

Forest Professional Reprimanded and Fined

William (Bill) Kestell, a retired forest professional, has agreed to a formal reprimand and payment of a \$1,500 penalty and \$1,750 in costs in a September 22 consent order with Forest Professionals BC, the provincial regulator of professional forestry.

The action comes following a Forest Professionals BC investigation into a complaint filed against Kestell in 2022.

Procedural Background

Forest Professionals BC received a complaint in June 2022 from two residents in the Balfour area regarding Kestell's conduct as a woodlands manager for a major licensee during logging operations that occurred upstream of the residents' domestic water intakes. An investigation was completed by Forest Professionals BC into the concerns identified in the complaint, and a citation for a hearing was issued in February 2025. Kestell and Forest Professionals BC have agreed to resolve the matter by way of consent order.

Admissions and Code Contravention

In the consent order, Kestell agreed to the following facts, which he admitted constituted a contravention of Forest Professionals BC's Code of Ethical and Professional Conduct:

- In October 2020, a contractor for the licensee trespassed into a wildlife tree retention area adjacent to one resident's point of diversion on Madden Creek. Mr. Kestell did not inform this resident of the trespass at the time.
- On May 16, 2022, after sediment was introduced to McKay Creek (which a resident alleged impacted his domestic supply), Mr. Kestell emailed the resident and made statements about the adequacy of the water system that were not supported by facts and did not distinguish facts, assumptions, and opinions.
- On September 19, 2022, the licensee removed the culvert at the crossing of McKay Creek. Mr. Kestell did not notify the resident of this culvert removal upstream of the resident's water intake.

Kestell has since retired from practising professional forestry. To practise again, he would need to apply to FPBC for reinstatement under Bylaw 5-4.

Read the complete consent order below.

Forest Professionals BC (FPBC) regulates the practice of professional forestry in the public interest. Registrants must uphold the safety, health and welfare of the public and the protection of the environment, and they are accountable to Forest Professionals BC's Code of Ethical and Professional Conduct and practice and competency standards. Forest Professionals BC provides a complaints and discipline process for concerns about a registrant's conduct or competent practice.

CONSENT ORDER

This order is made by the Investigation Committee upon the respondent's acceptance of a proposal by the committee under section 73(1) of the *Professional Governance Act*.

Between

Forest Professionals British Columbia

("FPBC")

And

William (Bill) KESTELL, RPF #2923

("KE STELL")

Background

1. KESTELL has been licensed as a Registered Professional Forester ("RPF") since 1994. KESTELL is 73 years of age and, in 2025, KESTELL transferred his membership status with FPBC to "Retired". He does not currently practice professional forestry.
2. KESTELL was the Woodlands Manager for a major licensee (the "Licensee") that manages Forest License ("F.L.") A30171 in and around Kaslo, British Columbia.
3. On September 24, 2020, KESTELL signed the Site Plan ("SP") for F.L. A30171, Cutting Permit 413 Cutblock 1 ("CP 413-1"). CP 413-1 is located northwest of Balfour. Madden Creek flows southward through CP 413-1. A local resident ("Resident A") has a water license permitting water to be diverted from Madden Creek to their residence for use for domestic purposes.

4. On December 15, 2021, KESTELL signed the SP for F.L. A30171, Cutting Permit 404 Cutblock 6 ("CP 404-6"). CP 404-06 is located northeast of Balfour. McKay Creek flows southward through CP 404-6. A local resident ("Resident B") has a water license permitting water to be diverted from McKay Creek to their residence for use for domestic purposes.
5. In June 16, 2022, Resident A and Resident B jointly submitted a joint complaint (the "Complaint") to the Association of BC Forest Professionals ("ABCFP", now FPBC) regarding KESTELL. The Complaint alleged that KESTELL:
 - (a) did not confirm or sufficiently map locations for domestic water intakes prior to logging;
 - (b) failed to provide adequate notice, referrals or consultation with water license holders in the vicinity of logging operations, putting water supply and systems at unnecessary risk;
 - (c) did not provide adequate supervision of the logging contractor, leading to a trespass and damage to a water system;
 - (d) engaged in bullying tactics when confronted with concerns about his practices; and
 - (e) exhibited a concerning pattern of behavior that negatively impacted public trust in the profession.
6. On October 27, 2022, the ABCFP Registrar notified KESTELL of the Complaint and invited him to respond to the Complaint.
7. KESTELL provided responses to the Complaint on November 10 and 14, 2022.
8. On November 28, 2022, after a preliminary review of the Complaint, ABCFP's Investigation Committee authorized a formal investigation of the Complaint. ABCFP investigators conducted interviews and reviewed evidence, including forest development plans, site plans, maps of the cutblocks and roads in question,

email correspondence between KESTELL and the complainants, and relevant regulatory requirements (e.g., stream classification standards and water licence information). KESTELL provided a further response to the notice of investigation on January 3, 2023.

9. On November 3, 2023, the investigators submitted their report to the FPBC Registrar.
10. On November 24, 2023, FPBC provided KESTELL with the investigation report with the supporting evidence and invited a response to the report. On December 20, 2023, KESTELL provided a response to the investigation report.
11. The investigation report and KESTELL's response were provided to the Investigation Committee. On March 25, 2024, the Investigation Committee convened to discuss the Complaint, the investigation report and KESTELL's response. The Investigation Committee voted unanimously to attempt to resolve the Complaint by requesting KESTELL agree to a consent order under section 73 of the *Professional Governance Act*.
12. A consent agreement could not be reached and a citation was issued on February 25, 2025. The parties have agreed to resolve the citation by way of consent order.

Agreed Facts

13. KESTELL agrees to the following facts:
 - (a) The Kootenay Boundary Land Use Plan ("KBLUP") included specific objectives for S5 and S6 streams on which there is a water intake which is licensed for human consumption. These provisions were addressed in the Licencee's applicable forest stewardship plan ("FSP"), which included provisions applicable to streams classified as S5 or S6 that required the Licencee to consider the impact of primary forest activities on licenced waterworks.

- (b) It is important for information in SPs to be correct because of the interconnected nature of forestry regulations and objectives from the legislation, regulations, and higher-level plans to the field-level through the SP, as well as for more practical forest management reasons.
- (c) KESTELL utilized an experienced and well regarded third party consultant to map the streams within the SPs for CPs 404 & 413. KESTELL had worked with this consultant for over a decade, including with respect to many riparian assessments over that period without incident. KESTELL signed off on the SPs and is responsible for the work prepared under his supervision.
- (d) The SP for CP 404-6 classifies McKay Creek as Non-Classified Drainage ("NCD"). FPBC's investigators investigated whether McKay Creek should have been classified as an S6, but there is insufficient evidence to make this determination. Regardless, the CP 404-6 SP correctly classified McKay Creek as a Consumptive Use Stream, and appropriately required a riparian reserve (exceeding that which would ordinarily be required for NCD or S6 classification) to be consistent with the KBLUP. There is no evidence that the riparian reserve area was deficient, or that any specific harm or damage resulted from the classification of McKay Creek.
- (e) On March 17, 2021, KESTELL sent Resident B, as a legal water user on McKay Creek, a referral letter notifying Resident B of the Licencee's plans for developing a Cutting Permit around McKay Creek. On December 8, 2021, KESTELL sent an email to Resident B notifying Resident B of the Licencee's plan to begin road building operations in CP 404, including the spur into 404-6. On December 23, 2021 the Licencee sent an email to Resident B notifying Resident B of the Licencee's planned schedule to begin harvesting operations in 404-6 & 15 in January 2022. However, KESTELL did not notify Resident B of a subsequent culvert removal at the McKay Creek crossing within CP 404-6 on September 19, 2022.

- (f) While KESTELL identified Resident B's legal point of diversion ("POD") on McKay Creek and sent notices in relation to Resident's B legal POD, Resident B's water intake was not located where it was legally registered within the provincial database.
- (g) In May of 2022, the Licencee's logging operations resulted in sediment being introduced to McKay Creek, which Resident B alleged impacted his domestic water supply.
- (h) KESTELL responded to Resident B's complaint in a May 16, 2022, email wherein he apologized and advised that the Licensee took full responsibility for the sedimentation. Later in the email, KESTELL questioned the adequacy and functionality of Resident B's water system and suggested that the water system should have been able to withstand negative impacts from the sediment. KESTELL based these statements on his personal experience using a similar gravity feed water system over many years, although he was not aware of provincial standards for domestic water systems serving one household.
- (i) The SP for CP 413-1 classifies Madden Creek as an NCD/S6, and ultimately as a Consumptive Use Stream. In October 2020, logging commenced on CP 413-1 adjacent to Madden Creek and Resident A's POD. Although the logging of CP 413-1 was planned to avoid impacts to Madden Creek and Resident A's POD through a wildlife tree retention area ("WTRA"), the contractor hired by the Licencee accidentally harvested in the area and trespassed into the WTRA. The block boundaries were well marked with blue paint on trees and boundary ribbon and the trespass was attributable to operator error. The trespass was limited to approximately 0.03-ha and Licencee notified the Ministry of the trespass. Although Resident A was fully informed about the logging prior to start up, he was not told about the trespass. Resident A found out about the trespass much later

when checking the logging near his POD. Resident A did not report any detrimental effect on their POD.

Admissions

14. KESTELL admits, under section 73(3)(b) of the *Professional Governance Act*, that he contravened the Code of Ethical and Professional Conduct in FPBC's Bylaw 9 as follows:

- (a) with respect to his May 16, 2022, email commenting on Resident B's water system, KESTELL contravened his duty under standard 2(a) to exhibit objectivity, be professionally independent in fact and appearance, and distinguish between facts, assumptions and opinions when providing professional opinions; and;
- (b) KESTELL (i) failed to inform Resident B at key points when his water system might be at risk; and (ii) failed to inform Resident A when the trespass over Madden Creek took place.

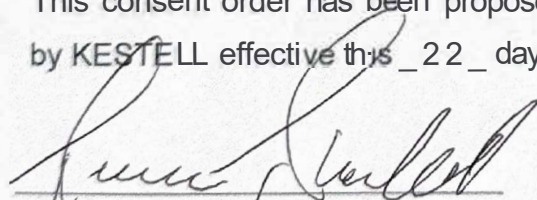
Disposition

15. In order to resolve the Complaint and upon KESTELL's admissions of the above-noted contraventions, KESTELL consents to the Investigation Committee making the following orders under section 75 of the *Professional Governance Act*:

- (a) FPBC will issue a written formal reprimand to KESTELL pursuant to section 75(6)(a) of the Act. This reprimand constitutes an official record of disciplinary action for professional misconduct and will remain on KESTELL's registrant file.
- (b) KESTELL will pay a penalty in the amount of \$1,500.00 to FPBC, pursuant to section 75(6)(b) of the *Professional Governance Act*.

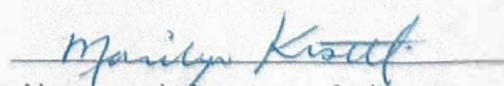
- (c) KESTELL will reimburse FPBC \$1,750.00 for costs in accordance with section 75(4)(c) of the *Professional Governance Act* and FPBC Bylaw 12-25(2)(b).
16. KESTELL acknowledges as a retired registrant that, if he wishes to practice professional forestry again, he would have to apply for reinstatement pursuant to FPBC Bylaw 5-4.
 17. KESTELL acknowledges that this consent order has the same effect as an order made by a panel of the Discipline Committee of the FPBC after a hearing under section 75 of the *Professional Governance Act*.
 18. KESTELL acknowledges that the FPBC will be required under FPBC Bylaw 13-7 to notify the public of this consent order by publishing a discipline digest on the FPBC's website and in its newsletter that will contain a summary of the circumstances of this case, including the full text or summary of this order.
 19. KESTELL acknowledges that he has read this consent order, fully understands its terms, and has voluntarily accepted it for the purpose of fully and finally resolving all matters arising out of or related to the Complaint.
 20. KESTELL understands that he has the right to seek independent legal advice and has been encouraged to seek such advice before signing this consent order.

This consent order has been proposed by the Investigation Committee and is accepted by KESTELL effective this 22 day of September, 2025.


 Bruce Blackwell, RPF #2073

Chair, Investigation Committee


 William Kestell, RPF #2923

Marilyn Kestell

 Name and signature of witness