

COMPLAINT INVESTIGATION

Range Practices and Government Enforcement in the Ingram-Boundary Range Unit

APRIL 2025

FPB/IRC/257



**Forest
Practices
Board**

BC'S INDEPENDENT
WATCHDOG FOR
SOUND FOREST &
RANGE PRACTICES

Table of Contents

Introduction	1
The Complaint	1
Background	1
Investigation Findings	3
1. Did the range agreement holders comply with FRPA requirements when grazing livestock?	3
2. Was government enforcement appropriate?	5
Conclusion	6
Appendix 1 – Supporting Information	7
Appendix 2 – Board’s Approach to Assessing the Appropriateness of Government Enforcement	16

Introduction

The Complaint

In January 2023, the Forest Practices Board (the Board) received a complaint about range practices and the appropriateness of government enforcement in the Ingram-Boundary range unit. The complainant, a resident of Midway, BC, was concerned that two range agreement holders were not adhering to grazing schedules in their range use plans, resulting in severe overgrazing; they failed to maintain fencing to protect riparian areas of East Ingram Creek; and they did not manage the spread of invasive plants. Despite raising these issues with the Ministry of Forests (the ministry), the complainant believes that range practices did not change and government enforcement was inadequate.¹

Background

The Ingram-Boundary range unit is located west of Grand Forks in the southern interior of British Columbia (Figure 1). It lies within the territories of the Lower Similkameen Indian Band, the Okanagan Indian Band, the Okanagan Nation Alliance, the Osoyoos Indian Band, the Penticton Indian Band, the Splatshin First Nation, and the Upper Nicola Band. The Board recognizes the importance of the Indigenous Peoples' historical relationship with the land, which continues to this day.

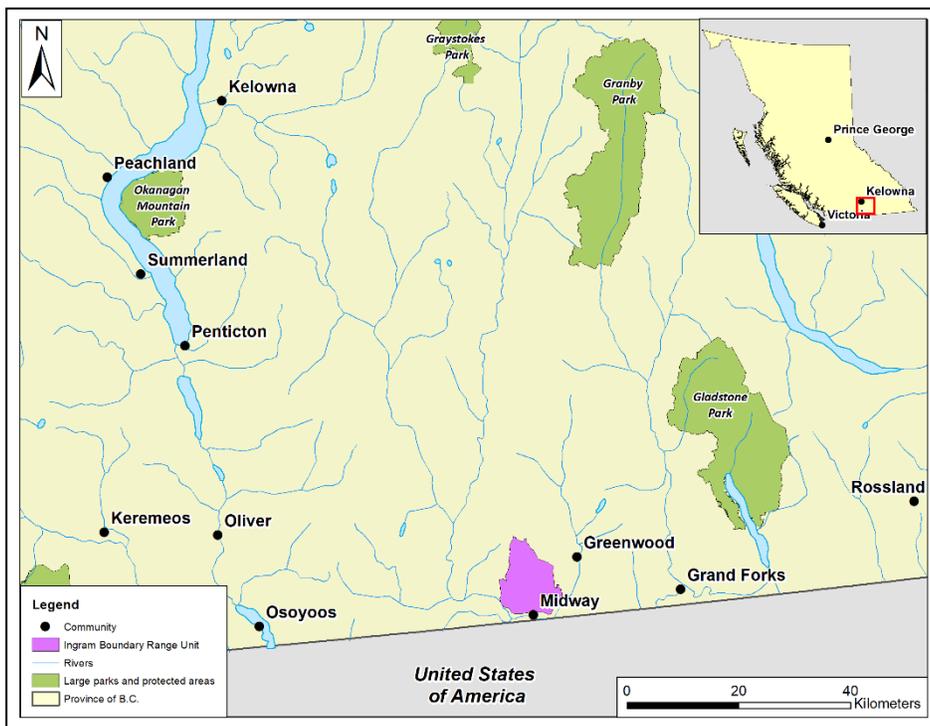


Figure 1. Overview map showing the Ingram-Boundary range unit

¹ The complainant was also concerned that the ministry refused to make range use plans publicly accessible, however this issue was subsequently resolved and is not discussed further.

The complaint involves two range agreement holders in the Ingram-Boundary range unit. Greg Lee holds two range agreements,² and Fossen Air Ltd. (Fossen Air) holds one.³ The Ingram-Boundary range unit consists of eight pastures. Seven of these are used for livestock grazing and include Burbank, Center Hill, Copper, Jack, Jolly, Kerr and Murray (Figure 2). Greg Lee and Fossen Air share six pastures.

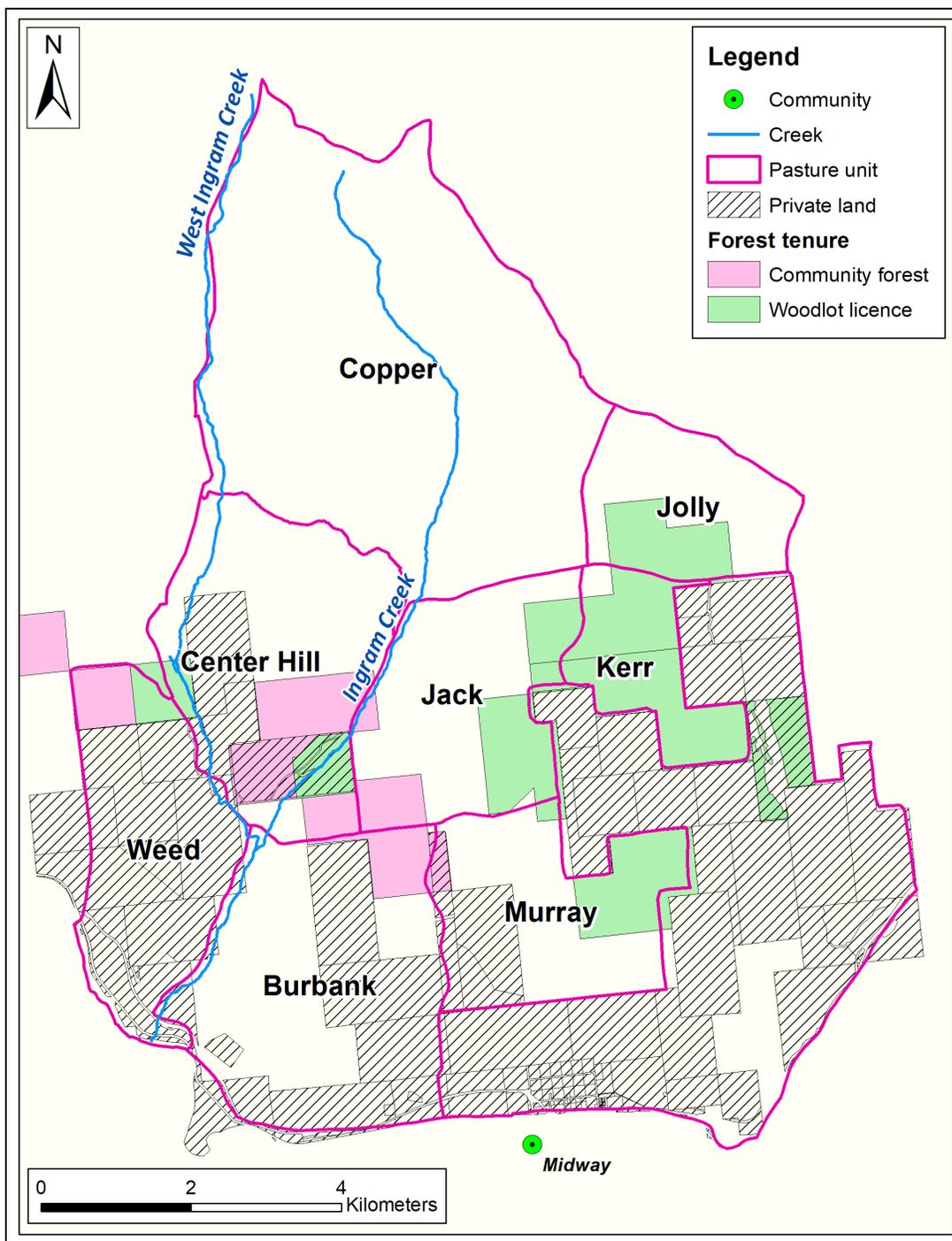


Figure 2. Map of the pastures that make up the Ingram-Boundary range unit

² Greg Lee's range agreements are RAN074268 and RAN077964.

³ Fossen Air's range agreement RAN073922 also covers pastures in three other range units.

Investigation Findings

The investigation considered whether the two range agreement holders complied with the applicable *Forest and Range Practices Act* (FRPA) requirements when they grazed livestock in 2023 and whether government enforcement was appropriate. Board investigators visited the Ingram-Boundary range unit in September 2023. The Board's findings are summarized below, and more detail is provided in [Appendix 1](#).

1. Did the range agreement holders comply with FRPA requirements when grazing livestock?

Range Use Plan Requirements

Sections 33(1)(b) and 45(1) of FRPA and 29(1) of the Range Planning and Practices Regulation (RPPR)

Range use plans for grazing livestock must include a grazing schedule that details the class of livestock, the number of animals and the specific grazing periods for each pasture. Range agreement holders must follow their grazing schedule.

On the day of the site visit, Greg Lee and Fossen Air complied with their grazing schedules. It is important to note the limitation that Board investigators visited the range unit on one day, and their observations are limited to that day. It is up to ranchers and government staff to monitor over the longer term. We acknowledge that the complainant reported cattle out of rotation on other occasions to government. The investigation will address this issue in the section regarding [government enforcement](#).

Issues and Actions

Sections 33(1)(c) and 45(1) of FRPA

The district manager can identify certain "issues" that must be addressed in a range use plan. These "issues" highlight resource values requiring special management, and the agreement holder must include actions in their range use plans to address them and carry those actions out.

The district manager specified issues, including managing the spread of invasive plants, referrals to affected parties and livestock overuse suppressing vegetation growth in the riparian areas of Ingram Creek. The agreement holders included actions in their plans to address these issues.

Investigators were unable to confirm whether the agreement holders acted to address the identified issues because the actions within their range use plans lacked specific timelines and could not be measured or verified.

Protection of Riparian Areas

Section 30 of the RPPR

The RPPR prohibits range practices that would harm a riparian area's ability to:

- handle peak flows without soil or bank erosion,
- filter runoff,
- store and release water safely, and
- support wildlife habitat.

Section 1 of the RPPR defines a riparian area as land next to a stream, lake, or wetland with vegetation distinct from upland areas due to water presence.

Board investigators evaluated the health of riparian areas to assess compliance with this requirement. The evaluations consider stream channel and riparian conditions to determine the functioning of riparian areas at a moment in time.

SAMPLE	OBSERVATIONS	RESULT
West Ingram Creek and tributaries	Properly functioning condition with sections at high risk of degradation if cattle are not managed to stay out of riparian areas.	Compliance
Ingram Creek and tributaries	Properly functioning condition with sections at high risk of degradation if cattle are not managed to stay out of riparian areas.	Compliance
Wetland	Properly functioning condition.	Compliance

Protection of Upland Areas

Section 31 of the RPPR

The RPPR prohibits range practices that would harm an upland area by:

- increasing soil loss,
- reducing water infiltration,
- lowering moisture storage, or
- decreasing stability.

FRPA does not define "upland area". The term generally refers to land outside riparian areas.

Board investigators evaluated the health of upland areas to assess compliance with this requirement. The evaluations consider hydrologic, vegetative and soil stability to determine the condition of upland areas at that moment in time. Investigators found invasive plant species clustered throughout the upland areas of the Burbank, Center Hill and Jack pastures, with a significant presence in one area of the Jack pasture.

SAMPLE	OBSERVATIONS	RESULT
Center Hill and Jack pastures	Properly functioning condition with areas at high risk of degradation if overgrazing and invasive species are not properly managed.	Compliance

Maintenance of Range Developments

Section 40 of RPPR

The RPPR requires range agreement holders to keep range developments, such as fences or water sources, in “effective operating condition.” While “effective operating condition” is not defined, the Board considers a range development maintained if it functions as intended. For example, a fence must keep livestock in place, and if it is broken and not repaired, the agreement holder is not maintaining it properly.

SAMPLE	OBSERVATIONS	RESULT
750 metres of fence in Center Hill and Jack pastures	Fence in effective operating condition.	Compliance

In summary, the range agreement holders complied with FRPA requirements when grazing livestock in the 2023 grazing season.

2. Was government enforcement appropriate?

Government enforcement is appropriate if it encourages compliance. [Appendix 2](#) provides the Board’s approach to assessing the appropriateness of government enforcement.

The complainant raised concerns about range practices and livestock use on the Crown range⁴ several times between 2018 and 2021. In response, ministry staff communicated with the complainant through emails, phone calls, and four field visits. Ministry staff also contacted the range agreement holders over a dozen times.

Between November 2018 and June 2021, the complainant emailed the ministry’s Compliance and Enforcement Branch (CEB),⁵ alleging that Greg Lee’s livestock were grazing outside the approved period in the Jack pasture. After an inspection in August 2021, CEB issued a warning to Greg Lee for non-compliance with the grazing schedule. CEB closed the investigation in October 2021 but did not inform the complainant of the outcome.

In July 2022, the complainant reported overgrazing, violations of grazing schedules and livestock spreading invasive plants in several pastures. In August 2022, CEB and district staff inspected the Copper, Center Hill, and Jack pastures, confirming livestock were in Center Hill outside the grazing schedule. CEB and district staff instructed Fossen Air to move the livestock.

In summary, government enforcement encouraged compliance and was appropriate.

⁴ The Board typically refers to Crown land as ‘public land’. However, ‘Crown range’ is a legally defined term under the *Range Act* and therefore, will be referenced throughout this report.

⁵ In 2024 the Compliance and Enforcement Branch was renamed to the Natural Resource Officer Service.

Conclusion

The Board determined that the range agreement holders complied with FRPA requirements when grazing livestock in the 2023 grazing season. However, the actions specified by the agreement holders to address issues identified by the district manager were unmeasurable and could not be evaluated.

The Board has previously emphasized the importance of government ensuring that the actions outlined in a range use plan are measurable and enforceable.ⁱ

The complainant raised concerns about the condition of riparian areas, as well as overgrazing and the presence of invasive species in upland areas. The investigation found that some sections of the riparian and upland areas are at high risk of becoming non-functional if cattle movement and invasive species are not properly managed.

The Board found that government enforcement was appropriate. In response to the complainant's concerns, government conducted site visits and took enforcement action.

Appendix 1 – Supporting Information

Livestock grazing on Crown range is governed by the *Range Act* and the *Forest and Range Practices Act* (FRPA). Before grazing livestock, ranchers must obtain a *Range Act* agreement and, unless exempted, must prepare a range use plan that meets FRPA's content requirements and is approved by the Minister of Forests. Range agreement holders must adhere to the terms and conditions of their *Range Act* agreement. They must follow their range use plan and practice requirements described in the *Range Planning and Practices Regulation* (RPPR). Practice requirements are rules that range agreement holders must follow.

FRPA's Requirements and Approach Used to Assess Compliance

The following section describes FRPA's range planning and practice requirements and the Board's approach to assessing compliance specific to the concerns identified by the complainant. The concerns include whether the agreement holders are complying with the following FRPA requirements:

- The grazing schedule and actions to address invasive plants in the range use plans.
- The RPPR practice requirements for the protection of riparian and upland areas.
- The RPPR section 40 requirements for maintaining range developments.

Content of a Range Use Plan

Grazing Schedule

Section 33(1)(b) requires a range use plan for grazing livestock to include a schedule detailing the livestock class, number of livestock, and grazing periods for each pasture.

Following Requirements in the Range Use Plan

Grazing Schedule

Section 45(1) of FRPA requires that a person who grazes livestock or carries out or maintains a range development on Crown range must do so per the applicable range use or range stewardship plan. Section 29(1) of the RPPR also requires range agreement holders to follow the grazing schedule.

The grazing schedule outlines the livestock class, the number of livestock, and the duration of use for each pasture designated for grazing livestock. On September 11, 2023, during its field assessment, the Board assessed the range agreement holders' compliance with the grazing schedule.

Issues and Actions Set Out in the Range Use Plan

According to section 33(1)(c) of FRPA, the district manager can notify the agreement holder of issues identified by the minister that need to be addressed in the range use plan before it is approved. The district manager sets out these "minister's issues" to highlight resource values that require special management to ensure their protection. If the district manager identifies

issues, the range agreement holder must specify actions in their plan to address each issue. Section 45(1) of FRPA requires the agreement holder to carry out those actions.

The district manager specified the following issues:

- Introduction and spread of invasive plants.
- Results of referrals to affected parties.
- Reoccurring livestock use on Ingram Creek (approximately eight kilometres up the Ingram Creek forest service road) is suppressing the growth and regeneration of shrubs and other cover species.

The range agreement holders included actions in their range use plans to deal with the issues identified by the minister.

Board investigators examined the agreement holders' compliance with the actions to address the introduction and spread of invasive plants at various sites across the range agreement area.

Requirements in the RPPR

Protection of Riparian Areas

Section 1 of the RPPR defines a riparian area as an area of land adjacent to a stream, lake or wetland and containing vegetation that is distinctly different from the vegetation of adjacent upland areas due to the presence of water.

Section 30 of the RPPR requires a range agreement holder not to carry out a range practice if it would cause a material adverse impact on the ability of the riparian area to:

- (a) withstand normal peak flow events without accelerated soil loss, channel movement or bank movement,
- (b) filter runoff,
- (c) store and safely release water, and
- (d) conserve wildlife habitat values in the area.

The investigators completed a riparian health assessmentⁱⁱ in areas where livestock appeared to impact riparian areas.

Investigators used the assessment to determine compliance with requirements to protect riparian areas. For this, the investigators assessed the current condition of the riparian area and categorized it as functional, functional at risk, functional at high risk, or not functional.

WHAT IS A RIPARIAN HEALTH ASSESSMENT?

A riparian health assessment considers hydrologic, vegetative, and geomorphic attributes and processes to assess the condition of riparian areas at a point in time.

The Board developed and used a riparian health assessment that adopted some of the same indicators used by the ministry. However, the Board's assessment is specifically designed to assess the condition of the four functions of riparian areas identified in section 30 of the RPPR. The assessment outcome determines the riparian area's condition, which can range from functional (or proper functioning condition) to functional at risk to not functional.

Functional: A riparian area is considered functional when the condition of the four functions of riparian areas listed in section 30 of the RPPR has not declined by more than 20 percent.

Functional at risk: A riparian area is considered functional at risk when the condition of the four functions of riparian areas listed in section 30 of the RPPR has declined by more than 20 percent but not more than 50 percent. The risk of a riparian area becoming not functional increases as the functioning condition declines.

Not functional: A riparian area is not functional when there has been more than a 50 percent decline in the condition of the four functions of riparian areas listed in section 30 of the RPPR.

If a riparian area is not functional, the Board considers that livestock use has caused a material adverse effect on the ability of the riparian area to achieve the functions of (a) through (d) above, and therefore, the agreement holder is deemed non-compliant.

Protection of Upland Areas

Although FRPA does not define "upland area," it generally refers to land that is outside of riparian areas. Section 31 of the RPPR requires a range agreement holder not to carry out a range practice if it would cause a material adverse impact on the upland area by substantially:

- (a) accelerating the rate of soil loss from the area,
- (b) diminishing infiltration of water on the area,
- (c) reducing moisture storage on the area, or
- (d) decreasing stability of the area.

The investigators completed upland health assessments where the functioning condition of upland areas appeared to be at risk due to livestock grazing. The assessments help to determine compliance with requirements to protect upland areas. The investigators assessed the upland area's current condition, categorizing it as functional, functional at risk, functional at high risk, or not functional. If an upland area is not functional, the Board considers that there has been a material adverse effect on the area, and therefore, the agreement holder is deemed non-compliant.

Maintenance of Range Developments

Section 40 of the RPPR requires a range agreement holder to maintain range developments in an "effective operating condition." Range developments are defined in FRPA and include any structure (for example, a barbed-wire fence or corral) or an excavation (such as a dugout to provide water for livestock). Although the term "effective operating condition" is not defined in FRPA, the Board considers that range agreement holders comply when they maintain the range development so that it functions as intended. For example, the purpose of a four-strand barbed wire fence may be to ensure that livestock cannot leave an area. If a fence does not restrict livestock movement because one or more wires are broken, and there has been no action to maintain the fence, then the range agreement holder has not maintained the fence in an effective operating condition.

Assessment of Compliance

On September 11, 2023, the investigators undertook a field assessment of the range agreement areas. One of the two range agreement holders joined the investigators for part of the assessment.

Requirements in the Range Use Plan

Grazing Schedule

Section 33 of FRPA requires that a range use plan includes a schedule detailing the livestock class, the number of animals, and the duration of use for each pasture designated for grazing. The purpose of this schedule is to manage grazing across pastures throughout the season.

Greg Lee's range use plan included a schedule specifying a period for the use of each pasture. In 2022, Fossen Air submitted a revised schedule as a minor amendment to their range use plan.⁶

Seven pastures of the Ingram-Boundary range unit were in use during the 2023 grazing season. On the day of the Board's site visit, Fossen Air was authorized to graze livestock in the Center Hill pasture, while Greg Lee was authorized to graze livestock in the Copper and Jolly pastures (Table 1). On the day of the assessment, investigators found a few livestock in the Burbank pasture but were unable to determine ownership.

Table 1. 2023 Grazing Schedule and Livestock Presence on September 11, 2023

PASTURE	2023 PERIOD OF USE SPECIFIED IN THE GRAZING SCHEDULES		DID INVESTIGATORS OBSERVE LIVESTOCK IN THE PASTURE ON SEPTEMBER 11, 2023?
	FOSSEN AIR	GREG LEE	
Burbank	May 20 – June 30	October 16 – 30	Yes
Center Hill	September 11 – October 1	September 26 – October 15	No cattle were observed in the pastures.
Copper	July 1 – September 10	July 16 – September 25	
Jack	July 1 – September 10	June 11 – July 15	
Jolly	July 1 – September 10	August 2 – October 24	Pastures not assessed.
Murray	May 20 – June 30	May 12 – June 10	
Kerr	N/A	June 1 – August 1	

Minister's Issues and Range Agreement Holders' Actions

The district manager stated the minister's issues that the range agreement holders needed to specify actions for in their range use plans. Fossen Air and Greg Lee's range use plans include the same actions to address the introduction and spread of invasive plants.

Those include:

1. *"I will revegetate all soil disturbances as soon as possible after creating them i.e. fence lines waterholes, etc. to prevent introduction of weeds.*
2. *I will work with the ministry range staff to identify new weeds and help to contain existing infestations.*
3. *Whenever possible I will stay on established roads and trails.*
4. *I will clean cattle of visible weed seeds before moving onto range."*

The investigators concluded that actions #1 to #3 outlined in the range use plans are not enforceable because they lack specific timelines and are not measurable or verifiable. In action #2, the phrase, "I will work with the Ministry range staff..." introduces ambiguity, as it does not identify who is accountable for these actions or specify what actions are to be taken. Additionally, the phrase "whenever possible" in action #3 creates further ambiguity regarding enforcement, as it does not clarify when the range agreement holder is expected to take action.

⁶ This 2022 schedule also applied to the 2023 grazing season, as Fossen Air did not submit an amendment for 2023.

Investigators could not determine if the range agreement holders adhered to action #4 because they were not present at the site on May 12, the start of the grazing season, according to the grazing schedule outlined in Greg Lee's range use plan.

Requirements in the RPPR

Protection of Riparian Areas on West Ingram Creek and Tributaries

Section 30 of the RPPR

In the Center Hill pasture, an open area that was historically used as a sawmill in the 1930s is being used by livestock. This area is located on an unnamed tributary to West Ingram Creek. Evidence suggests that the construction of the sawmill involved enclosing (covering) about 125 metres of the unnamed tributary, resulting in significant disturbance to the channel and riparian area. The investigators' observations suggested that the historical impacts on the channel have been exacerbated by livestock use. However, due to the site's history, investigators could not determine whether livestock grazing alone caused the riparian area to become non-functional.

In the upper section of the unnamed tributary, heavy livestock activity just upstream from the Copper-Ingram Forest Service Road (FSR) crossing has affected a 30-metre stretch of the riparian area (Figure 4). While this section is still functional, it is at a high risk of degradation. Within this 30-metre section, the stream channel has been impacted and there are about 250 square metres of bare soil next to the stream.



Figure 3. Heavy livestock use adjacent to East Ingram Creek has resulted in approximately 250 square metres of bare soil. Picture taken on September 11, 2023.

Protection of Riparian Areas on Ingram Creek and Tributaries

Section 30 of the RPPR

Investigators conducted riparian assessments on Ingram Creek between Center Hill and Jack pastures where the complainant observed impacts to riparian areas (Figure 4). At a road crossing on East Ingram FSR, investigators found that while the stream channel and riparian area were functional, they were at moderate risk due to livestock impact. The range agreement holders constructed a wooden rail fence to prevent livestock access. Due to restricted livestock access, the riparian area is recovering and the stream channel is stabilizing (Figure 5). Investigators observed about 100 square metres of bare soil caused by livestock between the road and the fence.

Investigators examined a 500-metre section of East Ingram Creek, approximately 700 metres upstream of the East Ingram FSR crossing. The stream section is mostly fenced. However, there are short stream sections meandering outside of the fenced area, totalling about 150 metres in length. About 60 metres of the unfenced sections of the stream have been impacted by livestock, including overgrazing of the riparian vegetation, trampling of soil and degradation of the stream channel banks. The 60 metres of the stream is at a high risk of being non-functional.



Figure 4. Livestock impact in the riparian area and stream channel of East Ingram Creek upstream of the crossing on East Ingram Creek FSR. Picture taken by the complainant in 2022.



Figure 5. The riparian area is recovering and the stream channel is stabilizing after the agreement holders constructed a fence across to restrict livestock access. Picture taken on September 11, 2023.

Protection of Riparian Areas on Wetlands

Section 30 of the RPPR

The investigators examined the condition of the riparian area of a wetland in Center Hill pasture. Although livestock have unrestricted access to the wetland, livestock use appears to be limited to about 50 metres along the east end. This section shows evidence of livestock-caused trampling of wet soils and grazing of riparian vegetation in the wetland and grasses in the adjacent upland areas. Despite the livestock use, stubble heights for upland and riparian species, as specified in the range use plan, are within the allowable limits, and the riparian area is in proper functioning condition.

Protection of Upland Areas in the Center Hill and Jack Pastures

Section 31 of the RPPR

The investigators examined upland areas in the Burbank, Center Hill and Jack pastures. The Center Hill pasture contains the largest open grassland area in the Ingram-Boundary range unit. The upland area is primarily covered with non-native grasses and was historically used as a

homestead. The range agreement holders and ministry staff told investigators that long-term and heavy livestock grazing has resulted in a decline in the functioning condition of the grassland area. Investigators confirmed this decline in functioning condition during the site visit.

Invasive plants, including diffuse knapweed (*Centaurea diffusa*) and sulphur cinquefoil (*Potentilla recta*), are present in clusters across the upland area, along with cheatgrass, which is a non-native grass that colonizes disturbed areas. Similar observations about the condition of the upland area have been identified through monitoring undertaken by the ministry's range branch and district range staff. The extent of livestock grazing, as indicated by the low stubble heights, contributes to the decline in the functioning condition of the upland area. The Board determined that the stubble heights for grass species were at the minimum height levels as specified in the range use plans. In assessing the upland area, investigators found that the functioning condition varies between moderately and highly at-risk of being non-functional if current grazing levels continue.

In the Jack pasture, investigators examined an upland area where invasive plants, including knapweed and sulphur cinquefoil, dominate the ground cover. A fence runs through the upland area, and approximately 200 square metres of bare soil result from livestock trailing along and adjacent to the fence (Figure 6). Investigators could not attribute the presence of invasive plants to livestock grazing. Due to the extent of the ground covered with invasive plants, the upland area is functional but at high risk of being non-functional.



Figure 6. The upland area in the Jack pasture is dominated by invasive plants. Indicators of heavy use by livestock include bare soil from trailing and trampling of vegetation. Photo taken on September 11, 2023.

Maintenance of Range Developments

Section 40 of the RPPR

Investigators inspected the condition of range developments at sites examined for the protection of riparian and upland areas.

Approximately 750 metres of range fence was examined in the Center Hill and Jack pastures. With one exception, all range fences were in an effective operating condition. The exception includes a

20-metre fence section damaged by falling trees. As a result, the fence is not in an effective operating condition. The 20-metre section is minor in relation to the overall length of the fence, which investigators found to be in an effective operating condition. There is no evidence of livestock movement across the damaged section of the fence.

Appendix 2 – Board’s Approach to Assessing the Appropriateness of Government Enforcement

The purpose of government enforcement is to promote compliance with legal requirements. The Board considers government enforcement appropriate if it is effective in achieving compliance. If government discovers issues, it has a series of options increasing in severity to encourage compliance.

The options include education and awareness, written instructions, warnings, compliance notices, stop-work orders, violation tickets, administrative penalties, prosecution, and licence cancellation, among others. Government’s strategy is to use the least punitive tool available to encourage compliance.

Enforcement measures generally begin with monitoring and inspections. The ministry’s district range staff and CEB have roles in government’s compliance and enforcement regime of livestock grazing on Crown range. The ministry’s district range staff monitor range activities in the field and communicate issues to range agreement holders. The ministry’s district manager has enforcement authority under FRPA and the *Range Act*. While CEB receives complaints through its Natural Resources Violation Reporting system, it often refers range-related complaints to ministry district range staff for advice or resolution. CEB does not conduct routine inspections but may undertake investigations and, when appropriate, take enforcement action.

The investigation considered government’s efforts to ensure compliance with range-related requirements. These included range inspections and responses to two formal complaints filed with CEB.

ENDNOTES

ⁱ Forest Practices Board. 2009. [Range Planning under the Forest and Range Practices Act](#). Special Investigation.

ⁱⁱ U.S. Department of the Interior. 2015. [Riparian area management: Proper functioning condition assessment for lotic areas](#). Technical Reference 1737-15. Bureau of Land Management, National Operations Center, Denver, CO.



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