



# **Ministry of Forests, Lands and Natural Resource Operations Compliance and Enforcement Program**

Annual report for year ended March 31, 2011

Providing statistics of Compliance and Enforcement activities recorded by the Ministry of Forests, Lands and Natural Resource Operations from April 1, 2010 through March 31, 2011.



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# Introduction

The 2011 Compliance and Enforcement (C&E) Annual Report is the 15th annual report produced by the Ministry of Forests, Lands and Natural Resource Operations. The C&E Annual Report contains information on inspections<sup>1</sup>, compliance actions and enforcement actions related to legislation governing forest, lands, range and natural resource activities.

Forest, land and other natural resource activities in the province of British Columbia are regulated by a number of enactments. In this report, information regarding the following Acts is provided: the Forest Act, the Range Act, the Wildfire Act, the Forest and Range Practices Act and the Forest Practices Code of British Columbia Act, plus all of the regulations associated with these acts. The *Forest Practices Code of British Columbia Act* (the Code) came into effect in 1995 and has been substantially replaced by the *Forest and Range Practices Act* (FRPA), which came into effect on Jan. 31, 2004. During this transition period, forest and range activities on Crown land may be affected by both pieces of legislation. Introduced gradually over the last few years (with Resource Management Co-ordination throughout the province and now with the Integration Resource Operations Division), the Land Act, Water Act, Wildlife Act and other legislation has been introduced into the Compliance and Enforcement regime as the branch works collaboratively with other ministries and agencies.

## Key Statistics

April 1, 2010 to March 31, 2011:

<b>8,661</b>	Inspections were recorded
<b>414</b>	Enforcement Actions were taken
<b>4</b>	Stop Work Orders were issued
<b>4</b>	Seizure Orders were issued
<b>1,769</b>	Compliance Actions were taken

This report contains statistics gathered from the C&E Program's two information systems:

- The Enforcement Action, Administrative Review and Appeal Tracking System (ERA) serves as the ministry's record of enforcement activities. ERA documents cases that arise from alleged contraventions of the acts and regulations enforced by the ministry, including the issuance of tickets and cases that are appealed.
- The Compliance Information Management System (CIMS) serves as the ministry's record of inspection activities and compliance actions taken.

This annual report covers C&E program activities for the period of April 1, 2010 to March 31, 2011 and provides a follow-up to previous C&E annual reports. The report covers compliance and enforcement activities with respect to forest, land and range activities carried out by various individuals and licence holders, including major licensees, community forest agreement holders, timber sales licensees, woodlot licensees, range licensees, mining, petroleum and natural gas companies holding licences to cut and others in the regulated community.

Electronic copies of this report are available from the ministry's Compliance and Enforcement Branch, or by accessing the government Internet page: [www.for.gov.bc.ca/hen/index.htm](http://www.for.gov.bc.ca/hen/index.htm) If there are discrepancies between the printed copy of the annual report and the copy on the website, the posted copy of the annual report on the website is considered correct.

<sup>1</sup> Underlined words are defined in the glossary at the end of this report.

# Service Plan Report Statistics

The ongoing work to monitor and enforce compliance with Ministry of Forests, Lands and Natural Resource Operations statutes included two milestones in 2010-2011.

First, this fiscal period had increased presence in and commitment to Integrated Resource Operations (previously, called Resource Management Co-ordination project) with other ministries and agencies in the province. Approximately 46% of available C&E resources were used to participate in the collaboration efforts.

Second, development has begun for the new C&E framework identity which will eventually include new legislation and new designations and delegations for the C&E Branch in the newly formed Ministry of Forests, Lands and Natural Resource operations (FLNRO).

## Goal:

The co-ordinated, integrated and sustainable management, development and use of British Columbia's natural resources.

Objective – Compliance with environmental standards in the development and use of Crown land.

## Performance Measure: Compliance with Resource Laws

Percentage of the regulated community complying with statutory requirements *	94%
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**\*Data Source:** Ministry of Forests, Lands and Natural Resource Operations Compliance Information Management System. "Regulated community" includes all persons subject to statutory obligations of the compliance mandate (including licensees, contractors, public and government).

# Inspections



**Inspections** (or site visits) are conducted to determine whether forest, land, water, wildlife and range activities are in compliance with corresponding legislation that FLNRO is the lead on.

As it is not possible to inspect every forest, water, land, wildlife and range activity, C&E staff evaluate the risks

associated with various sites and activities, and then prioritize inspections to focus on activities with a higher social, economic or environmental risk.

C&E officials conduct six primary types of inspections: General

(Result or Strategy, Wildfire, Integrated Resource Operations co-ordination (previously, Resource Management Co-ordination Project), Fish Passage, Harvest, Road, Silviculture, Range and Recreation. They also follow up on incident reports.



## What is an inspection?

An inspection is a systematic process to confirm compliance with statutory obligations. Inspections are done on a routine basis and may be either planned or spontaneous. C&E inspections cover the legal obligations of licensees, the government and the public.

Figure 1: Inspections by Region

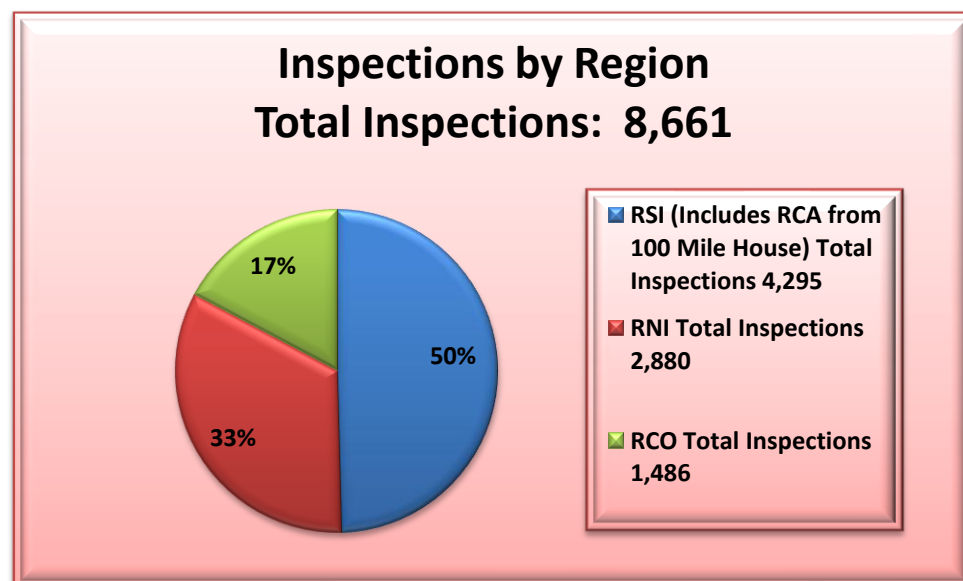




Figure 2: Inspections by Tenure Type

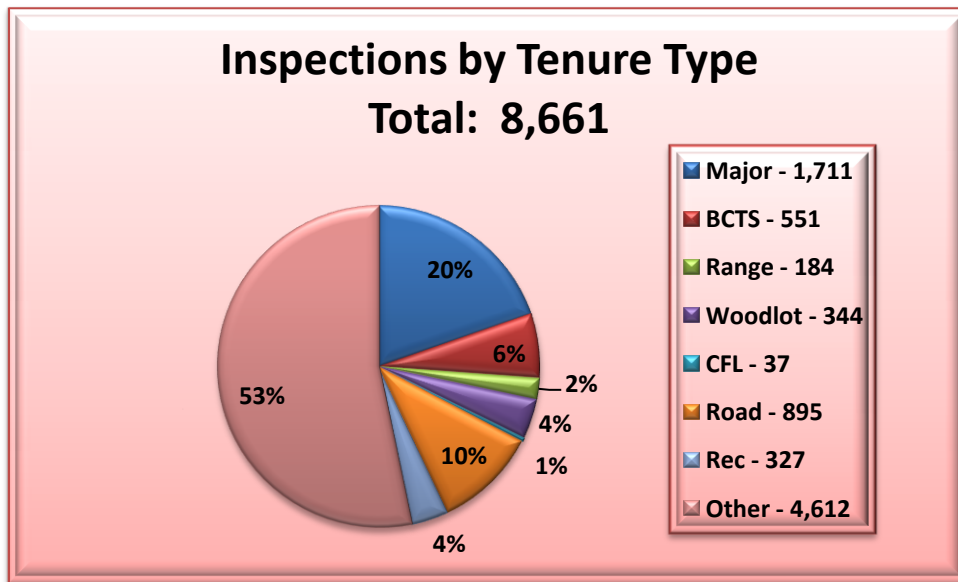
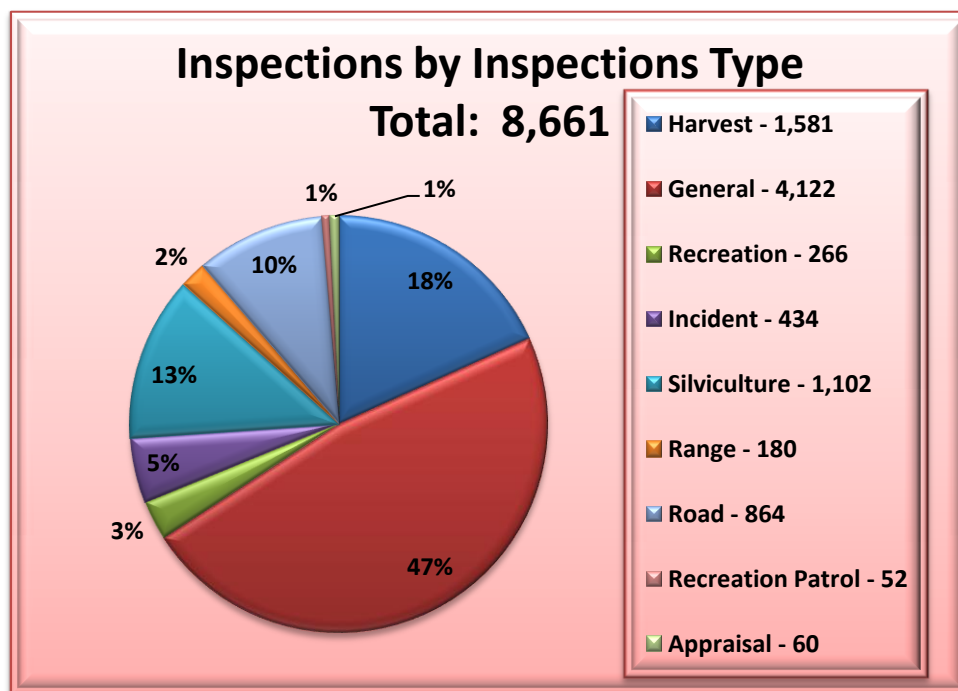


Figure 3: Inspections by Inspection Type



# Profile: Integrated Resource Operations Division

The past year has been an active and complex one, but the Compliance and Enforcement Branch (C&E) successfully moved forward to finalize the Resource Management Co-ordination (RMC) project and initiate its Integrated Resource Operations division as of March 14, 2011.

This year's annual reporting period coincided with three ministry reorganizations and three new titles for the ministry: Forests and Range for approximately 6.5 months; Forests, Mines and Lands for 4.5 months; and, finally, Forests, Lands and Natural Resource Operations (FLNRO) for about 3 weeks before the 2010-2011 fiscal year ended. This process included the transfer of responsibility for over 50 additional Acts to the new ministry at the end of the fiscal year.

The creation of FLNRO is a huge step forward in the integration of the natural resource sectors. Collaboration with other ministries and agencies throughout the province is not a new idea for the Compliance and Enforcement Branch, given the work done over the past two years on the Resource Management Co-ordination project. However, this renewed co-ordination will help achieve the previously established stepping-stone toward the "One Ministry, One Vision" goal of the FLNRO.

Extended and newly developed collaborations with the Environmental Assessment Office (EAO), Environmental Protection Office and the Conservation Officer Service (including designations as Special Conservation Officers) increased the scope and complexity of our inspections. Previous commitments of available C&E Resources to RMC increased from 25% to 46% as a result.

The Environmental Assessment Office is a neutral agency that manages the review of proposed major projects in British Columbia, as required by the [Environmental Assessment Act](#).

The environmental assessment process (now in collaboration with Compliance Enforcement Officers) provides a thorough, timely and integrated assessment of potential environmental, economic, social, heritage and health effects that may occur during the lifecycle of these projects. It also allows for meaningful participation by First Nations, proponents, the public, local governments, and federal and provincial agencies.

Another section C&E Officers work with is the Environment Protection branch (EPO). The Environmental Protection branch is responsible for a wide array of environmental management regulatory programs, including: hazardous and industrial waste management; waste and environmental database management; environmental emergency response and spill reporting; integrated pest management initiatives (IPMI) and land remediation (contaminated site) management and certification. C&E Officers inspections for EPO include Petroleum storage, IPMI, landfills, vehicle dismantling, and asphalt plants, under varying legislation and regulations for the Ministry of Environment.



The start of the next fiscal year will mark an official new vision for Compliance and Enforcement, including a new logo and badges (branding), new designations and significant legislative amendments to help the division operate more effectively and efficiently. Next year will be both challenging and rewarding as we work toward new goals for the future of Compliance and Enforcement Officers and legislation under the restructured ministry.



# Compliance

During the course of an inspection, a C&E official may find incidents of alleged non-compliance with forest and range legislation. Incidents of alleged non-compliance or contraventions involve an individual or company that may have acted in a manner that violated the law. Alleged non-compliance may be found during an inspection or may be identified as a result of other sources (such as tips from the public or ministry staff, or self-reporting by licensees).

Based on the significance and impact of the non-compliance, and other considerations, **compliance actions** are used to encourage the individual or company to bring their activities into compliance with the applicable legislation.

Compliance actions include:

**Compliance No Action**

**Compliance Notice**

**Warning Ticket**

## What are compliance actions?

Compliance actions include No Action, Compliance Notices and Warning Tickets. Compliance actions are only appropriate if all elements of a contravention could be proven through the formal enforcement process, but the severity of the alleged contravention does not warrant a formal enforcement action.



Figure 4: Compliance Actions by Region

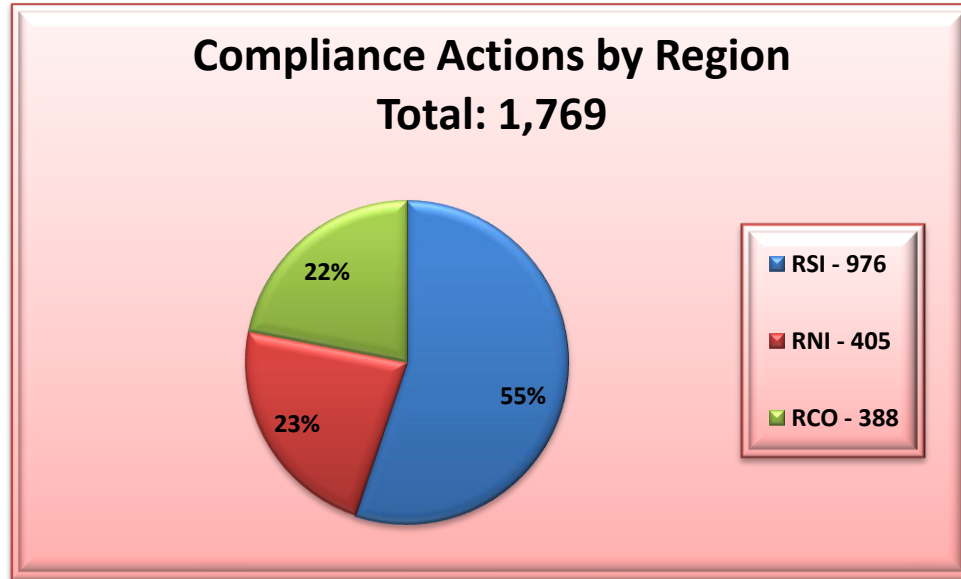


Table 1. Compliance Actions By Tenure Type

	Major	BCTS	Range	Woodlot	CFL	Road	Recreation	Other	Total
Compliance Notice	151	86	42	108	1	174	5	354	921
Compliance No Action	35	18	8	16	3	26	12	412	530
Warning Ticket	11	9	7	1	1	13	4	272	318
Total	197	113	57	125	5	213	21	1,038	1,769

Figure 5: Compliance Actions by Compliance Action Type

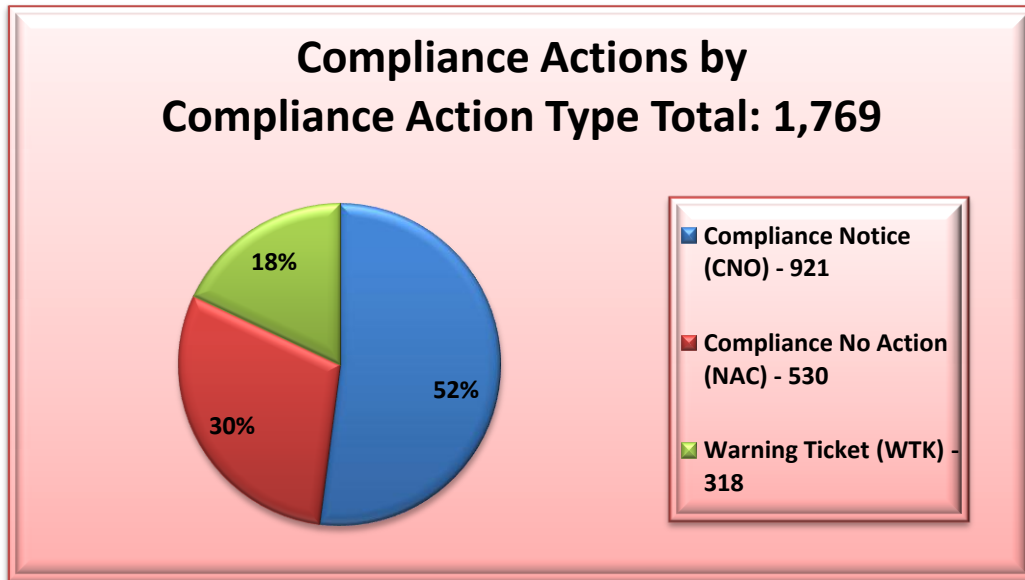
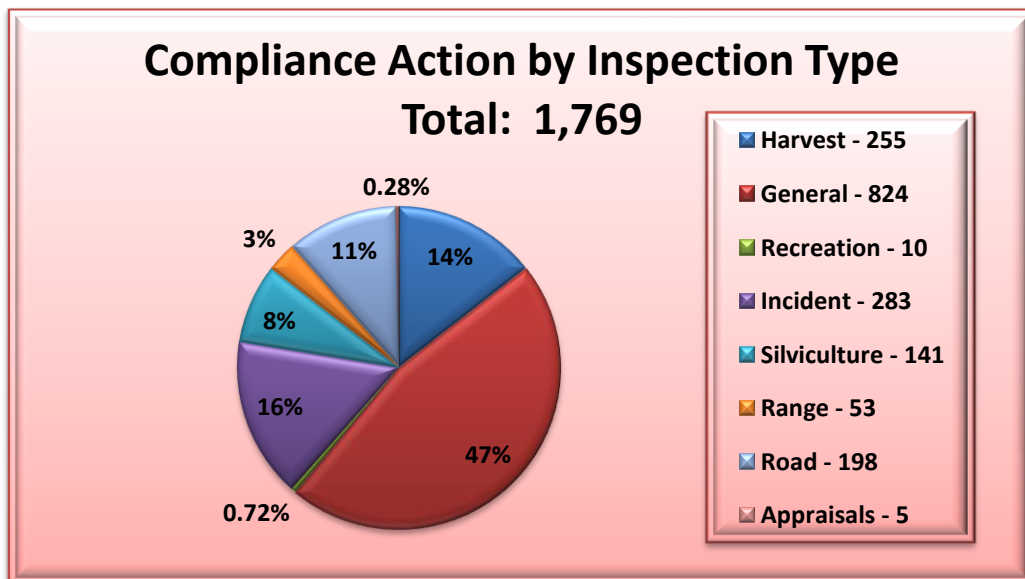


Figure 6: Compliance Action by Inspection Type



# Enforcement

Enforcement actions are used when an official determines that legislation has been contravened and a formal sanction is warranted. For example, an enforcement action may address contraventions that result in loss or damage to the environmental, social or economic values of a site. Individuals and companies subject to enforcement actions have an avenue to appeal these actions.

Enforcement actions include:

**Violation Tickets**

**Monetary Penalties**

**Remediation Orders**

**Licence Suspension**

**Licence Cancellation**

**Orders to Vacate**

**No Action** (although a contravention has been determined, it is not in the public interest to take further action)

**There were 414 enforcement actions taken in 2010-2011.**

A **Stop Work Order** is used by an official to stop a forest, land and/or range practice that the official believes is in contravention of the law. This halts any potential loss or damage to environmental, social or economic values on the site, and allows more time for the official to determine if a contravention has actually occurred. Stop Work Orders are not considered to be a finding of contravention.



**There were four Stop Work Orders issued in 2010-2011.**

**Seizures** (forfeitures) may occur when an official has reasonable grounds to believe that a person has contravened a section of the *Forest Act*, *Land Act*, *Range Act* or *Forest and Range Practices Act*. This halts any potential loss of or damage to environmental, social or economic values, and allows more time for the official to determine if a contravention has actually occurred. Seizures are not considered to be a finding of contravention.

**There were four seizure orders issued in 2010-2011.**

## Violation Tickets and Administrative Penalties

Guilty by Expiry **142**

Guilty by Judgement **10**

Guilty by Payment **114**

**Total Violation tickets issued: 266**

Monetary amount of tickets **\$59,350**

Administrative penalties levied **111**

Monetary amount of penalties **\$115,114**

Figure 7: Enforcement Action by Region

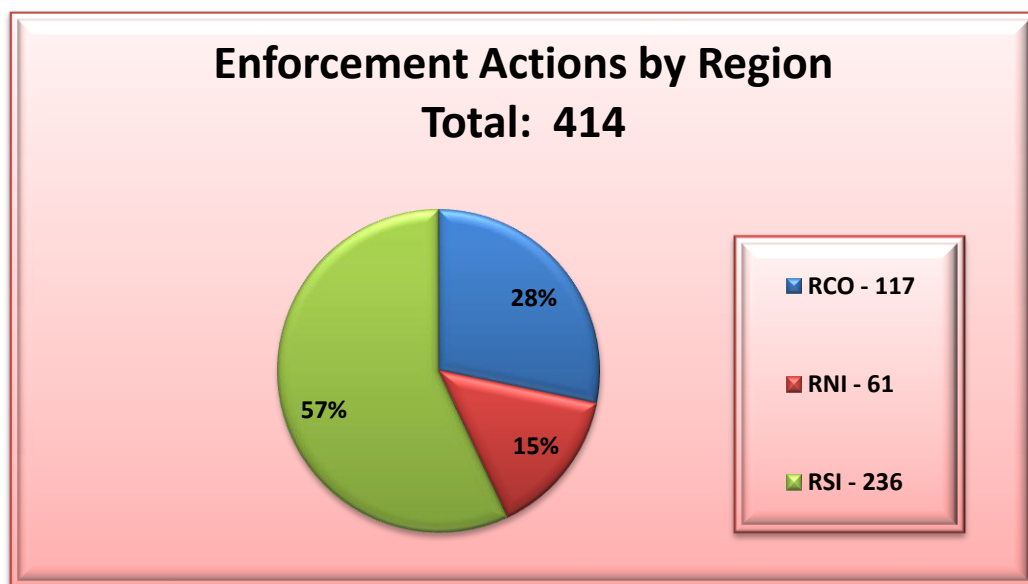
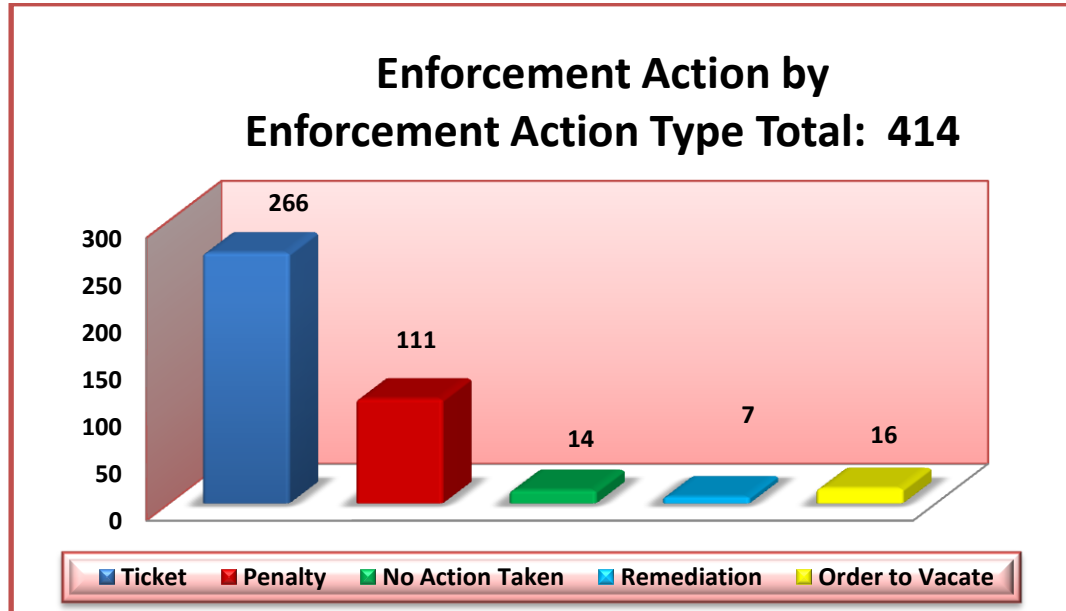


Table 2. Enforcement Actions By Tenure Type

	Major	BCTS	Range	Woodlot	CFL	Road	Recreation	Other	Total
<b>Violation Ticket</b>	17	8	1	2	1	7	2	228	<b>266</b>
<b>Penalties</b>	72	2		16				21	<b>111</b>
<b>No Action</b>	7	2	2	3					<b>14</b>
<b>Remediation</b>	1							6	<b>7</b>
<b>Order to Vacate</b>							7	9	<b>16</b>
<b>Total</b>	97	12	3	21	1	7	9	264	<b>414</b>

**Figure 8: Enforcement Actions by Enforcement Action Type****Figure 9: Top 5 Sections Most Often Contravened**

Legislation	Description
<i>Wildfire Act</i> 10 (3)	Fail to follow order restricting or prohibiting lighting, fuelling or use of open fire.
* FRPA 52(1)	Cut, damage or destroy Crown timber without authority.
BC Code <i>SILV</i> 8 (4)	Use of Seed and Vegetative Material (4) Without limiting subsection (2) or (3), the person must not exceed the limits for seed or vegetative material transfer specified in the Ministry of Forests' publication, "Seed and Vegetative Material Guidebook", as amended from time to time, unless otherwise permitted by the district manager.
<i>Wildfire Act</i> 5 (1)	Light, fuel or use of open fire in or within 1 km of forest or grass land by a person.
BC Code <i>THSP</i> 46 (a)	Format and timing of Reporting A holder of an agreement under the <i>Forest Act</i> who is required to establish a free growing stand on an area must submit to the district manager, on or before May 31 each year, the following reports: (a) for cutblocks where harvesting was completed for the entire cutblock in the preceding year ending March 31, the completion of harvesting has not yet been reported, and the allowable annual cut is on a volume basis, a report including: (i) Form A identifying the standards that apply to the area contained in a forest development plan, (ii) Forms B and C, and (iii) a map containing the information referred to in section 48 (1) (a) to (h);

\* FRPA *Forest and Range Practices Act*



# Reviews and Appeals

## What is an appeal?

If the person against whom a determination is made is dissatisfied with that determination, the person may ask for the decision to be reviewed by a government official when there is new evidence to consider. Alternatively, the person may challenge the determination by submitting a Notice of Appeal to the Forest Appeals Commission (FAC) or, with the restructured ministry, the Environmental Appeal Board (EAB).

The FAC is an independent administrative tribunal that hears appeals of certain decisions made by government officials under the *Code*, the *Forest Act*, the *Forest Range and Practices Act*, the *Private Managed Forest Land Act*, the *Range Act* and the *Wildfire Act*. The commission is required to make recommendations to the Lieutenant Governor in Council (cabinet) about review and appeal procedures under these statutes.

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

The Environmental Appeal Board was established under the [Environmental Management Act](#). It is an independent agency that hears appeals of certain decisions made by government officials related to environmental issues. Among other topics, these decisions may involve water licences, contaminated site remediation orders, pesticide permits and the cancellation of hunting licences.

The Environmental Appeal Board plays a role in ensuring protection and wise use of the environment, by providing a quasi-judicial access point for the public and industry to appeal certain government decisions. Acts and regulations considered by the EAB include the *Environmental Management Act* (Royal Assent - October 23, 2003), the Environmental Appeal Board Procedure Regulation, the *Greenhouse Gas Reduction (Cap and Trade) Act*, the *Greenhouse Gas Reduction (Renewable and Low Carbon Fuel Requirements) Act*, the *Integrated Pest Management Act*, the [Water Act](#) and the [Wildlife Act](#).

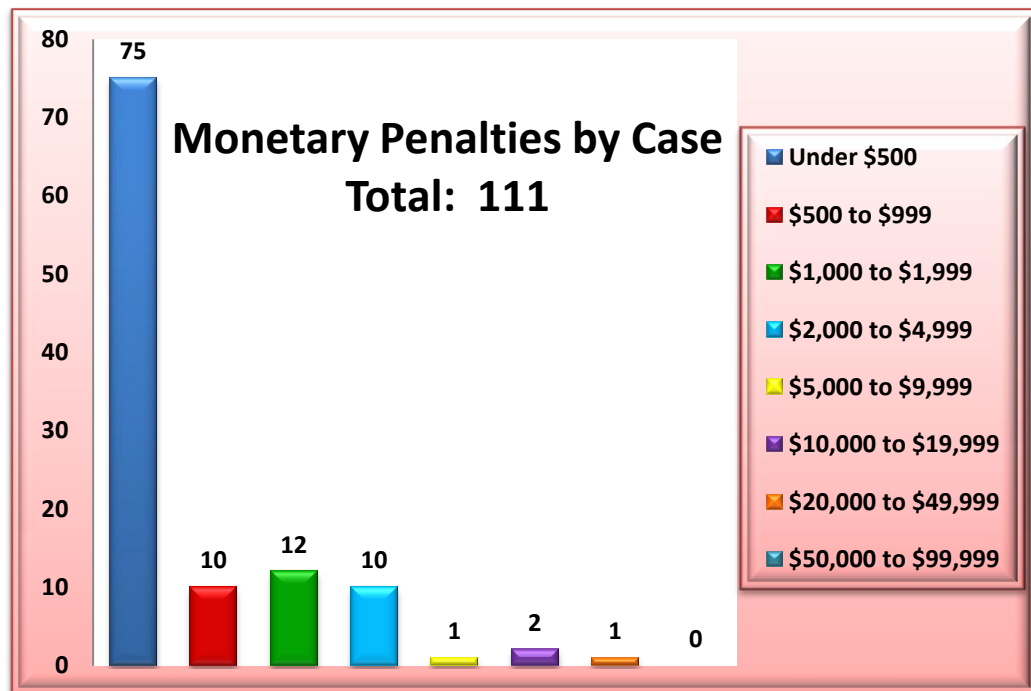
For more information about the Environment Appeal Board, visit <http://www.eab.gov.bc.ca/>

# Monetary Penalties

Monetary penalties may be applied by a Statutory Decision-Maker if he/she has determined that an individual or licensee has contravened the legislation. Monetary penalties should not be confused with fines that may be imposed by the courts if a licensee is convicted of an offence.

The *Forest and Range Practices Act* (FRPA) also provides the authority whereby government officials may pursue the recovery of any economic gain resulting from a person's act or omission that would have been a contravention or an offence if it were not for the successful application of one of the defences of due diligence, mistake of fact or officially induced error. It is worth noting that this is not considered to be a monetary penalty.

Figure 10: Summary of Monetary Penalties by Case



# Statistics

## Major Licensees

For the purposes of this annual report, [Major Licensees](#) are defined as companies that are holders of tenures and considered to be major licensees by the ministry.

Statistics	Number	% of Total
Number of Inspections	1,711	19.76%
Number of Compliance Actions	197	11.14%
Number of Enforcement Actions	97	23.43%

Major Licensees involve the following: Tree Farm Licences, Timber Licences, Forest Licences, Pulpwood Agreements and other agreements specified as Major.

## Timber Sales Licensees

Statistics	Number	% of Total
Number of Inspections	551	6.36%
Number of Compliance Actions	113	6.39%
Number of Enforcement Actions	12	2.90%

Timber Sale Licensees involve the following: Competitive Timber Sale Licences, Value-added Timber Sale Licences and roads associated with Timber Sales Licences.

## Range Licensees

Statistics	Number	% of Total
Number of Inspections	184	2.12%
Number of Compliance Actions	57	3.21%
Number of Enforcement Actions	3	0.73%

Range Licensees involve the following: Range Licences, Grazing Permits/Licences and Hay Cutting Permits/Licences.

## Woodlot Licensees

Statistics	Number	% of Total
Number of Inspections	344	3.97%
Number of Compliance Actions	125	7.07%
Number of Enforcement Actions	21	5.07%

Woodlot Licensees include an individual or a company that holds a licence to manage and harvest timber from a woodlot. A woodlot may be made up of both Crown land and private land.

## Community Forest Agreement Holders

Statistics	Number	% of Total
Number of Inspections	37	0.43%
Number of Compliance Actions	5	0.28%
Number of Enforcement Actions	1	0.24%

Community Forest Agreement Holder statistics include activities related to Community Forest Agreements and roads associated with Community Forest Agreements.

## Road Licensees

Statistics	Number	% of Total
Number of Inspections	895	10.33%
Number of Compliance Actions	213	12.04%
Number of Enforcement Actions	7	1.69%

Road Licensees involve the following: Road Permits, Forest Service Roads, Road Use Permits, Non-Status Use of Provincial Roads.

## Other Licensees/Non-Tenure Holders

Statistics	Number	% of Total
Number of Inspections	4,612	53.25%
Number of Compliance Actions	1,038	58.68%
Number of Enforcement Actions	264	63.77%

Other licensees and non-tenure holder statistics involve: Licences to Cut, Special Use Permits, Free Use Permits, Christmas Tree Permits, Private Lands, Log Salvage, Small Scale Salvage and Non-Tenure Holders.

## Recreation

Statistics	Number	% of Total
Number of Inspections	327	3.78%
Number of Compliance Actions	21	1.19%
Number of Enforcement Actions	9	2.17%

Recreation involves: Use of Recreation Sites, Recreation Trails and [Interpretive Forest Sites](#).

# Government Non-Compliance Statistics

In keeping with ministry policy, this section reports on the number of incidents of [significant government non-compliance](#) (as determined by a senior official during the reporting period) and the nature of any contraventions. Significant government non-compliance is defined as not being trivial or inconsequential in nature.

**One incident of significant government non-compliance was identified during the 2010-2011 reporting period.**





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# Glossary

## BCTS (British Columbia Timber Sales)

BCTS licensees are individuals or companies that have been issued licences by BC Timber Sales via competitive auctions. BC Timber Sales is an independent organization within the B.C. Ministry of Forests, Lands and Natural Resource Operations that was created to market Crown timber through competitive auctions to establish a market price and capture the value of the asset for the public. The vision of BC Timber Sales is to be “an effective timber marketer generating wealth through sustainable resource management.”

## C&E Program

The Compliance and Enforcement (C&E) program is the law enforcement arm of the Ministry of Forests, Lands and Natural Resource Operations.

The purpose of the C&E program is to ensure that forest, land, water, wildlife and range laws are being followed in B.C.’s public forests and to take action where there is non-compliance.

## Community Forest Agreement Holder

A First Nation, municipality, regional district or other organization that has met prescribed requirements and has entered into an agreement with the Crown to manage an allowable annual cut (AAC) in a specific area.

## Compliance Action

Compliance actions include No Action, Compliance Notices and Warning Tickets.

A compliance action is only appropriate if all of the elements of a contravention could be proven (if necessary, through the formal enforcement process), but the severity of the alleged contravention does not warrant a formal enforcement action.

## Compliance Information Management System (CIMS)

CIMS is a web-based database application that serves as the ministry’s record of inspection activities and compliance actions. Staff use CIMS to document risk evaluations, inspection plans and inspections.

## Compliance, No Action

A Compliance No Action is given when an official finds that a contravention has occurred, but no action is required to bring the party or parties responsible back into compliance with the legislation. Of the three compliance actions (No Action, Compliance Notice and Warning Ticket), this is the least formal.

## Compliance Notice

A Compliance Notice is given when an official finds that a contravention has occurred and the official believes that the party or parties responsible should be given a written notice of the contravention for their records, but no formal action needs to be taken.

## Contravention

A contravention occurs when an individual or company has not complied with the law (i.e. they have contravened a legal requirement). Alleged contraventions are investigated and may result in a formal determination of contravention.

## Crown Land

Crown land is land that is owned by the people of British Columbia, also known as public land. Approximately 92 per cent of the province is Crown land and is managed by the B.C. government.

## Delegated Decision-Maker

A delegated decision-maker (ADM) is the most common type of statutory decision-maker in our ministry. A person is a delegated decision-maker if he or she has been properly delegated powers and/or duties under an Act to make a statutory decision that the legislature gave to someone else, usually the minister.

## Due Diligence

Due diligence refers to the amount of care that a person is required to take in any given situation. For the defence of due diligence to apply, an alleged contravener must have taken all reasonable care to avoid committing the prohibited act. The degree of care required increases with the potential seriousness of the foreseeable harm.

## Enforcement Action

When a determination is made that legislative requirements have been contravened and a formal sanction is warranted, an enforcement action is taken against the party or parties involved. Enforcement actions may include violation tickets, monetary penalties and remediation penalties, as well as other steps as deemed appropriate by the decision-maker. Parties subject to enforcement actions have an avenue to appeal those actions.

## Enforcement Action, Administrative Review and Appeal Tracking System (ERA)

ERA is a web-based database application that serves as the ministry's record of enforcement activities. ERA documents the cases that arise from alleged contraventions of the acts and regulations enforced by the ministry, including the investigation details, determinations, enforcement actions and all appeals on cases.

## Environmental Assessment Act (EAA)

The *Environmental Assessment Act* (EAA) is the legal framework for the province's environmental assessment (EA) process for proposed major projects. The EAA is supported by several regulations (including the Reviewable Projects Regulation) and a variety of policy, procedure and technical guidelines.

Once a project is reviewed and approved, the proponent is granted an EA certificate by two provincial ministers (one of which is the Minister of Environment). This approval is required before any decisions can be made on permits and other approvals required to construct and operate a large-scale project in B.C.

### *Environmental Management Act (EMA)*

The *Environmental Management Act* (EMA) combines the *Waste Management Act* and the *Environment Management Act* to provide a more organized, single piece of legislation. The EMA provides innovative tools for environmental protection, such as Area-Based Planning and Administrative Monetary Penalties.

EMA includes provisions that make changes to the contaminated sites regime in response to the Minister's Advisory Panel on Contaminated Sites and stakeholder consultations.

### *Forest Act (FA)*

The *Forest Act* provides authority for the cutting and removal of timber.

### *Forest and Range Practices Act (FRPA)*

The *Forest and Range Practices Act* and its regulations govern the activities of forest and range licensees in B.C. The statute sets out the requirements for planning, road building, logging, reforestation and grazing.

### *Forest Crime*

Forest crime is the violation of provincial or federal law (Criminal Code) and includes fraud, theft, arson and mischief.

### *Forest Practices Code of British Columbia Act (FPC, or the Code)*

Much of the *Forest Practices Code of British Columbia Act* has been repealed as a result of the implementation of the *Forest and Range Practices Act* and the *Wildfire Act*. The remaining provisions of the Code primarily relate to the issuance of special use permits to permit the use and occupation of Crown land, as well as the continuation of the Forest Appeals Commission.

### *Forest Licensee*

A holder of a forest tenure licence or agreement that is engaged in activities related to harvesting Crown timber.

### *Forest Service Road (FSR)*

A road on Crown land that: is declared an FSR; is constructed or maintained by the ministry; is historically an FSR; or meets prescribed requirements for an FSR.

### *Government Non-Compliance*

A contravention where the provincial government is the obligation holder.

### *Harvest Volume*

The volume (in cubic metres) of timber harvested from forestry activities on Crown land and on which stumpage was paid.

### *In Compliance*

Compliance is defined as "conforming to a specification, standard or law that has been clearly defined." "To be in compliance" means that the activity is meeting all statutory requirements of relevant standards, regulations and acts.

### *Inspections*

An inspection is a systematic process to confirm compliance with statutory obligations. Inspections are done on a routine basis and may be either planned or spontaneous.

### Interpretive Forest Site

An interpretive forest site is established under Section 56 of the *Forest and Range Practices Act* or Section 6 of the *Forest Practices Code of British Columbia Act*, or is designated under the *Forest Act*.

### Investigation

The process of Compliance and Enforcement staff collecting evidence to determine if a contravention of applicable legislation has occurred.

### Land Act

The *Land Act* covers the disposition and management of Crown Land.

### Licence Cancellation

One of the available enforcement actions for a contravention of forestry legislation is licence cancellation. If, after suspension, the party has not made changes to operate in compliance with the statutes, then the offending party's forest tenure licence may be cancelled.

### Licence Holders

Individuals or companies that hold one (or more) of the many types of forest tenure licences or forms of agreements under the *Forest Act* or the *Range Act*. The C&E Branch divides these licence holders into the following categories:

Major Licensees; BCTS Licensees; Community Forest Agreement Holders; Woodlot Licensees; Range Licensees; and Other Licensees/Non-Tenure Holders.

### Licence Suspension

One of the available enforcement actions for a contravention of legislation is to suspend all or part of the offending party's tenure licence.

### Licence to Cut

A licence allowing a party or parties to harvest timber on Crown land or on private land when the timber has been reserved to the Crown.

### Major Licensee

A licence holder of one of the following types of licences: Forest Licence; Tree Farm Licence; Timber Sale Harvesting Licence; Timber Licence; Pulp Licence; Wood Pulp Lease; Timber Berth; Watershed Agreement; Forestry Licence to Cut with Cutting Permits; Consolidated Timber Licence; Forest Licence, Sec 47.3 F.A.; Forestry Licence To Cut, Sec 47.3 F.A.; and Pulpwood Agreement.

### Mistake of Fact

Mistake of Fact is a defence based on the notion that a person should not be penalized if his or her alleged wrongdoing was the result of honestly relying on information that, if it had been correct, would not have led to a contravention. This defence is not available where persons are wilfully blind, deliberately ignorant, or not competent to carry out the activities.

### Monetary Penalty

One of the administrative remedies available under forestry legislation. A licensee may be assessed a monetary penalty when a delegated decision-maker has determined that the licensee has contravened the law and the defences available (due diligence, officially induced error and mistake of fact) do not apply. Monetary penalties should not be confused with fines that can be imposed by a court if a licensee is prosecuted and convicted of an offence.

### Objectives

The government may set objectives in relation to one or more of the following subjects: (a) soils; (b) visual quality; (c) timber; (d) forage and associated plant communities; (e) water; (f) fish; (g) wildlife; (h) biodiversity; (i) recreation resources; (j) resource features; or (k) cultural heritage resources. This may be done to protect or manage those values on behalf of the public. Forest Stewardship Plans must be consistent with the objectives set by government.

### Official

An employee of the Ministry of Forests, Lands and Natural Resource Operations who is designated by name or title to be an official by the Minister of Forests, Lands and Natural Resource Operations for the purpose of upholding the provisions of forestry legislation.

### Officially Induced Error

A defence where an accused may have committed a contravention or offence as a result of relying on an erroneous legal opinion or advice from an official who is responsible for the administration of that particular law.

### Opportunity to be Heard (OTBH)

An administrative hearing where a person has the right to present facts in his or her defence regarding an alleged contravention of the legislation. An OTBH is heard by a delegated decision-maker prior to making a determination.

### Orders to Vacate

This form of enforcement action is specific to a recreation site, trail or forest interpretive site, and requires the person receiving the order to leave the area by a specified time and for a specified period of time.

### Prosecution

Prosecutions are undertaken as a provincial judicial process when an individual or company that allegedly contravened the law is prosecuted in the courts. Prosecutions can only be carried out on sections of legislation that designate offences.

### Range Act

The *Range Act* authorizes the ministry to allocate and administer the use of range resources by the livestock industry through grazing and hay cutting agreements that provide revenue to the government.

### Range Licensees

Individuals or companies that hold one or more range tenure licences or agreements.

### RCO

RCO is the code for the Coast Forest Region.

## Regulated Community

All persons whose activities on Crown land are regulated by forestry and range legislation.

## Remediation Order

One of the administrative remedies available under legislation is a remediation order. It is used when work is needed to remedy the contravention and/or repair environmental damage caused by the contravention. A licensee may be assessed a remediation order when a delegated decision-maker has determined that the licensee has failed to meet a statutory requirement and the defences available (due diligence, officially induced error and mistake of fact) do not apply.

## RMC

Resource Management Co-ordination.

Vision: The co-ordination of people and resources for excellence in service delivery. Long-term solutions through increased co-ordination and collaboration in the natural resource sector of government.

## RNI

RNI is the code for the Northern Interior Forest Region.

## RSI

RSI is the code for the Southern Interior Forest Region.

## Risk Evaluation

A formal process that C&E undertakes to evaluate forest, land, water, wildlife or range practice risks. The evaluation looks at social, economic and environmental values, as well as the objectives of the Crown.

## Statutory Obligation

An obligation that is required by legislation. A duty, task or responsibility that must be completed or carried out as specified through legislation.

## Statutory Decision-Maker

A statutory decision-maker is a person who makes a decision that is authorized by statute. The person may be named by position or title in the Act or regulation, or might be delegated by someone else who was named by position or title in the Act or regulation, or might have been designated by someone who was named by position or title in the Act or regulation.

## Seizure

Seizures (forfeitures) may occur when an official has reasonable grounds to believe that a person has contravened a section of applicable legislation. This halts any potential loss or damage to environmental, social or economic values, and allows time for the official to determine if a contravention has actually occurred. Generally, seizures may involve timber, lumber, special forest products, tree seeds, hay, chattels or livestock. Seized items may be returned, released, sold, destroyed or disposed of in another manner. A seizure is not considered to be a finding of contravention.



### Stop Work Order (SWO)

Stop Work Orders are used by officials to order a licensee or person to stop a forest, land or range practice or other activity that the official believes is in contravention of applicable legislation. An SWO is not considered to be a finding of contravention.

### Unauthorized Harvest

A situation where Crown timber is being (or has been) cut, damaged, destroyed or transported without appropriate authorization.

### Violation Ticket

A violation ticket may be issued for contravening specified sections of provincial legislation, and it carries a specific monetary fine. A violation ticket is a form of prosecution under the *Offence Act*.

### Warning Ticket

A warning ticket is issued when an official finds that a contravention has occurred and the party or parties responsible should be given a warning. A warning ticket can be given for any contravention for which a violation ticket could be issued. However, it is not a formal finding of contravention and there is no monetary fine.

### Water Act

The *Water Act* governs the allocation and management of water resources.

### Wildfire Act

In March 31, 2005, the *Wildfire Act* replaced the forest fire prevention and suppression provisions of the *Forest Practices Code of British Columbia Act* by moving those provisions into a standalone act and more clearly defining the specific responsibilities of all users of the forest with respect to fire.

### Wildlife Act

The *Wildlife Act* governs the management of wildlife, hunting and angling.

### Woodlot Licensee

An individual or company that holds a licence to manage and harvest timber from a woodlot. A woodlot may be made up of both Crown and private land.