



Compliance and Enforcement Branch

2020 - 2021 Annual Report

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, 2020 THROUGH MARCH 31, 2021.



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

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Introduction

THE 2020-21 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, 2020 to March 31, 2021 and serves as a follow-up to its previous annual reports. The Branch continues to focus on inspections and investigations that are aligned with our clients' priorities.

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, 2020 to March 31, 2021

INSPECTIONS RECORDED	3,239
COMPLIANCE ACTIONS TAKEN	380
ENFORCEMENT ACTIONS TAKEN	296
TOTAL NUMBER OF STAFF	131

*Data sourced from the Compliance and Enforcement Branch's data information systems as of March 31, 2021



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 to ensure the efficient delivery of services. This client-focused approach supports a clear and consistent compliance and enforcement direction with well-established priorities. The Compliance and Enforcement Branch maintains effectiveness by quickly responding to changing priorities and conditions. The development and use of natural resources is guided by standards set out in the ministry's legislative and regulatory framework.



Compliance and Enforcement Branch

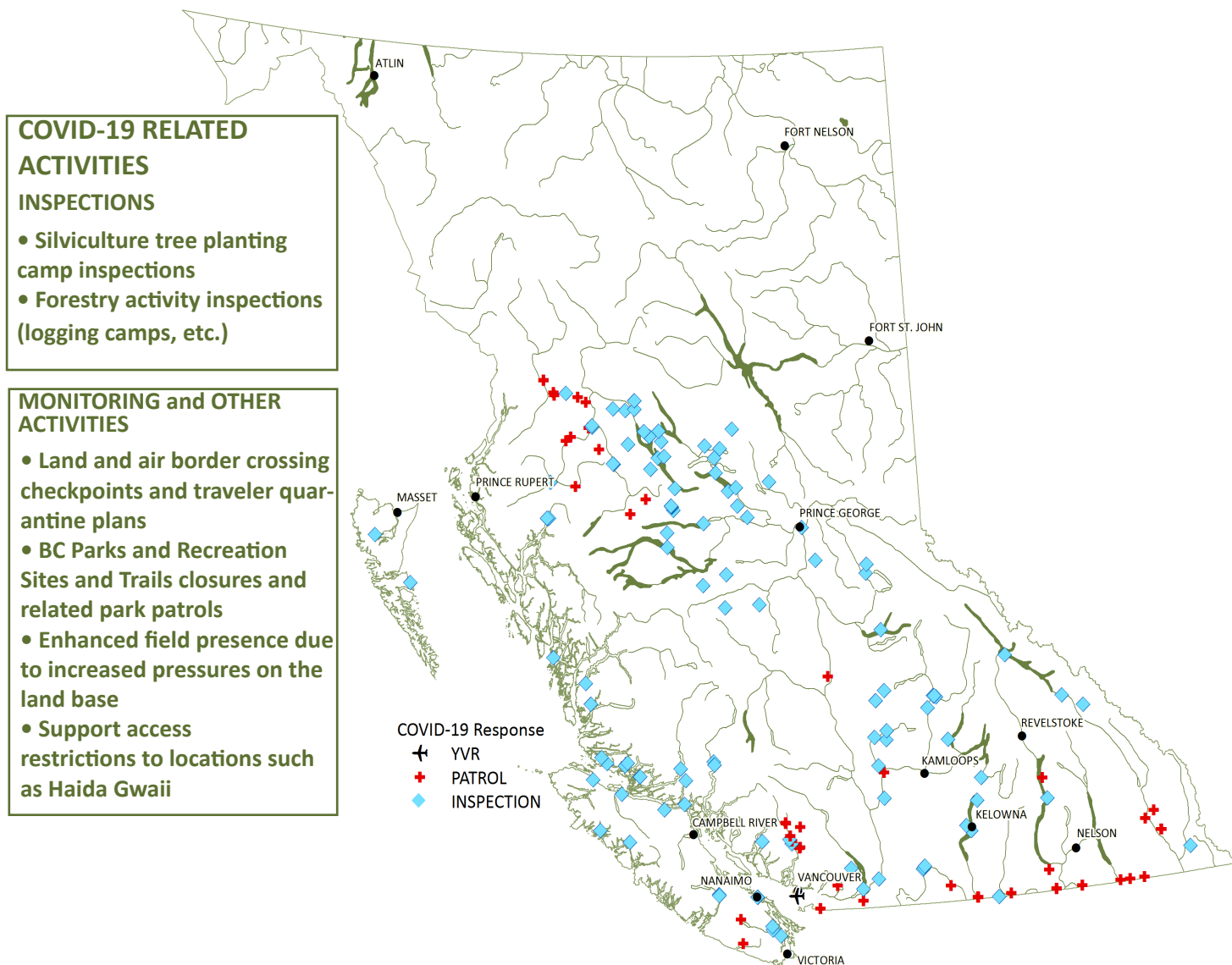
Priorities for 2020-2021

PRIORITIES FOR 2020-2021	
WILDFIRE MANAGEMENT HUMAN-CAUSED WILDFIRE	Recover fire suppression costs and damages to the public resource, and help change public behavior associated with fire use
INDIGENOUS RELATIONS BUILDING RELATIONSHIPS AND TRUST WITH INDIGENOUS COMMUNITIES	Build and strengthen long-term Indigenous relationships that support government reconciliation initiatives 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
ARCHAEOLOGY (LAND) MANAGEMENT	Ensure appropriate authorizations are in place and adhered to in order to protect cultural heritage values Prevent removal, damage and disturbances of archaeological sites and artifacts
WILDFIRE MANAGEMENT INDUSTRIAL FIRE PREVENTION AND PREPAREDNESS	Ensure industry have adequate fire tools and water suppression systems in place and adhere to restrictions related to fire hazard ratings
EMERGENCY RESPONSE SUPPORT FOR FIRE, FLOOD, DROUGHT, EARTHQUAKE, PANDEMIC	Ensure that human health and safety is a priority during regional and provincial emergencies
WATER MANAGEMENT CHANGES IN AND ABOUT A STREAM AND/OR SURFACE WATER USE	Ensure appropriate authorizations are in place and adhered to in order to protect riparian environmental values
FOREST MANAGEMENT HARVESTING	Ensure that authorizations are in place and that timber development and extraction is conducted in a manner consistent with the 11 <i>Forest and Range Practices Act</i> values
FOREST (REVENUE) MANAGEMENT MARKET PRICING SYSTEM	Protect the integrity of the ministry's Market Pricing System from abuse
WATER MANAGEMENT DAMS AND DUGOUTS	Ensure appropriate authorizations are in place and adhered to in order to protect public safety and riparian environmental values
LAND MANAGEMENT UNAUTHORIZED USE AND OCCUPATION OF CROWN LAND	Ensure authorizations are in place, and the use and occupation of Crown land does not negatively impact environmental values, the public interest or access

COVID-19 Support Efforts

IN THE EARLY PART OF THE COVID-19 PANDEMIC, the Provincial Health Officer (PHO), issued orders under the *Public Health Act* that delegated authority to staff in Natural Resource Sector (NRS) agencies to assist with the Province's response to the pandemic. This authority enabled staff to assist with activities such as conducting inspections of industrial camps (forestry and mining work camps), conducting inspections of farm worker accommodations and conducting screening at Vancouver International Airport (YVR) and border crossings.

Over 50% of Compliance and Enforcement Branch staff provided COVID-19 support where it was required. Staff assumed different roles in order to respond to the emerging needs. COVID-19 inspections and monitoring will be ongoing as long as the delegated authorities from the Provincial Health Officer are in place. Branch staff will continue to support the Government of B.C.'s efforts to control COVID-19 and support the natural resource sector as the understanding and management of COVID-19 continues to evolve.



Time Spent

“TIME SPENT” 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 INSPECTION AND PATROL RECORDS AND TIME SPENT HOURS BY FUNCTION April 1, 2020 to March 31, 2021		
FUNCTION	TIME SPENT HOURS	NUMBER OF RECORDS*
COVID-19 SUPPORT ¹	14,778	581
FOREST MANAGEMENT	4,671	670
LAND MANAGEMENT	4,524	697
WILDFIRE MANAGEMENT	4,275	521
WATER MANAGEMENT	3,449	534
RESOURCE ROADS	2,210	367
REVENUE MANAGEMENT	1,263	291
NATURAL RESOURCE SECTOR SUPPORT	285	36
GRAND TOTAL	35,455	3,697

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.

1. COVID-19 Support efforts include records involving patrol duties as delegated by authorities from the Provincial Health Officer.

Inspections

INSPECTIONS AND SITE VISITS are conducted on a priority basis to determine whether forest, land, water, heritage and range activities are 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 prioritize their inspections to focus on activities with higher social, economic or environmental risks.



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 BY FUNCTION April 1, 2020 to March 31, 2021

FUNCTION	# OF INSPECTIONS
LAND MANAGEMENT	697
FOREST MANAGEMENT	670
WATER MANAGEMENT	534
WILDFIRE MANAGEMENT	521
RESOURCE ROADS	367
REVENUE MANAGEMENT	291
COVID-19 SUPPORT	123
NATURAL RESOURCE SECTOR SUPPORT	36
GRAND TOTAL	3,239

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 for public use, but the system also allows the ministry's partner agencies and other program areas within the NRS 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 violation report is reviewed by a Natural Resource Officer Supervisor and evaluated considering the branch's identified priorities to determine an appropriate response. Reports of non-compliance help the branch determine what response is appropriate 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, 2020 to March 31, 2021		
FUNCTION	NUMBER OF RECORDS	PERCENTAGE OF TOTAL
LAND MANAGEMENT	1,330	37%
WATER MANAGEMENT	1,002	27%
FOREST MANAGEMENT	694	19%
WILDFIRE MANAGEMENT	446	12%
RESOURCE ROADS	135	4%
REVENUE MANAGEMENT	34	1%
GRAND TOTAL	3,641	100%

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 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, 2020 to March 31, 2021*

FUNCTION	NO ACTION	COMPLIANCE NOTICE	WARNING TICKET	GRAND TOTAL
LAND MANAGEMENT	68	26	12	106
FOREST MANAGEMENT	37	41	21	99
WATER MANAGEMENT	43	10	22	75
WILDFIRE MANAGEMENT	39	9	12	60
RESOURCE ROADS	7	10	5	22
REVENUE MANAGEMENT	4	2	10	16
NATURAL RESOURCE SECTOR SUPPORT	0	1	1	2
GRAND TOTAL	198	99	83	380

Enforcement

VIOLATION TICKETS AND ADMINISTRATIVE PENALTIES	
TOTAL VIOLATION TICKETS ISSUED	241
MONETARY AMOUNT OF TICKETS	\$107,482
ADMINISTRATIVE PENALTIES LEVIED	7
MONETARY AMOUNT OF PENALTIES	\$ 640,937
THERE WERE 306 ENFORCEMENT ACTIONS TAKEN IN 2020-21	

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.

Enforcement actions include:

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

There were 306 enforcement actions taken throughout B.C. in 2020-21. This figure includes actions involving penalties but does not include compliance notices or warning tickets.

CHART 1: ENFORCEMENT ACTIONS April 1, 2020 to March 31, 2021



VIOLATION TICKET	241
ORDER TO VACATE	29
PENALTY	16
STOP WORK ORDER	10
SEIZURE NOTICES	7
NO ACTION	3
GRAND TOTAL	306

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

TABLE 6: ENFORCEMENT ACTIONS BY LEGISLATION *April 1, 2020 to March 31, 2021*

LEGISLATION	NO ACTION	SEIZURE NOTICES	STOP WORK ORDER	PENALTY	ORDER TO VACATE	VIOLATION TICKET	GRAND TOTAL
FOREST AND RANGE PRACTICES ACT	3	7	7	8		61	86
WATER SUSTAINABILITY ACT						77	77
LAND ACT					29		29
FOREST PLANNING & PRACTICES REGULATION (FRPA)			1	3		2	6
FOREST ACT				1		33	34
WILDFIRE ACT				2		49	51
FOREST RECREATION REGULATION (FRPA)						5	5
WILDFIRE REGULATION (WFA)				2		2	4
TIMBER MARKING & TRANSPORTATION REGULATION (FA)						5	5
FOREST SERVICE ROAD USE REGULATION (FRPA)			2			1	3
OFF-ROAD VEHICLE ACT						1	1
ENVIRONMENTAL MANAGEMENT ACT						3	3
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	3	7	10	16	29	241	306

Restorative Justice

NATURAL RESOURCE OFFICERS ARE TO CONSIDER the most appropriate tool to address non-compliance and, when required, to promote general deterrence. A Community Environmental Justice Forum (CEJF) is amongst the spectrum of tools and approaches available. When considering the use of a Community Environmental Justice Forum, Natural Resource Officers and program staff consult on the facts of the case, the magnitude of the harm done, and the capacity and willingness of the offender to participate.

A Community Environmental Justice Forum may be considered for any case where the successful completion of the forum is expected to achieve the following benefits:

- Restore or compensate for harm done to the environment
- Promote a sense of responsibility in the offender
- Acknowledge and repair the harm done to a community
- Improve long-term compliance (reduce the likelihood of a repeated violation)
- Build positive relationships between the offender, the community and regulators
- Promote general deterrence

The Compliance and Enforcement Branch established its Restorative Justice Policy and Procedure in fiscal year 2018-19 and currently has nine practitioners trained to facilitate Community Environmental Justice Forums.

During the 2020-21 fiscal year, one Community Environmental Justice Forum was completed. Two others are currently in progress.

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.

TABLE 7: MONETARY PENALTIES BY CASE *April 1, 2020 to March 31, 2021*

PENALTY AMOUNT (GROUPS)	PENALTY AMOUNT	NUMBER OF CASES
\$50,000 TO \$99,999	\$591,839	4
\$20,000 TO \$49,999	\$21,532	1
\$10,000 TO \$19,999	\$27,566	2
\$5,000 TO \$9,999	0	0
GRAND TOTALS	\$640,937	7

Government Non-Compliance Statistics

IN KEEPING WITH MINISTRY POLICY, this section of the 2020-21 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 2020-21 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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