



POLICY SUBJECT		
Wildfire Control Responsibilities and Costs		
EFFECTIVE DATE	RESPONSIBLE BRANCH	NUMBER
March 1, 2019	BC Wildfire Service	9.1
APPROVED		
		

Scope

This policy pertains to the BC Wildfire Service’s wildfire management and wildfire response in British Columbia, and the recovery of government fire control costs.

Purpose

The purpose of this Policy is to provide guidance to BC Wildfire Service staff regarding wildfire management and wildfire response in British Columbia, and to provide guidance in the application of the *Wildfire Act* and Wildfire Regulation as that legislation pertains to fire control cost recovery.

Definitions

In this policy, the following words have the following meanings, unless the context dictates otherwise:

- a) **“Act”** means the [Wildfire Act](#) (British Columbia) as it may be amended or replaced from time to time;
- b) **“Monitor”** means to observe and assess a wildfire to determine the response option required to minimize social disruption and/or significant value and resource impacts, while achieving beneficial ecological, economic or resource management objectives;
- c) **“Regulation”** means the [Wildfire Regulation](#) (British Columbia) as it may be amended or replaced from time to time;
- d) **“Treaty First Nation”** means a First Nation that has signed an agreement with Canada and the Province that defines the rights of the First Nation people with respect to lands and resources over a specific area;
- e) **“Treaty Settlement Lands”** means the lands which, in accordance with the provisions of the treaty, were transferred to a Treaty First Nation and/or are under the governance, jurisdiction and management of the Treaty First Nation;

- f) **“Wildfire Suppression Agreement”** means an agreement between the Province, Canada and a Treaty First Nation where the parties have agreed to contribute towards the fire control costs incurred by the Province for providing fire control services for fires originating on Treaty Settlement Lands.

Policy

Wildfire Response

The primary mandate of the BC Wildfire Service is to provide leadership and expertise in wildfire response services as well as wildfire prevention and mitigation. The BC Wildfire Service may also determine the origin and cause of wildfires, seek cost recovery and impose penalties, rehabilitate land after fire suppression activities, impose restrictions, and prohibit or restrict industrial or other activities. The main legislation governing the BC Wildfire Service is the *Wildfire Act* and the *Wildfire Regulation*.

The BC Wildfire Service has the authority to carry out fire suppression on fire-threatened forest or grass land and may do so on Provincial Crown land, Federal Crown land, local government land on request of the local government, Treaty Settlement Lands, private land or on any land where a wildfire endangers human life.

The BC Wildfire Service does not undertake fire suppression on all wildfires in the province and may choose only to monitor wildfires in certain circumstances. The circumstances where the BC Wildfire Service may opt to not undertake fire suppression on a wildfire include:

- When, for a wildfire that does not threaten human lives, fire suppression is not cost-effective in relation to the values at risk (for example, a Fire Analysis may be used to identify and document the known values at risk in relation to the wildfire); or
- When, for a wildfire that does not threaten human lives or values at risk, fire suppression does not align with land and resource management objectives (as detailed in a Fire Management Plan or other similar document); or
- When fire suppression is impracticable due to the characteristics or the location of the fire; or
- When a wildfire that does not threaten human lives or values at risk would be beneficial to an ecosystem.

The BC Wildfire Service may delay, limit, suspend or withdraw fire suppression if a wildfire is:

- Located in an area where it would be unsafe to deploy firefighting resources (such as personnel, aircraft and equipment); or
- Displaying such fire behaviour as to make fire suppression impracticable or unsafe for firefighting resources or;
- A lower priority than other existing wildfires. The Resource Strategic Wildfire Allocation Process will be used to prioritize wildfires when firefighting resources are or have the

potential to become insufficient to meet the needs of the BC Wildfire Service.

All personnel employed by the BC Wildfire Service and engaged in fire suppression will be appropriately trained. Fireline personnel will conduct their firefighting activities in a safe and professional manner and will prioritize the safety of themselves and others.

Local Government

It is the expectation of the BC Wildfire Service that a local government that provides fire protection services (i.e. a fire department) will take all reasonable fire control action on fires within its fire protection jurisdiction. Where the BC Wildfire Service has provided fire suppression assistance for a wildfire that occurs within a local government's fire protection jurisdiction, the Province will not normally seek to recover the government's fire control costs from the local government.

If a wildfire occurs on private land within a local government's fire protection jurisdiction, and a person who owns, occupies or leases that private land appears to have caused or contributed to the fire or the spread of the fire, the Province, assisting the local government with fire control in accordance with section 9 of the *Act*, may seek to recover from the person the government's fire control costs and/or the value of damage to Crown resources.

Fire Control Cost Recovery

Where the government has carried out fire control as authorized under the *Act*, BC Wildfire Service staff will determine the fire origin and cause for those wildfires that appear to be human caused. Fire origin and cause determinations may be used in administrative, civil and/or criminal proceedings. Wherever possible, the Province may seek to recover the government's fire control costs.

Section 29 of the Regulation outlines situations where an order for payment of government fire control costs cannot be made. One of these situations is where the fire arises from timber harvesting, silviculture treatments, road construction, road maintenance or road deactivation carried out by the holder of a specified agreement or licence. A category 2 open fire, category 3 open fire or resource management open fire (as those terms are defined in the Regulation) that spreads beyond the burn area or otherwise becomes out of control may be investigated to determine whether a contravention of the *Act* or Regulation has occurred. Where a contravention pertaining to an open fire is confirmed, section 29(b) of the Regulation would not prevent an order being made against a person requiring payment of government fire control costs.

Where the holder of a woodlot licence is in compliance with the provisions of section 29 of the Regulation on the Crown land portion of their woodlot, the Province will not seek to recover the government's fire control costs from the woodlot licence holder for a fire that starts on private land managed as part of that licence, and the fire results from timber harvesting, silviculture treatments, road construction, road maintenance or road deactivation carried out

by the woodlot licence holder.

The Province may seek to recover the government's fire control costs for a wildfire originating on Treaty Settlement Lands in accordance with the Wildfire Suppression Agreement. For a wildfire originating on Treaty Settlement Lands where a Wildfire Suppression Agreement is not in effect, the Province may seek payment of an administrative penalty if the legislation has been contravened, and may seek to recover the government's fire control costs.

References

- [Wildfire Act](#)
- [Wildfire Regulation](#)
- Resource Strategic Wildfire Allocation Process (RSWAP)
- [First Nations Treaty Process \(Ministry of Aboriginal Relations and Reconciliation\)](#)