



Ministry of Forests, Lands and Natural Resource Operations Compliance and Enforcement Program

Annual report for year ended March 31, 2010

Providing statistics of Compliance and Enforcement activities recorded by the Ministry of Forests and Natural Resource Operations from April 1, 2010 through March 31, 2010

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Introduction

The 2011 Compliance and Enforcement (C&E) Annual Report is the annual report produced by the Ministry of Forests, Lands and Natural Resource Operations. The 2011 Annual Report contains information on inspections, compliance actions and enforcement actions related to legislation governing forest, range and natural resource activities.

Forest, land and other natural resource activities in the province of British Columbia are regulated by a number of Acts. In this report, information regarding the following Acts is provided: the Forest Act, the Range Act, the Wildfire Act, the Forest and Range Practices Act and the Forest Practices Code of British Columbia, plus all of the regulations associated with these acts. The Forest Practices Code of British Columbia (the Code) came into effect in 1995 and has been substantially replaced by the Forest and Range Practices Act (FRPA), which came into effect on 31st March 2009. During this transition period, forest and range activities on Crown land may be affected by both pieces of legislation introduced gradually over the last few years (with Resource Management and Conservation throughout the province and Resource Operations Division). The Land Act, Water Act, Wildlife Act and other legislation has been introduced into the Compliance and Enforcement Branch as the branch works collaboratively with other ministries and agencies.

Key Statistics

April 1, 2010 to March 31, 2011

8,661	Inspections were recorded
414	Enforcement Actions were taken
4	Stop Work Orders were issued
4	Seizure Orders were issued
1,769	Compliance Actions were taken

This report contains statistics gathered from the C&E Program information systems:

- ◀ The Enforcement Action, Administrative Review and Appeal Tracking System (ERA) is the ministry's record of enforcement activities. ERA documents cases that arise from alleged contraventions of the acts and regulations enforced by the ministry, including the issuance of tickets and cases that are appealed.
- ◀ The Compliance Information Management System (CIMS) serves as the ministry's record of inspection activities and compliance actions taken.

This annual report covers C&E program activities for the period of April 1, 2010 to March 31, 2011 and provides a follow-up to previous C&E annual reports. The report covers compliance and enforcement activities with respect to, forest and range activities carried out by various individuals and licence holders, including major licensee, community forest agreement holder, timber sale licensee, woodlot licensee, range licensee, mining, petroleum and natural gas companies, holding companies and others in the regulated community.

Electronic copies of this report are available from the Compliance and Enforcement Branch, or by accessing the government Internet page for www.gov.bc.ca/hen/index. If there are discrepancies between the printed copy of the annual report and the copy on the website, the copy of the annual report on the website is considered correct.

¹ Underlined words are defined in the glossary at the end of this report.

Service Plan Report Statistics

The ongoing work to monitor and enforce compliance with Forests, Lands and Natural Resource Operations statutes included two milestones in 2011:

First, this fiscal period has increased presence in and commitment to Integrated Resource Operations (previously, called Resource Management Coordination project) with other ministries and agencies in the province. Approximately 4.6% of available C&E resources were used to participate in the collaboration efforts.

Second development has begun for the new C&E framework identity which will eventually include new legislation and new designations and delegations to the C&E Branch in the newly formed Ministry of Forests, Lands and Natural Resource Operations (FLNRO).

Goal:

The coordinated, integrated and sustainable management, development and use of British Columbia's natural resources.

Objective: Compliance with environmental standards in the development and use of Crown land.

Performance Measure: Compliance with Resource Laws

Percentage of the regulated community in compliance with statutory requirements *	94%
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*Data Source: Ministry of Forests, Lands and Natural Resource Operations Compliance Information Management System. Regulated community includes all persons subject to statutory obligations of the compliance mandate (including licensees, contractors, public and private landowners).

Inspections



Inspections (or site visits) are conducted to determine whether forestland water, wildlife and range activities are in compliance with corresponding legislation that FLNRO is the lead on.

As it is not possible to inspect every forestwater, land, wildlife and range activity, C&E staff evaluate the risk associated with various sites and activities, then prioritize inspections to focus on activities with a higher social, economic or environmental risk.

C&E officials conduct six primary types of inspections: General (Result or Strategy, Wildfire Integrated Resource Operations Coordination (previously, Resource Management Coordination Project Fish Passage, Harvest, Road, Silviculture, Range and Recreation). They also follow up on incident reports.



What is an inspection?
 An inspection is a systematic process to confirm compliance with statutory obligations. Inspections are done on a routine basis and may be either planned or spontaneous. C&E inspections cover the legal obligations of licensees, the government and the public.

Figure 1: Inspections by Region

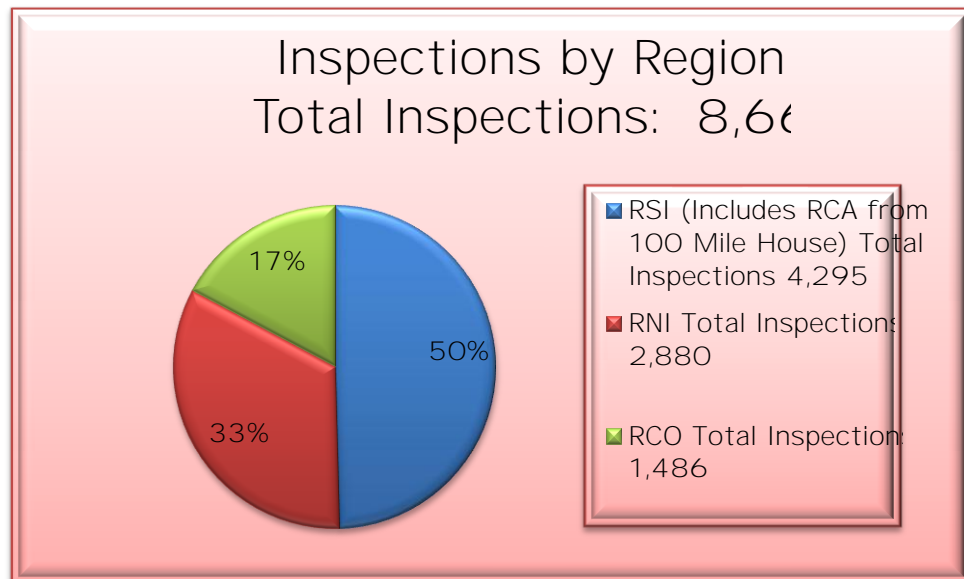


Figure 2 Inspections by Tenure Type

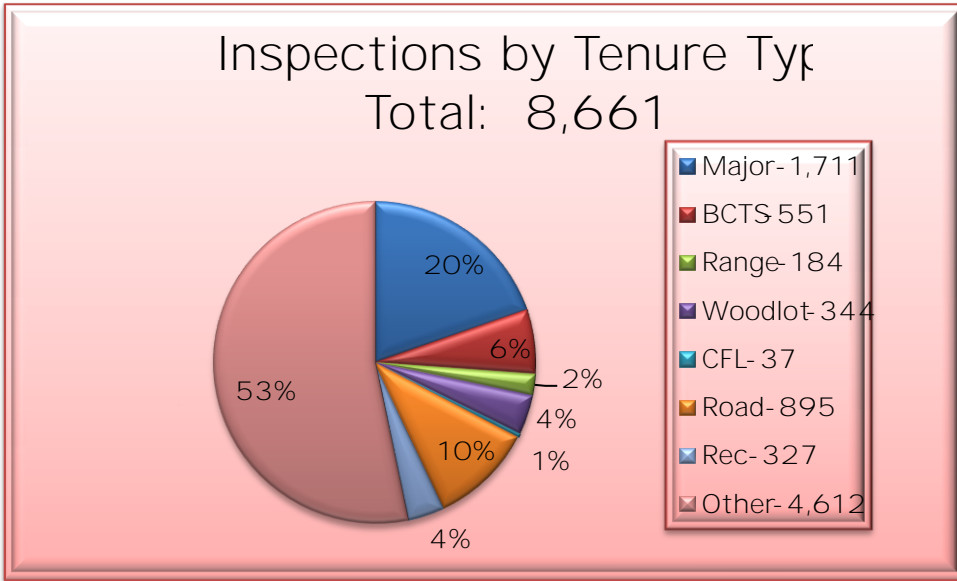
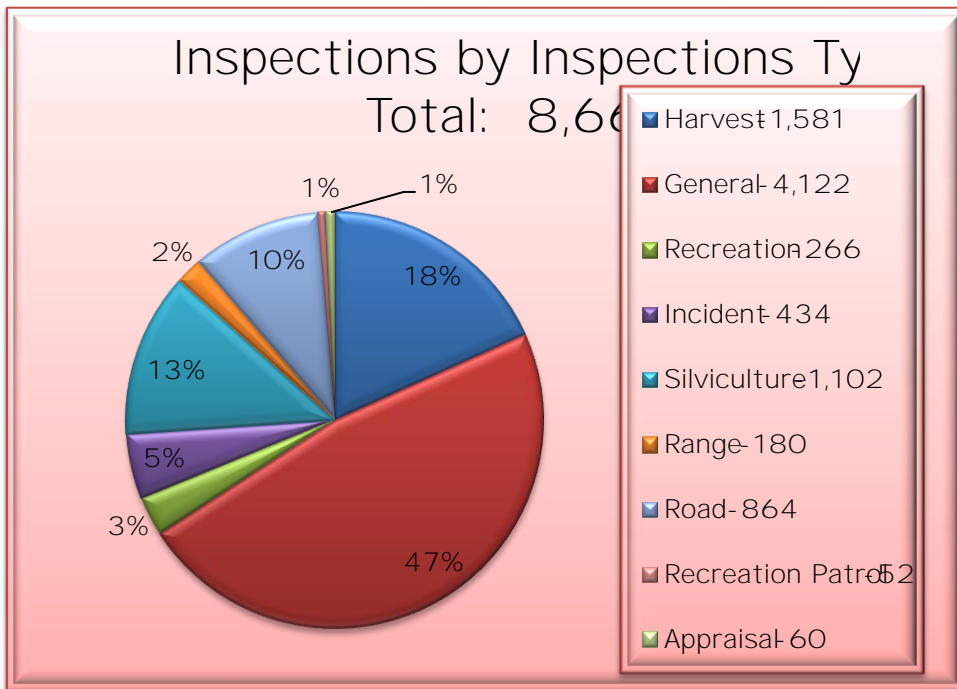


Figure 3 Inspections by Inspection Type



Profile: Integrated Resource Operations Division

The past year has been a very active and complex one, but the Compliance and Enforcement Branch (C&E) successfully moved forward to finalize the Resource Management Coordination (RMC) project and create the Integrated Resource Operations division as of March 14, 2011.

This year's annual reporting period coincided with three ministry reorganizations and new titles for the Ministry of Forests, Mines and Lands for approximately 6.5 months, Forests, Mines and Lands for 4.5 months and finally, Forests, Lands and Natural Resource Operations (FLNRO) for about 3 weeks before the 2010-2011 fiscal year ended. This process included the transfer of responsibility for over 50 additional Acts to the new ministry at the end of the fiscal year.

The creation of FLNRO is a huge step forward in the integration of the natural resource sectors. Collaboration with other ministries and agencies throughout the province is a new idea for the Compliance and Enforcement Branch, given the work done over the past two years on the Resource Management Coordination project. However, this renewed coordination will help achieve the previously established stepping stone toward the One Ministry One Vision goal of the FLNRO.

Extended and newly developed collaboration with the Environmental Assessment Office (EAO) Environmental Protection Office (EPO) Conservation Officers (COs) (including designations as Special Conservation Officer) increased the scope and complexity of our inspections. Previous commitments of available C&E Resources to RMC increased from 25% to 46% as a result.

The Environmental Assessment Office is a neutral agency that manages the review of proposed major projects in British Columbia, as required by the [Environmental Assessment Act](#)

The environmental assessment process in collaboration with Compliance Enforcement Officers provides a thorough, timely and integrated assessment of potential environmental, economic, social, heritage and health effects that may occur during the lifecycle of these projects. It also allows for meaningful participation by First Nations, proponents, the public, local governments, and federal and provincial agencies.

Another section of C&E Officers work with the Environment Protection Office (EPO). The Environmental Protection Branch is responsible for a wide array of environmental management regulatory programs, including: hazardous and industrial waste management; waste and environmental database management; environmental emergency response and spill reporting; integrated pest management initiatives (IPMI) and land remediation (contaminated site) management and certification. C&E Officers inspect for EPO include Petroleum storage, IPMI, landfills, vehicle dismantling, and asphalt plants under varying legislation and regulations for the Ministry of Environment.



The start of the next fiscal year will mark an official new vision for Compliance and Enforcement, including a new logo and badges (branding), new designations and significant legislative amendments to help the division operate more effectively and efficiently. Next year will be both challenging and rewarding as we work toward new goals for the future of Compliance and Enforcement Officers and legislation under the restructured ministry.

Compliance

During the course of an inspection, a C&E officer may identify incidents of alleged non-compliance with forest and range legislation. Incidents of alleged non-compliance or contraventions involve an individual or company that has acted in a manner that violated the law. Alleged non-compliance may be found during an inspection or may be identified as a result of other sources such as tips from the public, ministry staff, or self-reporting by licensees.

What are compliance actions?
 Compliance actions include No Action, Compliance Notices and Warning Tickets. Compliance actions are only appropriate if all elements of a contravention could be proven through the formal enforcement process, but the severity of the alleged contravention does not warrant a formal enforcement action.

Based on the significance and impact of the non-compliance, and other considerations, compliance actions are used to encourage the individual or company to bring their activities into compliance with the applicable legislation.

Compliance actions include:

- Compliance No Action
- Compliance Notice
- Warning Ticket



Figure 4 Compliance Actions by Region

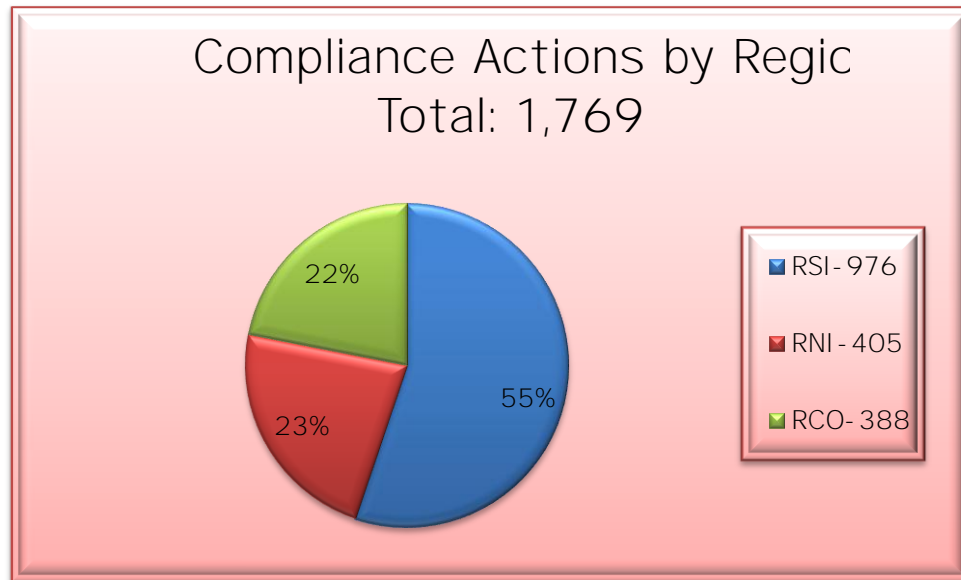


Table 1. Compliance Actions By Tenure Ty

	Major	BCTS	Range	Woodlot	CFL	Road	Recreation	Other	Total
Compliance Notice	151	86	42	108	1	174	5	354	921
Compliance NoAction	35	18	8	16	3	26	12	412	530
Warning Ticket	11	9	7	1	1	13	4	272	318
Total	197	113	57	125	5	213	21	1,038	1,769

Figure 5 Compliance Action by Compliance Action Type

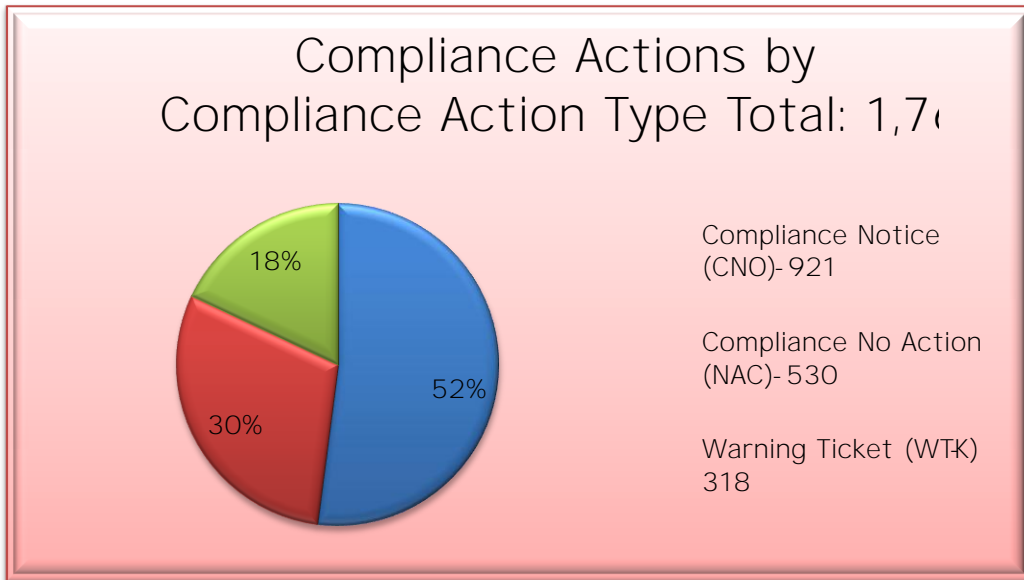


Figure 6 Compliance Action by Inspection Type

