under the *Wildlife Act*. There is no indication that the Regional Manager even considered whether the Appellant's application would impact the wildlife resource. The Regional Manager was of the view that he could not issue a permit because trapping on vacant traplines is not "recognized" by the Province.

[47] As the Board noted in *Scholz*, if that proposition is correct, it represents a significant change in the administration of vacant traplines in the Province – a change that has been made without any explanation or notice to applicants before they file a permit application and provide the required filing fee.

[48] Given the Regional Manager's virtually identical decision letters in both *Scholz* and this appeal, it appears that the Regional Manager fettered his discretion⁵ by applying a pre-existing policy or directive without turning his mind to the merits of the Appellant's application.

[49] As discussed in *Scholz* (paragraph 51), the Board has previously found that, even if a regional manager has not provided adequate reasons for decision, or if the wording of a decision suggests a fettering of discretion, the appeal process may "cure" these defects. In *Scholz*, the defects were not cured.

[50] The Panel finds that, similar to *Scholz*, even after the full appeal, the Respondent has not cured the flaws in the Regional Manager's decision: there is nothing in the decision letter, or the Respondent's submissions, describing why the Regional Manager determined that a one-year permit to trap on the Trapline was not necessary for proper management of the wildlife resource. There is no evidence before the Panel, nor any clear statements from the Regional Manager, that the Regional Manager considered anything other than the Province's apparent new policy or position regarding vacant traplines. At best is the Respondent's statement that "[t]he Regional Manager was not satisfied that commercial trapping was necessary for the proper management of the wildlife resource at this place at this time." However, there is no confirming evidence from the Regional Manager on this. As found in *Scholz*, "there is no evidence before the Panel upon which the Panel can find that the Regional Manager properly or fairly considered the merits of the Appellant's application in the context of section 2(c)(iii) of the *Permit Regulation*."

[51] Based on the DRFN's evidence and submissions, it may be that the Province has decided not to issue permits on vacant traplines until First Nation's claims have been resolved. However, this is not the Regional Manager's stated position and not the issue before this Panel.

[52] In conclusion, the Panel finds itself in the very same position as the Board in *Scholz*:

[57] ... The Appellant did not provide an explanation or evidence in support of his assertions that a trapping permit on the Trapline is needed for proper management of the wildlife resource (e.g., he did not provide evidence in support of his assertion that there is a need for fur bearing animal management in the area or that there are human/problem wildlife issues). Similarly, the Regional Manager provided no evidence, or even clear statements, regarding the basis of his decision and his exercise of discretion. While the burden of proof in an appeal is on the Appellant, in this case the

⁵ Fettering occurs when a decision-maker "failed to genuinely exercise its discretionary powers in an individual case, but rather made its decision on the basis of a pre-existing policy": *Phillips v. British Columbia (Workers Compensation Appeal Tribunal)*, 2012 BCCA 304 (CanLII). (Also see *Scholz* at para. 50)

Appellant was clearly at a disadvantage when preparing his case given the lack of adequate reasons in the September 23, 2015 decision, and the lack of clarification and evidence in the Respondent's written submissions. The Panel finds that the Appellant could not know "the case to be met", contrary to the rules of natural justice.

[53] What is the appropriate remedy?

[54] Under section 101.1 of the *Act* the Board may:

- a) send the matter back to the person who made the decision being appealed, with directions,
- b) confirm, reverse or vary the decision being appealed, or
- c) make any decision that the person whose decision is appealed could have made, and that the Board considers appropriate in the circumstances.

[55] The Panel has carefully reviewed the written submissions provided by all the parties. The Panel finds that it does not have sufficient evidence before it to either vary the decision being appealed or to make a decision that the Regional Manager could have made and that would be appropriate in the circumstances.

[56] The Panel notes that the Appellant's 2014-2015 permit expired on June 30, 2015. Although no party provided the Panel with a copy of the Appellant's application for the 2015-2016 season, it is likely that the end date of the activity is June 30, 2016, just over two months from the date of this decision. In his submissions, the Appellant requested a permit for the 2016-2017 season. However, the Panel does not have sufficient information to properly assess the application for the next season. This is properly the subject of a new application to the Regional Manager.

[57] In the circumstances, the Panel has decided to refer this matter back to the Regional Manager with directions to provide the Appellant with written reasons for his 2015 decision. Those reasons must identify the factors and information that he considered when making his decision on the Appellant's application. If he is relying on a provincial policy of not recognizing trapping on vacant traplines, then he must address the issue of fettering by genuinely exercising his discretionary power and explaining why it was appropriate not to deviate from pre-existing policy in the circumstances of this case.

[58] The new reasons provided by the Regional Manager must be sufficient to provide the Appellant with guidance for any future applications for a trapping permit on the Trapline.

DECISION

[59] In making this decision, the Panel has carefully considered all of the evidence and submissions before it, whether or not specifically reiterated here.

[60] For the reasons provided above, the Panel refers the matter back to the Regional Manager with directions to provide the Appellant with appropriate written reasons for his decision, on or before June 30, 2016.

[61] The appeal is allowed.

"Cindy Derkaz"

Cindy Derkaz, Panel Chair
Environmental Appeal Board

April 20, 2016