



Compliance and Enforcement Branch

2019 -2020 Annual Report

FOR FISCAL YEAR ENDING MARCH 31, 2020



THIS REPORT INCLUDES STATISTICS FOR COMPLIANCE AND ENFORCEMENT BRANCH ACTIVITIES AS RECORDED BY THE MINISTRY OF FORESTS, LANDS, NATURAL RESOURCE OPERATIONS AND RURAL DEVELOPMENT FROM APRIL 1, 2019 THROUGH MARCH 31, 2020.



Ministry of
Forests, Lands, Natural
Resource Operations
and Rural Development

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Introduction

THE 2019-20 COMPLIANCE AND ENFORCEMENT BRANCH ANNUAL REPORT was produced by the Ministry of Forests, Lands, Natural Resource Operations and Rural Development.¹ It covers compliance² and enforcement activities related to forests, land, water, wildfire, resource roads, and heritage and archaeology.

This report summarizes the Compliance and Enforcement Branch's activities from April 1, 2019 to March 31, 2020 and serves as a follow-up to its previous annual reports. It should be noted that the branch is undergoing a fundamental change to the services it provides. To align with our clients' needs, Natural Resource Officers are focusing on inspections and investigations. The patrol duties have been assigned to the Conservation Officer Service this fiscal year to facilitate this shift.

Natural resource activities in British Columbia are regulated by a wide range of legislation. This report provides information related to the following acts: *Forest Act*, *Range Act*, *Wildfire Act*, *Forest and Range Practices Act*, *Land Act*, *Water Sustainability Act*, and *Heritage Conservation Act*, plus all the regulations associated with those acts.

TABLE 1: KEY STATISTICS April 1, 2019 to March 31, 2020

INSPECTIONS/PATROLS RECORDED*	3,724
COMPLIANCE ACTIONS TAKEN*	1,044
ENFORCEMENT ACTIONS TAKEN*	378
TOTAL NUMBER OF STAFF*	135

*Data sourced from the Compliance and Enforcement Branch's data information systems as of March 31, 2020.



1. 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.

2. Many of the technical terms used in this report are defined in the glossary that can be found online at: <https://www2.gov.bc.ca/gov/content/environment/natural-resource-stewardship/natural-resource-law-enforcement/natural-resource-officers>

Service Plan Report: Final Statistics

THE COMPLIANCE AND ENFORCEMENT BRANCH'S responsibilities have expanded over the last decade to enhance natural resource stewardship in B.C. Ongoing collaboration between government ministries and agencies helps ensure the efficient delivery of services. This client-focused approach supports a clear and consistent compliance and enforcement direction with well-established priorities. The development and use of natural resources are guided by standards set out in the ministry's legislative and regulatory framework.

The Compliance and Enforcement Branch seeks to promote the effective stewardship of British Columbia's natural resources and maintains its effectiveness by quickly responding to changing priorities and by ensuring that its established priorities can be modified quickly to respond to changing conditions.

GOAL:

the coordinated and sustainable management, use and stewardship of B.C.'s natural resources

PERFORMANCE MEASURE:

the monitoring of statutory requirements within the natural resource sector

PERFORMANCE MEASURE	2017-18 FORECAST	2018-19 TARGET	2019-20 TARGET
COMPLIANCE & ENFORCEMENT (C&E) TIME SPENT ¹			
<i>Percentage of Natural Resource Officers' time spent on education, promotion, inspections, investigation and enforcement. ¹</i>	80%	80%	80%

Data source: Ministry of Forests, Lands, Natural Resource Operations and Rural Development information systems.

1. Compliance and Enforcement "time spent" is defined as the percentage of their available time that Natural Resource Officers carry out their core functions. This performance measure was redefined in 2019 in the 2019/20-2021/22 Performance Indicator Plan.

Compliance and Enforcement Branch Priorities for 2019-2020

PRIORITIES FOR 2019-2020	
WILDFIRE INVESTIGATIONS	<p>To ensure accountability for any human-caused wildfires, particularly fires that have threatened safety and infrastructure or caused significant damage to crown resources</p> <p>To provide information required for cost recovery</p>
WILDFIRE PREVENTION AND PUBLIC HEALTH AND SAFETY	<p>To protect human health and safety through the prevention of fire starts</p> <p>Use proactive inspections and enforcement efforts to monitor public and industry during periods of high fire risk</p>
WATER MANAGEMENT	<p>To educate the public and ensure the accountable, sustainable use of groundwater</p> <p>To protect fish-bearing streams</p>
LAND MANAGEMENT	<p>To protect sensitive ecosystems and ensure safety by preventing unauthorized use and occupation of Crown land</p>
ARCHAEOLOGICAL PROTECTION AND ACCOUNTABILITY	<p>To prevent removal, damage and disturbances of archaeological sites</p>
FIRST NATIONS	<p>To ensure we are upholding the government's commitment to reconciliation through outreach and relationship-building guided by the principles of the Truth and Reconciliation Commission's Calls to Action and the United Nations Declaration on the Rights of Indigenous Peoples</p>
ROAD USE AND SAFETY	<p>Through inspections eliminate unsafe infrastructure</p> <p>Ensure construction and maintenance issues do not pose a significant risk to values</p>
DROUGHT RESPONSE	<p>To fulfill our enforcement role in Class 4 and Class 5 drought conditions</p> <p>To prevent unauthorized use of drought-sensitive streams outside of dry periods</p>
PUBLIC EDUCATION AND AWARENESS	<p>To promote compliance with natural resource legislation through maximizing our opportunities for positive media interaction</p>

Time Spent

IN PREVIOUS YEARS, one of the Compliance and Enforcement Branch’s performance measures was called “presence”, but is now referred to as “time spent”. This refers to the amount of time that Natural Resource Officers spend carrying out their core functions and overseeing natural resource activities related to the legislation they are mandated to enforce.

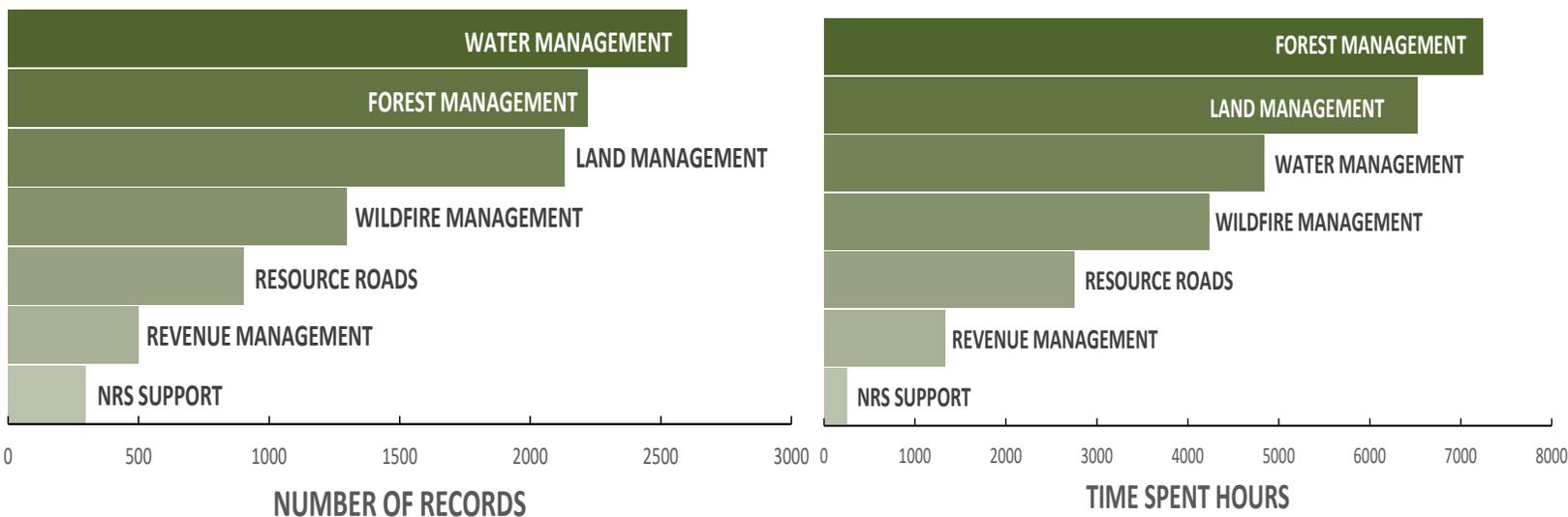
Time spent is a measure that allows the government to gauge the success of its efforts related to effective enforcement, timely completion of investigations, protecting the financial interests of the Crown through the administration of legislative sanctions, and partnerships that support reconciliation with Indigenous peoples.

TABLE 2: NUMBER OF RECORDS AND TIME SPENT HOURS BY FUNCTION
April 1, 2019 to March 31, 2020

FUNCTION	TIME SPENT HOURS	NUMBER OF RECORDS*
FOREST MANAGEMENT	7,240	2,131
LAND MANAGEMENT	6,517	2,602
WATER MANAGEMENT	4,836	2,219
WILDFIRE MANAGEMENT	4,230	1,299
RESOURCE ROADS	2,752	901
REVENUE MANAGEMENT	1,330	501
NATURAL RESOURCE SECTOR SUPPORT	249	298
GRAND TOTAL	27,154	9,951

Data sourced from the Compliance and Enforcement Branch’s data information systems.
*The “Number of Records” column heading refers to inspections and time spent records.

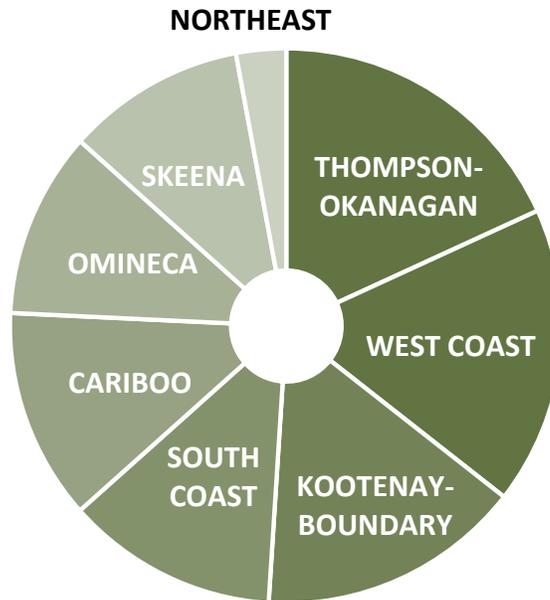
CHART 1: COMPLIANCE AND ENFORCEMENT BRANCH TIME SPENT HOURS AND NUMBER OF RECORDS
April 1, 2019 to March 31, 2020



Inspections

INSPECTIONS AND SITE VISITS are conducted on a priority basis to determine whether forest, land, water, heritage and range activities are being conducted in compliance with legislation that falls within the mandate of the Compliance and Enforcement Branch. Natural Resource Officers evaluate the risks associated with various types of sites and activities, and then prioritize their inspections to focus on activities with higher social, economic or environmental risks.

CHART 2: INSPECTIONS AND PATROLS BY REGION April 1, 2019 to March 31, 2020



REGION	# OF INSPECTIONS AND PATROLS
THOMPSON-OKANAGAN	677
WEST COAST	647
KOOTENAY-BOUNDARY	576
SOUTH COAST	462
CARIBOO	459
OMINECA	404
SKEENA	390
NORTHEAST	109
GRAND TOTAL	3,724

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



WHAT IS AN INSPECTION?

An inspection is a systematic process to verify compliance with legal requirements. 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.

TABLE 3: INSPECTIONS AND PATROLS BY FUNCTION April 1, 2019 to March 31, 2020

FUNCTION	# OF INSPECTIONS AND PATROLS
LAND MANAGEMENT	837
FOREST MANAGEMENT	831
WATER MANAGEMENT	691
RESOURCE ROADS	609
WILDFIRE MANAGEMENT	425
REVENUE MANAGEMENT	272
NATURAL RESOURCE SECTOR SUPPORT	59
GRAND TOTAL	3,724

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 is intended for public use, but it also allows the ministry's partner agencies and other program areas within the natural resource sector to record issues identified by their staff members. Reports can be submitted online or by telephone.

All submitted reports are received by FrontCounter BC staff, who administer the intake process. Every Natural Resource Violation Report is reviewed by a Natural Resource Officer Supervisor and evaluated considering the branch's identified priorities then the appropriate action can be taken. Reports of non-compliance help the branch determine what response is required and where inspections and investigations need to be conducted.

Anyone can report Natural Resource Violations:

- by telephone: 1 877 952-7277
- online: www.gov.bc.ca/nrv

TABLE 4: COMPLAINTS BY FUNCTION *April 1, 2019 to March 31, 2020*

FUNCTION	NUMBER OF RECORDS	PERCENTAGE OF TOTAL
LAND MANAGEMENT	1,130	33.30%
WATER MANAGEMENT	967	28.50%
FOREST MANAGEMENT	563	16.59%
WILDFIRE MANAGEMENT	344	10.14%
NATURAL RESOURCE SECTOR SUPPORT	221	6.51%
RESOURCE ROADS	140	4.13%
REVENUE MANAGEMENT	28	0.83%
GRAND TOTAL	3,393	100.00%

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

Compliance

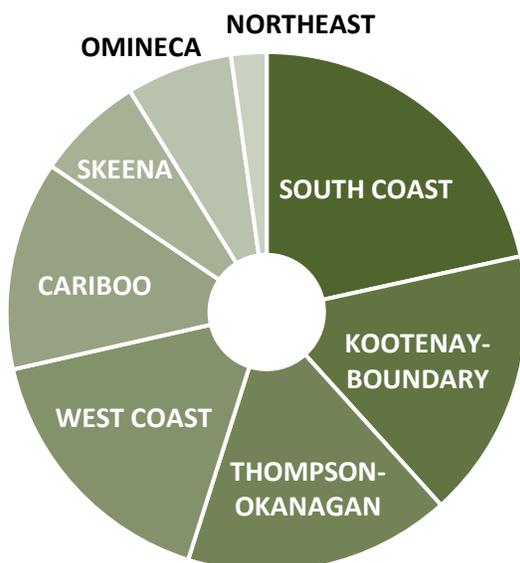
DURING A COMPLIANCE VERIFICATION VISIT, a Natural Resource Officer may find incidents of alleged non-compliance with provincial legislation, where an individual or a company may have acted in a manner that violated the law.

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

TABLE 5: COMPLIANCE ACTIONS BY FUNCTION April 1, 2019 to March 31, 2020

FUNCTION	NO FURTHER ACTION WARRANTED	COMPLIANCE NOTICE	WARNING TICKET	GRAND TOTAL
LAND MANAGEMENT	198	90	9	297
FOREST MANAGEMENT	120	65	26	211
WATER MANAGEMENT	106	52	24	182
WILDFIRE MANAGEMENT	74	33	42	149
RESOURCE ROADS	29	95	1	125
REVENUE MANAGEMENT	10	33	25	68
NATURAL RESOURCE SECTOR SUPPORT	9	1	2	12
GRAND TOTAL	546	369	129	1,044

CHART 3: COMPLIANCE ACTIONS BY REGION April 1, 2019 to March 31, 2020



REGION	# OF COMPLIANCE ACTIONS
SOUTH COAST	225
KOOTENAY-BOUNDARY	175
THOMPSON-OKANAGAN	173
WEST COAST	173
CARIBOO	136
SKEENA	70
OMINECA	69
NORTHEAST	23
GRAND TOTAL	1,044

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

Enforcement

VIOLATION TICKETS AND ADMINISTRATIVE PENALTIES	
TOTAL VIOLATION TICKETS ISSUED	254
MONETARY AMOUNT OF TICKETS	\$70,757
ADMINISTRATIVE PENALTIES LEVIED	12
MONETARY AMOUNT OF PENALTIES	\$ 380,067

THERE WERE 378 ENFORCEMENT ACTIONS TAKEN IN 2019-20.

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

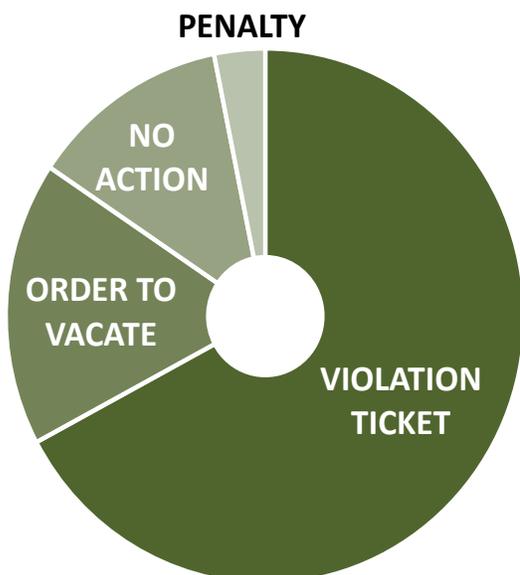
For example, an enforcement action may address contraventions that have damaged environmental, social or economic values. Individuals and companies that are subject to enforcement actions may appeal these actions.

Enforcement actions include:

- Violation Ticket
- Trespass Notice
- Stop Work Order
- Seizure/Forfeiture
- Prosecution
- Order to Vacate

There were 378 enforcement actions taken throughout B.C. in 2019-20. This figure includes actions involving penalties, but does not include compliance notices or warning tickets.

CHART 4: ENFORCEMENT ACTIONS April 1, 2019 to March 31, 2020



VIOLATION TICKET	254
ORDER TO VACATE	65
NO ACTION	47
PENALTY	12
GRAND TOTAL	378

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

TABLE 6: ENFORCEMENT ACTIONS BY LEGISLATION *April 1, 2019 to March 31, 2020*

LEGISLATION	NO ACTION	ORDER TO VACATE	PENALTY	VIOLATION TICKET	GRAND TOTALS
WATER SUSTAINABILITY ACT				91	91
FOREST AND RANGE PRACTICES ACT	3		7	79	89
LAND ACT	2	54			56
FOREST PLANNING & PRACTICES REGULATION (FRPA)	36			1	37
FOREST ACT	2		2	30	34
WILDFIRE ACT			2	32	34
FOREST RECREATION REGULATION (FRPA)		11		1	12
WILDFIRE REGULATION (WFA)	2			3	5
TIMBER MARKING & TRANSPORTATION REGULATION (FA)				5	5
FOREST SERVICE ROAD USE REGULATION (FRPA)				4	4
WOODLOT LICENCE PLANNING & PRACTICES REGULATION (FRPA)	2		1		3
OFF-ROAD VEHICLE ACT				2	2
FOREST SERVICE ROAD USE REGULATION				2	2
ENVIRONMENTAL MANAGEMENT ACT				1	1
GROUNDWATER PROTECTION REGULATION				1	1
OPEN BURNING SMOKE CONTROL CODE OF PRACTICE (SCHEDULE B IN OPEN BURNING SMOKE CONTROL REGULATION (145/93) (EMA)				1	1
SCALING REGULATION (FA)				1	1
GRAND TOTAL	47	65	12	254	378

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

Reviews and Appeals

IF A PERSON is dissatisfied with an administrative determination made by a statutory decision-maker, they 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 to the Environmental Appeal Board.

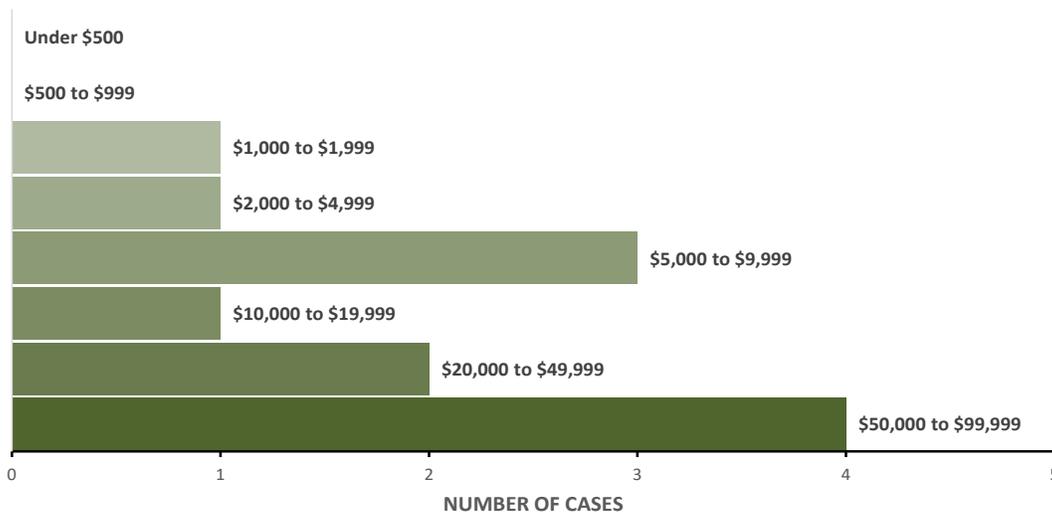
For more information about the Forest Appeals Commission, visit <http://www.fac.gov.bc.ca>

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 they have 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 5: MONETARY PENALTIES BY CASE (TOTAL 25) April 1, 2019 to March 31, 2020



PENALTY AMOUNT (GROUPS)	PENALTY AMOUNT	NUMBER OF CASES
\$50,000 TO \$99,999	\$274,395	4
\$20,000 TO \$49,999	\$69,047	2
\$10,000 TO \$19,999	\$15,000	1
\$5,000 TO \$9,999	\$17,625	3
\$2,000 TO \$4,999	\$2,500	1
\$1,000 TO \$1,999	\$1,500	1
\$500 TO \$999	0	0
UNDER \$500	0	0
GRAND TOTALS	\$380,067	12

Government Non-Compliance Statistics

IN KEEPING WITH MINISTRY POLICY, this section of the 2019-20 annual report lists any incidents of significant government non-compliance and the nature of any such contraventions. Significant government non-compliance is defined as “not being trivial or inconsequential in nature.”

There were no incidents of significant government non-compliance identified during the 2019-20 reporting period.

Learn More

FOR MORE INFORMATION about the Compliance and Enforcement Branch and the role of Natural Resource Officers, please visit:

<https://www2.gov.bc.ca/gov/content/environment/natural-resource-stewardship/natural-resource-law-enforcement/natural-resource-officers>



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