



Reference: 252691

December 31, 2019

**VIA EMAIL: [Skye.Dumond@bcfpb.ca](mailto:Skye.Dumond@bcfpb.ca)**

Kevin Kriese, Chair  
BC Forest Practices Board  
1675 Douglas Street  
Victoria BC V8W 2G5

Dear Kevin Kriese:

The Ministry of Forests, Lands, Natural Resource Operations and Rural Development (FLNRORD) appreciates the important role that the Forest Practices Board (FPB) plays in providing oversight to both industry and government on the implementation of the *Forest and Range Practices Act* (FRPA) and the *Wildfire Act* (WA). Specifically, your special investigation report, "Appropriateness of Government's Compliance and Enforcement Framework for FRPA and the Wildfire Act" released in April 2019, informed a strategic shift to the Compliance and Enforcement Program that was endorsed by the Deputy Ministers of both this ministry and the Ministry of Environment and Climate Change Strategy (because of the implications for the Conservation Officer Service (COS)). This shift involves the Compliance and Enforcement Branch (CEB) moving away from patrol work (to be done by COS instead) and toward inspections and investigations. A key driver of this shift is to encourage the recruitment and retention of resource professionals to enhance CEB's capacity to enforce FRPA and the WA.

The following are CEB's responses to each of the recommendations from the special investigation report:

**1. Develop an annual compliance and enforcement plan with measurable objectives and specific targets for proactive compliance monitoring as well as for investigating public complaints regarding FRPA and WA. Overall, the levels of compliance monitoring should provide a basis to inform the public about licensees' compliance with legislation.**

**Response:** CEB's mandate does not include proactive compliance monitoring and they do not have targets for investigating public complaints. There are many mechanisms that inform the public about forest licensee compliance, including the Forest and Range Evaluation Program, certification regimes, enforcement work done by multiple enforcement agencies and the work of the FPB. Public complaints are an important source of information and can help indicate where further investigation is required. However, we are shifting away from

comprehensive response to public complaints and toward more emphasis on inspections and investigations.

CEB is in the process of developing an annual plan describing the program's operational priorities for next fiscal year. This plan will contain measurable objectives for both proactive and responsive enforcement and will be reviewed on a monthly basis.

**a. Develop clear policy and procedures for implementation of the plan and ensure it is communicated to, and understood by, field staff.**

**Response:** All policies and procedures are reviewed, updated annually, and posted on the CEB intranet. There are mechanisms in place to ensure proper and complete dissemination of all policies and procedures. CEB has an Operations Management Team (OMT) comprised of Regional Managers who meet weekly to direct operations. The OMT works in conjunction with the supervisors to ensure direction is consistently communicated and understood by Natural Resource Officers (NROs).

**b. Develop stronger relationships with clients, stakeholders, and partners that focus on identifying mutual needs and ensuring compliance and enforcement is delivered consistently across the province.**

**Response:** CEB has established a Board of Directors (BOD) made up of the Deputy Minister, the Associate Deputy Minister, and the Assistant Deputy Ministers representing all divisions in FLNRORD. The BOD is intended to strengthen relationships with CEB's clients and provides guidance to CEB on operational priorities. CEB will meet with the BOD quarterly to provide information and updates on the service provided.

CEB has formed Joint Management Teams with the COS, BC Wildfire Service, Timber Pricing, Water Management, and Resource Stewardship to collaboratively determine roles, responsibilities and business processes. In addition, CEB Regional Managers meet on a regular basis with the respective local Regional Management Teams to discuss and jointly resolve regional issues.

While outside the scope of the FPB, CEB has also formed local Water and Land committees comprised of NROs, Water Stewardship staff, and Land Authorizations staff. The committees were established to inform compliance and enforcement activities related to the *Land Act* and *Water Sustainability Act*. The committees foster a collaborative approach by combining subject matter and enforcement expertise.

CEB works actively with First Nations through the Aboriginal Liaison Program, Guardian Watchmen Program, and numerous other initiatives. Regional Managers also work directly with local Indigenous Communities to identify mutual interests and solutions.

A client survey was conducted in the summer of 2019 to inform the priority setting process. A feedback loop was created based on client input via continuous interaction at the executive, regional and local levels, which helps CEB to continually update their plans. This also helps

to ensure that the relevant programs see the importance of the enforcement work that CEB does to support the achievement of their policy objectives.

With guidance from the BOD and input from the CEB Regional Managers, CEB will prepare its annual plan for next fiscal year, which will identify the branch's priorities.

**c. Take an adaptive approach to reviewing priorities to ensure that emerging issues are not being missed.**

**Response:** As noted above, engagement occurs on an ongoing basis at all levels between CEB and our clients to ensure that emerging issues are recognized and prioritized correctly. Some examples of recent work in response to emerging priorities (outside the scope of the FPB) are the implementation of the Pender Harbour Dock Management Plan, working with the Hupačasath First Nation on untenured float homes on Great Central Lake, the Foreshore Project in the Thompson Okanagan, and the Dams and Dugouts Project in the Northeast. Through a partnership with Archaeology Branch, CEB now employs an archaeologist who is providing greater focus on the enforcement of the *Heritage Conservation Act* (HCA), which is growing in significance in the context of the government's reconciliation mandate.

CEB utilizes a one team, one budget approach to prioritize their resource allocation. CEB will move officers and funding as needed to address the highest priorities identified around the province.

**2. Develop performance measures that align with the annual plan's objectives and targets and enable compliance and enforcement to measure achievement of actions aimed at promoting compliance.**

**Response:** CEB is developing performance measures to accurately reflect the results of its work in a manner that is meaningful to its clients. These performance measures will be consistent with what the BOD has requested and will inform future direction setting and priorities.

**3. Report to the public annually on the results of compliance and enforcement efforts, including defensible information on compliance rates, enforcement actions, and outcomes.**

**Response:** CEB's work is prioritized by risks that need to be managed across their many clients. Inspections are focused on where there is probable non-compliance, not on generating compliance rates. CEB enforces 52 pieces of legislation, and reporting compliance rates across all these Acts and regulations is not feasible.

CEB annually reports the results of their actions to the public, such as number of inspections, investigations, and enforcement actions. The current legislative restrictions only allow for partial reporting, and CEB is working towards legislation amendments to allow for more robust reporting across all their lines of business.

Kevin Kriese, Chair

**4. Develop human resources plans and strategies that ensure recruitment, development, and support programs result in CEB employing staff with the capability to understand, interpret and enforce the requirements of FRPA and the *Wildfire Act*.**

**Response:** The annual plan described above also outlines CEB's corporate activities that support their staff. This includes recruitment, training, systems, information management, and legislation.

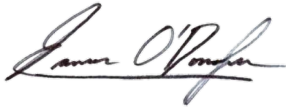
CEB has recently expanded the Integrated Enforcement Team (IET), which, beyond taking on complex investigations, serves as a source of subject matter expertise to NROs across the province. In addition to the HCA Specialist referred to above as well as a Land/Water Specialist, the IET has recently added two Forestry Specialists and a Wildfire/Damages Specialist (the latter three positions are all LSO 3, accredited forestry professionals).

CEB has also adjusted their strategic hiring and recruitment models, which has increased interest in the program. They have also instituted an adaptive and responsive recruiting mechanism, which has allowed them to increase the speed with which they replace outgoing staff.

**These recommendations will require a strategic rethink of how CEB works with respect to forestry and range activities. The strategic rethink should also consider previous board reports on compliance and enforcement (2007 and 2013) to ensure other important factors, like risk-based planning and statistically valid reporting, are incorporated. The recommendations require that all aspects of the program, from guiding policies and procedures to operational tools, be aligned to the type of activities carried out in forestry and ensuring licensees are complying with the legislation and are held accountable if they are not.**

As described at the beginning of this letter, a review of the program's direction has been undertaken and a strategic shift has been endorsed at the Deputy Minister level. The work to implement that shift is well underway and the current areas of focus include assessing training requirements and appropriate operational tools, as well as raising the awareness of the Board of Directors so that they are well positioned to provide direction on priorities for the 2020/21 fiscal year. CEB staff would be pleased to meet with you and your staff to discuss this work in greater detail with you.

Sincerely,



Eamon O'Donoghue  
Acting Associate Deputy Minister

pc: John Allan, Deputy Minister of Forests, Lands, Natural Resource Operations  
and Rural Development  
Rick Manwaring, Associate Deputy Minister of Forests, Lands, Natural Resource  
Operations and Rural Development  
Matt Austin, Assistant Deputy Minister, Integrated Resource Operations Division



File: 97325-20/2017-16

March 4, 2020

Rick Manwaring  
Associate Deputy Minister  
Ministry of Forests, Lands, Natural Resource Operations and Rural Development  
3<sup>rd</sup> Floor – 441 Columbia St.  
Kamloops BC V2C 2T3

Dear Rick Manwaring:

**Re: Response to Board recommendations**

On December 31, 2019 Eamon O'Donoghue responded on your behalf to the Board's recommendations in its "Appropriateness of Government's Compliance and Enforcement Framework for FRPA and the Wildfire Act" special investigation report.

The Board understands that Compliance and Enforcement Branch (CEB) is in the midst of implementing a strategic shift. Significant changes include:

- some patrol work is being transferred to the Conservation Officer Service, allowing Natural Resource Officers (NRO) to focus on inspections and investigations;
- new specialist positions will support NROs;
- there will be less emphasis on comprehensively responding to public complaints; and
- a Board of Directors has been established to improve communication and accountability between programs and divisions.

The response indicates that CEB will not be involved in proactive compliance monitoring. Instead, CEB will rely on programs (clients) for monitoring while it focuses its efforts on investigations and enforcement. Other processes (e.g. certification bodies and the Forest Practices Board) will continue to provide assurance.

While we appreciate that the work of the Board and certification bodies play a useful role in overall public assurance of the forest practice system, none of those bodies undertake *compliance inspections* related to FRPA or the Wildfire Act.

In the new model, if monitoring indicates that enforcement is required, the client will forward the issue to CEB to handle. As CEB is not in control of the number or type of issues that clients will provide, the branch will not implement the Board's recommendation to "Develop an Annual Compliance and Enforcement Plan with measurable objectives and specific targets for proactive compliance monitoring as well as for investigating public complaints regarding FRPA and WA."

Rick Manwaring

March 4, 2020

Page 2

The Board's special investigation examined the appropriateness of government's compliance and enforcement framework for FRPA and the *Wildfire Act*. The Board's requirements to audit or investigate Part 6 of FRPA, and the recommendations we make in our report, are focused on the entire compliance and enforcement function, not just the role played by CEB. It is reasonable that other parts of government undertake monitoring and inspection activities. However, the Board expects that this approach would be supported by:

- a clear definition of who is accountable for those activities, supported by plans for how and when they will undertake those activities;
- public reporting of the results; and
- appropriate training, tools and authority provided to those branches or divisions to undertake compliance activities.

In light of the significant change in the way that government will undertake its compliance and enforcement responsibilities, we are asking for additional information to help us assess government's response to our recommendations.

We understand that CEB is preparing a plan that will describe operational priorities for the next fiscal year and we would appreciate a copy when it is complete. As CEB indicated that other branches of the Ministry will be responsible for proactive compliance monitoring, please provide us with descriptions of their roles, and the plans they have for undertaking that function. If other branches of the Ministry (or other Ministries) will play a role in compliance under Part 6 of FRPA, we ask that you ensure they have received our report as well as this letter. If they have questions or wish to discuss our report and recommendations, we would be pleased to meet with them.

The public expects that someone in government is clearly responsible and accountable for inspecting activities under the *Forest and Range Practices Act* and the *Wildfire Act*, and that effective enforcement will take place if compliance issues are detected. The overall goal is ensuring compliance with legislation. The Board believes this remains an essential pillar of the FRPA framework and an essential requirement to meet the intent of Part 6 of the *Forest and Range Practices Act*.

I look forward to hearing from you by June 30, 2020, with this additional information.

Yours sincerely,



Kevin Kriese

Chair

cc: John Allan, Deputy Minister, Forests, Lands, Natural Resource Operations & Rural Development

Matt Austin, Assistant Deputy Minister, Integrated Resource Operations Division



Reference: 257018

June 30, 2020

VIA EMAIL: [Kevin.Kriese@bcfpb.ca](mailto:Kevin.Kriese@bcfpb.ca)

Kevin Kriese, Chair  
BC Forest Practices Board  
310-1675 Douglas Street,  
Victoria, British Columbia  
V8W 2G8

Dear Kevin:

In response to the Forest Practices Board's (hereafter referred to as 'the Board') request for additional information related to the 2019 report titled, "*Appropriateness of Government's Compliance and Enforcement Framework for FRPA and the Wildfire Act*" on March 4, 2020, the Compliance and Enforcement Branch (CEB) has undertaken an extensive engagement process with relevant business areas.

#### *Compliance and Enforcement Branch*

CEB is comprised of approximately 82 Natural Resource Officers (NRO) who enforce over 50 pieces of legislation across over 95 million hectares of private and Crown land. CEB's objectives are safeguarding public safety, protecting resources, ensuring crown revenue, protecting authorized use and supporting social licence.

#### *Priority Setting and Accountability*

CEB performs the enforcement function for the relevant natural resource legislation on behalf of a significant and diverse group of clients. The recently established Board of Directors (comprised of Forests, Lands, Natural Resource Operations and Rural Development (FLNRORD) Executive members) fills a vital role in helping to ensure the branch is devoting its efforts to the highest needs of the clients. It also ensures that each client group sees the full range of priorities the branch is managing.

#### *Compliance Management Framework*

The Compliance Management Framework (see [Appendix A](#)) was recently developed to guide and foster consistency among the natural resource agencies. The framework includes FLNRORD, the Agricultural Land Commission, the Environmental Assessment Office, the Ministry of Agriculture, the Ministry of Energy, Mines and Petroleum Resources, the Ministry of Environment and Climate Change Strategy and the Oil and Gas Commission. For the interest of the Board, the framework includes the *Forest and Range Practices Act (FRPA)* and the *Wildfire Act* (among many other statutes—see pages 20-22).

The framework states that, "Within each of the natural resource agencies, there are a number of specific organizational units that are responsible for compliance and enforcement. The summary below is not exhaustive but does highlight those units that have a large role in inspecting or



investigating, as well as taking some form of compliance and enforcement action” (Compliance Management Framework, 2020 p.4). Identified areas from FLNRORD beyond CEB include the Water Management Branch, Fish and Wildlife Branch, and the B.C. Wildfire Service (BCWS), all of which contribute to the collective compliance efforts related to the legal requirements under FRPA and the *Wildfire Act*.

### *Ministry Compliance Monitoring*

CEB has identified 15 business areas within FLNRORD engaged in compliance monitoring under the *Wildfire Act* and *FRPA*. There are several formal agreements that detail the working relationship between CEB and certain ministry business areas, branches and programs.

A summary of the results of the engagement with the relevant program and business areas is included (see [Appendix B](#)). Notable findings include:

- Many programs play a significant role in compliance monitoring
- The extent of engagement in compliance monitoring varies across programs and across the province
- Programs take advantage of the fact that there are many Ministry staff that spend time in the field and who relay information on suspected non-compliance, even if they are not directly involved in compliance monitoring
- B.C. Timber Sales (BCTS) and BCWS have particularly structured approaches to compliance monitoring
- There is more compliance monitoring related to *FRPA* and *Wildfire Act* than most, if not all, other FLNRORD legislation

### *First Nations Partnerships, the Public & Enforcement Partners*

CEB works collaboratively with many First Nations across the province. These First Nations consider themselves stewards of the land and are a valued source of information on natural resource related activities on their territories. In some cases, formal partnerships have been established, while in others community-level relationships have been built between individual officers and First Nation members. The formal partnerships related to compliance monitoring are listed in [Appendix C](#).

In addition to First Nations, the general public plays a role in ensuring compliance is upheld on the land base by reporting potential contraventions through the Natural Resource Violation Reporting System. For example, many wildfire calls during fire bans, particularly for campfires. Also, FRPA related calls when logging is taking place near communities, such as concern over proper hazard abatement, safe practices like logging trucks on roads, forest practices like stream protection or environmental concerns. Public reporting of events further away from communities arrive from users such as hunters, hikers etc. and from knowledgeable organizations who target forest practices such as the Ancient Forest Alliance and the Sierra Club.

The Conservation Officer Service (COS), municipal police departments and the Royal Canadian Mounted Police (RCMP) are valued partners in ensuring compliance across the province. These agencies often partner with CEB but may also take enforcement action when appropriate (see [Appendix D](#)). The RCMP’s Forest Crimes Unit routinely works with CEB on major files such as log theft.



*The Forest Practices Board*

CEB considers the work of the Board in three distinct ways. First, when the Board highlights a general practice concern, such as how the recent FPB report “Special Investigation; Conserving Fish Habitat Under *FRPA* – Part 2” identified issues with road sediment, CEB incorporates those findings into its inspection and investigation priorities which includes ensuring NROs have the necessary training to properly evaluate such situations. Second, CEB will review individual situations of potential non-compliance when reported by the Board. Third, when CEB is setting operational priorities, a primary consideration is who else is assessing compliance within a given subject area. The fact that the Board conducts audits and special investigations which generally find good levels of compliance by the forest industry; provides CEB and the public with a level of assurance. This reduces the need for compliance monitoring by CEB relative to other activities and practices that do not have the benefit of such oversight.

*Conclusion*

The Board can be confident that proactive compliance monitoring is a routine and established part of FLNRORD’s administration of the *FRPA* and the *Wildfire Act*.

If you have any further questions, please do not hesitate to contact me.

Sincerely,



Matt Austin  
Assistant Deputy Minister



# Forest Practices Board

File: 97325-20/2017-16

November 18, 2020

Matt Austin  
Assistant Deputy Minister  
Ministry of Forests, Lands, Natural Resource Operations and Rural Development  
4<sup>th</sup> Floor – 545 Superior St.  
Victoria BC V8V 1T7

Dear Matt Austin:

**Re: Response to Board recommendations**

Thank you for your letter of June 30, 2020 and September 8, 2020 email regarding government's response to recommendations the Board made in its "Appropriateness of Government's Compliance and Enforcement Framework for FRPA and the Wildfire Act" special investigation.

In March 2020, I requested further information about the roles other government departments fulfil in proactive compliance monitoring, and more detail about operational priorities. You provided the "Compliance Management Framework – Natural Resource Agencies' Approach to Ensuring Compliance," and the 2020-21 Operational Priorities Plan.

We continue to believe that an effective compliance and enforcement framework includes a process for planned and periodic compliance inspections, and public reporting on the results of those inspections. While government did not accept that portion of our recommendations, it is moving forward on other elements that show promise in addressing some of the gaps we observed in our report. Because government is not going to develop an annual plan for proactive compliance and enforcement, it will not meet recommendations 1, 1(a) and 2. Further, as government does not intend to report compliance rates to the public, it will not meet recommendation 3. However, we note the progress being made on implementing recommendations 1(b), 1(c), and 4.

Matt Austin  
November 18, 2020  
Page 2

The Board will now close this file. We have a continuing duty and desire to examine the appropriateness of government enforcement, and will use future audits and/or special investigations to assess compliance and enforcement. Further work will help us understand what effect government's approach to compliance and enforcement will have on forest practices and public trust.

Thank you for your cooperation throughout the special investigation.

Yours sincerely,

A handwritten signature in blue ink, appearing to read "Kevin Kriese", followed by a horizontal line extending to the right.

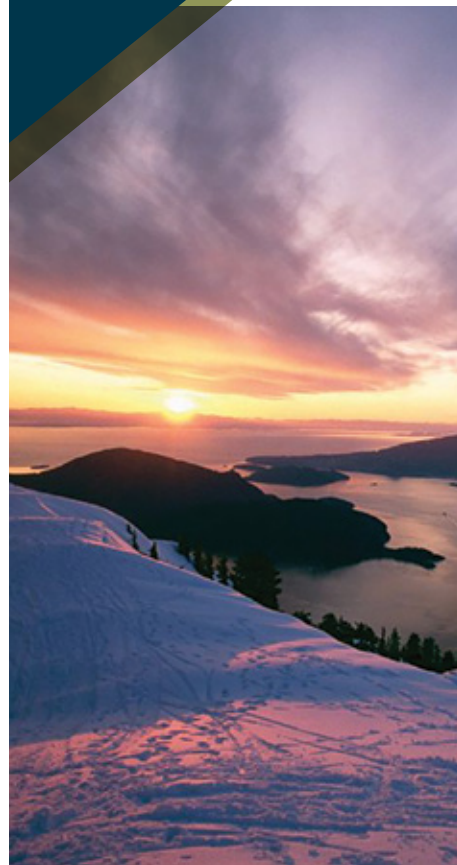
Kevin Kriese  
Chair



# COMPLIANCE MANAGEMENT FRAMEWORK

Natural Resource Agencies' Approach to Ensuring Compliance

2020



# TABLE OF CONTENTS

- INTRODUCTION** ..... 3
- STRATEGIC CONTEXT FOR NATURAL RESOURCE AGENCIES** ..... 6
- THE COMPLIANCE MANAGEMENT FRAMEWORK** ..... 8
- Compliance Principles** ..... 9
- Compliance Model** ..... 10
- 1. Setting requirements** ..... 10
- 2. Promoting Compliance** ..... 11
- 3. Verifying Compliance** ..... 12
- 4. Enforcing Requirements** ..... 16
- Performance Management** ..... 17
- Communicating Our Results** ..... 18
- Requirements For Success** ..... 19
- APPENDIX A** ..... 20

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On behalf of the Assistant Deputy Ministers’ Committee on Natural Resources: Compliance & Enforcement:



**Jim Standen**  
*Assistant Deputy Minister*  
BC Parks and Conservation Officer Service Division,  
Ministry of Environment and Climate Change Strategy  
Chair of the Assistant Deputy Ministers’ Committee on Natural Resources: Compliance & Enforcement



# INTRODUCTION

## Examples of Partnerships

- Natural resource agency staff routinely coordinate inspections with Indigenous peoples and undertake investigations with Fisheries and Oceans Canada and Environment and Climate Change Canada.
- Related to the protection of human health and public safety specifically, natural resource agency staff also work alongside inspectors from Worksafe BC and Health Authorities, as well as RCMP and local government bylaw officers.
- Officers from all of these agencies provide one another with information about activities that they observe during the conduct of their respective duties and vice versa.

Provincial natural resource agencies administer a broad suite of regulatory requirements aimed at protecting, managing and conserving our water, land, air and living resources. They ensure the protection of the province's environment, natural resources and public safety, through the effective and efficient enforcement of B.C.'s laws and regulations.

Ensuring compliance with these regulatory requirements is a critical role played by the natural resource agencies. Consequently, the range of compliance and enforcement activities undertaken across the sector to achieve this is wide ranging and diverse.

## Natural Resource Agencies

- Agricultural Land Commission
- Environmental Assessment Office
- Ministry of Agriculture
- Ministry of Energy, Mines and Petroleum Resources
- Ministry of Environment and Climate Change Strategy
- Ministry of Forests, Lands, Natural Resource Operations and Rural Development
- Oil and Gas Commission

## Partners

Natural resource agencies, as a whole, have a variety of other provincial, municipal, federal and Indigenous partners who have complementary regulatory roles and responsibilities. Natural resource agency staff recognize the important role that Indigenous peoples have been playing since time immemorial as stewards of the land. Natural resource agencies work and collaborate with Indigenous partners with the spirit and intent of the United Nations Declaration on the Rights of Indigenous Peoples, with recognition that further work is required to determine a new relationship between the Province and Indigenous peoples in regard to compliance and enforcement, and reconciliation. Agencies are continuing to develop relationships with Indigenous partners with the aim of building a new path forward and ensuring that Indigenous perspectives are incorporated into compliance and enforcement priorities.

Close coordination and collaboration with partners is often required and frequently results in the conduct of joint inspections and investigations. Partnerships play an important role in compliance and enforcement: having community members with intimate knowledge of the land, having access to Indigenous science, and collaborating with subject matter experts strengthens the provincial compliance regime.



## Compliance & Enforcement in the Natural Resource Agencies

Within each of the natural resource agencies, there are a number of specific organizational units that are responsible for compliance and enforcement. The summary below is not exhaustive, but does highlight those units that have a large role in inspecting or investigating, as well as taking some form of compliance and enforcement action.

<b>BC Government Natural Resource Agencies Compliance and Enforcement Organizational Units</b>	
<b>Ministry of Agriculture</b>	Food Safety & Inspection Branch
	Agricultural Land Commission
<b>Ministry of Energy, Mines &amp; Petroleum Resources</b>	Mineral Titles Branch
	Major Mines Office; Regional Operations Branch
	Health and Safety Branch; Compliance Audits and Enforcement Branch
<b>Ministry of Environment and Climate Strategy</b>	Regional Operations Branch
	Climate Innovations Solutions Branch
	Conservation Officer Service
	BC Parks Regional Operations Branch
<b>Ministry of Forests, Lands, Natural Resources &amp; Rural Development</b>	Compliance & Enforcement Branch
	Fish & Wildlife Branch
	Water Management Branch
	Wildfire Branch
<b>The Environmental Assessment Office</b>	Compliance & Enforcement Branch
<b>Oil and Gas Commission</b>	Compliance & Enforcement Operations

While each of these units is distinct, they all share a common culture of compliance and enforcement which requires a unique skillset and approach to public service. Moreover, many compliance issues are complex and solutions often lie across multiple units, regions, divisions or agencies, requiring coordinated planning processes and approaches to problem-solving. Accordingly, natural resource agency staff coordinate and collaborate efforts with the goal of achieving high rates of compliance.





## Purpose of this document

This document describes:

- The strategic context in which the natural resource agencies conduct compliance activities, including the compliance goal and objectives that guide compliance and enforcement related work;
- The approach that natural resource agencies take to ensure effective delivery, management and reporting of compliance and enforcement activities;
- An overview of the respective roles and responsibilities of natural resource agency compliance and enforcement staff; and
- An overview of the regulatory responsibilities held by natural resource agencies.

This document provides an overview of how the natural resource agencies collectively ensure compliance with both provincial and federal legislation. Many provincial agencies have delegated authorities under federal legislation.

# STRATEGIC CONTEXT FOR NATURAL RESOURCE AGENCIES

## Compliance Goal

Compliance with all regulatory requirements established to protect the environment, human health, public safety and our natural resources.

## Compliance Objectives

### Setting Requirements

Establish regulatory requirements that are clear, practical and enforceable.

### Promoting Compliance

Achieve high rates of voluntary compliance using effective education and communication strategies.

### Verifying Compliance

Ensure agencies have the information necessary to determine compliance, compliance rates and to inform program management.

### Enforcing Requirements

Enforce regulatory requirements using a consistent, clear and predictable approach.

## Natural Resource Agency Strategies and Activities

Each agency, through its related compliance programs, carries out activities in accordance with its specific regulatory mandate and priorities.

Coordinated planning occurs wherever feasible to ensure that efforts are aligned whenever practical.

# THE COMPLIANCE MANAGEMENT FRAMEWORK

## Regulated Party Defined

The term 'regulated party' refers to any person or business subject to regulatory requirements, whether it is through legislation, regulations or an authorization or permit.

The Compliance Management Framework describes the comprehensive approach followed by natural resource agencies to achieve the compliance goal and objectives.

The framework emphasizes:

- A balanced approach, delivered in a manner that is fair, consistent, lawful and timely using a variety of tools to maximize compliance;
- The use of compliance and enforcement data, coupled with ambient or effectiveness monitoring data, as the basis for assessing risk and allocating resources to the most significant problems;
- The coordination and planning of compliance efforts to ensure the most efficient and effective use of resources, including continuous improvement; and
- Public transparency and effective communication of compliance results.

The Compliance Management Framework also reflects the agencies' collective work to:

### **Increase efficiency**

- Allocate resources to the most significant, highest-priority areas.
- Coordinate delivery of compliance activities.

### **Increase effectiveness**

- Promote awareness and understanding by regulated parties of the requirements that apply to them.
- Encourage high rates of compliance.
- Build a culture of continuous improvement.

### **Promote clarity about roles and responsibilities**

- Staff are clear and confident in how their roles support the achievement of high rates of compliance.

### **Improve accountability**

- Ensure the public, Indigenous peoples, partners and stakeholders participate in, are aware of and are confident in the natural resource compliance activities.
- Maintain a predictable regulatory environment that builds the confidence of regulated parties.

A diagram of the Framework is provided on the following page.

# THE COMPLIANCE MANAGEMENT FRAMEWORK

## Compliance Principles

- Establish priorities based on risk
- Encourage shared stewardship
- Be accountable and transparent
- Foster a culture of continuous improvement

## Compliance Model for Natural Resource Agencies

Ensuring Compliance



Ensuring Continuous Improvement and Accountability

## Performance Management

- What compliance activities or projects were accomplished this year?
- Are we achieving the expected compliance outcomes?
- Do we need to adjust our approach in any way?
- What data is available to inform program management decisions?

## Communicating Our Results

- Who needs to know about our compliance and enforcement work (e.g., regulated parties, Indigenous peoples, the public, staff)?
- What type of information do they need?
- What is the most effective and appropriate way to communicate?

## Requirements for Success

- Timely and accurate information
- Planning and coordination
- Guiding policies
- Tools and training





## Compliance Principles

Compliance principles are an overarching component of the Compliance Management Framework. The principles reflect core values fundamental to the design of the Framework. These principles are used by staff to guide the implementation of compliance-related activities within their respective agency.

### **Establish priorities based on risk**

The primary consideration in establishing compliance priorities is risk (i.e., actual or potential impact to the environment, human health, safety or Crown resources and revenue, and the likelihood of occurrence). In addition, natural resource agencies recognize that a general presence on the land base and at regulated sites is also essential for achieving the compliance goal.

### **Encourage shared stewardship**

The protection of the environment, human health, and public and worker safety is a responsibility that is shared with other agencies, levels of government, Indigenous peoples, business/industry, organizations, stakeholders and the public. While natural resource agencies need to ensure that parties comply with regulatory requirements, they also work in partnership with regulated parties to advance environmental sustainability where possible.

### **Be accountable and transparent**

Regulated parties, Indigenous peoples, stakeholders and the general public need to be confident that government is upholding its regulatory responsibilities in a consistent, fair and predictable manner. This requires regular and timely reporting on compliance and enforcement activities, as well as meaningful engagement with partners and stakeholders in the delivery of compliance responsibilities.

### **Foster a culture of continuous improvement**

A commitment to continuous improvement is required to ensure the most efficient and effective management of compliance on an ongoing basis. This includes ongoing analysis of lessons learned, soliciting and incorporating feedback from partners, Indigenous peoples and the public, and when necessary, the enhancement of compliance approaches.



## Compliance Model

The compliance model followed by natural resource agencies provides a variety of options for achieving compliance and emphasizes the need for staff to use the best available information to assess each case on its own merits.

The model involves:

1. Setting regulatory requirements that are clear, practical, measurable and enforceable;
2. Promoting requirements to ensure they are widely known by the regulated community and the public, and in ways that encourage individuals and businesses to voluntarily comply;
3. Verifying (through monitoring, inspections and audits) that individuals and businesses are meeting their regulatory requirements; and
4. Where these requirements are not being met, adjusting the program management approach and, where appropriate, compelling compliance through enforcement.

These four components of the compliance model are described in detail in the following section.



## OUR VISION

Regulatory requirements are set in a manner that:

- Best achieves desired outcomes;
- Can be readily understood and complied with by regulated parties; and
- Considers the social and economic costs and feasibility associated with compliance.

### Examples of Requirement-Setting Activities

- Establish acts or regulations, or conduct regulatory reviews.
- Consult with industry associations or other advisory groups on requirements.
- Prepare authorizations (e.g., permits, licences).

## 1. Setting requirements

Regulatory requirements are the statutes, regulations, codes and authorizations established by government to protect the environment, human health, worker and public safety, and Crown resources and revenue from unacceptable impacts.

From a compliance perspective, the way in which government sets a regulatory requirement is as important as what the requirement entails. When setting requirements, it is important to consider:

**Varying perspectives:** Requirements that are set in consultation with partner agencies, Indigenous peoples and the public generally build confidence in the agency's approach.

**Impact on regulated parties:** Requirements that are set in consultation with regulated parties generally have higher levels of voluntary compliance. These requirements can also be set with a view to minimizing administrative and financial burdens on regulated parties, making it easier for parties to comply (including harmonizing requirements with other regulators).

**Types of requirements:** In recent years, there has been a trend towards the use of results-based legislation. This type of legislation specifies the legal standards (qualitative or quantitative) that regulated parties must meet, instead of the process they must follow to achieve outcomes. For many situations, a results-based approach allows the regulated party flexibility in how they achieve the desired outcome and may provide opportunities for innovation, increased efficiencies, and results that exceed performance targets. In other situations, prescriptive requirements may still be most appropriate due to potentially irreparable or costly impacts, and the size, scope and complexity of the regulated activity or sector.

The key factor, however, is that each requirement is 'enforceable'. This requires the regulator to be clear on who must do what, by when and to what standard. Enforceable requirements use consistent and unambiguous language, use defined terms and specify what is required.



## OUR VISION

- When implementing a new regulatory requirement, promotion is the first activity undertaken to ensure that all regulated parties are aware of and understand the requirement with which they are expected to comply.
- To help ensure ongoing compliance, compliance promotion activities and tools are used to achieve the highest possible rates of voluntary compliance. These activities may include public education, industry education, compliance assistance and recognition, deterrence and incentive activities.

### Examples of Compliance Promoting Activities & Tools

- Guidelines or best management practices (e.g., Streamside Crossing Guidelines & Mining and Smelting Waste Guidelines).
- Public information and education materials (e.g., Hunting Synopsis, Options for Wood Waste Use & Disposal Under Provincial Legislation).
- Outreach and education (e.g., public meetings, field contacts, industry workshops, media, social media).
- Specific compliance assistance, including tailored guidance materials and detailed technical papers (e.g., for the mining industry).

## 2. Promoting Compliance

Compliance promotion is any activity that increases awareness, educates, motivates, or changes behaviour, and encourages voluntary compliance with a regulatory requirement. Promotion may be conducted as a stand-alone activity or it may occur in conjunction with compliance verification activities. It may also entail the promotion of a regulatory requirement from another agency (e.g., Ministry of Health), but for which a natural resource agency has a complementary responsibility under its mandate.

Compliance promotion is a key strategy in achieving voluntary compliance because to voluntarily comply with a regulatory requirement, parties must first be:

- Aware of the requirement;
- Able to understand the requirement and the consequences of non-compliance;
- Willing to comply with the requirement, which is dependent on two elements:
  - a. The risk of being held accountable for the non-compliance (i.e., being caught) is sufficiently high
  - b. The financial consequence of non-compliance exceeds the cost to comply (e.g., it is more costly to pay the fine)
- Able to comply with the requirement (e.g., it is technically or financially possible).

A 2018 report by the Canadian Federation of Independent Business underscores the importance of promotion activities in achieving compliance. Among its top recommendations for regulatory reform is for government to “ensure adequate communication of existing and proposed regulation,” and emphasizes the need for plain-language communication.

Given the interrelationship between natural resource regulatory requirements, compliance promotion often requires a multi-agency approach to be effective.

## OUR VISION

- Verification activities may be scheduled or conducted with little to no advance warning, depending on consideration of risk (actual or potential impact to the environment, human health, safety or Crown resources and revenue, and the likelihood of occurrence), as well as the need to maintain an appropriate level of contact with regulated parties.

### Responding to Non-Compliance

- If compliance verification reveals non-compliance with a regulatory requirement, staff assess the situation and determine an appropriate response, taking into consideration the facts specific to the situation, as well as the need for general deterrence. Staff also assess the need to inform or collaborate with any other government or non-government partners.

## 3. Verifying Compliance

Compliance verification refers to the monitoring<sup>1</sup>, inspection and audit activities that natural resource agencies employ to determine if parties are meeting regulatory requirements. Compliance information may be obtained from verification activities (e.g., inspection or audit), or from external parties (e.g., self-reported information from regulated parties or reports of offenders from the public).

As with compliance promotion activities, staff often conduct joint inspections. This is particularly common for inspections involving the mining, oil and gas, and agriculture sectors. Inspectors also act as other agencies' 'eyes and ears', observing, recording and reporting to each other on potential non-compliances.

Verification activities reveal whether an individual, business or sector is in compliance with the requirements that apply to them. Many factors dictate the frequency and nature of verification activities. Factors may include risk (likelihood, history and impact), resources and community interests. Past experience has demonstrated that the continuous loop from setting requirements, promoting compliance and verifying compliance requires less enforcement when staff are well trained and routinely in touch with regulated parties and the public.

The information gathered from verification activities assists staff in determining the most appropriate response to individual or sectoral incidents of non-compliance, as it continues to add to the compliance histories of the regulated parties. When combined and analyzed as an aggregate, the data collected from verification activities provides information about compliance rates for a sector, user group or geographic area. This information is essential to inform program planning and management (see Managing our Performance).

<sup>1</sup> In this situation monitoring refers to **compliance monitoring**, whereby performance is measured against a regulatory requirement to establish a compliance record. Compliance monitoring addresses whether people are complying with regulatory requirements (e.g., is a forest licensee retaining a riparian buffer as required?) whereas **effectiveness monitoring** measures progress towards a desired outcome or effect (e.g., does the buffer retain the ecological character of the riparian area?). **Ambient (or trend) monitoring** measures the changing status of a component of the environment over time (e.g., is the overall health of the stream improving?).



## Compliance & Enforcement Roles

Natural resource agency staff have responsibility or authority under a large number of statutes, including the accompanying regulations, codes and authorizations (see Appendix A).

Typical compliance and enforcement roles used by natural resource agencies include:

**Inspectors:** Inspectors are designated under legislation. Inspectors undertake a wide variety of activities including reviewing monitoring data and reports, sampling discharges, entering facilities or private land and examining industrial works. Inspectors are also responsible for recommending enforcement action to address non-compliance.

One of the main roles of the inspector is to verify compliance. When an inspection results in a finding of non-compliance, the inspector will confer with the appropriate policy and procedure to determine the appropriate response.

While the majority of time spent by inspectors is on compliance verification duties, inspectors also play an important role in permit administration, as well as compliance promotion. To this end, inspectors will conduct educational workshops, liaise with industry associations and field a variety of inquiries from regulated parties and the public.

**Investigators:** If a non-compliance poses an actual impact or potential risk to the environment, human health or public safety, or it is unlikely that the regulated party will comply, an inspector may refer the file for investigation.

Investigators are specially trained to gather evidence, execute search warrants and take statements. In some cases, investigators can issue violation tickets, as well as build a case for possible prosecution.

**Statutory Decision Maker:** Many statutes authorize government staff to make decisions. These staff are called 'Statutory Decision Makers'. These decision makers respond to requests which permit, restrict, refuse or intervene in the undertaking of a wide variety of economic activities, including requiring that certain activities be undertaken. In many cases, these decision makers are also authorized to impose financial penalties for non-compliance.





## Compliance & Enforcement Tools

*Natural resource agencies have a variety of compliance and enforcement tools at their disposal. While the tools each agency has, and the ways in which those tools can be used, is unique and dependent on governing legislation, there is a lot of commonality.*

*Some tools are administrative and can be issued by staff such as warnings and advisories or by Statutory Decision Makers such as orders and administrative penalties. Other tools may only be issued by a designated government official subject to an investigation, such as violation tickets and recommendation of charges to Crown Counsel that may result in a court prosecution.*

Typical compliance and enforcement tools used by natural resource agencies include:

**Notice of Compliance:** issued by an inspector when all parameters of an inspection are found in compliance.

**Advisory:** issued by an inspector to advise of the potential for non-compliance, or to advise a non-compliant party that they are not in compliance and pointing out what must be done to achieve compliance.

**Warning:** warns of a possible escalated enforcement response if non-compliance continues. Warnings are also used by some agencies to create a compliance record when non-compliance occurs and is immediately remedied.

**Order:** issued by designated ministry officials to address non-compliance and/or manage environmental, health or safety risks. Orders may create new requirements to undertake specific, time bound actions or cease specific actions. Non-compliance with an order is an offence and may be prosecuted accordingly. Alternatively, non-compliance with an order may be dealt with by imposing an administrative penalty.

**Administrative Penalty:** a financial penalty that can be imposed by designated ministry officials on regulated parties for failing to comply with a particular provision of a statute, regulation, an order or the terms of an authorization. These penalties can be administered with less onerous procedural and legal requirements than those required for court prosecution.

**Community Environmental Justice Forum:** a dispute resolution process that uses the principles of restorative justice to address non-compliance. The forum, conducted by a certified government facilitator, is designed to ensure offender accountability, repair the harm caused by the offence and restore compliance.

**Violation Ticket:** issued by designated government staff, provides a means of dealing effectively and quickly with minor offences.

**Court Prosecution:** a legal proceeding recommended by designated officers and initiated by Crown Counsel to hold accountable a party alleged to have committed an offence.

## OUR VISION

- Consistent, fair and predictable responses to non-compliance.
- Enforcement responses will be appropriate for the alleged violation and will encourage ongoing deterrence.

### Examples of Enforcement Actions

- Administrative enforcement actions include advisories, warnings, orders, administrative penalties and administrative sanctions.
- Prosecutorial enforcement actions include violation tickets and court prosecutions.
- Some agencies use restorative justice as an alternative to prosecution.

## 4. Enforcing Requirements

While each natural resource agency has its own policies to guide the selection of appropriate responses to non-compliance, they all take into consideration the actual or potential impact on human health, safety, the environment or Crown resources and revenue, as well as the likelihood of achieving compliance with the alleged violator.

Generally speaking, enforcement actions are necessary to:

- Respond to non-compliance;
- Ensure a level playing field, i.e., ensure that no party benefits from not complying;
- Create a deterrence effect; and
- Instill integrity in the regulatory regime.

In responding to specific instances of regulatory non-compliance, the following factors guide an appropriate response:

- Any related history of non-compliance;
- Willingness to cooperate with officials;
- Evidence of corrective action already taken; and
- Existence of enforcement actions taken under other provincial or federal statutes.

While each fact pattern will be different in relation to non-compliance, the most important factor in determining an appropriate response is the effectiveness of the tool in achieving compliance as quickly as possible with no recurrence.





## Performance Management

In order to make informed decisions about how to establish priorities and allocate resources, natural resource agencies review individual cases of compliance inspections, as well as overall compliance rates as part of ongoing performance management. Tracking and analyzing compliance information is necessary to determine whether program adjustments need to be made.

Information from the following is essential:

### Performance measures

Performance measures are collected on an ongoing basis to measure operational results. They range from specific program outputs (e.g., number of permits issued, number of inspections or investigations conducted) to broader outcomes.

### Program evaluation

Program evaluations answer specific questions about the performance of a program or a suite of regulatory requirements. Evaluations are routinely conducted and are frequently used to determine program effectiveness.

### Effectiveness or ambient monitoring

The information gathered through ambient and effectiveness monitoring activities may reveal compliance-related concerns that should be considered by program managers when making decisions about compliance priorities and/or potential adjustments to their compliance management approach.

Performance information serves three important functions:

1. It informs decisions at the program level, helping staff to assess present and future risks, set operational priorities, and continuously improve compliance activities.
2. It enables program managers to monitor overall compliance results and to identify any enhancements that may be required to the regulatory approach.
3. It ensures that each agency remains accountable for its compliance activities, and facilitates reporting of compliance results to the government, stakeholders and the public.

## Did you know?

Natural resource agencies are moving toward a one window approach for reporting on compliance and enforcement activities: Natural Resource Compliance and Enforcement Database (NRCED).

## Public Reporting Spotlight

The [BC Mine Information site](#) profiles major mines across the province and makes mine-related information from the Environmental Assessment Office, the Ministry of Energy, Mines and Petroleum Resources, and the Ministry of Environment and Climate Change Strategy available online, in one place.

## Communicating Our Results

Many people are interested in learning the results of natural resource compliance and enforcement activities. These include the government, regulated parties, Indigenous peoples, partners, stakeholders and the general public. Communicating results means advising these parties of compliance activities and outcomes in a way and at a level of detail that is appropriate for the audience in question. The purpose of external compliance reporting is two fold:

1. Advance government's commitment to openness and transparency; and
2. Provide incentive to compliant individuals and businesses, and deterrence to non-compliant ones through the means of public accountability.

It is also important for natural resource agencies to share compliance results internally. The purpose of internal compliance reporting is to increase learning among staff through the sharing of methodologies and experiences. Ongoing reviews help to inform program management decisions (and enhance overall effectiveness and efficiency of compliance activities), by pointing out the need to redirect resources, re-examine regulatory requirements, or amend policies and procedures.

## Examples of Natural Resource Agency C&E Reporting

### [BC Mines Information site](#)

*Profiles major mines from across the province and makes mine-related information available in one place.*

- [EPIC](#)  
*Information on Environmental Assessment Projects, including compliance and enforcement information.*
- [Environmental Compliance Reporting](#)  
*Administrative penalties, annual reports and audits conducted under the Environmental Management Act.*
- [OGC Compliance & Enforcement](#)  
*Records of enforcement actions taken by the Oil and Gas Commission (OGC).*
- [NR C&E Twitter](#)  
*Up-to-date information on Environmental compliance in B.C. including changes, enforcement and education.*

### [Natural Resource Compliance and Enforcement Database](#)





## Requirements For Success

### Guiding Policies

Natural resource agencies develop policies to provide guidance and clarity for staff with respect to compliance and enforcement activities and requirements. In addition to assisting with operational delivery, guiding policies also ensure that compliance activities are delivered in a consistent, fair and transparent manner which is key to the success of the compliance model.

### Tools and Training

Ensuring compliance requires staff to have the appropriate tools and training. Comprehensive, ongoing training is required to ensure that staff have the skills, abilities and knowledge to effectively implement compliance and enforcement activities. Some examples of common training topics include administrative law, exercise of powers and authorities, inspection techniques, sampling, evidence gathering and handling, and preparing reports to Crown Counsel or delegated Statutory Decision Makers. Individual agencies also undertake specialized training in relation to their mandate and regulatory responsibilities.

### Timely and Accurate Information

In order to make informed decisions, natural resource agencies need compliance related information that is relevant, up-to-date and readily accessible. This information must be usable by staff to guide day-to-day operations, and by managers who make strategic program management decisions on the basis of identified patterns and trends.

### Planning and Coordination

Compliance planning involves setting priorities through a risk-based analysis of compliance information. This can occur at any level (e.g., regional, divisional, sectoral) and can span various lengths of time (e.g., annual or multi-year). Planning is critical in ensuring that resources are employed in the most efficient and effective manner. Given that compliance issues can be complex and the solutions often lie across multiple pieces of legislation, multiple regions, divisions or with other partners, planning processes are integrated and coordinated wherever practical.

A single business or individual may be subject to requirements from more than one program area or natural resource agency, as well as other government agencies. Whenever possible, compliance activities are conducted in a coordinated and consistent manner to reduce the impact on regulated parties.

### The United Nations Declaration on Rights of Indigenous Peoples

In 2007, the United Nations General Assembly adopted the [United Nations Declaration on the Rights of Indigenous Peoples \(UN declaration\)](#). It includes 46 articles covering all facets of human rights of Indigenous peoples such as culture, identity, religion, language, health, education and community.

On July 18, 2017, Premier John Horgan tasked all government ministers with fully adopting and implementing UN declaration, and the calls to action of the Truth and Reconciliation Commission (TRC).

### The 10 Principles

[The Draft Principles that Guide the Province of British Columbia's Relationship with Indigenous Peoples \(principles\)](#) are modeled on principles introduced by the federal government in 2017. The Province's principles provide high-level guidance on how provincial representatives engage with Indigenous peoples.

### Key Pieces of Legislation

[The Agricultural Land Commission Act \(the ALC Act\)](#), designates the Agricultural Land Reserve and is the high-level statute that sets out principles and broad rules for the Commission: to preserve agricultural land, to encourage farming on agricultural land in collaboration with other communities of interest, and to encourage local governments, First Nations, the government and its agents to enable and accommodate farm use of agricultural land and uses compatible with agriculture in their plans, bylaws and policies.

The ALC Act takes precedence over, but does not replace other legislation and bylaws that may apply to the land. Local and regional governments, as well as other provincial agencies, are expected to plan in accordance with the provincial legislation of preserving agricultural land.

[The Environmental Assessment Act](#) provides a mechanism for reviewing proposed major projects in B.C., including major mining projects, to assess their potential impacts. The Environmental Assessment Office manages the assessment of proposed major projects as required by the Environmental Assessment Act. Potential adverse effects associated with major projects are managed through conditions attached to the Environmental Assessment Certificate issued for those projects.

[The Environmental Management Act \(EMA\)](#) regulates industrial and municipal waste discharge, pollution, hazardous waste and contaminated site remediation. EMA provides the authority for introducing wastes into the environment, while protecting public health and the environment. EMA enables the use of permits, regulations and codes of practice to authorize discharges to the environment and enforcement options, such as administrative penalties, orders and fines to encourage compliance. Guidelines and objectives for air and water quality are developed under EMA.



[The Fish and Seafood Act](#) regulates food safety, including the collection of important related economic data. The Fish and Seafood Act regulates activities within the seafood industry including requiring that first receivers of commercially-caught fish from a commercial fisher obtain a Fish Receiver Licence, requiring fish, seafood, and aquatic plant processors obtain a Seafood Processor Licence, and requiring commercial fishers selling catch to the general public directly from their harvest vessel, or to restaurants or retail stores obtain a Fisher Vendor Licence.

[The Forest Act](#) applies primarily to Crown land and is largely not applicable to private land; however, some provisions may apply. The Forest Act establishes the requirement of timber marking and scaling for Crown and private land timber. The Timber Marking and Transportation Regulation further clarifies the responsibility for accurate completion, retention and submission of transportation documents.

[The Forest & Range Practices Act \(FRPA\)](#) outlines how all forest and range practices and resource-based activities are to be conducted on Crown land in B.C., while ensuring protection of everything in and on them, such as plants, animals and ecosystems.

All forest and range licensees' activities are governed by FRPA and its regulations during all stages of planning, road building, logging, reforestation and/or grazing.

[The Geothermal Resources Act](#) governs development and use of geothermal resources 80°C and above. Low-medium temperature uses are not governed by the Act.

[The Great Bear Rainforest \(Forest Management\) Act](#) supports a strict new ecosystem-based management regime created through unprecedented collaboration for the globally unique region along B.C.'s north and central coast.

[The Greenhouse Gas Industrial Reporting and Control Act \(GGIRCA\)](#) sets out the requirements for industrial facilities to report and control their greenhouse gas emissions. GGIRCA enables the setting of performance standards or greenhouse gas emissions limits for industrial facilities and provides compliance pathways for regulated operations (e.g., purchasing offset units or funded units for emissions above a specified limit). GGIRCA provides authority for the Greenhouse Gas Emission Control Regulation which outlines how offset units and credits are issued, transferred and retired through B.C.'s Carbon Registry. GGIRCA also enables the Greenhouse Gas Emission Administrative Penalties and Appeals Regulation which establishes when, for how much, and under what conditions administrative penalties, including monetary penalties, may be levied for non-compliance with GGIRCA.

[The Heritage Conservation Act](#) intends to encourage and facilitate the protection and conservation of heritage property in B.C., provides heritage designation provincially.

[The Integrated Pest Management Act](#) and Regulation are the primary regulatory tools governing the sale and use of pesticides in the province. Integrated Pest Management is a decision making process for managing pests in an effective,





economical and environmentally sound way. An Integrated Pest Management approach can be used for crops and livestock pest management, and in the home garden.

[The Land Act](#) is the primary article of legislation that is used by the government to convey land to the public for community, industrial and business use. The Land Act allows the granting of land, and the issuance of Crown land tenure in the form of leases, licences, permits and rights-of-way.

[The Mineral Tenure Act](#) is the primary statute that authorizes the registration of mineral and placer titles within B.C., and provides the policy framework for Mineral Titles administration.

[The Mines Act](#) and the accompanying Health, Safety and Reclamation Code for Mines in British Columbia (the Code) protects workers, the public and the environment through provisions for minimizing the health, safety and environmental risks related to mining activities. Proposed mining and exploration activities require authorization under the Mines Act. Proposed major mines (e.g., metal and coal), major expansions/upgrades to existing mines, and some large-scale exploration/development projects require approval under the Mines Act as per part 10 of the Code.

[The Oil and Gas Activities Act](#) regulates oil and gas and related activities in British Columbia, including wells, facilities, oil refineries, natural gas processing plants, pipelines and oil and gas roads, through permits, authorizations, orders and regulations.

[The Park Act](#) provides for the establishment, classification and management of parks, conservancies and recreation areas. Under the authority of the Park Act, there are three classes of parks: Class A, B and C. Class A parks and conservancies are established by inclusion in the schedules to the [Protected Areas of British Columbia Act](#) or by order in council under the Act. Class B and C parks and recreation areas are established by order in council under the Park Act.

[The Water Sustainability Act \(WSA\)](#) intends to ensure that a sustainable supply of fresh, clean water meets the needs of B.C. residents today and in the future. The WSA is the principal law for managing the diversion and use of water resources. The WSA provides important tools for protecting, managing and using water efficiently throughout the province.

[The Wildfire Act](#) and Wildfire Regulation define the legal responsibilities and obligations to which everyone in British Columbia is subject. When the BC Wildfire Service places bans or restrictions in an area, the Wildfire Act and Regulation makes them enforceable.

# COMPLIANCE MANAGEMENT FRAMEWORK

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Natural Resource Agencies' Approach to Ensuring Compliance

2020



## Appendix B

### Summary of FRPA and WA Compliance Monitoring Activities Undertaken by Program Areas

Summary of Responses from the Resource Districts	<ul style="list-style-type: none"> <li>• The approach to compliance monitoring varies across districts from no compliance monitoring to very complex monitoring across the entire district</li> </ul>
	<ul style="list-style-type: none"> <li>• District staff are made aware of how to report potential non-compliances to CEB</li> </ul>
	<ul style="list-style-type: none"> <li>• Guardian programs mentioned in Appendix C conduct compliance monitoring in various areas throughout the province for both the WA and FRPA.</li> </ul>
	<ul style="list-style-type: none"> <li>• District Stewardship staff undertakes a wide range of compliance monitoring including:                             <ul style="list-style-type: none"> <li>○ Free growing checks</li> <li>○ Regeneration checks</li> <li>○ Sample checks on reported information from industry</li> <li>○ FPPR Sec 86 and WLPPR Sec 76                                     <ul style="list-style-type: none"> <li>○ Both have legal reporting requirements on June 1 through a program called Results to Stewardship Staff Compliance checks on FRPA reporting requirement</li> </ul> </li> <li>○ Audit checks on OGMAs</li> <li>○ Riparian practices audits</li> <li>○ Stream assessments</li> </ul> </li> </ul>
	<ul style="list-style-type: none"> <li>• Scaling                             <ul style="list-style-type: none"> <li>○ Check scalers monitor compliance with the scaling regulations</li> </ul> </li> </ul>
Resource Practices Branch (RPB)	<ul style="list-style-type: none"> <li>• Ensures data quality and does visual assessments</li> </ul>
BC Wildfire Services	<ul style="list-style-type: none"> <li>• Wildfire                             <ul style="list-style-type: none"> <li>○ Wardens check campfires and Cat 2 (hand pile debris) &amp; Cat 3 (machine pile debris), Section 10-12 restriction (area closures and other restrictions)</li> <li>○ Review hazard abatement assessments for accuracy</li> <li>○ Undertake post burn assessments for full extinguishment</li> </ul> </li> </ul>
BC Timber Sales (BCTS)	<ul style="list-style-type: none"> <li>• TSLs and contracts are monitored and inspected regularly by BCTS staff under both acts using the Environmental Management System framework</li> </ul>
	<ul style="list-style-type: none"> <li>• Guidance documents are available to the inspectors</li> </ul>
	<ul style="list-style-type: none"> <li>• Any potential non-compliances found during inspections are passed on to CEB</li> </ul>
Range	<ul style="list-style-type: none"> <li>• Range programs within the districts monitor the relevant sections of FRPA</li> </ul>
	<ul style="list-style-type: none"> <li>• Any unresolvable non compliances are forwarded to CEB for action</li> </ul>
Recreations Sites and Trails (RST)	<ul style="list-style-type: none"> <li>• RST staff and partners monitor compliance at recreation sites and on recreation trails</li> </ul>
	<ul style="list-style-type: none"> <li>• The COS provides compliance monitoring through patrols and responding to requests from RST</li> </ul>

<b>Environmental Stewardship Initiative (ESI)</b>	<ul style="list-style-type: none"> <li>Indigenous guardian programs under this initiative undertake compliance monitoring in areas of interest to the First Nations involved</li> </ul>
<b>Fish and Wildlife</b>	<ul style="list-style-type: none"> <li>GIS analysis is conducted to observe changes to habitat over time. If anomalies are found it helps to focus verification monitoring and where appropriate information is passed on to CEB</li> </ul>
<b>Engineering (Branch &amp; Districts)</b>	<ul style="list-style-type: none"> <li>Engineering staff inspect Forest Service Roads, road permit roads and maintain inspection ledgers for large structures such as bridges</li> </ul>



## Appendix C

### Formal Indigenous Partnerships and Agreements Related to Compliance Monitoring for FRPA and the WA

#### Memorandums of Understanding (MOU)

Cariboo	<ul style="list-style-type: none"> <li>Xeni Gwet'in Memorandum of Understanding</li> </ul>
West Coast	<ul style="list-style-type: none"> <li>Maa'Nulth Treaty</li> <li>Letter of Expectations between Maa-Nulth First Nations and CEB includes FRPA and WA</li> <li>Natural Resource Officers, Conservation Officers, Haida members and Parks Canada work as one unit to address Haida Gwaii priorities</li> </ul>

#### First Nations Partnerships

	Cariboo	Kootenay Boundary	Northeast	Omineca	Skeena	South Coast	Thompson Okanagan	West Coast
<b>Aboriginal Liaison Program (ALP)</b>			Fort Nelson First Nation  Blueberry River First Nation  Doig River First Nation  Saulteau First Nation  Prophet River First Nation  West Moberly First Nation	Lake Babine First Nation  Nadleh First Nation  Saikuz First Nation  Stellaten First Nation  Takla First Nation  Tlazten First Nation  Nakadzli First Nation  Yekooche First Nation  Burns Lake Indian Band	Haisla First Nation  Nisga'a Lisims First Nations  Lake Babine First Nation  Carrier Skeani First Nation			
<b>Guardian Watchmen</b>		Splatsin First Nation  Secewpenc First Nation  Ktunaxa First Nation			Metlakatla First Nation  Gitxaala First Nation  Laxkw'alaams First Nation  Gitga'at First Nation			
	Cariboo	Kootenay Boundary	Northeast	Omineca	Skeena	South Coast	Thompson Okanagan	West Coast

Collaborative Stewardship Program (CSF)					Tahltan First Nation Taku River Tlingit First Nation Kaska Dena First Nation			
Working Agreements							Lake Indian Band Splatsin First Nation Westbank First Nation Little Shuswap Indian Band Adams Lake Indian Band	Maa'Nulth Nanwakolas Council

## Appendix D

### Enforcement Actions Under FRPA and the WA Undertaken by Enforcement Partners<sup>1</sup>

#### Wildfire Act (WA)

Total Violation Tickets (VT) from 2006 to 2020 = 752  Total Court Action = 1	2019 and 2020 = 0	2012 = 28
	2018 = 1	2011 = 12
	2017 = 127	2010 = 49
	2016 = 27	2009 = 66
	2015 = 249 VT / 1 Court Action	2008 = 90
	2014 = 49	2005 = 6
	2013 = 45	2006 = 3

#### Forest and Range Practice Act (FRPA)

Total Violation Tickets (VT) from 2006 to 2020 = 479  Total Court Action = 3	2019 and 2020 = 0	2012 = 81
	2018 = 15	2011 = 23 VT / 3 Court Action
	2017 = 29	2010 = 24
	2016 = 47	2009 = 34
	2015 = 42	2008 = 54
	2014 = 41	2005 = 27
	2013 = 59	2006 = 6

#### Note

- These enforcement actions are an indirect measure of compliance monitoring efforts undertaken by those agencies
- Compliance monitoring done by partner enforcement agencies provides information that can lead to CEB investigations
- Recently, the COS has taken on much of the 'patrol' function for campfire prohibitions, recreation sites, area closures and speed enforcement on Forest Service Roads

<sup>1</sup> As listed on page two (2), paragraph three (3) under the heading *First Nations Partnerships, the Public & Enforcement Partners*