

Annual Report 2021-22

Compliance and Enforcement Branch

For the period of April 1, 2021 to March 31, 2022

Prepared for: Province of British Columbia

Prepared by: Compliance and Enforcement Branch Director and Deputy Directors,
Quality Assurance & Information Management Specialist, and Internal
Communications Officer



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



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, 2021 TO MARCH 31, 2022

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Introduction

The 2021-22 Compliance and Enforcement Branch (CEB) Annual Report was produced by the Ministry of Forests, Lands, Natural Resource Operations and Rural Development¹.

The report covers compliance² and enforcement activities related to forests, land, water, wildfire, resource roads, heritage and archaeology. This report summarizes CEB's activities from April 1, 2021 to March 31, 2022 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 the *Heritage Conservation Act*, including all the regulations associated with those Acts.

TABLE 1: KEY STATISTICS* 1-Apr-2021 to 31-Mar-2022

Inspection/Patrols Recorded	3,520
Compliance Actions Taken	245
Enforcement Actions Taken	566
Total Number of Staff	126

*Data sourced from CEB's data information systems as of March 31, 2022

1. Electronic copies of this report are available from the Ministry's Compliance and Enforcement Branch or on the government website at [Natural Resource Compliance Reports and Statistics](#). 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: [Natural Resource Law Enforcement](#)

Service Plan Report: Overview

CEB’s responsibilities have expanded over the last decade to enhance natural resource stewardship in B.C. Ongoing collaboration between government ministries and agencies helps ensure the efficient delivery of services. This client-focused approach supports clear and consistent compliance and enforcement direction with well-established priorities. CEB maintains effectiveness by quickly responding to changing priorities and conditions. The development and use of natural resources are guided by standards set out in the Ministry’s legislative and regulatory framework.

Compliance and Enforcement Branch Priorities for 2021-22

Objective	Description
Public Safety	<ul style="list-style-type: none"> • Support for fire, flood, drought, earthquake, pandemic, etc. • Fire prevention/preparedness • Resource road use, maintenance, and construction • Dam and dugout construction and maintenance
Social License	<ul style="list-style-type: none"> • Building relationships and trust with First Nations and Indigenous communities • Conservation of heritage and archaeological sites
Protecting Resources	<ul style="list-style-type: none"> • Water management • Forest harvesting, silviculture, and range practices
Ensuring Crown Revenue	<ul style="list-style-type: none"> • Timber pricing and appraisals, marking and transport
Protecting Authorized Use	<ul style="list-style-type: none"> • Unauthorized use and occupation of Crown land, including foreshore development

Provincial Emergency Support Efforts

The province was impacted by many critical issues during the 2021/22 fiscal year, including significant impacts from wildfires and floods, some of which led to declarations of provincial states of emergency under the *Emergency Program Act*. Additionally, the COVID-19 pandemic continued to affect citizens and the state of business. During these challenging circumstances, CEB was able to assist and was recognized for these efforts.

The Ministry of Transportation and Infrastructure (MoTI) requested the assistance of CEB to manage the Coquihalla Highway partial road closure following the destructive landslides that destroyed large sections of the highway. In late December 2021, MoTI reopened the Coquihalla Highway for “essential services only” to allow the flow of critical supply chains to begin. Natural Resource Officers (NROs) stepped up to the assignment only days before Christmas, in harsh weather conditions and long shifts. They assisted MoTI’s Commercial Vehicle Safety and Enforcement Officers in enforcing the MoTI order by stopping and directing any non-essential travel off the Coquihalla at three designated checkpoints. From December 22, 2021 to January 17, 2022, twelve NROs from around the province adjusted their holiday plans to assist in this important role during the provincial state of emergency.

Awards

Since the last annual report, CEB received two new instances of Premier’s Award recognition. The Premier’s Awards ceremony is an annual celebration of the finest examples of innovation and excellence in the B.C. Public Service. This provincial recognition is awarded to the most outstanding projects, teams or individuals in the public service showcasing distinguished examples of professionalism, innovation and collaboration.

CEB was recognized for:

- COVID-19 Border Patrols - Emergency Management B.C. and Partners won a Premier’s Award in the Partnership category, with CEB as one of the major partners
- B.C. 2020 Planting Season - a finalist for a Premier’s Award in the Partnership category, where CEB played a large role in the COVID-19 seedling camp inspections

Time Spent

“Time spent” refers to the amount of time that NROs 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*

1-Apr-2021 to 31-Mar-2022

Function	Hours	Number of Records**
Forest Management	5,800	682
Land Management	4,571	683
Water Management	4,401	577
Wildfire Management	3,927	497
Resource Roads	2,122	378
Provincial Emergencies	1,905	189
Revenue Management	1,699	409
Natural Resource Sector Support	75	15
Grand Total	24,500	3,430

*Data sourced from CEB’s data information systems.

**The “Number of Records” column heading refers to inspections and time spent records.

Inspections and Site Visits

An inspection is a systematic process to verify compliance with legal requirements. Inspections are done on a planned priority basis or spontaneous if found in the moment. CEB inspections cover the legal obligations of licensees, the government and the public.

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 CEB. NROs 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.

TABLE 3: INSPECTIONS AND PATROLS BY FUNCTION

1-Apr-2021 to 31-Mar-2022

Function	Number of Records
Forest Management	678
Land Management	664
Water Management	558
Wildfire Management	497
Revenue Management	400
Resource Roads	376
Natural Resource Sector Support	14
Grand Total	3,299

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. NRVR is for public use, but the system also allows the Ministry's partner agencies and other program areas within the Natural Resource Sector (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 an NRO 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 a Natural Resource Violation:

- by telephone: 1-877-952-7277
- online: [Report of a Natural Resource Violation](#)

CHART 1: COMPLAINTS BY FUNCTION

1-Apr-2021 to 31-Mar-2022



Function	Records
Land Management	1,267
Water Management	1,077
Forest Management	556
Wildfire Management	457
Natural Resource Sector Support	207
Resource Roads	112
Revenue Management	19
Provincial Emergency	2
Grand Total	3,697
*Data sourced from CEB's data information systems.	

Compliance

During a compliance verification visit, an NRO 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 or conducted on the spot as needed.

TABLE 4: COMPLIANCE ACTIONS BY FUNCTION

1-Apr-2021 to 31-Mar-2022

Function	No Action	Compliance Notice	Warning Ticket	Grand Total
Land Management	28	29	3	60
Wildfire Management	37	4	13	54
Forest Management	23	16	7	46
Water Management	27	15	4	46
Revenue Management	9	5	11	25
Resource Roads	7	6	1	14
Natural Resource Sector Support	0	0	0	0
Grand Total	131	75	39	245

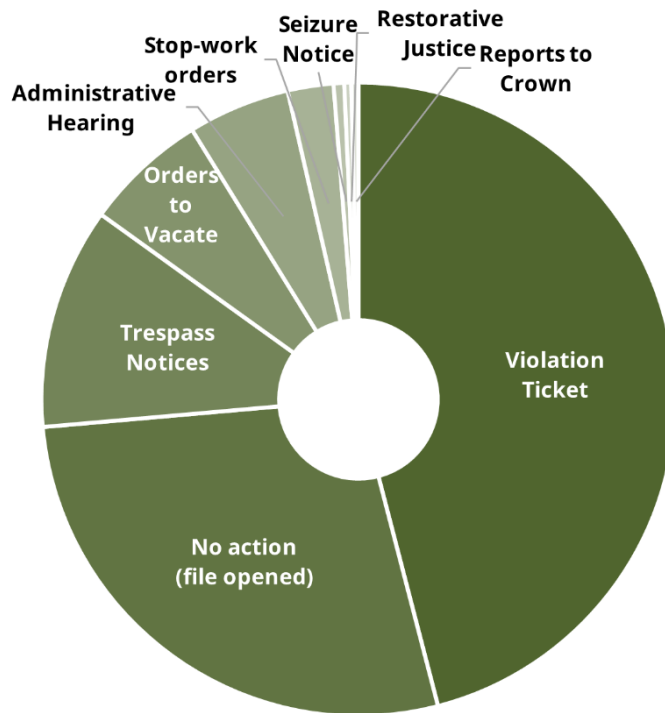
Enforcement

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 have damaged environmental, social or economic values.

Enforcement actions may include violation tickets, seizure/forfeiture, prosecution or a Trespass Notice, Stop Work Order, or an Order to Vacate. There were 566 enforcement actions taken throughout B.C. in 2021-22. This figure includes actions involving penalties but does not include compliance notices or warning tickets.

CHART 2: ENFORCEMENT ACTIONS BY TYPE

1-Apr-2021 to 31-Mar-2022



Function	Records
Violation Ticket	256
No action (file opened)	154
Trespass Notices	63
Orders to vacate	35
Administrative Hearing	29
Stop-work orders	13
Seizure Notice	3
Restorative justice	2
Reports to Crown	2
Grand Total	566
*Data sourced from CEB's data information systems.	

TABLE 5: VIOLATION TICKETS AND ADMINISTRATIVE PENALTIES

1-Apr-2021 to 31-Mar-2022

Violation Tickets Issued	256
Monetary Amount of Tickets	\$77,950
Administrative Penalties Levied	26
Monetary Amount of Penalties	\$744,287

Heritage Conservation Act

The purpose of the *Heritage Conservation Act* (HCA) is to encourage and facilitate the protection and conservation of heritage property and archeological sites in B.C. The HCA also provides substantial penalties for the destruction or unauthorized disturbance of archaeological sites. Protecting and conserving this

fragile legacy and these non-renewable natural resources is valuable to First Nations, local communities and the general public. CEB is responsible for ensuring compliance with the HCA. NROs, with the assistance of HCA Specialists within CEB, work as a team to conduct inspections and investigations for compliance with the HCA to protect B.C.'s archaeological sites.

As part of the Division and Ministry, CEB is committed to enhancing reconciliation with Indigenous peoples through the protection of First Nations' cultural heritage. As part of our mandate, CEB conducts inspections for and investigations of compliance with the HCA. HCA specialists within the Branch's Integrated Enforcement Team (IET) provide support and guidance to NROs across the province.

CHART 3: HCA COMPLAINTS AND INSPECTIONS FOR THE CALENDAR YEAR 2021 BY REGION

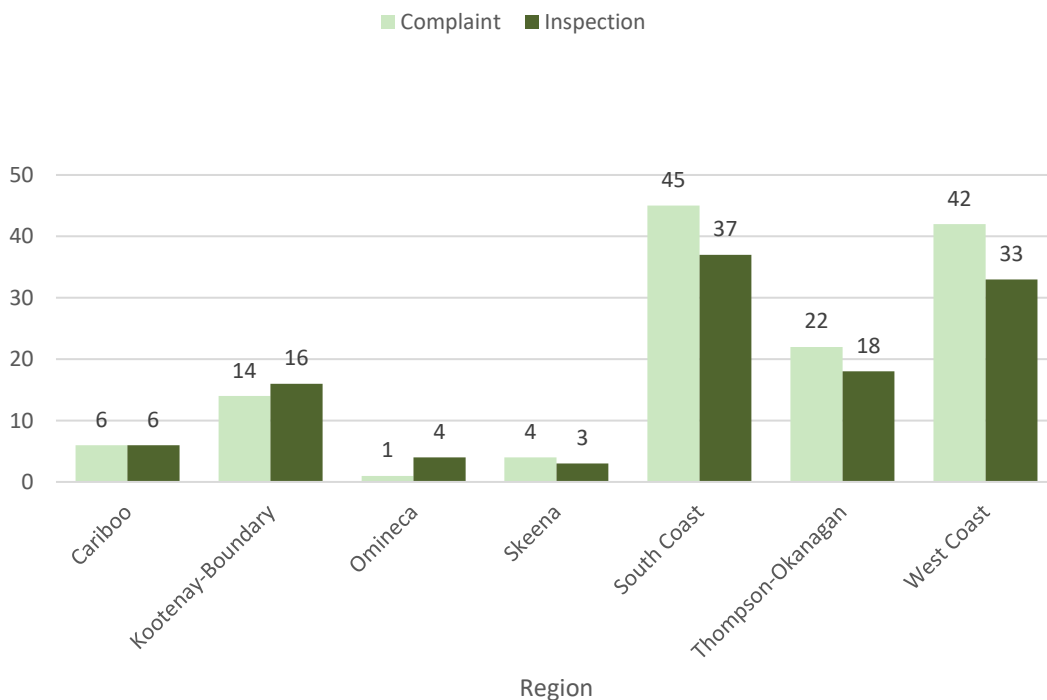
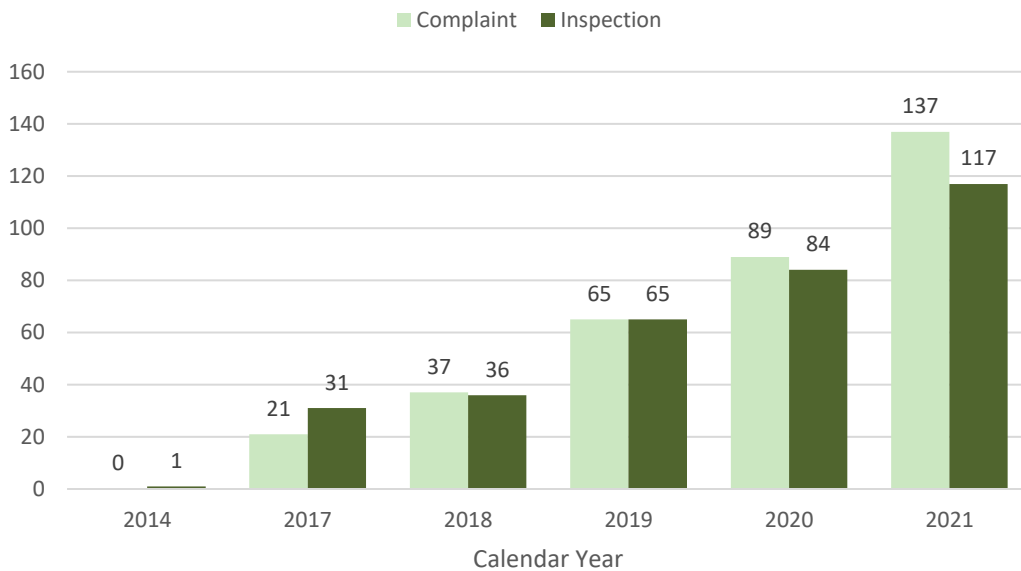


CHART 4: HCA COMPLAINTS AND INSPECTIONS BY CALENDAR YEAR*



*Data parameters: NRIS Complaints, Archaeology, 2021, Entire Province

A total of 137 HCA complaints represents a 50% increase from 2020. This continuing upward trend is largely due to increased awareness of CEB's responsibility for ensuring compliance with the HCA, increased reporting related to this and increased dedication to HCA files within CEB.

Indigenous Partnerships

CEB signed a renewed Memorandum of Understanding (MOU) with the Xeni Gwet'in First Nations Government (XGFNR) on May 27, 2021. The intent of this memorandum is to foster understanding, promote collaboration and communication, and improve the sharing of information and resources. The refreshing and re-signing of this MOU continues to strengthen the relationships between CEB and XGFNR.

CEB continues to engage, collaborate and be a leading partner with the Aboriginal Liaison Program (ALP) throughout the Northeast, Omineca and Skeena regions and the Guardian Watchmen programs in the West and South Coast regions. These initiatives improve communication and develop partnerships between Indigenous communities and the Province's natural resource agencies to facilitate Indigenous involvement in stewardship and monitoring of natural resource development across B.C.

Restorative Justice

NROs 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 among the spectrum of tools and approaches available. When considering the use of a CEJF, NROs 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 CEJF may be considered for any case when 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 (reduces the likelihood of a repeated violation)
- Build positive relationships between the offender, the community and regulators
- Promote general deterrence

CEB established its Restorative Justice policy and procedures in the fiscal year 2018-19 and currently has 11 practitioners trained to facilitate CEJFs. During the 2021-22 fiscal year, no CEJFs were completed; two others are currently in progress.

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 6: MONETARY PENALTIES BY GROUP

1-Apr 2021 to 31-Mar 2022

Penalty Amount (Group)	Penalty Amount (Total)	Number of Penalties
\$50,000+	\$326,657	4
\$20,000 to \$49,999	\$225,481	6
\$10,000 to \$19,999	\$93,547	6
\$5,000 to \$9,999	\$33,006	2
\$2,000 to \$4,999	\$28,379	4
\$1,000 to \$1,999	\$19,338	2
\$500 to \$999	\$17,879	2
Under \$500	\$0	0
Grand total	\$744,287	26

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:

[Forest Appeals Commission](#)

For more information about the Environmental Appeal Board, visit

[Environmental Appeal Board](#)

Government Non-Compliance

Statistics

In keeping with Ministry policy, this section of the report refers to 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 two incidents of significant government non-compliance identified during the 2021-22 reporting period.

Learn More

For more information about the Compliance and Enforcement Branch and the role of Natural Resource Officers, please visit:

[Natural Resource Law Enforcement- Natural Resource Officers](#)



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