
Purpose: To outline the process for entering into a consent agreement with a private managed forest landowner.

Background: Consent agreements may be used when Council and the owner agree that the owner or a contractor, employee or agent of the owner, may have contravened or is contravening a provision of the *Act* or Council Regulation.

Consent agreements are enforceable documents that may include a financial penalty and remedial orders.

Consent agreements are not determinations and do not result in a formal record of contravention.

Consent agreements represent the final administrative disposition of a matter. Once entered into, the owner cannot challenge the penalty or remedial measures specified in the consent agreement. Conversely, Council may not make a formal determination or impose an additional penalty, unless the owner fails to comply with the agreement.

Considerations: Consent agreements may typically be used in the following situations:

- A clear non-compliance has occurred that is easily measurable and verifiable, for example, reforestation obligations and administrative items such as failure to provide a notice of sale or notice of environmental event or annual declaration within legislated time frames.
- The scope and scale of the non-compliance is relatively minor.

Procedure:

1. The Executive Director (ED) confirms through a survey, inspection, investigation, or other means that a potential contravention of the Council legislation has occurred.
2. Council reviews the particulars of the potential contravention and decides if the matter should proceed to a formal contravention determination, or if a consent agreement may be an option.
3. Council provides parameters for a consent agreement penalty and remediation orders.
4. The ED develops a proposed consent agreement in consultation with the owner including penalty, remediation orders, and timelines.
5. The ED recommends the proposed consent agreement to Council for Council sign off.
6. If the owner and ED cannot come to agreement on the terms of a consent agreement, the matter proceeds to a formal contravention determination.
7. The ED confirms the requirements of a consent agreement have been fulfilled and communicates that the matter is closed to the owner and Council.
8. If the owner does not fulfill the requirements of the consent agreement within the required timelines, the matter proceeds to a formal contravention determination.
