

Fact Sheet/Q&As: Amendments to the Wildfire Regulation 2023

OPEN FIRE

Q: Why are the names of the open fire categories changing?

A: Prior to these amendments, some of the names of the open fire categories included a number, but some did not. This inconsistent naming created some confusion for the public and government staff. The names have been changed to make the titles more consistent. You can find out more about [open fire categories here](#).

Q: Did you change what “open fire” is? What is the definition of an “open fire”?

A: No, there is no change to the definition of an open fire. In B.C. an "open fire" does not include a fire vented through a structure that has a flue and is incorporated in a building.

Q: Why is a definition of outdoor stove in the Wildfire Regulation being added?

A: Prior to these amendments, the Wildfire Regulation included the term “outdoor stoves” and described the requirements for using outdoor stoves safely but did not define what an outdoor stove was for the purposes of the Regulation. This led to many questions from the public about what was considered an outdoor stove.

BC Wildfire Service published a brochure and other communication materials that included a description of outdoor stoves to help people understand what was considered an outdoor stove. This definition is now being formalized by adding it directly in the Wildfire Regulation. Outdoor stoves are small devices that pose a low risk of starting a wildfire and they are often permitted during campfire prohibitions.

Q: Does the definition of outdoor stove include smokers?

A: The definition of outdoor stove could include smokers if the smoker device burns charcoal briquettes, liquid fuel or gaseous fuel (not wood) as the fuel source and meets the other requirements in the Wildfire Regulation for an outdoor stove. It may include wood chips within the device used for adding flavor for smoked meat if the wood chips are not the fuel source.

Q: For preventing the spread and escape of open fires, where does a fuel break need to be established? What is changing?

A: The Wildfire Regulation has been amended to more clearly specify where a fuel break needs to be established prior to and during open fire burning. For categories 1 – 3, a fire spreading beyond a fuel break is considered an escape and could be a contravention of the legislation. For category 4 resource management open fire, a fire spreading beyond the area specified in the burn plan is considered an escape and could be a contravention.

For each category of open fire, a fuel break needs to be established as follows:

- Category 1 campfires – a fuel break is required around each campfire.
- Category 2 open fires – a fuel break is required around each pile, or grass or stubble area to be burned.

- Category 3 open fires used by qualified holders for hazard abatement in a cutblock – a fuel break is required around the cutblock.
 - Category 3 open fires used by all other persons – a fuel break is required around each pile, windrow, or grass or stubble area to be burned.
- Category 4 resource management open fire – fuel breaks are required as set out in the burn plan.

Q: What is considered a fuel break? Has it changed?

A: A fuel break is defined in the Wildfire Regulation and means a barrier or a change in fuel type or condition, or a strip of land that has been modified or cleared to prevent fire spread. This definition has not changed because of these amendments.

Q: I am a qualified holder using category 3 open fire for hazard abatement, but I am not operating in a cutblock. Where does my fuel break need to be?

A: Around each pile, windrow, or grass or stubble area to be burned.

Q: What do I need to do to fulfill the new documentation requirements for category 3 open fire?

A: Category 3 open fires must be extinguished by the date specified by the official or person who issued the burn registration number. A person must document in writing the efforts they took to confirm that each open fire was completely extinguished and provide that documentation to an official if the official requests it.

Q: What is changing regarding open fires that are out of control?

A: The Wildfire Regulation has been amended to clarify that an open fire must remain under control at all times, even when it is within a fuel break. If a fire becomes out of control – regardless of whether the fire is within or outside of the fuel break – a person must carry out fire control immediately, extinguish the fire and report the fire.

Q: What is considered an out of control fire?

A: Out of control is not defined in the Wildfire Regulation. The assessment of whether a fire is out of control is situation dependent, considering several factors including but not limited to the number of people at the fire, their experience, any equipment or water at the site and weather conditions.

FIRE WATCHER

Q: When does a fire watch need to start?

A: When a specified fire danger class has been reached, a person conducting a high risk activity must maintain a fire watch. Previously, the Wildfire Regulation required a fire watch to start “after work”, which was somewhat ambiguous. The Wildfire Regulation has been amended to clarify that the fire watch starts immediately after the high risk activity ends.

Q: What is considered a high risk activity? Has it changed?

A: [A high risk activity](#) is defined in the Wildfire Regulation. This definition has not changed.

Q: How long does a fire watch last?

A: The duration of the fire watch depends on the fire danger class, as set out in Schedule 3 of the Wildfire Regulation. The durations in this schedule have not changed in the recent package of amendments.

Q: What does a fire watcher need to do during the fire watch period?

A: The Wildfire Regulation has changed to clarify that a fire watcher must be able to reasonably see all the areas that the high risk activity had been carried out, at all times when the fire watch is required. This means a fire watcher cannot be travelling between different high risk activity sites within the fire watch period and must not be blocked from seeing a high risk activity site by trees, hills or other obstructions. A fire watcher must be dedicated to patrolling and watching for smoke and fire on all areas of the site where the high risk activity occurred and not carrying out any other duties (such as equipment maintenance) unrelated to being the fire watcher. A fire watcher must have at least one fire fighting hand tool and access to a fire suppression system if one is required, and fire watcher must report a fire if they find one.

Q: Will technology (drones) be allowed to replace a person undertaking a fire watch?

A: A fire watcher provides two functions: to detect new fire starts and to provide quick initial response to extinguish a fire if found. At this point in time, although drone technology may assist with the first function of detection, a person is still required for the initial response function of extinguishing a fire, therefore, a drone would not replace a person at this time.

COST RECOVERY

Q: Who is relieved of paying government's fire control costs? What has changed?

A: Section 29 of the Wildfire Regulation sets out limited circumstances in which a person will be relieved of their obligation to pay the government's fire control costs for a fire that they started.

This generally applies to a person who is engaged in a limited list of forestry-specific activities and who pays annual rent, or a person who pays other amounts to the government through a wildfire response agreement.

The Wildfire Regulation has been amended to clarify that the list of forestry-specific activities in section 29 does not include the use of open fire. The Regulation has also been amended to specify which tenure types are covered by section 29. Contractors, employees and agents of these tenure types are now also covered.

Q: What are payroll loading costs? Why is a definition of payroll loading costs being added to the Wildfire Regulation?

A: Payroll loading costs are one of the costs of fire control that government may recover in certain circumstances. Payroll loading costs are the portion of a government employee's salary that goes towards benefits. A definition is being added to the Wildfire Regulation to clarify that those costs are calculated in the manner determined by the Treasury Board each year.

QUALIFIED HOLDERS

Q: Why has the First Nations woodland licence been added to the definition of qualified holder?

A: Prior to these amendments, the Wildfire Regulation defined a qualified holder as the holder of the following types of licences and agreements:

- Forest licence.
- Timber licence.
- Tree farm licence.
- Community forest licence.
- Woodlot licence.
- Timber sale licence.
- Wildfire response agreement.

When the First Nations woodland licence was created in the Forest Act in 2011, the Wildfire Regulation was inadvertently not amended to add First Nations woodland licence to the definition of qualified holder. The Ministry views First Nations woodland licences as equivalent to the licence types listed above for the purposes of the Wildfire Regulation and therefore First Nations woodland licencees are now considered qualified holders as well.

Q: What is the implication of being a qualified holder?

A: The implication of being a qualified holder is that the timelines for completing fire hazard assessments are somewhat more flexible than for a non-qualified holder. A non-qualified holder must follow prescribed intervals for completing fire hazard assessments, whereas a qualified holder may hire a forest professional to set out alternate intervals than those prescribed in the Regulation. The timelines for completing fire hazard abatement are also longer for qualified holders than for non-qualified holders. In addition, there are different requirements for fuel breaks for qualified holders when they are using category 3 open fires for hazard abatement within a cutblock.

LEGISLATION

Q: Where can I find the Wildfire Act or Regulation?

A: You can find the Wildfire Act and Regulation here: [Wildfire Legislation and Regulations - Province of British Columbia \(gov.bc.ca\)](http://www.gov.bc.ca/wildfire)