



# Compliance and Enforcement Branch

## 2015-2016 ANNUAL REPORT

FOR FISCAL YEAR ENDING MARCH 31, 2016



THIS REPORT INCLUDES STATISTICS FOR COMPLIANCE AND ENFORCEMENT BRANCH ACTIVITIES  
AS RECORDED BY THE MINISTRY OF FORESTS, LANDS AND NATURAL RESOURCE OPERATIONS  
FROM APRIL 1, 2015 THROUGH MARCH 31, 2016.



Ministry of  
Forests, Lands and  
Natural Resource Operations

# Contents

INTRODUCTION .....	1	COMPLIANCE .....	9
SERVICE PLAN REPORT: FINAL STATISTICS ...	2	ENFORCEMENT .....	11
COMPLIANCE AND ENFORCEMENT BRANCH PRIORITIES FOR 2015-2016 .....	3	REVIEWS AND APPEALS.....	14
PRESENCE.....	4	FUNCTIONS RECORDED IN THE NATURAL RESOURCE INFORMATION SYSTEM .....	16
INSPECTIONS .....	5	GOVERNMENT NON-COMPLIANCE STATISTICS .....	17
NATURAL RESOURCE VIOLATION REPORTING .....	7	GLOSSARY .....	18
PROFILE: NATURAL RESOURCE OFFICER TRAINING ACADEMY .....	8		





# Introduction

## THE 2015-16 COMPLIANCE AND ENFORCEMENT BRANCH ANNUAL REPORT

was produced by the Ministry of Forests, Lands and Natural Resource Operations<sup>1</sup>. It contains information on inspections, compliance actions and enforcement actions related to legislation governing forest, lands, range, water and natural resource activities.

Natural resource activities in British Columbia are regulated by a wide range of legislation.

**TABLE 1: Key Statistics: 04/01/15 to 03/31/2016**

INSPECTIONS/PATROLS RECORDED*	6,544
COMPLIANCE ACTIONS TAKEN*	1,049
ENFORCEMENT ACTIONS TAKEN*	375

\*Data sourced from the Compliance and Enforcement Branch's data information systems.

\*\*Only includes actions involving penalties, and does not include compliance notices or warning tickets.

The Integrated Resource Operations Division has adopted an integrated approach to managing the ministry's objectives. In this report, information is provided to reflect the mandate undertaken by the Compliance and Enforcement Branch.

The report provides information regarding the following acts: the *Forest Act*, *Range Act*, *Wildfire Act*, *Forest and Range Practices Act*, *Forest Practices Code of British Columbia Act*, *Land Act*, *Water Sustainability Act* and *Wildlife Act*, plus all of the regulations associated with those acts.

This report contains statistics gathered from the Compliance and Enforcement Branch's two primary information systems:

- ▶ The Enforcement Action, Administrative Review and Appeal Tracking System (ERA) serves as the ministry's record of enforcement activities. The ERA tracks the progress of cases that arise from alleged contraventions of the acts and regulations enforced by the ministry, including tickets that are issued and cases that are appealed.
- ▶ The Natural Resource Information System (NRIS) serves as the ministry's record of inspection activities and compliance actions.

This annual report covers Compliance and Enforcement Branch activities from April 1, 2015 to March 31, 2016 and it serves as a follow-up to the branch's previous annual reports. It covers compliance and enforcement activities related to forest management, land management, water management, wildfire management and resource road activities carried out by individuals and licence holders that make up what's commonly referred to as the regulated community.



<sup>1</sup> Electronic copies of this report are available from the ministry's Compliance and Enforcement Branch or on the government website at: <https://www2.gov.bc.ca/gov/content/environment/natural-resource-stewardship/natural-resource-law-enforcement/natural-resource-officers/compliance-reports>. If there are discrepancies between the printed copy of the annual report and the copy posted on the website, the website version is considered to be correct.

# Service Plan Report: *Final Statistics*

**THE MINISTRY** of Forests, Lands and Natural Resource Operations continues to monitor and enforce compliance with applicable statutes, as B.C.'s natural resource ministries work together to streamline natural resource policies, regulations and legislation.

The expanded responsibilities of the Compliance and Enforcement Branch have enhanced natural resource stewardship through more effective compliance and enforcement actions, including: major projects monitoring; unauthorized land use and occupation; dam safety; water usage; forestry and range practices; and actions that support effective wildlife management.

Ongoing collaboration between various ministries and agencies support a consistent compliance and

enforcement framework and identity within the ministry's Integrated Resource Operations Division.

These strategies promote effective stewardship of the province's natural resources and ecosystems (including the management of water quality and water quantity, fish and wildlife habitat, and species at risk), while ensuring that the government's management practices adapt to changing conditions

**GOAL:** Co-ordinated and sustainable management, use and stewardship of B.C.'s natural capital.

**PERFORMANCE MEASURE:** Monitoring statutory requirements within the resource management sector.

PERFORMANCE MEASURE	2015/16 TARGET	2016/17 TARGET	2017/18 TARGET	2018/19 TARGET
<b>COMPLIANCE &amp; ENFORCEMENT (C&amp;E) PRESENCE</b>				
► <i>Percentage of C&amp;E field staff time spent in the field (actual time divided by operational capacity, in hours)</i>	<b>74%</b>	<b>76%</b>	<b>79%</b>	<b>80%</b>

Data Source: Ministry of Forests, Lands and Natural Resource Operations Service Plan



# Compliance and Enforcement Branch

## Priorities for 2015-2016

- ✓ **STREAMLINING OPERATIONS:** Natural Resource Violation Reporting System; harmonization of Natural Resource Sector operations
- ✓ **PROGRAM MANAGEMENT:** Natural Resource Inspection System; staff training program; increased staff involvement in Temporary Emergency Assignment Management System (TEAMS), public education and awareness events, personal and career development, Lean initiatives, Natural Resource Officer identity program (e.g. uniforms)
- ✓ **LAND MANAGEMENT:** structures; occupation; tenures; foreshore structures; gravel extraction; use of off-road vehicles
- ✓ **WATER MANAGEMENT:** ensuring the protection of water quality and quantity through enforcement of legislation impacting: water management; practices and works in streams; dams
- ✓ **FOREST MANAGEMENT:** road safety (road maintenance, overloading, bridges, speed on forest service roads, road permits); forest and range operations (identifying non-compliances, high-risk licensees); revenue; Forest Stewardship Plans (results and strategies); riparian management areas; timber marking and transportation (including road checks); silviculture; invasive plants; Range Use Plans; environmental damage (site degradation)
- ✓ **WILDFIRE MANAGEMENT:** enhancing public safety through the enforcement of *Wildfire Act* open burning bans and restrictions (especially as fire danger ratings increase during the summer)
- ✓ **RECREATION MANAGEMENT:** patrols and inspections to ensure compliance with the *Forest and Range Practices Act* and legislation related to recreational activities
- ✓ **WILDLIFE MANAGEMENT:** patrols and inspections to ensure compliance with vehicle closures under the *Wildlife Act*, the *Forest and Range Practices Act* and related legislation; wildlife attractant inspections in conjunction with the Conservation Officer Service
- ✓ **BUSINESS IMPROVEMENT:** enhanced collaboration and co-ordination with Natural Resource Sector agencies
- ✓ **MAJOR PROJECTS:** mines; independent power projects (wind, water, transmission lines); pipelines
- ✓ **HERITAGE AND ARCHEOLOGY SITES:** ensure compliance with legislation and regulations as requested; archaeological impact assessments
- ✓ **AGRICULTURAL LAND COMMISSION:** verify compliance with regulations and legislation as requested
- ✓ **MINES AND MINERALS:** collaboration and verification of mineral titles as requested; joint inspections with Ministry of Mines and Energy staff.
- ✓ **WASTE MANAGEMENT:** spills; sewage; dumping; litter
- ✓ **AIR QUALITY:** Open Burning Smoke Control Regulation
- ✓ **FIRST NATIONS:** enforcement of First Nations-related legislation on treaty lands; other interactions that involve First Nations or a claim of First Nations rights; recording of complaints or alleged violations on treaty lands

# Presence

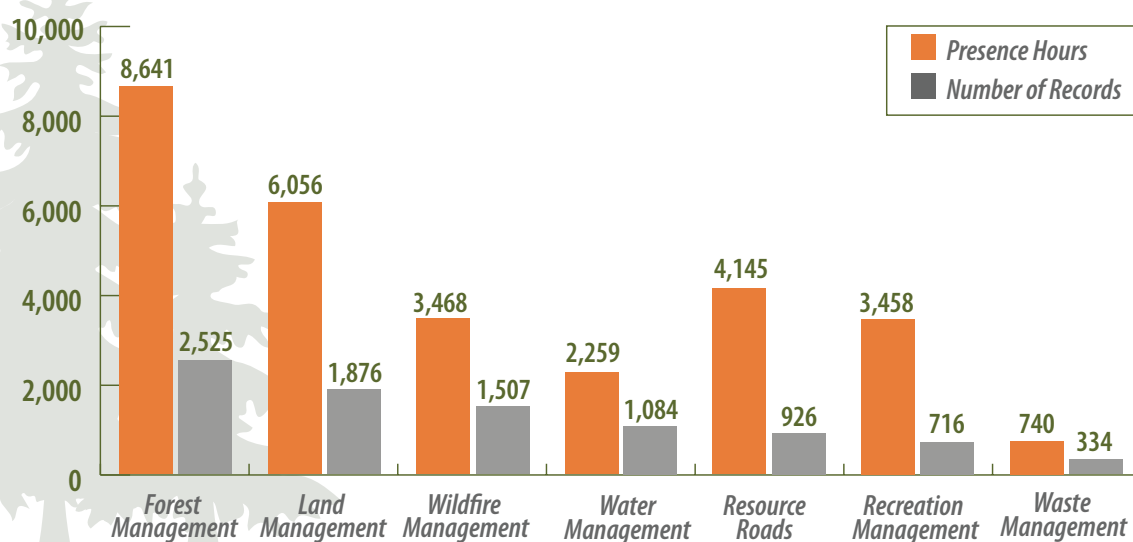
The Compliance and Enforcement Branch has established a measure of its performance that is called “Presence”. Presence is a proactive measure that allows the government to see the effect of its efforts related to community relations, industry engagement, public education and the promotion of compliance. Presence refers to the amount of time that a Natural Resource Officer spends publicly representing the Compliance and Enforcement Branch and engaging in priority work.

**TABLE 2: Number of Records and Presence Hours by Function: 04/01/15 to 03/31/2016**

FUNCTION	PRESENCE HOURS	NUMBER OF RECORDS
AGRICULTURE LAND RESERVE	30.5	14
AIR QUALITY MANAGEMENT	40.5	33
FOREST MANAGEMENT	8,640.6	2,525
HERITAGE & ARCHAEOLOGY	68.0	37
LAND MANAGEMENT	6,055.9	1,876
LAND USE RESTRICTIONS	1,718.5	328
MAJOR PROJECTS	41.5	7
MINES & MINERALS	164.0	56
PARKS & PROTECTED AREAS	213.5	56
RECREATION MANAGEMENT	3,457.6	716
RESOURCE ROADS	4,145.8	926
WASTE MANAGEMENT	740.5	334
WATER MANAGEMENT	2,258.5	1,084
WILDFIRE MANAGEMENT	3,467.5	1,507
WILDLIFE MANAGEMENT	216.0	102
<b>GRAND TOTAL</b>	<b>31,258.8</b>	<b>9,601</b>

Data sourced from the Compliance and Enforcement Branch's data information systems.  
The “Number of Records” column heading refers to patrols, inspections and presence records.

**CHART 1. Compliance and Enforcement Branch Presence Hours and Number of NRIS records (for top 7 functions), 04/01/15 to 03/31/2016**





# Inspections



## WHAT IS AN INSPECTION?

- *An inspection is a systematic process to verify compliance with statutory obligations. Inspections are done on a priority basis and may be either planned or spontaneous. Compliance and Enforcement Branch inspections cover the legal obligations of licensees, the government and the public.*

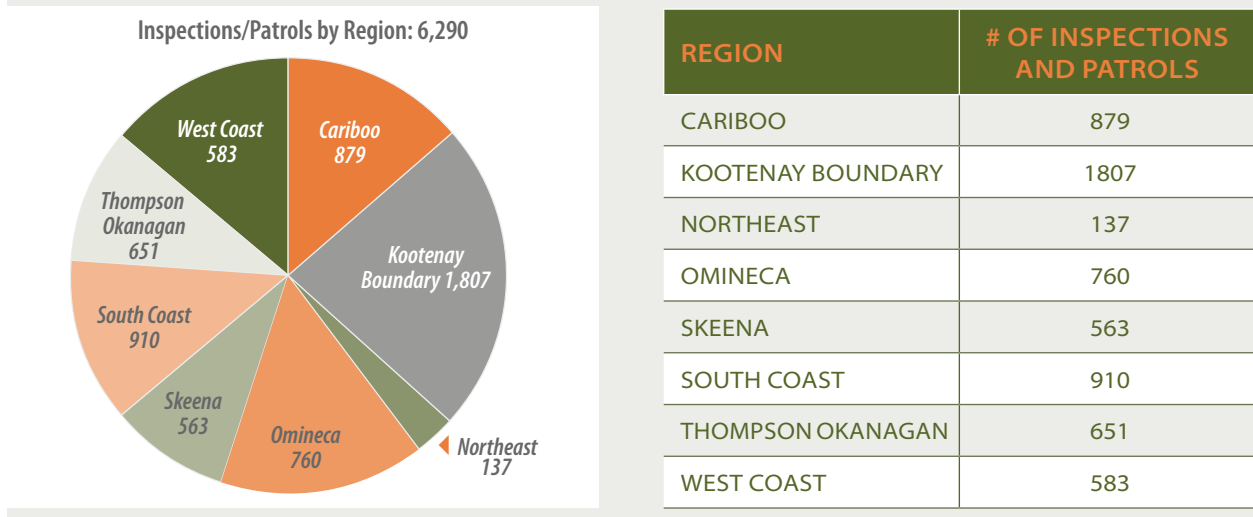
**INSPECTIONS** and site visits are conducted on a priority basis to determine whether forest, land, water and range activities are being conducted in compliance with legislation that falls within the mandate of the Compliance and Enforcement Branch.

Since it's not possible to inspect every forest, water, land, wildlife and range activity, Compliance and Enforcement Branch staff evaluate

the risks associated with various types of sites and activities and then prioritize their inspections to focus on activities with a higher social, economic or environmental risk.

The Compliance and Enforcement Branch's Natural Resource Officers (NROs) conduct various types of inspections, based on the Provincial Business Plan priorities and Regional Implementation Plans priorities for each area of B.C.

They include inspections and compliance verification related to forest, land, water, wildfire and other program priorities of the Ministry of Forests, Lands and Natural Resource Operations, plus other activities that fall under the mandate of the ministry. Natural Resource Officers also follow up on complaints and incidents submitted through the Natural Resource Violation Reporting system.

**CHART 2: Inspections and Patrols by Region: 04/01/15 to 03/31/2016**

Data sourced from the Compliance and Enforcement Branch's data information systems.

**TABLE 3: Inspections and Patrols by Function: 04/01/15 to 03/31/2016**

FUNCTION	NUMBER OF INSPECTIONS AND PATROLS
FOREST MANAGEMENT	1903
LAND MANAGEMENT	1180
RESOURCE ROADS	747
WILDFIRE MANAGEMENT	640
RECREATION MANAGEMENT	567
WATER MANAGEMENT	564
LAND USE RESTRICTIONS	288
WASTE MANAGEMENT	214
WILDLIFE MANAGEMENT	60
PARKS & PROTECTED AREAS	42
MINES & MINERALS	39
HERITAGE & ARCHAEOLOGY	19
AIR QUALITY MANAGEMENT	14
AGRICULTURE LAND RESERVE	9
MAJOR PROJECTS	4
<b>GRAND TOTAL</b>	<b>6290</b>

Data sourced from the Compliance and Enforcement Branch's data information systems.



# Natural Resource Violation Reporting

**THE NATURAL RESOURCE VIOLATION REPORTING (NRVR)** system was developed to collect and record reports of alleged violations of natural resource legislation. It's intended for public use, but it also allows the ministry's partner agencies and programs within the natural resource sector to record issues identified by their staff. Reports can be submitted online or by telephone.

All submitted reports are managed by FrontCounterBC staff, who administer the intake process. Every Natural Resource Violation Report is reviewed by a Natural

Resource Officer to determine an appropriate response.

The information compiled in the Natural Resource Violation Reporting system is also analyzed to identify emerging trends and ongoing issues, which helps the Compliance and Enforcement Branch plan future allocations of its resources and focus on program priorities. In 2015-16, the Natural Resource Violation Reporting system received over 3,300 reports.

Anyone can report a Natural Resource Violation:

- ▶ by telephone: 1 877 952-7277
- ▶ online: [www.for.gov.bc.ca/hen/nrv/report.htm](http://www.for.gov.bc.ca/hen/nrv/report.htm)



## Profile:

### *Natural Resource Officer Training Academy*



**LIKE OTHER ORGANIZATIONS,** the Compliance and Enforcement Branch experiences routine staffing changes, so its work also includes a focus on successional planning to ensure the effective and seamless running of its programs.

In 2015-16, the branch adopted a provincial approach for recruiting and training new staff, instead of the regional hiring practices that were used in the past to fill vacant positions in specific geographical areas.

This centralized approach is more efficient and ensures that all candidates are evaluated using the same criteria. It also allows all successful candidates to be trained to the same high standard, so they can work anywhere they're needed in the province.

In February 2016, the Compliance and Enforcement Branch inaugurated its Natural Resource Officer Training Academy to support these goals and the future success of new employees, through the provision of additional resources and enhanced skills training.

The branch's new centralized approach to training began with a hiring drive to fill the first "academy" class, and updating the qualification

requirements for new employees.

Recruits had to meet the high standards of specialized enforcement training programs such as those offered at the University of Lethbridge or Vancouver Island University.

Once fully trained in these enforcement techniques, the recruits would bring that knowledge back to the organization and help the Compliance and Enforcement Branch move forward with greater expertise and more confidence.

The initial hiring drive took place in the fall of 2015, when 271 people applied to become Natural Resource Officers. After the interviews were conducted, 23 of those applicants were hired and became the first academy class.

The action then shifted to the Pacific Regional Training Centre, a world-renowned facility where people from the Department of National Defence, the Canada Border Services Agency and the Royal Canadian Mounted Police also receive instruction. The Compliance and Enforcement Branch's inaugural academy class started on Feb. 1, 2016.

At the academy, the recruits were provided with laptop computers, uniforms and access to the branch's

reporting and monitoring systems. The training consisted of a series of introductory courses covering: legislation, policy, procedures, standards of conduct, safety protocols, roles and responsibilities, systems used at the branch, law, enforcement techniques, "verbal judo", confrontation management, investigations, compliance options, and scenario-based field training.

All 23 recruits from the inaugural class received their certificates, authorities and delegations at a graduation ceremony on March 2, 2016. After graduation, they were deployed to locations around the province.

When they arrived at their new assignments, they were immediately paired up with senior staff in a mentorship program. This ensured that they received adequate support in all aspects of their jobs so they could carry out their duties effectively.

The Compliance and Enforcement Branch evaluates its training practices on an ongoing basis so it can deliver the tools and knowledge needed to develop a highly qualified workforce. This includes exploring a variety of training methods and refining course content and requirements as needed.



# Compliance

During a “compliance verification” or site visit, a Natural Resource Officer may find incidents of alleged non-compliance with provincial legislation, where an individual or a company may have acted in a manner that violated the law.

## WHAT IS COMPLIANCE VERIFICATION?

Compliance verification is the inspection of a site or activity that is part of a routine process to verify compliance with statutory obligations. Inspections are done on a priority basis and may either be planned ahead of time or done on the spot as needed.

Compliance and Enforcement Branch inspections take into account the legal obligations of licensees, the provincial government and members of the public.

It’s not possible to inspect every forest, water, land, wildlife and range activity in the province, so Compliance and Enforcement Branch staff evaluate the risks associated with various types of sites and activities. Then they prioritize their inspections to focus

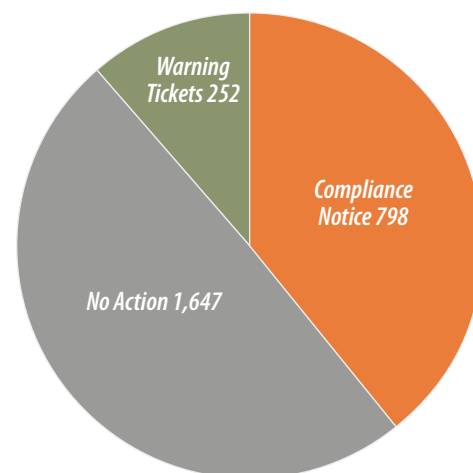
on activities that tend to have higher social, economic or environmental risks associated with them.

The Compliance and Enforcement Branch’s Natural Resource Officers conduct various types of inspections. They include compliance verification actions related to forests, land, water and wildfire, other program priorities of the Ministry of Forests, Lands and Natural Resource Operations, and other activities that fall under the mandate of the ministry. Natural Resource Officers also follow up on complaints and incident reports submitted through the Natural Resource Violation Reporting system.

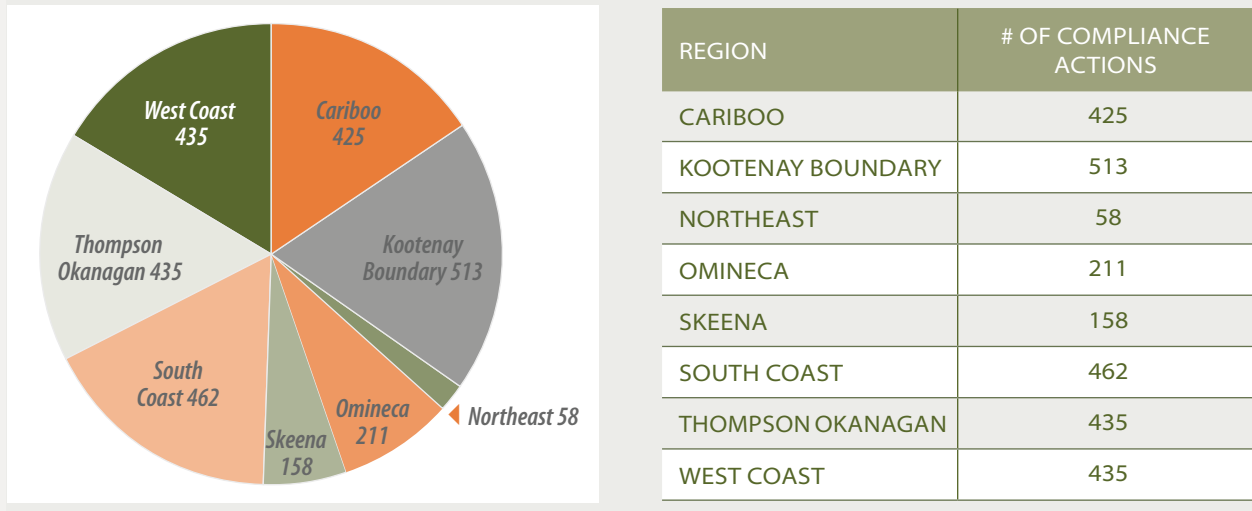
An alleged non-compliance may be identified during an inspection or from other sources, such as tips from members of the public or from ministry staff, or through self-reporting by licensees. Depending on the significance and potential impact of the contravention, a variety of compliance actions are used to encourage the individual or company to make their activities compliant with applicable legislation.



**CHART 3: Compliance Actions by Compliance Action Type: 04/01/2015 to 03/31/2016**



*Data sourced from the Compliance and Enforcement Branch’s data information systems.*

**CHART 4: Compliance Actions by Region: 04/01/2015 to 03/31/2016**

Data sourced from the Compliance and Enforcement Branch's data information systems.

**TABLE 4: Compliance Actions by Function: 04/01/2015 to 03/31/2016**

FUNCTION	COMPLIANCE NOTICE	NO ACTION	WARNING TICKET	GRAND TOTAL
AIR QUALITY MANAGEMENT	3	6	1	10
FOREST MANAGEMENT	295	285	151	731
HERITAGE & ARCHAEOLOGY	10	6		16
LAND MANAGEMENT	160	314	5	479
LAND USE RESTRICTIONS	24	48	23	95
MINES & MINERALS	1	13	2	16
PARKS & PROTECTED AREAS		12	2	14
RECREATION MANAGEMENT	39	95	10	144
RESOURCE ROADS	141	66	12	219
WASTE MANAGEMENT	20	94	9	123
WATER MANAGEMENT	63	123	28	214
WILDFIRE MANAGEMENT	168	643	35	846
WILDLIFE MANAGEMENT	1	14	5	20
<b>GRAND TOTAL</b>	<b>925</b>	<b>1719</b>	<b>283</b>	<b>2927</b>



# Enforcement



## VIOLATION TICKETS AND ADMINISTRATIVE PENALTIES: 04/01/2015 to 03/31/2016

TOTAL VIOLATION TICKETS ISSUED	155	ADMINISTRATIVE PENALTIES LEVIED	22
ORDERS ISSUED	180	DETERMINED PENALTY AMOUNTS	\$168,510
WILDFIRE ACT COST RECOVERY ASSOCIATED WITH DETERMINED CONTRAVENTIONS			\$1,006,904

Data sourced from the Compliance and Enforcement Branch's data information systems.

**ENFORCEMENT ACTIONS** are used when a Natural Resource Officer determines that legislation has been contravened and a formal sanction is warranted.

For example, an enforcement action may address contraventions that damage the environmental, social or economic values of a site. Individuals and companies that are subject to enforcement actions may appeal these actions.

### ENFORCEMENT ACTIONS INCLUDE:

- ▶ *Compliance Notice*
- ▶ *Warning Ticket*
- ▶ *Violation Ticket*
- ▶ *Monetary Penalty*
- ▶ *Trespass Notice*
- ▶ *Remediation Order*
- ▶ *Licence Suspension*
- ▶ *Licence Cancellation*
- ▶ *Stop Work Order*
- ▶ *Order to Vacate*
- ▶ *Prosecution*

There were 375 enforcement actions taken throughout B.C. in 2015-16. (This only includes actions involving penalties, and does not include compliance notices or warning tickets.)

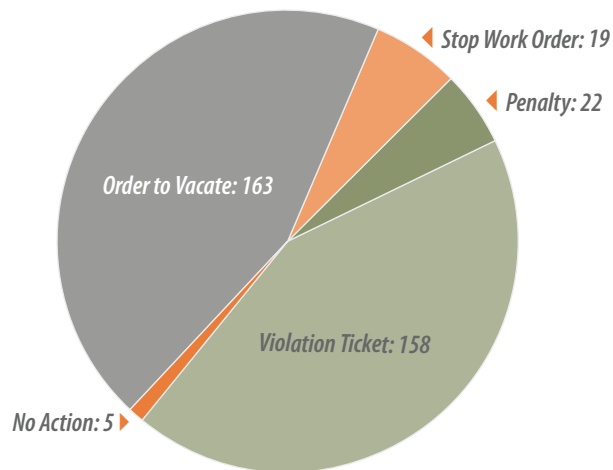
A **Stop Work Order** is used by an official to stop a forest, land, wildfire or range practice that the official believes contravenes the law. This order halts potential loss of (or damage to) environmental, social or economic values on the site. It also gives the official more time to determine if a contravention has actually occurred. A Stop Work Order is not considered to be a finding of contravention.

A **Seizure (forfeiture)** may occur when an official has reasonable grounds to believe that a person has contravened the *Forest Act*, *Land Act*, *Range Act* or *Forest and Range Practices Act*. A seizure halts potential loss of (or damage to) environmental, social or economic values. It also gives the official more time to determine if a contravention has actually occurred. A seizure is not considered to be a finding of contravention.

**TABLE 5. Enforcement Actions by Legislation: 04/01/2015 to 03/31/2016**

LEGISLATION	NO ACTION	ORDER TO VACATE	PENALTY	VIOLATION TICKET	TOTAL
ENVIRONMENTAL MANAGEMENT ACT					8
FOREST ACT	1		1	1	31
FOREST AND RANGE PRACTICES ACT	2		10	4	65
FOREST PLANNING & PRACTICES REGULATION (FRPA)			5	4	2
FOREST RECREATION REGULATION (FPC)		4			1
FOREST RECREATION REGULATION (FRPA)		13		1	2
FOREST SERVICE ROAD USE REGULATION				1	6
FOREST SERVICE ROAD USE REGULATION (FRPA)					5
HERITAGE CONSERVATION ACT				1	
LAND ACT		146		7	
TIMBER MARKING AND TRANSPORTATION REGULATION (FA)					9
VANCOUVER LOG SALVAGE REGULATION (FA)					1
WATER ACT					1
WILDFIRE ACT			2		27
WOODLOT LICENCE FOREST MANAGEMENT REGULATION (FPC)			4		
WOODLOT LICENCE PLANNING AND PRACTICES REGULATION (FRPA)	2				
GRAND TOTAL	5	163	22	19	158

Data sourced from the Compliance and Enforcement Branch's data information systems.

**CHART 5: Enforcement Actions: 04/01/2015 to 03/31/2016**

Data sourced from the Compliance and Enforcement Branch's data information systems.



**TABLE 6. Complaints by Function (Source: NRIS): 04/01/2015 to 03/31/2016**

FUNCTION	NUMBER OF RECORDS	PERCENT OF TOTAL
AGRICULTURE LAND RESERVE	5	0.2%
AIR QUALITY MANAGEMENT	19	0.6%
FOREST MANAGEMENT	632	19.0%
HERITAGE & ARCHAEOLOGY	18	0.5%
LAND MANAGEMENT	696	21.0%
LAND USE RESTRICTIONS	40	1.2%
MAJOR PROJECTS	3	0.1%
MINES & MINERALS	17	0.5%
PARKS & PROTECTED AREAS	14	0.4%
RECREATION MANAGEMENT	149	4.5%
RESOURCE ROADS	179	5.4%
WASTE MANAGEMENT	120	3.6%
WATER MANAGEMENT	520	15.7%
WILDFIRE MANAGEMENT	867	26.1%
WILDLIFE MANAGEMENT	42	1.3%

Data sourced from the Compliance and Enforcement Branch's data information systems.





# Reviews and Appeals



## WHAT IS AN APPEAL?

If a person is dissatisfied with an administrative determination made by a Statutory Decision-Maker, he or she may ask for the decision to be reviewed by that government official if there is new evidence to consider. Alternatively, the person may challenge the decision by submitting a Notice of Appeal to the Forest Appeals Commission or the Environmental Appeal Board.

The Forest Appeals Commission is an independent administrative tribunal that hears appeals of certain decisions made by government officials under the *Forest Practices Code of British Columbia Act* (often referred to as “the Code”), the *Forest Act*, the *Forest and Range Practices Act*, the *Private Managed Forest Land Act*, the *Range Act* or the *Wildfire Act*. The commission is required to make recommendations to government about review and appeal procedures under these statutes.

For more information about the Forest Appeals Commission, visit <http://www.fac.gov.bc.ca>

The Environmental Appeal Board was established under the *Environmental Management Act*. It is an independent agency that hears appeals of certain decisions made by government officials related to environmental issues.

Among other topics, these decisions may involve water licences, contaminated site remediation orders, pesticide use permits and the cancellation of hunting licences.

Acts and regulations that may be considered by the Environmental Appeal Board include the *Environmental Management Act*, the Environmental Appeal Board Procedure Regulation, the *Greenhouse Gas Reduction (Cap and Trade) Act*, the *Greenhouse Gas Reduction (Renewable and Low Carbon Fuel Requirements) Act*, the *Integrated Pest Management Act*, the *Water Sustainability Act* and the *Wildlife Act*.

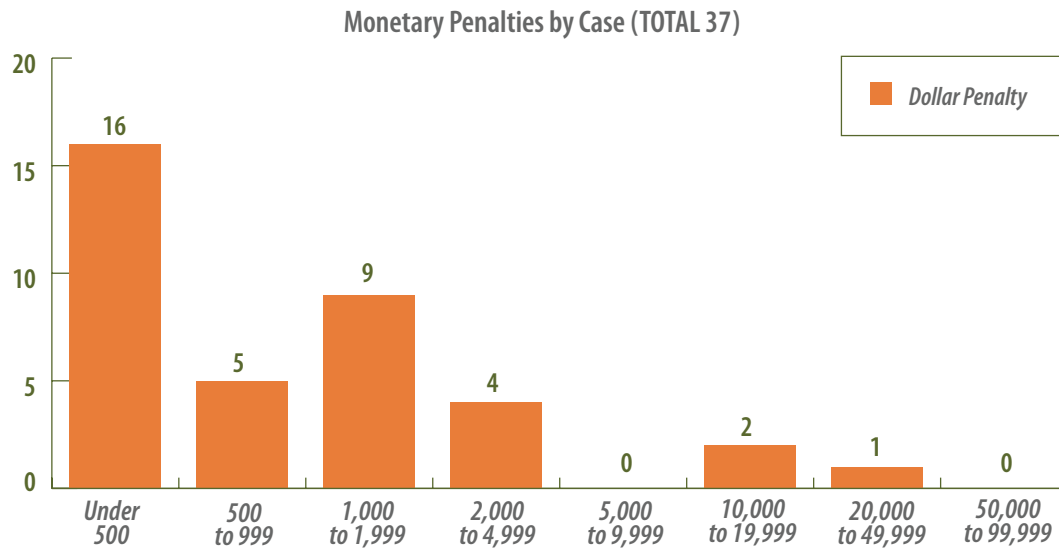
For more information about the Environmental Appeal Board, visit <http://www.eab.gov.bc.ca>



## MONETARY PENALTIES

Monetary penalties may be applied by a Statutory Decision-Maker if he or she has determined that an individual or licensee has contravened legislation. Monetary penalties should not be confused with fines, which may be imposed by the courts if an individual or licensee is convicted of an offence.

**CHART 6: Monetary Penalties by Case: 04/01/2015 to 03/31/2016**



*Data sourced from the Compliance and Enforcement Branch's data information systems.*



# Functions recorded in the Natural Resource Information System

## **Agriculture Land Reserve**

The use of land within the Agricultural Land Reserve is managed by the Agricultural Land Commission. Any activity that is not permitted under the *Agricultural Land Commission Act* or the Agricultural Land Reserve Use, Subdivision and Procedure Regulation, or is not authorized by a decision of the commission, is considered to be a contravention.

## **Air Quality Management**

Air quality enforcement falls under the *Environmental Management Act* and the Open Burning Smoke Control Regulation. Enforcement of the venting index is governed by the Act. Natural Resource Officers enforce this legislation when delegated as a Special Conservation Officer or in conjunction with *Wildfire Act* enforcement actions.

## **Forest Management**

B.C.'s forests are managed under the provisions of the *Forest Act*, *Range Act*, *Forest Practices Code*, *Forest and Range Practices Act* and *Wildfire Act*.

## **Heritage and Archaeology**

Heritage and archaeology matters are governed by the *Heritage Conservation Act*. Inspections may involve culturally modified trees, fossil beds, etc.

## **Land Management**

Land management is governed by the *Land Act*.

## **Land Use Restriction**

Recreation area closures, caribou protection closures, non-motorized vehicles.

## **Major Projects**

Inspections related to environmental assessment certificates for commitments, obligations and regulatory requirements.

## **Mines**

Compliance and Enforcement Branch staff monitor and report on activities associated with mining tenures on Crown land. These activities may include work that was done to develop the mine, such as road construction, tree harvesting or the use of water resources.

## **Parks and Protected Areas**

Parks and protected areas are governed under the *Park Act*.

## **Recreation Management**

Recreational activities must be compliant with the Forest Recreation Regulation. Any commercial use or gathering (such as a Tough Mudder race) is governed by the *Forest and Range Practices Act*.

## **Resource Roads**

Resource roads are governed under the *Forest Act*, the *Forest and Range Practices Act* and the Forest Service Road Use Regulation. This includes roads used for resource extraction and forest service roads.

## **Waste Management**

Waste management is governed by the *Environmental Management Act*. Currently, Natural Resource Officers must be delegated as Special Conservation Officers to conduct ongoing investigations of an alleged contravention, unless specifically authorized by the act. Examples of infractions include depositing motor home sewage on Crown land and dumping household appliances on Crown land.

## **Water Management**

Water Management is governed by the *Water Sustainability Act*, the Water Sustainability Regulation, the *Dike Maintenance Act*, the Groundwater Protection Regulation and the Dam Safety Regulation. Wells are inspected to ensure that they are authorized and properly constructed.

## **Wildfire Management**

Wildfire management is governed by the *Wildfire Act* and the Wildfire Regulation.

## **Wildlife Management**

Wildlife Management is governed by the *Wildlife Act*.

# Government Non-compliance Statistics

In keeping with ministry policy, this section reports on incidents of significant government non-compliance (as determined by a senior official) and the nature of any such contraventions, when the government has an identified statutory obligation. Significant government non-compliance is defined as “not being trivial or inconsequential in nature.”

It is the ministry’s policy to report incidents of significant government non-compliance in this annual report. No incidents of significant government non-compliance were identified during the 2015-16 reporting period.



# Glossary

## **Compliance Notice**

A Compliance Notice is issued when an official finds that a contravention has occurred and the official believes that the responsible party or parties should be given a written notice of the contravention for their records, but no formal action needs to be taken.

## **Contravention**

A Contravention occurs when an individual or company has not complied with the law (i.e. they have contravened a legal requirement). Alleged contraventions are investigated and may result in a formal determination of contravention.

## **Crown Land**

Crown land is land that is owned by the people of British Columbia, also known as public land. Approximately 94 per cent of the province is Crown land and is managed by the B.C. government.

## **Delegated Decision-maker**

Delegated Decision-Maker is the most common type of statutory decision-maker in the ministry. This person has been delegated powers and/or duties under an act to make a statutory decision, by someone who has been given those powers and/or duties by the legislature (usually the minister).

## **Due Diligence**

Due Diligence refers to the amount of care that a person is required to take in any given situation. For the defence of due diligence to apply, an alleged contravener must have taken all reasonable care to avoid committing the prohibited act. The degree of care required increases with the seriousness of the potential harm.

## **Enforcement Action**

If it's determined that legislative requirements have been contravened, an Enforcement Action is taken against the responsible party or parties.

Enforcement Actions may include warning tickets, compliance notices, violation tickets, monetary penalties or remediation penalties, as well as other steps as deemed appropriate by the decision-maker. Parties subject to enforcement actions have an avenue to appeal those actions.

## **Enforcement Action, Administrative Review and Appeal Tracking System**

The Enforcement Action, Administrative Review and Appeal Tracking System is a web-based database application that serves as the ministry's record of enforcement activities. The system documents cases that arise from alleged contraventions of acts and regulations enforced by the ministry, including investigation details, determinations, enforcement actions and appeals.

## **Environmental Assessment Act**

The *Environmental Assessment Act* governs the legal framework for the province's environmental assessment process for proposed major projects. The Act is supported by several regulations (including the *Reviewable Projects Regulation*) as well as policy, procedure and technical guidelines.

Once a project is reviewed and approved, the proponent is granted an environmental assessment certificate by two provincial ministers (one of whom is the Minister of Environment). This approval is required before any decisions can be made on permits and other approvals required to construct and operate a large-scale project in B.C.

## **Environmental Management Act**

The *Environmental Management Act* provides innovative tools for environmental protection, such as area-based planning and administrative monetary penalties. The *Environmental Management Act* also includes provisions for waste management, contaminated sites and spill response.

## **Forest Act**

The *Forest Act* provides authority for the cutting and removal of timber.

## **Forest and Range Practices Act**

The *Forest and Range Practices Act* and its regulations govern the activities of forest and range licensees in B.C. The statute sets out requirements for planning, road building, logging, reforestation and grazing.

## **Forest Crime**

Forest Crime is the violation of provincial or federal law (Criminal Code) and includes fraud, theft, arson and mischief.



### **Forest Practices Code of British Columbia Act (often referred to “the Code”)**

Much of the *Forest Practices Code of British Columbia Act* has been repealed as a result of the implementation of the *Forest and Range Practices Act* and the *Wildfire Act*. The remaining provisions of the Code primarily relate to the issuance of special use permits for the use and occupation of Crown land, as well as the continuation of the Forest Appeals Commission.

### **Forest Service Road**

A forest service road on Crown land that is: declared to be a forest service road; is constructed or maintained by the ministry; is historically a forest service road; or meets prescribed requirements for a forest service road.

### **Government Non-Compliance**

A Government Non-Compliance is a contravention where the provincial government is the obligation holder.

### **In Compliance**

Compliance is defined as “conforming to a specification, standard or law that has been clearly defined.” “To be in compliance” means that the activity is meeting all statutory requirements of relevant standards, regulations and acts.

### **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.

### **Investigation**

An Investigation is the process of Compliance and Enforcement Branch staff collecting evidence to determine if a contravention of applicable legislation has occurred.

### **Land Act**

The *Land Act* covers the disposition and management of Crown land.

### **Licence Cancellation**

One of the available enforcement actions for a contravention of forestry legislation is the cancelling of a licence. If, after suspension, the party has not made changes to operate in compliance with statutes, then the offending party’s forest tenure licence may be cancelled.

### **Licence Holder**

A Licence Holder is an individual or company that holds one or more of the many types of forest tenure licences or agreements under the *Forest Act* or the *Range Act*. The Compliance and Enforcement Branch divides licence holders into the following categories: Major Licensees; BC Timber Sales Licensees; Community Forest Agreement Holders; Woodlot Licensees; Range Licensees; and Other Licensees / Non-Tenure Holders.

### **Licence Suspension**

One of the available enforcement actions for a contravention of legislation is to suspend all or part of the offending party’s tenure licence.

### **Mistake of Fact**

Mistake of Fact is a defence based on the notion that a person should not be penalized if his or her alleged wrongdoing was the result of honestly relying on information that, if it had been correct, would not have led to a contravention. This defence is not available where persons are wilfully blind, deliberately ignorant, or not competent to carry out the activities.

### **Monetary Penalty**

One of the administrative remedies available under some legislation is a Monetary Penalty. A licensee may be assessed a monetary penalty when a delegated decision-maker has determined that the licensee has contravened the law and the defences available (due diligence, officially induced error and mistake of fact) do not apply. Monetary penalties should not be confused with fines, which can be imposed by a court if a licensee is prosecuted and convicted of an offence.

### **Natural Resource Compliance Act**

The *Natural Resource Compliance Act* enables the minister to designate a person as a Natural Resource Officer (NRO), who is authorized to enforce a broader range of legislation across the natural resource sector in a more streamlined process. Officers can only enforce acts that they are specifically designated for under the NRO designation.

### **Natural Resource Information System**

The Natural Resource Information System is a web-based database application that serves as the ministry’s record of inspection activities and compliance actions.

### **Natural Resource Officer**

A person, an employee of the government of British Columbia, who has been designated by name or title to be a Natural Resource Officer by the Minister of Forests, Lands and Natural Resource Operations for the purpose of upholding the provisions of the ministry's legislation. A Natural Resource Officer may also perform the duties of a prescribed "official" under a prescribed enactment but subject to their limitations, terms and conditions of the prescribed enactment.

### **Objectives**

The government may set Objectives related to one or more of the following: soils; visual quality; timber; forage and associated plant communities; water; fish; wildlife; biodiversity; recreation resources; resource features; or cultural heritage resources. This may be done to protect or manage these values on behalf of the public. Forest Stewardship Plans, for example, must be consistent with the objectives set by government.

### **Official**

An employee of the Ministry of Forests, Lands and Natural Resource Operations who is designated by name or title to be an Official by the Minister of Forests, Lands and Natural Resource Operations for the purpose of upholding the provisions of forestry legislation.

### **Officially Induced Error**

Officially Induced Error is a defence where an accused may have committed a contravention or offence as a result of relying on an erroneous legal opinion or advice from an official who is responsible for the administration of that particular law.

### **Opportunity to be Heard**

At an Opportunity to be Heard administrative hearing, a person has the right to present facts in his or her defence regarding an alleged contravention of legislation. An Opportunity to be Heard submission is heard by a delegated decision-maker prior to making a determination.

### **Order to Vacate**

This form of enforcement action is specific to a recreation site, trail or forest interpretive site. The person receiving the order is required to leave the area by a specified time and for a specified period of time.

### **Prosecution**

A Prosecution is undertaken as a provincial judicial process when an individual or company that allegedly contravened the law is prosecuted in the courts. Prosecutions can only be carried out for sections of legislation that designate offences.

### **Range Act**

The *Range Act* authorizes the ministry to allocate and administer the use of range resources by the livestock industry through grazing and hay cutting agreements that provide revenue to the government.

### **Regulated Community**

The Regulated Community consists of everyone whose activities on Crown land are regulated by forestry and range legislation.

### **Remediation Order**

One administrative remedy available under legislation is a Remediation Order. It is used when work is needed to remedy the contravention and/or repair environmental damage caused by the contravention. A licensee may be issued a Remediation Order when a Delegated Decision-maker has determined that the licensee has failed to meet a statutory requirement and the defences available (due diligence, officially induced error and mistake of fact) do not apply.

### **Risk Evaluation**

Risk Evaluation is a formal process that the Compliance and Enforcement Branch uses to assess risks related to forest, land, water, wildlife or range practices. Each evaluation looks at social, economic and environmental values, as well as government objectives.

### **Seizure**

A Seizure (forfeiture) may occur when an official has reasonable grounds to believe that a person has contravened the *Forest Act*, *Land Act*, *Range Act* or *Forest and Range Practices Act*.

This halts potential loss of or damage to environmental, social or economic values and gives the official more time to determine if a contravention has actually occurred. Seizures may involve timber, lumber, special forest products, tree seeds, hay, chattels or livestock. Seized items may be returned, released, sold, destroyed or disposed of in another manner. A seizure is not considered to be a finding of contravention.

### **Statutory Decision-maker**

A Statutory Decision-maker is a person who makes a decision authorized by legislation. This person may be named by position or title in the act or regulation, may be delegated by someone else who was named by position or title in the act or regulation, or maybe designated by someone who was named by position or title in the act or regulation.

### **Statutory Obligation**

A Statutory Obligation is a duty, task or responsibility that must be completed or carried out as specified through legislation.

### **Stop Work Order**

A Stop Work Order is used by a ministry official to order a licensee or person to stop a forest, land or range practice or activity that the official believes is a contravention of applicable legislation. A Stop Work Order is not considered to be a finding of contravention.

### **Trespass Notice**

A Trespass Notice is issued by a Natural Resource Officer to give notice that he or she believes a structure, use or occupation activity may be in contravention of applicable legislation. The Trespass Notice advises the alleged offender to meet the conditions set out in the notice in order to comply with the legislation.

### **Unauthorized Harvest**

An Unauthorized Harvest is a situation where Crown timber is being (or has been) cut, damaged, destroyed or transported without appropriate authorization.

### **Violation Ticket**

A Violation Ticket may be issued for contravening specified sections of provincial legislation and it carries a specific monetary fine. A violation ticket is a form of prosecution under the *Offence Act*.

### **Warning Ticket**

A Warning Ticket is issued when an official finds that a contravention has occurred and determines that the party or parties responsible should be given a warning. It can be given for any contravention for which a violation ticket could be issued. However, it is not a formal finding of contravention and there is no monetary fine.

### **Water Act**

The *Water Act* governs the allocation and management of water resources.

### **Wildfire Act**

The *Wildfire Act* clearly defines the specific responsibilities of all users of the forest with respect to fire.

### **Wildlife Act**

The *Wildlife Act* governs the management of wildlife, hunting and angling.

### **Woodlot Licensee**

A Woodlot Licensee is an individual or company that holds a licence to manage and harvest timber from a woodlot. A woodlot may be made up of both Crown and private land.







Ministry of  
Forests, Lands and  
Natural Resource Operations