



# Compliance and Enforcement Branch

## 2017 -2018 Annual Report

FOR FISCAL YEAR ENDING MARCH 31, 2018



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, 2017 THROUGH MARCH 31, 2018.



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

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# Introduction

## THE 2017-18 COMPLIANCE AND ENFORCEMENT BRANCH ANNUAL REPORT

was produced by the Ministry of Forests, Lands, Natural Resource Operations and Rural Development.<sup>1</sup> It covers compliance<sup>2</sup> and enforcement activities related to forest management, land management, water management, wildfire management, resource road activities, and heritage and archaeological 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, 2017 to March 31, 2018 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, 2017 to March 31, 2018

INSPECTIONS/PATROLS RECORDED*	7,410
COMPLIANCE ACTIONS TAKEN*	2,060
ENFORCEMENT ACTIONS TAKEN*	642

\*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, Natural Resource Operations and Rural Development 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.<sup>3</sup>

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	2017-18 FORECAST <sup>2</sup>	2018-19 TARGET	2019-20 TARGET
<b>COMPLIANCE &amp; ENFORCEMENT (C&amp;E) PRESENCE <sup>1</sup></b>			
<i>Percentage of C&amp;E field staff time spent in the field (actual time divided by operational capacity, in hours)</i>	<b>80%</b>	<b>80%</b>	<b>80%</b>

*Data source: Ministry of Forests, Lands, Natural Resource Operations and Rural Development 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 2017-2018

PRIORITIES FOR 2017-2018	
<b>WILDFIRE</b>	Human-caused wildfire investigation: to ensure accountability for any human-caused wildfires, and to provide information required for cost recovery
<b>WILDFIRE PREVENTION AND PUBLIC HEALTH AND SAFETY</b>	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
<b>WATER MANAGEMENT</b>	Wells and groundwater: to educate the public, and promote the sustainable use of groundwater and ensure accountability for the use of groundwater
<b>DAM AND DIKE ACCOUNTABILITY AND PUBLIC HEALTH AND SAFETY</b>	To ensure accountability of dam and dike owners regarding these structures To ensure public health and safety related to dam and dike failures
<b>ENVIRONMENTAL PROTECTION AND PUBLIC ACCOUNTABILITY</b>	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
<b>FOREST MANAGEMENT</b>	Silviculture: to ensure long term forest sustainability To ensure accountability for statutory obligations related to tenures
<b>ARCHAEOLOGICAL PROTECTION</b>	To ensure protection of heritage sites, archaeological sites and artifacts
<b>PUBLIC EDUCATION AND AWARENESS</b>	Off-road vehicle use and prohibitions: to educate the public and promote compliance regarding off-road vehicle legislation
<b>LAND MANAGEMENT</b>	To protect sensitive foreshore ecosystems To ensure accountability for unauthorized foreshore structures or works
<b>FIRST NATIONS</b>	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, 2017 to March 31, 2018*

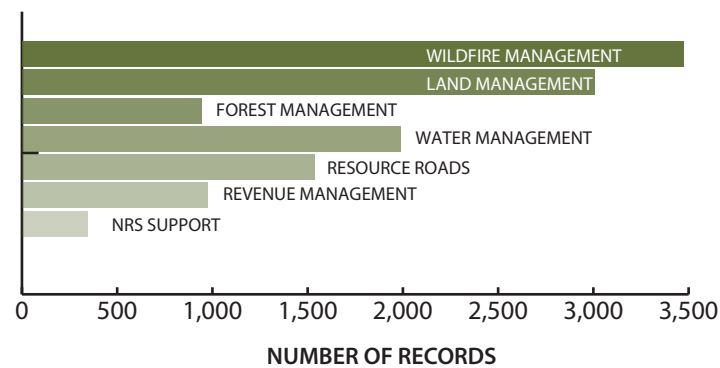
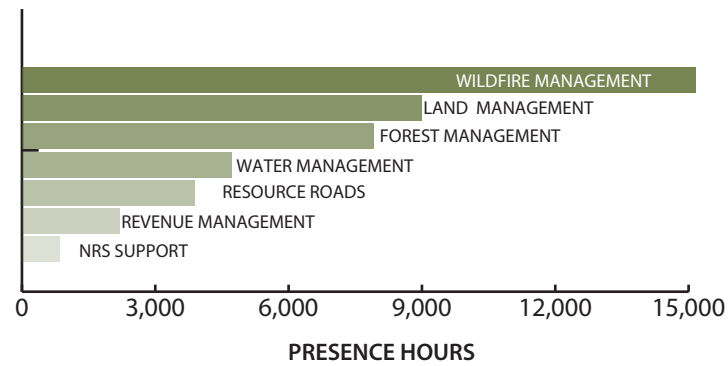
FUNCTION	PRESENCE HOURS	NUMBER OF RECORDS*
AGRICULTURAL LAND RESERVE	0	3
AIR QUALITY MANAGEMENT	0	5
FIRST NATIONS	5	1
FOREST MANAGEMENT	7,844	2,422
FRONTCOUNTER BC	0	10
GOVERNMENT	5	3
HERITAGE AND ARCHAEOLOGY	45	13
LAND MANAGEMENT	9,149	3,043
LAND USE RESTRICTIONS	22	13
MAJOR PROJECTS	50	2
MINES AND MINERALS	0	2
NATURAL RESOURCE SECTOR SUPPORT	819	249
PARKS AND PROTECTED AREAS	1	4
RECREATION MANAGEMENT	317	46
RESOURCE ROADS	4,126	1,183
REVENUE MANAGEMENT	2,393	890
WASTE MANAGEMENT	13	14
WATER MANAGEMENT	5,219	2,514
WILDFIRE MANAGEMENT	15,185	3,410
WILDLIFE MANAGEMENT	0	1
<b>GRAND TOTAL</b>	<b>45,193</b>	<b>13,828</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.*

*Records that show zero presence hours indicate no action.*

**CHART 1: COMPLIANCE AND ENFORCEMENT BRANCH PRESENCE HOURS  
AND NUMBER OF RECORDS FOR TOP 7 FUNCTIONS**  
*April 1, 2017 to March 31, 2018*



FUNCTION - TOP 7	PRESENCE HOURS	NUMBER OF RECORDS
WILDFIRE MANAGEMENT	15,185	3,410
LAND MANAGEMENT	9,149	3,043
FOREST MANAGEMENT	7,844	2,422
WATER MANAGEMENT	5,219	2,514
RESOURCE ROADS	4,126	1,183
REVENUE MANAGEMENT	2,393	890
NRS SUPPORT	819	249
<b>TOTAL</b>	<b>45,351</b>	<b>11,805</b>

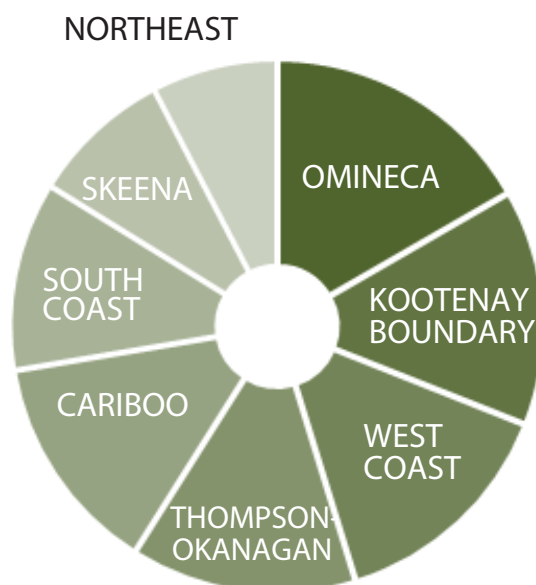




# Inspections

**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, 2017 to March 31, 2018



REGION	# OF INSPECTIONS AND PATROLS
OMINECA	1,236
KOOTENAY-BOUNDARY	1,061
WEST COAST	1,055
THOMPSON-OKANAGAN	1,017
CARIBOO	992
SOUTH COAST	850
SKEENA	633
NORTHEAST	566
<b>GRAND TOTAL</b>	<b>7,410</b>

*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, 2017 to March 31, 2018**

FUNCTION	# OF INSPECTIONS AND PATROLS
WILDFIRE MANAGEMENT	1,706
LAND MANAGEMENT	1,493
FOREST MANAGEMENT	1,258
WATER MANAGEMENT	1,230
RESOURCE ROADS	842
REVENUE MANAGEMENT	706
NRS SUPPORT	121
RECREATION MANAGEMENT	32
LAND USE RESTRICTIONS	7
WASTE MANAGEMENT	7
HERITAGE AND ARCHAEOLOGY	4
MAJOR PROJECTS	2
AIR QUALITY MANAGEMENT	1
PARKS AND PROTECTED AREAS	1
MINES AND MINERALS	0
<b>GRAND TOTAL</b>	<b>7,410</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 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 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.gov.bc.ca/nrv](http://www.gov.bc.ca/nrv)

**TABLE 4: COMPLAINTS BY FUNCTION** April 1, 2017 to March 31, 2018

FUNCTION	NUMBER OF RECORDS	PERCENTAGE OF TOTAL
AGRICULTURE LAND RESERVE	3	0.07%
AIR QUALITY MANAGEMENT	4	0.10%
FOREST MANAGEMENT	540	13.49%
HERITAGE & ARCHAEOLOGY	6	0.15%
LAND MANAGEMENT	1,045	26.11%
LAND USE RESTRICTIONS	5	0.12%
MINES & MINERALS	2	0.05%
NRS SUPPORT	102	2.55%
PARKS & PROTECTED AREAS	3	0.07%
RECREATION MANAGEMENT	12	0.30%
RESOURCE ROADS	152	3.80%
REVENUE MANAGEMENT	24	0.60%
WASTE MANAGEMENT	6	0.15%
WATER MANAGEMENT	914	22.84%
WILDFIRE MANAGEMENT	1,183	29.56%
WILDLIFE MANAGEMENT	1	0.02%
<b>GRAND TOTAL</b>	<b>4,002</b>	<b>100%</b>

*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.

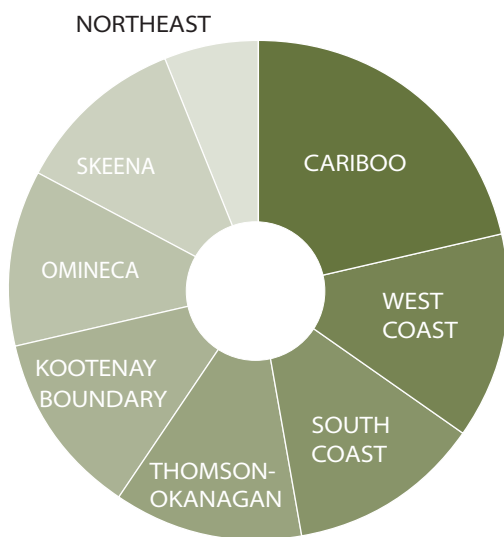
Compliance verification refers to the inspection of a site or activity, and it is part of a routine process to verify compliance with statutory obligations. These inspections are done on a priority basis and may either be planned ahead of time or conducted on the spot as needed.

**TABLE 5: COMPLIANCE ACTIONS BY FUNCTION** *April 1, 2017 to March 31, 2018*

FUNCTION	COMPLIANCE NOTICE	NO FURTHER ACTION WARRANTED	WARNING TICKET	GRAND TOTAL
FOREST MANAGEMENT	153	208	49	410
LAND MANAGEMENT	167	290	58	515
LAND USE RESTRICTIONS	2	3	2	7
NRS SUPPORT	3	15	6	24
RECREATION MANAGEMENT	0	1	2	3
RESOURCE ROADS	182	35	19	236
REVENUE MANAGEMENT	68	42	54	164
WASTE MANAGEMENT	1	6	0	7
WATER MANAGEMENT	89	163	22	274
WILDFIRE MANAGEMENT	112	219	89	420
<b>GRAND TOTAL</b>	<b>777</b>	<b>982</b>	<b>301</b>	<b>2,060</b>



**CHART 3: COMPLIANCE ACTIONS BY REGION** April 1, 2017 to March 31, 2018



REGION	# OF COMPLIANCE ACTIONS
CARIBOO	353
WEST COAST	330
SOUTH COAST	319
THOMPSON-OKANAGAN	311
KOOTENAY-BOUNDARY	278
OMINECA	238
SKEENA	151
NORTHEAST	80
GRAND TOTAL	2,060

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





# Enforcement

VIOLATION TICKETS AND ADMINISTRATIVE PENALTIES	
TOTAL VIOLATION TICKETS ISSUED	818
MONETARY AMOUNT OF TICKETS	\$281,302
ADMINISTRATIVE PENALTIES LEVIED	32
MONETARY AMOUNT OF PENALTIES	\$305,486
THERE WERE 642 ENFORCEMENT ACTIONS TAKEN IN 2017-18.	

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 642 enforcement actions taken throughout B.C. in 2017-18. (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



VIOLATION TICKET	519
ORDER TO VACATE	86
PENALTY	33
NO ACTION	4
<b>GRAND TOTAL</b>	<b>642</b>

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

**TABLE 6: ENFORCEMENT ACTIONS BY LEGISLATION** *April 1, 2017 to March 31, 2018*

LEGISLATION	NO ACTION	ORDER TO VACATE	PENALTY	VIOLATION TICKET	GRAND TOTALS
ENVIRONMENTAL MANAGEMENT ACT				2	2
FOREST ACT			3	79	82
FOREST AND RANGE PRACTICES ACT	4		17	99	120
FOREST PLANNING & PRACTICES REGULATION (FRPA)			10	2	12
FOREST RECREATION REGULATION (FPC)		6			6
FOREST RECREATION REGULATION (FRPA)		25		34	59
FOREST SERVICE ROAD USE REGULATION				7	7
FOREST SERVICE ROAD USE REGULATION (FRPA)				6	6
LAND ACT		55			55
MOTOR VEHICLE PROHIBITION REGULATION (196/99) (WLA)				1	1
OFF-ROAD VEHICLE ACT				55	55
OPEN BURNING SMOKE CONTROL CODE OF PRACTICE (SCHEDULE B IN OPEN BURNING SMOKE CONTROL REGULATION (145/93) (EMA))				3	3
OPEN BURNING SMOKE CONTROL REGULATION (145/93) (EMA)				2	2
OPEN BURNING SMOKE CONTROL REGULATION (EMA)				5	5
PARK, CONSERVANCY AND RECREATION AREA REGULATION (180/90) (PRA)				5	5
TIMBER MARKING & TRANSPORTATION REGULATION (FA)			1	13	14
WATER SUSTAINABILITY ACT				77	77
WILDFIRE ACT				112	112
WILDFIRE REGULATION (WFA)			2	17	19
<b>GRAND TOTAL</b>	<b>4</b>	<b>86</b>	<b>33</b>	<b>519</b>	<b>642</b>

*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>

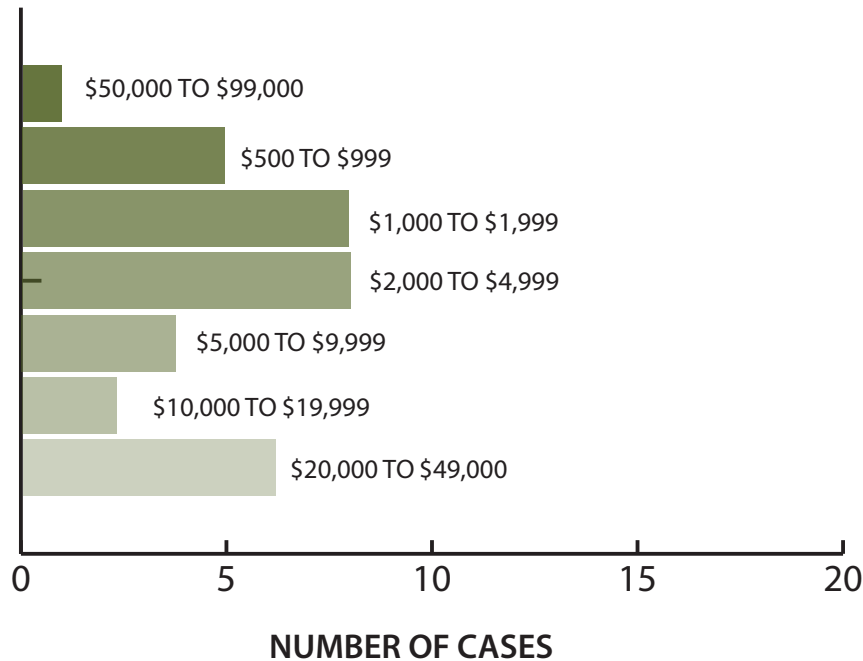
For more information about the Environmental Appeal Board, visit <http://www.eab.gov.bc.ca>



# 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 32) April 1, 2017 to March 31, 2018**



PENALTY AMOUNT (GROUPS)	PENALTY AMOUNT	NUMBER OF CASES
UNDER 500	0	0
20,000 TO 49,000	\$131,565	6
50,000 TO 99,000	\$95,081	1
10,000 TO 19,000	\$26,000	2
5,000 TO 9,999	\$21,750	4
2,000 TO 4,000	\$19,211	7
1,000 TO 1,999	\$9,379	7
500 TO 999	\$2,500	5
<b>GRAND TOTAL</b>	<b>\$305,486</b>	<b>32</b>



# Government Non-Compliance Statistics

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In keeping with ministry policy, this section of the 2017-18 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 2017-18 reporting period.

## Learn More

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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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