



Compliance and Enforcement Branch

2016-2017 ANNUAL REPORT

FOR FISCAL YEAR ENDING MARCH 31, 2017



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, 2016 THROUGH MARCH 31, 2017.



Ministry of
Forests, Lands and
Natural Resource Operations

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Introduction

THE 2016-17 COMPLIANCE AND ENFORCEMENT BRANCH ANNUAL REPORT was produced by the Ministry of Forests, Lands and Natural Resource Operations.¹ It covers compliance² 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.

This report summarizes the Compliance and Enforcement Branch's activities from April 1, 2016 to March 31, 2017 and serves as a follow-up to its previous annual reports.

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*, *Forest Practices Code of British Columbia Act*, *Land Act*, *Water Sustainability Act*, *Heritage Conservation Act* and *Wildlife Act*, plus all the regulations associated with those acts.

TABLE 1: KEY STATISTICS April 1, 2016 to March 31, 2017

INSPECTIONS/PATROLS RECORDED*	6,926
COMPLIANCE ACTIONS TAKEN*	2,160
ENFORCEMENT ACTIONS TAKEN*	639

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



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



AS B.C.'S NATURAL RESOURCE MINISTRIES WORK TOGETHER to streamline natural resource policies, regulations and legislation, the Ministry of Forests, Lands and Natural Resource Operations monitors and enforces compliance with applicable legislation.

The Compliance and Enforcement Branch's responsibilities have expanded in recent years to enhance natural resource stewardship in B.C. Areas that fall within the branch's mandate include: unauthorized land use and occupation; dam safety; water sustainability; forestry and range practices; fish and wildlife habitat; species at risk; and actions that support effective wildlife management.

Ongoing collaboration between government ministries and agencies and the continuing refinement of their mandates help ensure the efficient delivery of services. This approach supports a clear and consistent compliance and enforcement framework. The development and use of natural resources are guided by standards set out in the ministry's legislative and regulatory framework.³

The Compliance and Enforcement Branch not only seeks to promote the effective stewardship of British Columbia's natural resources, but also ensure that compliance and enforcement priorities can be modified quickly to respond to changing conditions.

GOAL:

the co-ordinated 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	2016-17 FORECAST ²	2017-18 TARGET	2018-19 TARGET	2019-20 TARGET
COMPLIANCE & ENFORCEMENT (C&E) PRESENCE ¹				
► <i>Percentage of C&E field staff time spent in the field (actual time divided by operational capacity, in hours)</i>	76%	79%	80%	80%

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

1. Compliance and Enforcement "presence" is defined as the amount of C & E field staff capacity that is present with the regulated community, expressed as a percentage of actual time against available operational capacity. This performance measure was redefined in 2014. The former title was "Meeting management and use standards" and measured the "percentage of the regulated community's compliance with statutory requirements."
2. The performance measure baseline established in 2013-14 was 70%.
3. The government's management framework for the natural resource sector has been restructured in recent years and the ministry's compliance and enforcement responsibilities were expanded significantly beyond forest-related acts and regulations. The Compliance and Enforcement Branch now also enforces statutes such as the *Land Act*, *Water Act*, *Water Sustainability Act* and *Wildlife Act*.

Compliance and Enforcement Branch

Priorities for 2016-2017

PRIORITIES FOR 2016-2017	
WILDFIRE	Wildfire origin and cause investigation: to ensure accountability for any human-caused wildfires, and to provide information required for cost recovery
WILDFIRE PREVENTION AND PUBLIC HEALTH AND SAFETY	Fire prevention/fire use restrictions and prohibitions/hazard abatement: to prevent wildfire starts when industrial prohibitions and campfire restrictions are in place, and to protect human health and safety through the prevention of wildfire starts
WATER MANAGEMENT	Wells and groundwater: to educate the public, and promote the sustainable use of groundwater and ensure accountability for the use of groundwater
DAM AND DIKE ACCOUNTABILITY AND PUBLIC HEALTH AND SAFETY	To ensure accountability of dam and dike owners regarding these structures To ensure public health and safety related to dam and dike failures
ENVIRONMENTAL PROTECTION AND PUBLIC ACCOUNTABILITY	To protect streams and their related environment To ensure accountability for any works in and about a stream To prevent the spread of invasive species Occupations, structures and use: to ensure the protection of Crown land To prevent the unauthorized habitation of Crown land
FOREST MANAGEMENT	Silviculture: to ensure long term forest sustainability To ensure accountability for statutory obligations related to tenures
ARCHAEOLOGICAL PROTECTION AND ACCOUNTABILITY	To ensure protection of heritage sites To ensure accountability for the protection of (or damage to) archaeological sites and artifacts
PUBLIC EDUCATION AND AWARENESS	Off-road vehicle use and prohibitions: to educate the public and promote compliance regarding off-road vehicle legislation
LAND MANAGEMENT	To protect sensitive foreshore ecosystems To ensure accountability for unauthorized foreshore structures or works
FIRST NATIONS	Environmental stewardship and relationship-building: to promote First Nation capacity related to monitoring and oversight of natural resource activities

Presence

One of the Compliance and Enforcement Branch's performance measures is called "presence", which refers to the amount of time that Natural Resource Officers spend working in the field, engaging in priority tasks and publicly representing the branch.

Presence may also include time spent travelling in a fleet vehicle or working directly with the public or members of the regulated community.

Presence is a proactive measure that allows the government to gauge the effectiveness of its efforts related to community relations, industry engagement, public education and promoting compliance.

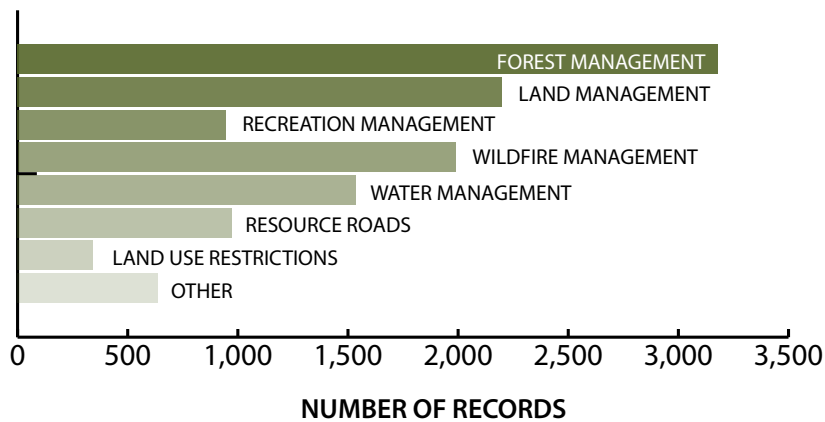
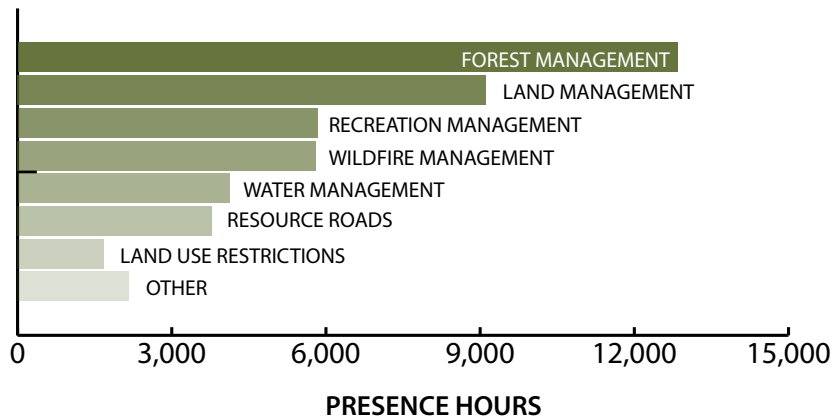
TABLE 2: NUMBER OF RECORDS AND PRESENCE HOURS BY FUNCTION
April 1, 2016 to March 31, 2017

FUNCTION	PRESENCE HOURS	NUMBER OF RECORDS*
AGRICULTURAL LAND RESERVE	13	5
AIR QUALITY MANAGEMENT	40	76
FIRST NATIONS	68	12
FOREST MANAGEMENT	12,841	3,180
FRONTCOUNTER BC	12	22
GOVERNMENT	127	28
HERITAGE AND ARCHAEOLOGY	329	58
LAND MANAGEMENT	9,114	2,201
LAND USE RESTRICTIONS	1,687	342
MAJOR PROJECTS	122	7
MINES AND MINERALS	334	38
NATURAL RESOURCE SECTOR SUPPORT	1	7
PARKS AND PROTECTED AREAS	350	60
RECREATION MANAGEMENT	5,836	945
RESOURCE ROADS	3,783	975
REVENUE MANAGEMENT	27	5
WASTE MANAGEMENT	425	237
WATER MANAGEMENT	4,124	1,535
WILDFIRE MANAGEMENT	5,805	1,988
WILDLIFE MANAGEMENT	313	84
GRAND TOTAL	45,351	11,805

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 RECORDS FOR TOP 7 FUNCTIONS**
April 1, 2016 to March 31, 2017



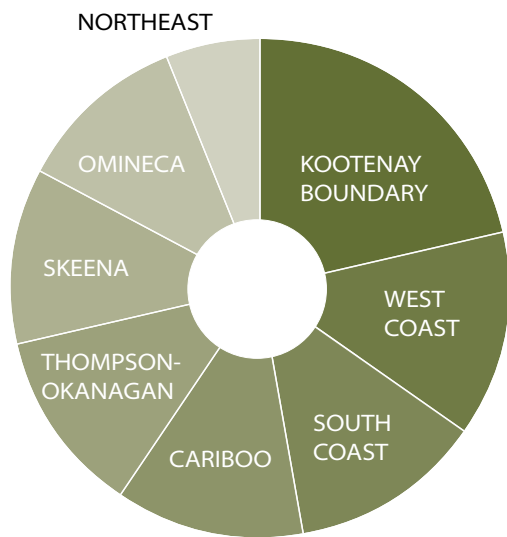
FUNCTION - TOP 7	PRESENCE HOURS	NUMBER OF RECORDS
FOREST MANAGEMENT	12,841	3,180
LAND MANAGEMENT	9,114	2,201
RECREATION MANAGEMENT	5,836	945
WILDFIRE MANAGEMENT	5,805	1,988
WATER MANAGEMENT	4,124	1,535
RESOURCE ROADS	3,783	975
LAND USE RESTRICTIONS	1,687	342
OTHER	2,161	639
TOTAL	45,351	11,805



Inspections

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. Natural Resource Officers evaluate the risks associated with various types of sites and activities, and then they prioritize their inspections to focus on activities with higher social, economic or environmental risks.

CHART 2: INSPECTIONS AND PATROLS BY REGION April 1, 2016 to March 31, 2017



REGION	# OF INSPECTIONS AND PATROLS
KOOTENAY-BOUNDARY	1,497
WEST COAST	921
SOUTH COAST	866
CARIBOO	847
THOMPSON-OKANAGAN	832
SKEENA	784
OMINECA	764
NORTHEAST	415
GRAND TOTAL	6,926

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, 2016 to March 31, 2017

FUNCTION	# OF INSPECTIONS AND PATROLS	FUNCTION	# OF INSPECTIONS AND PATROLS
FOREST MANAGEMENT	2,227	HERITAGE AND ARCHAEOLOGY	31
LAND MANAGEMENT	1,202	MINES AND MINERALS	21
WILDFIRE MANAGEMENT	767	AIR QUALITY MANAGEMENT	19
RECREATION MANAGEMENT	743		
RESOURCE ROADS	742		
WATER MANAGEMENT	701	MAJOR PROJECTS	6
LAND USE RESTRICTIONS	254	AGRICULTURAL LAND RESERVE	4
WASTE MANAGEMENT	114		
WILDLIFE MANAGEMENT	47	REVENUE MANAGEMENT	4
PARKS AND PROTECTED AREAS	43	NATURAL RESOURCE SECTOR SUPPORT	1
GRAND TOTAL			6,926

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 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 managed by FrontCounter BC staff, who administer the intake process. Every Natural Resource Violation Report is then reviewed by a Natural Resource Officer to determine the appropriate response. All reports of non-compliance submitted through the NRVR system are evaluated in light of the branch's identified priorities and action is taken accordingly.

Anyone can report Natural Resource Violations:

- **by telephone:** 1 877 952-7277
- **online:** www.for.gov.bc.ca/hen/nrv/report.htm

TABLE 4: COMPLAINTS BY FUNCTION April 1, 2016 to March 31, 2017

FUNCTION	NUMBER OF RECORDS	PERCENTAGE OF TOTAL
AGRICULTURAL LAND RESERVE	1	0.03%
AIR QUALITY MANAGEMENT	54	1.36%
FOREST MANAGEMENT	689	17.35%
HERITAGE AND ARCHAEOLOGY	14	0.35%
LAND MANAGEMENT	844	21.25%
LAND USE RESTRICTIONS	50	1.26%
MAJOR PROJECTS	1	0.03%
MINES AND MINERALS	17	0.43%
NATURAL RESOURCE SECTOR SUPPORT	6	0.15%
PARKS AND PROTECTED AREAS	14	0.35%
RECREATION MANAGEMENT	167	4.20%
RESOURCE ROADS	188	4.73%
REVENUE MANAGEMENT	1	0.03%
WASTE MANAGEMENT	122	3.07%
WATER MANAGEMENT	714	17.98%
WILDFIRE MANAGEMENT	1,060	26.69%
WILDLIFE MANAGEMENT	30	0.76%
GRAND TOTAL	3,982	100%

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

Compliance

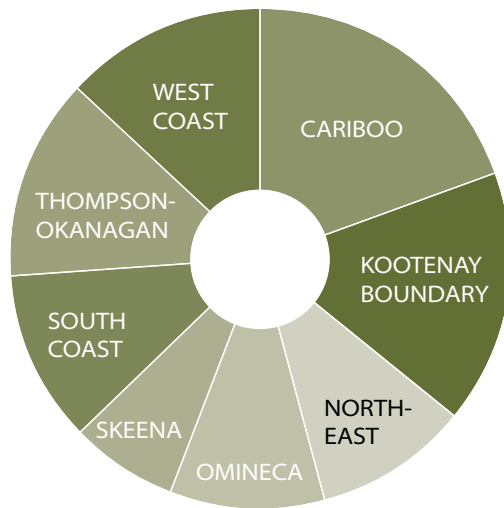
During a compliance verification visit or site visit, a Natural Resource Officer may find incidents of alleged non-compliance with provincial legislation, where an individual or a company may have acted in a manner that violated the law.

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, 2016 to March 31, 2017*

FUNCTION	COMPLIANCE NOTICE	NO FURTHER ACTION WARRANTED	WARNING TICKET	GRAND TOTAL
AGRICULTURAL LAND RESERVE		1		1
AIR QUALITY MANAGEMENT	1	1	3	5
FOREST MANAGEMENT	271	242	171	684
HERITAGE AND ARCHAEOLOGY	1	5		6
LAND MANAGEMENT	205	244	6	455
LAND USE RESTRICTIONS	26	37	22	85
MINES AND MINERALS		1		1
PARKS AND PROTECTED AREAS		5		5
RECREATION MANAGEMENT	42	117	26	185
RESOURCE ROADS	134	56	18	208
REVENUE MANAGEMENT	3	1		4
WASTE MANAGEMENT	8	44	2	54
WATER MANAGEMENT	43	103	32	178
WILDFIRE MANAGEMENT	55	150	77	282
WILDLIFE MANAGEMENT		5		5
GRAND TOTAL	789	1,012	357	2,158

CHART 3: COMPLIANCE ACTIONS BY REGION April 1, 2016 to March 31, 2017



REGION	# OF COMPLIANCE ACTIONS
KOOTENAY-BOUNDARY	354
WEST COAST	280
SOUTH COAST	240
CARIBOO	424
THOMPSON-OKANAGAN	279
SKEENA	149
OMINECA	218
NORTHEAST	214
GRAND TOTAL	2,158

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



Enforcement

VIOLATION TICKETS AND ADMINISTRATIVE PENALTIES	
TOTAL VIOLATION TICKETS ISSUED	441
MONETARY AMOUNT OF TICKETS	\$105,875
ADMINISTRATIVE PENALTIES LEVIED	45
MONETARY AMOUNT OF PENALTIES	\$203,450
THERE WERE 639 ENFORCEMENT ACTIONS TAKEN IN 2016-17.	

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
- Licence Suspension
- Stop Work Order
- Order to Vacate
- Monetary Penalty
- Remediation Order
- Licence Cancellation
- Seizure/Forfeiture
- Prosecution

There were 639 enforcement actions taken throughout B.C. in 2016-17. (This figure includes actions involving penalties, but does not include compliance notices or warning tickets.)

CHART 4: ENFORCEMENT ACTIONS April 1, 2016 to March 31, 2017

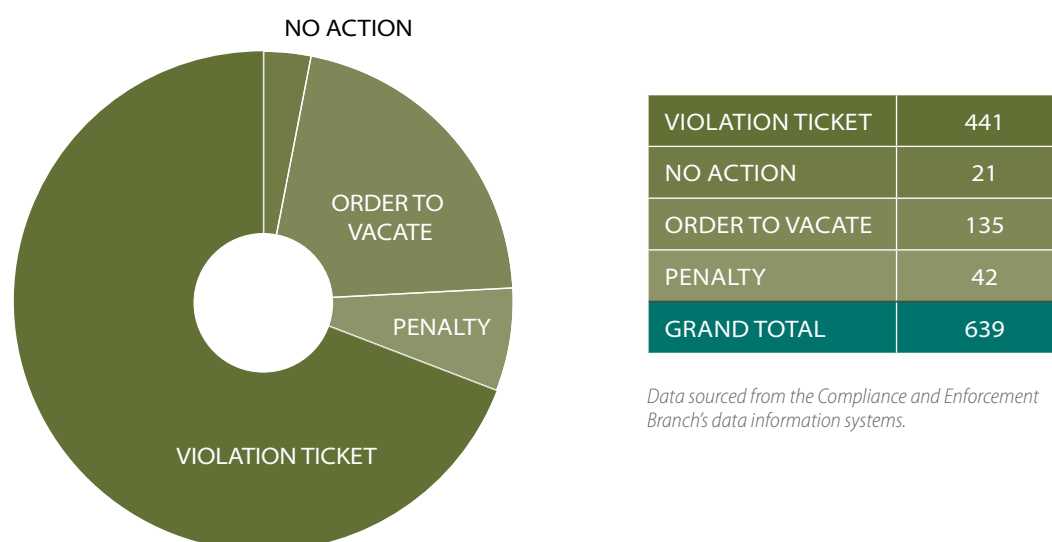


TABLE 6: ENFORCEMENT ACTIONS BY LEGISLATION *April 1, 2016 to March 31, 2017*

LEGISLATION	NO ACTION	ORDER TO VACATE	PENALTY	VIOLATION TICKET	GRAND TOTALS
ENVIRONMENTAL MANAGEMENT ACT (EMA)				6	6
FOREST ACT (FA)			6	112	118
FOREST AND RANGE PRACTICES ACT (FRPA)	15		24	88	127
FOREST PLANNING AND PRACTICES REGULATION (UNDER FRPA)	1		3	4	8
FOREST RECREATION REGULATION (UNDER FOREST PRACTICES CODE OF BRITISH COLUMBIA ACT)		3			3
FOREST RECREATION REGULATION (UNDER FRPA)		20		6	26
FOREST SERVICE ROAD USE REGULATION (UNDER FOREST PRACTICES CODE OF BRITISH COLUMBIA ACT)				5	5
FOREST SERVICE ROAD USE REGULATION (UNDER FRPA)				3	3
LAND ACT		112			112
OFF-ROAD VEHICLE ACT				37	37
OPEN BURNING SMOKE CONTROL REGULATION (UNDER EMA)				6	6
PARK, CONSERVANCY AND RECREATION AREA REGULATION (UNDER PARK ACT)				1	1
RANGE PLANNING AND PRACTICES REGULATION (UNDER FRPA)				2	2
SCALING REGULATION (UNDER FA)				2	2
TIMBER MARKING AND TRANSPORTATION REGULATION (UNDER FA)				21	21
WATER ACT				22	22
WATER SUSTAINABILITY ACT				59	59
WILDFIRE ACT (WFA)	3		7	67	77
WILDFIRE REGULATION (UNDER WFA)	2		2		4
GRAND TOTAL	21	135	42	441	639

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, 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>

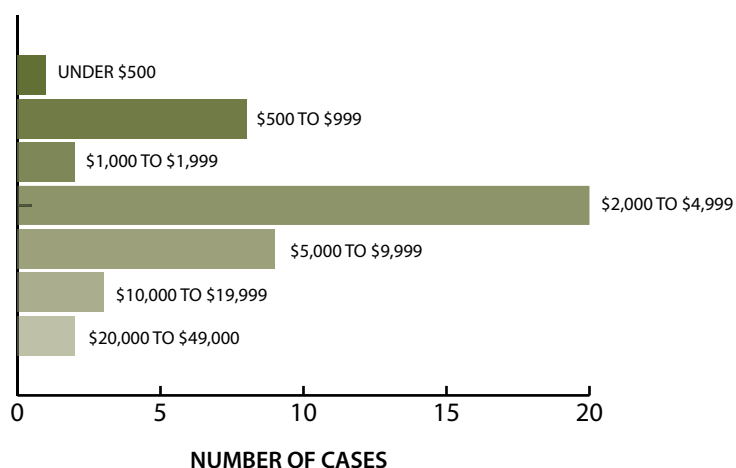
For more information about the Environmental Appeal Board, visit <http://www.eab.gov.bc.ca>



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 45) April 1, 2016 to March 31, 2017



PENALTY AMOUNT (GROUPS)	PENALTY AMOUNT	NUMBER OF CASES
UNDER \$500	\$250	1
\$500 TO \$999	\$5,000	8
\$1,000 TO \$1,999	\$2,700	2
\$2,000 TO \$4,999	\$42,000	20
\$5,000 TO \$9,999	\$48,000	9
\$10,000 TO \$19,999	\$50,500	3
\$20,000 TO \$49,000	\$55,000	2
GRAND TOTAL	\$203,450	45

Government Non-Compliance Statistics

In keeping with ministry policy, this section of the 2016-17 annual report lists any incidents of significant government non-compliance (as determined by a senior official) 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 2016-17 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>





Ministry of
Forests, Lands and
Natural Resource Operations