



Ministry of Forests, Lands and Natural Resource Operations Compliance and Enforcement Branch

Annual Report 2012

For fiscal year ended March 31, 2013

Statistics for Compliance and Enforcement Branch activities as recorded by the Ministry of Forests, Lands and Natural Resource Operations from April 1, 2012 through March 31, 2013.

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Introduction

The 2012/2013 Compliance and Enforcement Branch Annual Report was produced by the Ministry of Forests, Lands and Natural Resource Operations¹. It contains information on inspections², compliance actions and enforcement actions related to legislation governing forest, land, range, water and natural resource activities.

Natural resource activities in British Columbia are regulated by a range of legislation. This year, the new Natural Resource Compliance Act established a new designation for compliance and enforcement personnel (Natural Resource Officer) that authorizes them to enforce a broader range of legislation across the natural resource sector.

In this report, information about 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 those acts. Over the past year, the Integrated Resource Operations Division kept moving ahead with its “one land” vision for the ministry. Enforcement responsibility for the Land Act, Water Act, Wildlife Act and many other acts have been delegated to the Compliance and Enforcement Branch, as it continues to work collaboratively with other ministries and agencies.

This report contains statistics gathered from the Compliance and Enforcement program’s two information systems:

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

This annual report covers compliance and enforcement activities for the period from April 1, 2012 to March 31, 2013 and it also serves as a follow-up to previous compliance and enforcement annual reports. It covers compliance and enforcement activities related to forest, land, water and range activities carried out by 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 other stakeholders in the regulated community. The regulated community consists of everyone whose activities on Crown land are regulated by forestry and range legislation.

Key Statistics

April 1, 2012 to March 31, 2013:

7,278	Inspections were recorded
401	Enforcement Actions were taken
6	Stop Work Orders were issued
20	Seizure Orders were issued
1,656	Compliance Actions were taken

¹ Electronic copies of this report are available from the ministry’s Compliance and Enforcement Branch or on the government website at: www.for.gov.bc.ca/hen/reports.htm 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 Underlined words in this report are defined in the glossary at the end of this document.

Service Plan Report Final Statistics

Work continues to monitor and enforce compliance with ministry statutes, as B.C.'s natural resource ministries work together to modernize and streamline natural resource policies, regulations and legislation. Expanded responsibilities of the Compliance and Enforcement Branch have enhanced natural resource stewardship through effective compliance and enforcement actions, including: major projects monitoring; Crown land tenures and trespass; dam safety; forestry and range practices; and actions that support effective wildlife management.

Ongoing collaboration between ministries and agencies support a consistent compliance and enforcement framework and identity within the Integrated Resource Operations Division of the Ministry of Forests, Lands and Natural Resource Operations. These strategies promote the effective stewardship of the province's natural resources and ecosystems (including the management of water quality and quantity, fish and wildlife habitat, and species at risk), while ensuring that the government's management practices can adapt to changing climate conditions.

Goal: Co-ordinated and sustainable management, use and stewardship of B.C.'s natural capital.

Objective: The development and use of natural resources are accomplished within the standards set out in the ministry's legislative and regulatory framework.³

Service Plan Report Performance Measure 3: Monitoring statutory requirements within the resource management sector⁴

Percentage of regulated community that is complying with statutory requirements ⁵	88.1%
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Data source: Ministry of Forests, Lands and Natural Resource Operations' Compliance Information Management System (CIMS).

³ The government's management framework for the natural resource sector was restructured over the past few years and the ministry's compliance and enforcement obligations were expanded significantly beyond forest-related acts and regulations. The branch is now also responsible for enforcing statutes such as the *Land Act*, *Water Act* and *Wildlife Act*.

⁴ The title of this performance measure was changed over the last two years. In the 2011 plan, the title was "Compliance with resource laws" and in the 2012 plan it was "Meeting management and use standards".

⁵ The "regulated community" includes all operators (including licensees and contractors, both public and government) that are subject to statutory obligations that fall within the ministry's mandate.

Inspections

Inspections and site visits are conducted regularly to determine whether forest, land, water and range activities are being conducted in compliance with legislation that falls within the branch's mandate.

Since it's not possible to inspect every forest, water, land, wildlife and range activity, compliance and enforcement staff evaluate the risks associated with various types of sites and activities and then

prioritize their inspections to focus on activities with a higher social, economic or environmental risk.



The Compliance and Enforcement Branch's Natural Resource Officers (NROs) conduct various types of inspections, based on the regional business plan priorities for each of the ministry's administrative regions.

They include inspections related to forest, range, land, water, wildfire and other priorities with various ministries or agencies (such as the Environmental Protection Office or the Environmental Assessment Office) for inspections related to petroleum storage, integrated pest management, landfills, vehicle dismantling, asphalt plants, spill response, fish passage, etc.).

Other types of inspections involve harvest, road, silviculture, range and recreation activities. Compliance and Enforcement officials also follow up on submitted reports of incidents.



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

April 1, 2012 to March 31, 2013

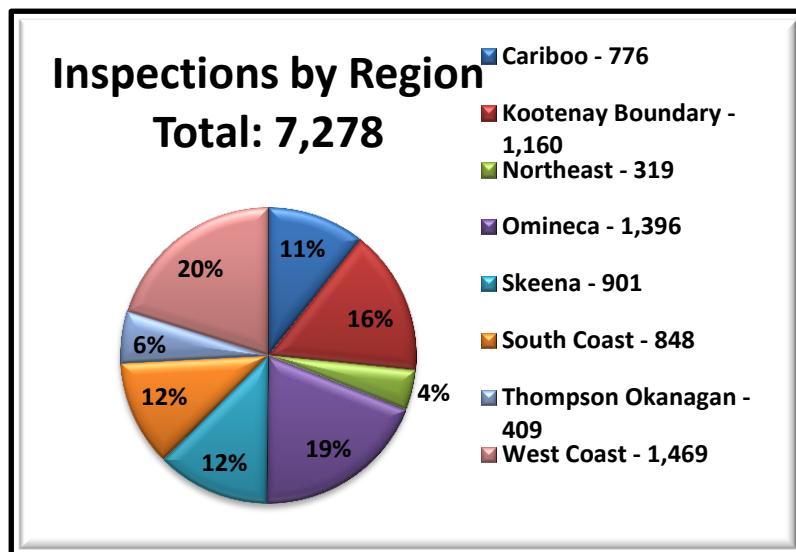
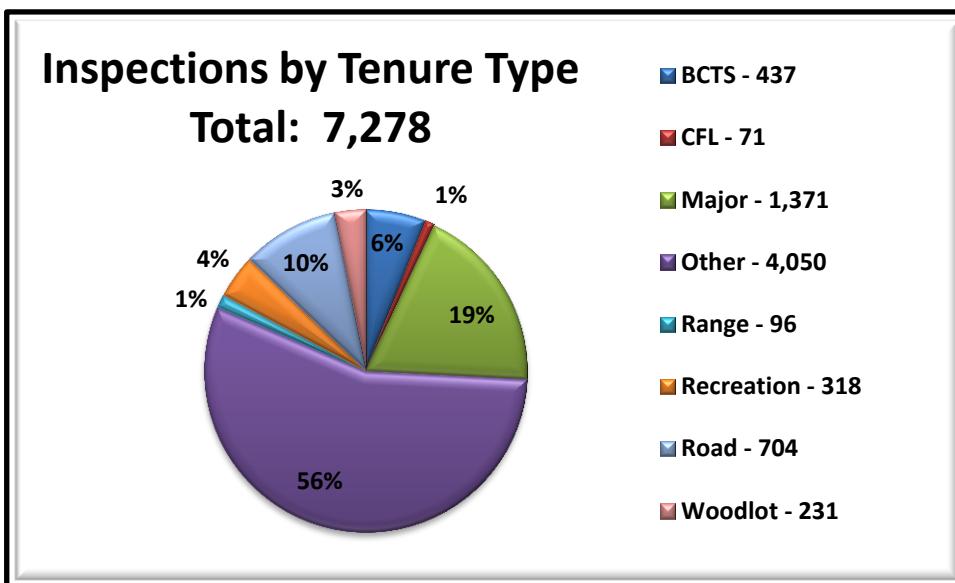


Figure 2: Inspections by Tenure Type

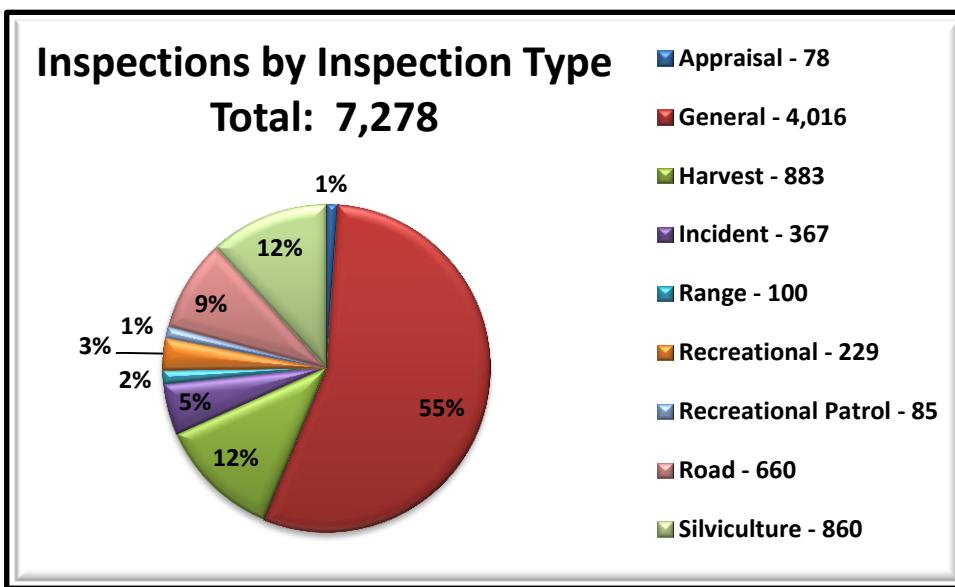
April 1, 2012 to March 31, 2013



The “Other” category in the chart above encompasses all other natural resource sector business areas, including tenures administered under the *Land Act* and the *Water Act*, and work completed in conjunction with the Environmental Assessment Office (EAO).

Figure 3: Inspections by Inspection Type

April 1, 2012 to March 31, 2013



The “General” category in the chart above encompasses all other natural resource sector business areas, including tenures administered under the *Land Act* and the *Water Act*, and work completed in conjunction with the Environmental Assessment Office (EAO). Examples of offences that fall into the “Incident” category would be: unauthorized removal of trees; unauthorized fire use; allowing cattle to wander onto a neighbouring grazing area; and using heavy equipment in a stream.



Profile: *Natural Resource Compliance Act* and new Natural Resource Officer designation

The *Natural Resource Compliance Act* (NRCA) came into effect in March 2012. This act makes it easier for compliance and enforcement officers to hold offenders accountable for violating natural resource legislation. NRCA builds on the government's vision of an integrated approach to land-based management and expands the work that the ministry has already done to streamline inspection and enforcement procedures.

NRCA applies to specific acts in the natural resource sector, including the *Forest and Range Practices Act*, *Forest Act*, *Wildfire Act*, *Wildlife Act*, *Park Act* and *Water Act*.

The integration of NRCA is ongoing, since each of the affected acts has unique compliance and enforcement provisions which must be aligned with the provisions of other acts. The Natural Resource Compliance Initiative will harmonize the compliance and enforcement regime related to inspections, rights of entry, prosecutorial processes, appeals and administrative penalties for these natural resource statutes.

NRCA also established a new staff designation: Natural Resource Officer (NRO). This designation came into effect on June 1, 2012. NROs have been provided new shoulder crests

for their uniforms, badges, identification cards and signage for fleet vehicles.

Previously, compliance and enforcement officers could only enforce legislative acts that they were specifically designated to uphold, but now there is a streamlined process for making those designations. As Natural Resource Officers, they are now able to enforce a broader range of statutes, resulting in quicker response times and improved effectiveness in the field. This single-designation process means that staff can take action more quickly and efficiently to deal with violations that involve more than one natural resource act. A single natural resource officer can now respond to such incidents, instead of the three or four staff that may have been required previously.

Officials from other government agencies, such as BC Parks staff, can now help enforce Ministry of Forests, Lands and Natural Resource Operations legislation, resulting in better on-the-ground coverage.

Amendments were also made to the *Special Accounts Appropriation and Control Act* and the Environmental Remediation Sub-Account to help harmonize compliance and enforcement activities under the ministry's mandate.



Compliance

During the course of an inspection or site visit, an NRO may find incidents of alleged non-compliance with natural resource legislation where an individual or a company may have acted in a manner that violated the law. Alleged non-compliance may be found during an inspection or identified from other sources (such as tips from the public or ministry staff, or self-reporting by licensees).



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

What are compliance actions?

Compliance action categories include “Compliance No Action”, “Compliance Notice” and “Warning Ticket”. Compliance actions are 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.

Compliance actions include:

Compliance, No Action

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

Compliance Notice

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

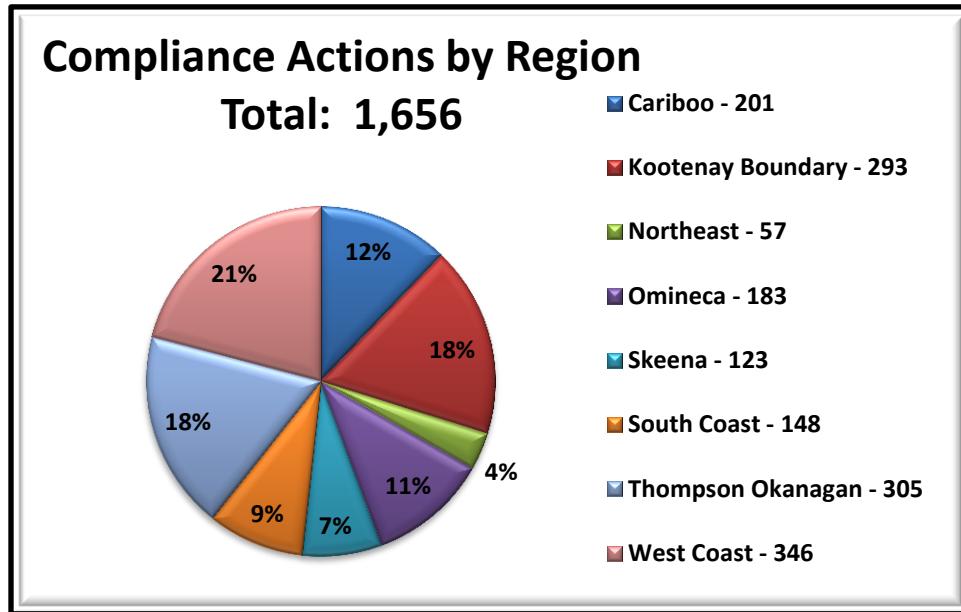
Warning Ticket

A warning ticket is issued when an official finds that a contravention has occurred and determines that the party or parties responsible should be given a warning. It 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.



Figure 4: Compliance Actions by Region

April 1, 2012 to March 31, 2013

**Table 1. Compliance Actions by Tenure Type**

April 1, 2012 to March 31, 2013

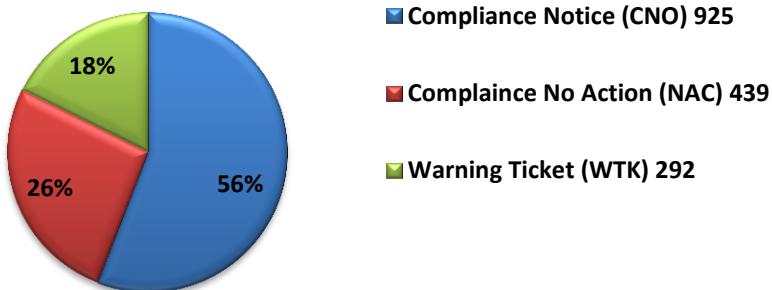
	BCTS	CFL	Major	Other	Range	Recreation	Road	Woodlot	Total
Compliance Notice	53	3	88	515	41	15	159	51	925
Compliance No Action	13	4	41	337	2	3	21	18	439
Warning Ticket	5		5	269	6	2	4	1	292
Total	71	7	134	1,121	49	20	184	70	1,656

Figure 5: Compliance Actions by Compliance Action Type

April 1, 2012 to March 31, 2013

Compliance Actions by Compliance Action Type

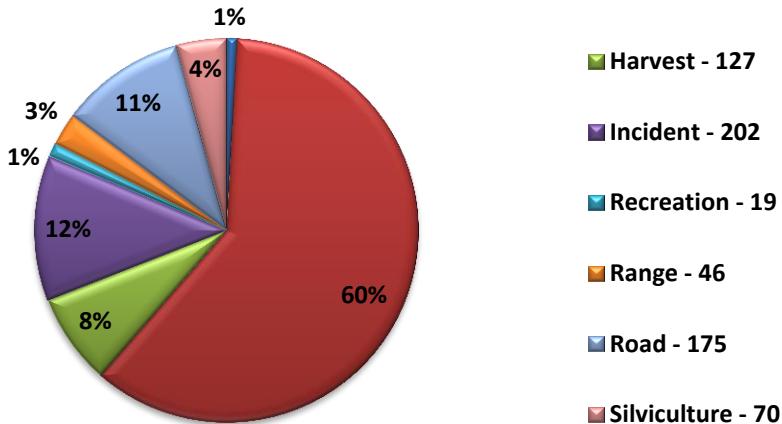
Total: 1,656

**Figure 6: Compliance Actions by Inspection Type**

April 1, 2012 to March 31, 2013

Compliance Action by Inspection Type

Total: 1,656



The “General” category in the chart above encompasses all other natural resource sector business areas, including tenures administered under the *Land Act* and the *Water Act*, and work completed in conjunction with the Environmental Assessment Office (EAO). Examples of offences that fall into the “Incident” category would be: unauthorized removal of trees; unauthorized fire use; allowing cattle to wander onto a neighbouring grazing area; and using heavy equipment in a stream.

Enforcement

Enforcement actions are used when an NRO determines that legislation has been contravened and a formal sanction is warranted.

For example, an enforcement action may address contraventions that result in loss of or damage to the environmental, social or economic values of a site. Individuals and companies that are subject to enforcement actions have an avenue to appeal these actions.

Enforcement actions include:

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.

Monetary Penalty

One of the administrative remedies available under some legislation is a monetary penalty. 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, which can be imposed by a court if a licensee is prosecuted and convicted of an offence.

Remediation Order

One administrative remedy 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 issued 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.

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 Cancellation

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

Violation Tickets and Administrative Penalties

Guilty by Expiry	149
Guilty by Judgement	14
Guilty by Payment	96
Total Violation tickets issued:	259
Monetary amount of tickets	\$48,975
Administrative penalties levied	89
Monetary amount of penalties	\$29,267



Order to Vacate

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

No Action

A contravention has been determined, but it is not in the public interest to take further action.

There were **401 enforcement actions** taken in 2012-2013.

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

Six stop work orders were issued in 2012-2013.

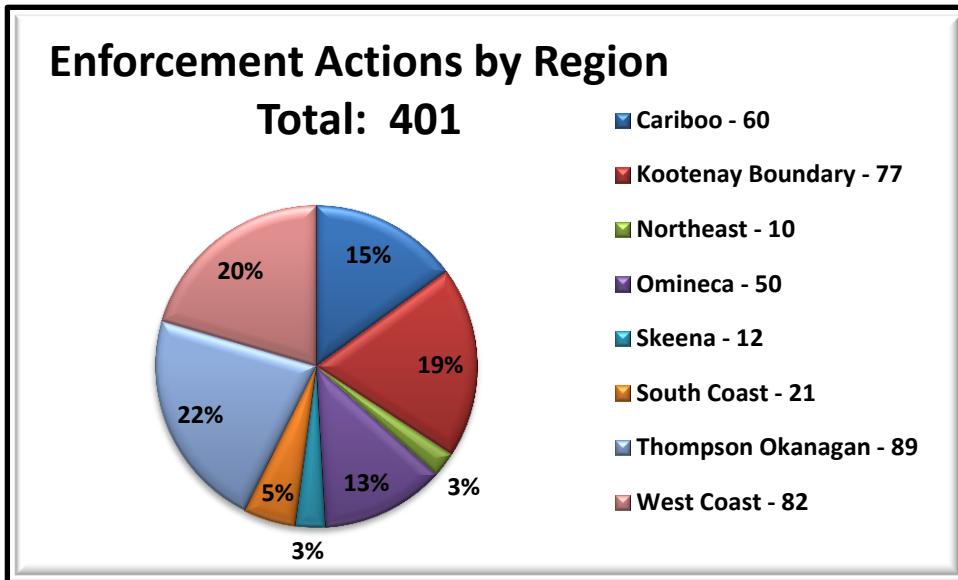
A **Seizure** (forfeiture) may occur when an official has reasonable grounds to believe that a person has contravened the *Forest Act*, *Land Act*, *Range Act* or *Forest and Range Practices Act*. This halts potential loss of or damage to environmental, social or economic values and gives the official more time to determine if a contravention has actually occurred. A seizure is not considered to be a finding of contravention.

Twenty seizure orders were issued in 2012-2013.



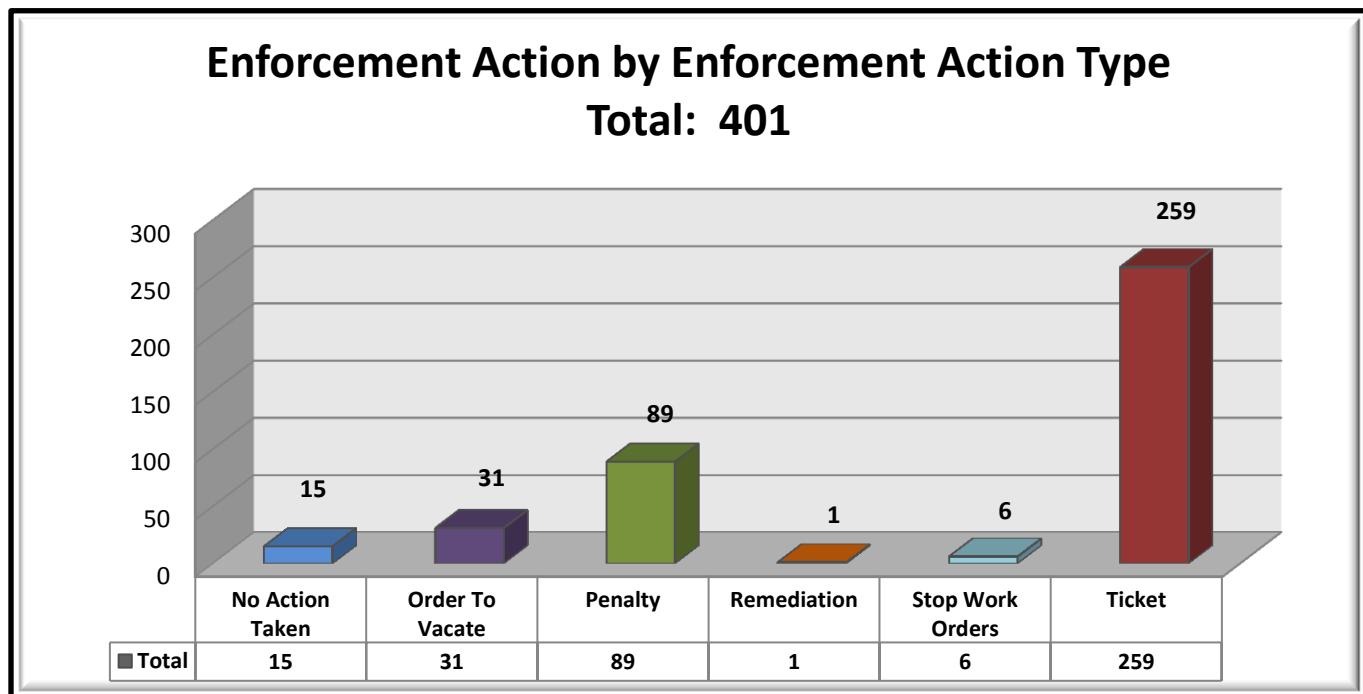
Figure 7: Enforcement Actions by Region

April 1, 2012 to March 31, 2013

**Table 2. Enforcement Actions by Tenure Type**

April 1, 2012 to March 31, 2013

	BCTS	CFL	Major	Other	Range	Recreation	Road	Woodlot	Total
No Action	15								15
Order to Vacate				21		10			31
Penalties	10	16	41	17				5	89
Remediation								1	1
Stop Work Order			1	1			3	1	6
Tickets	7	1	14	216	3	3	11	4	259
Total	32	17	56	255	3	13	14	11	401

Figure 8: Enforcement Actions by Enforcement Action Type**Figure 9: Top Six Sections of Legislation Most Often Contravened**

Legislation	Description
FRPA* 52(1)	Cut, damage or destroy Crown timber without authority
FRPA* 86(3)	Fail to submit annual report regarding updated forest cover inventory
Wildfire Act 10(3)	Fail to follow order restricting or prohibiting lighting, fuelling or use of open fire
Forest Act 84(1)	Fail to use a timber mark for stored or transported unscaled timber
Forest Act 84(3)	Fail to conspicuously use a timber mark for unscaled timber being stored or transported
FSRUR** 4	Speed on Forest Service Road

*Forest and Range Practices Act

**Forest Service Road Use Regulation

Reviews and Appeals

What is an appeal?

If a person is dissatisfied with a determination that's been made, he or she may ask for the decision to be reviewed by a 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 the Environmental Appeal Board.

The Forest Appeals Commission (FAC) is an independent administrative tribunal that hears appeals of certain decisions made by government officials under the *Forest Practices Code of British Columbia Act* (often referred to as "the Code"), the *Forest Act*, the *Forest and Range Practices Act*, the *Private Managed Forest Land Act*, the *Range Act* or 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 (EAB) 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 use permits and the cancellation of hunting licences.

The Environmental Appeal Board plays an important role in ensuring the 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 that may be considered by EAB include the *Environmental Management Act*, 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 Environmental Appeal Board, visit <http://www.eab.gov.bc.ca>



Monetary Penalties

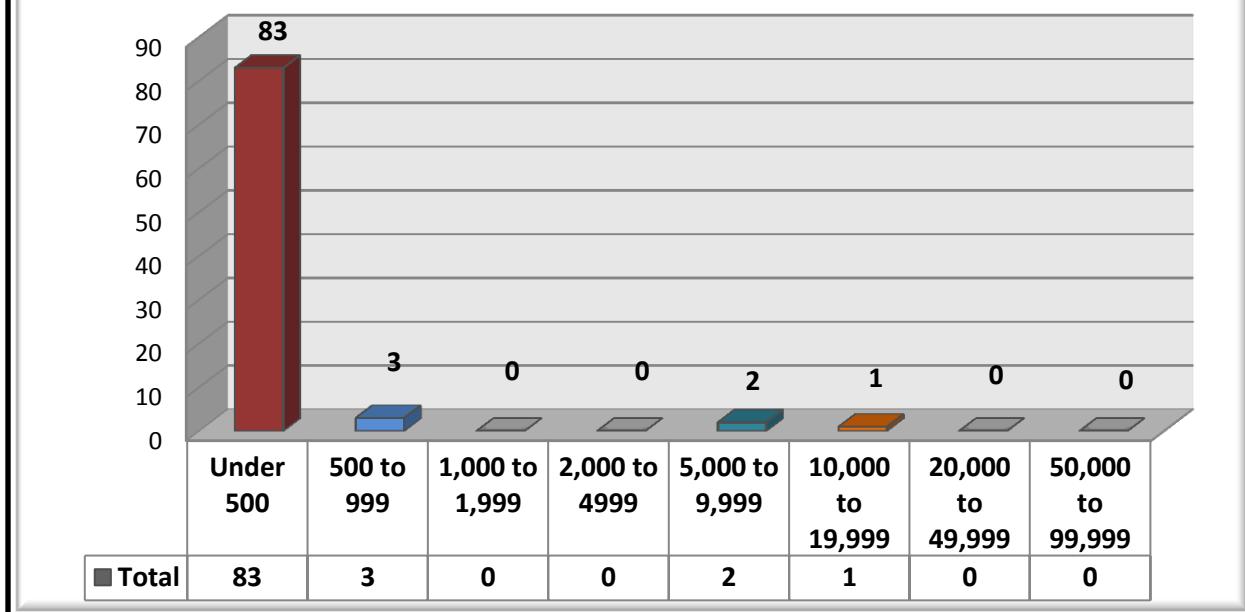
Monetary penalties may be applied by a **Statutory Decision Maker** if he or she has determined that an individual or licensee has contravened legislation. Monetary penalties should not be confused with fines, which may be imposed by the courts if a licensee is convicted of an offence.

The *Forest and Range Practices Act* gives government officials the authority to 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".

Figure 10: Summary of Monetary Penalties by Case

April 1, 2012 to March 31, 2013

Monetary Penalties by Case Total: 89



Licensee Statistics:

Major Licensees

For the purposes of this annual report, **Major Licensees** are defined as companies that are tenure holders of large forest tenures, such as tree farm licences, timber licences, replaceable forest licences, pulpwood agreements and other “major” agreements.

Statistics	Number	% of Total
Number of Inspections	1,371	18.84%
Number of Compliance Actions	134	8.09%
Number of Enforcement Actions	56	13.97%

Timber Sales Licensees

Statistics	Number	% of Total
Number of Inspections	437	6.00%
Number of Compliance Actions	71	4.29%
Number of Enforcement Actions	32	7.98%

Timber Sale Licensees are the successful bidders on licences auctioned by BC Timber Sales and involve the following: Competitive Timber Sale Licences, Value-added Timber Sale Licences and roads associated with Timber Sale Licences.

Range Licensees

Statistics	Number	% of Total
Number of Inspections	96	1.32%
Number of Compliance Actions	49	2.96%
Number of Enforcement Actions	3	0.75%

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

Woodlot Licensees

Statistics	Number	% of Total
Number of Inspections	231	3.17%
Number of Compliance Actions	70	4.23%
Number of Enforcement Actions	11	2.74%

Woodlot Licensees include individuals or companies that hold licences to manage and harvest timber from a woodlot. A woodlot may consist of both Crown land and private land.

Community Forest Agreement Holders

Statistics	Number	% of Total
Number of Inspections	71	0.98%
Number of Compliance Actions	7	0.42%
Number of Enforcement Actions	17	4.24%

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	704	9.67%
Number of Compliance Actions	184	11.11%
Number of Enforcement Actions	14	3.49%

Road Licensees involve the following: Cutting Permit Road, Cutting Authority Road, Road Permit, Road Use Permit, Special Use Permit, Road Right of Way or Easement over Crown Land, Licence of Occupation and Temporary Occupation.

Other Licensees/Non-Tenure Holders

Statistics	Number	% of Total
Number of Inspections	4,050	55.65%
Number of Compliance Actions	1,121	67.69%
Number of Enforcement Actions	255	63.59%

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	318	4.37%
Number of Compliance Actions	20	1.21%
Number of Enforcement Actions	13	3.24%

Recreation statistics involve: 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.”

No incidents of significant government non-compliance were identified during the 2012-2013 reporting period.



Glossary

BC Timber Sales

BC 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 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.”

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 “Compliance, No Action”, “Compliance Notice” and “Warning Ticket”.

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

Compliance and Enforcement Branch

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

The purposes of the C&E program are 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.

Compliance Information Management System

The Compliance Information Management System (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

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

Compliance Notice

A Compliance Notice is issued when an official finds that a contravention has occurred and the official believes that the responsible party or parties 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 94 per cent of the province is Crown land and is managed by the B.C. government.

Delegated Decision-Maker

A delegated decision-maker (DDM) is the most common type of statutory decision-maker in the ministry. This person has been delegated powers and/or duties under an act to make a statutory decision, by someone who has been given those powers and/or duties by the legislature (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 seriousness of the potential harm.

Enforcement Action

If it's determined that legislative requirements have been contravened and a formal sanction is warranted, an enforcement action is taken against the responsible party or parties. Enforcement actions may include violation tickets, monetary penalties or 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

The Enforcement Action, Administrative Review and Appeal Tracking System is a web-based database application that serves as the ministry's record of enforcement activities. The system documents cases that arise from alleged contraventions of acts and regulations enforced by the ministry, including investigation details, determinations, enforcement actions and appeals.

Environmental Management Act

The *Environmental Management Act* (EMA) combines the *Waste Management Act* and the *Environment Management Act* into a single and better organized piece of legislation. 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

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

Forest and Range Practices Act

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

Forest Licensee

A forest licensee is the holder of a forest tenure licence or agreement and who is engaged in activities related to harvesting Crown timber.

Forest Practices Code of British Columbia Act (often referred to as “the Code”)

Much of the *Forest Practices Code of British Columbia Act* (FPC) 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 for the use and occupation of Crown land, as well as the continuation of the Forest Appeals Commission.

Forest Service Road

A forest service road (FSR) is a road on Crown land that is: declared to be a forest service road; is constructed or maintained by the ministry; is historically a forest service road; or meets prescribed requirements for a forest service road.

Government Non-Compliance

A Government Non-Compliance is a contravention where the provincial government is the obligation holder.

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.

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.

Interpretive Forest Site

An interpretive forest site is established for public education purposes 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

An investigation is the process of Compliance and Enforcement Branch 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 the cancelling of a licence. If, after suspension, the party has not made changes to operate in compliance with statutes, then the offending party’s forest tenure licence may be cancelled.

Licence Holder

A licence holder is an individual or company that holds one or more of the many types of forest tenure licences or agreements under the *Forest Act* or the *Range Act*. The Compliance and Enforcement Branch divides 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 to Cut allows a party or parties to harvest timber on Crown land or on private land when the timber has been reserved for the Crown.

Major Licensee

A Major Licensee holds 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 some legislation is a monetary penalty. 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, which can be imposed by a court if a licensee is prosecuted and convicted of an offence.

Natural Resource Compliance Act

The Natural Resource Compliance Act (NRCA) enables the minister to designate a person as a Natural Resource Officer (NRO), who is authorized to enforce a broader range of legislation across the natural resource sector in a more streamlined process. Officers can only enforce acts that they are specifically designated for under the NRO designation.

Natural Resource Officer

A person, an employee of the government of British Columbia, who has been designated by name or title to be a Natural Resource Officer by the Minister of Forests, Lands and Natural Resource Operations for the purpose of upholding the provisions of FLNRO's legislation. A Natural Resource Officer may also perform the duties of a prescribed "official" under a prescribed enactment but subject to their limitations, terms and conditions of the prescribed enactment.

No Action

A contravention has been determined, but it is not in the public interest to take further action.

Objectives

The government may set objectives related to one or more of the following: soils; visual quality; timber; forage and associated plant communities; water; fish; wildlife; biodiversity; recreation resources; resource features; or cultural heritage resources. This may be done to protect or manage these values on behalf of the public. Forest Stewardship Plans, for example, 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

Officially Induced Error is 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.

Order to Vacate

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

Prosecution

A prosecution is 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 for 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 Licensee

A Range Licensee is an individual or company that holds one or more range tenure licences or agreements.

Regulated Community

The Regulated Community consists of everyone whose activities on Crown land are regulated by forestry and range legislation.

Remediation Order

One administrative remedy 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 issued 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.

Risk Evaluation

Risk Evaluation is a formal process that the Compliance and Enforcement Branch uses to assess risks related to forest, land, water, wildlife or range practices. Each evaluation looks at social, economic and environmental values, as well as government objectives.

Statutory Obligation

A Statutory Obligation is a duty, task or responsibility that must be completed or carried out as specified through legislation.

Statutory Decision-maker

A statutory decision-maker (SDM) is a person who makes a decision authorized by legislation. This person may be named by position or title in the act or regulation, may be delegated by someone else who was named by position or title in the act or regulation, or may be designated by someone who was named by position or title in the act or regulation.

Seizure

A seizure (forfeiture) may occur when an official has reasonable grounds to believe that a person has contravened the Forest Act, Land Act, Range Act or Forest and Range Practices Act. This halts potential loss of or damage to environmental, social or economic values and gives the official more time to determine if a contravention has actually occurred. 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

A Stop Work Order (SWO) is used by a ministry official to order a licensee or person to stop a forest, land or range practice or activity that the official believes is a contravention of applicable legislation. A Stop Work Order is not considered to be a finding of contravention.

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 determines that the party or parties responsible should be given a warning. It 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

The *Wildfire Act* clearly defines 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

A Woodlot Licensee is 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.