



File: 135-45/WAR

June 14, 2007

To: All Forest Industry Licensees  
Regional Executive Directors  
District Managers  
Fire Centre Managers

From: T.R. (Tim) Sheldan  
Assistant Deputy Minister  
Operations Division

**Re: Update on Industry Guidance related to the *Wildfire Act* and Regulation**

This letter serves to update the forest industry sector on recent developments related to industry guidance associated with the *Wildfire Act* (Act) and regulation. The last guidance piece issued was developed and distributed June 30, 2005. Given Act and regulation amendments that have transpired since June 2005, and recent discussions with industry regarding log loading operations, it has come to our attention that updated guidance would be of benefit. This update also serves to remind industry of requirements for those seeking exemptions, and clarifies that a conditional exemption for the requirement for a 2 hour fire watch is in effect.



### **Act Amendments**

Minor Act amendments that have transpired since 2005 including:

- The definition of grassland has been changed to clarify that this includes land that is being used for the production of forage.
- An amendment has been made to s10(1)(a) to ensure an Official has the ability both restrict or prohibit the lighting, fuelling or use of an open fire or require all persons lighting, fuelling or using an open fire to cease doing so and to extinguish the open fire or fires.
- Provisions have been added to clarify that the government may seek to recover stand reestablishment costs when a stand damaged by fire is not yet "free growing".

### **Regulation Amendments**

At industries request, a number of amendments to the Wildfire Regulation were implemented in March 2006 to add clarity to define:

- that at least one fire fighting hand tool for each worker is required under s5, s20, s21, and s22;
- when there is a risk of a fire starting or spreading;

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- when “fire season” occurs as it relates to high risk activities;
- the type of “workers” who must respond in the event of a fire;
- appropriate remuneration options for those who respond to a fire under s14(c)(ii);
- circumstances for not seeking to recover government’s fire control costs under s29;
- minimum resources required to support a category 2 or 3 open fire; and,
- updated administrative penalties and offences.

The Wildfire Regulation consolidated to include these amendments can be found at

(<http://www.for.gov.bc.ca/tasb/legsregs/wildfire/wildfirereg/wildfirereg.htm>).

### **Application Bulletin – Forest Industry Guidance**

An updated interpretive bulletin entitled “Interpretive Bulletin on the Application of the Wildfire Regulation for the Forest Industry” (attached) has been prepared. The objective of this bulletin is to bring clarity around the intent of the *Wildfire Act* and Regulations on key issues raised by the forest industry.

This bulletin provides general guidance to industry on how to determine if fire tools, a fire suppression system and a fuel break are adequate, how to obtain representative weather data and how to determine the Fire Danger Class. It further defines log forwarding as a high risk activity and clarifies the classification of machinery with tracks, chains or studs. General clarification is also offered regarding requirements to make resources available and fire hazard assessments.

### **Exemption Process**

Exemption provisions are outlined in sections 25 (from Regulation provisions) or 26 (from Act Provisions) of the Wildfire Regulation. Section 27 of the Regulation outlines the process respecting exemptions. Exemptions may be granted upon request from sections 5, 6 or 7 of the *Wildfire Act* or Parts 2, 4 or section 13 of the Regulation. A person requesting an exemption should submit in writing their exemption request to their local Fire Centre Manager. The exemption request should specify the provision of the Act or Regulation, the area or activity and the period of time for which they are seeking an exemption.

If a person is seeking an exemption from a regulatory provision, the exemption can only be granted if:

- (a) the official granting the exemption must be satisfied that compliance by the person with the provision is not practicable in the applicable circumstances;
- (b) the official is satisfied that any condition or alternative requirements specified under the Act is appropriate having regard for the subject matter of that provision and the applicable circumstances;

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(c) a person exempted may be subject to conditions or alternative requirements and must comply with these conditions or alternative requirements.

Reasonable alternative means to achieve the objectives of the provisions should be detailed by the person seeking the exemption to a regulatory provision. For exemptions granted under Section 25(1)(b), the exemption will be conditional on the person exempted achieving the objectives of the provision.

If a person is seeking an exemption from section 5, 6 or 7 of the Act, the exemption being sought must be necessary or desirable because the provision that will be the subject of the exemption is inappropriate, given the circumstances or conditions applicable to an area or to the operations of the person to be exempted. The basis for the proposed exemption should be detailed by the person seeking the exemption.

### **Exemption from 2 Hour Fire Watch**

Members of COFI, CFP, ILMA and the BC Woodlot Association, requested that an exemption be granted to all licensees in the forest industry in the Province of British Columbia from the requirements to maintain a fire watcher after work for 2 hours as per the Wildfire Regulation section 6(2)(a) and Schedule 3. This exemption is granted subject to the conditions detailed in the attached exemption document. It should be noted that representative wind conditions can be measured using the Beaufort Scale, a hand held anemometer or an automatic fire weather station, and more information on wind measurement can be found in the following publications:

Turner, J.A.; Lawson, B.D. 1978. *Weather in the Canadian Forest Fire Danger Rating System. A user guide to national standards and practices.* Environment Canada, Pacific Forest Research Centre, Victoria, BC. BC-X-177.

Taylor, S.W., R.G. Pike and M.E. Alexander. 1997. Field guide to the Canadian Forest Fire Behavior Prediction (FBP) system. Special Report 11, Fire Management Network, Northern Forestry Centre, Canadian Forest Service, Natural Resources Canada. Edmonton, Alberta. viii + 60 p. Available from UBC Press, Vancouver, B.C.

The elements of the *Wildfire Act* and Regulation as discussed have been developed with input from industry, and we look forward to continued cooperation with the forest industry as we move forward under this new regulatory regime.

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We welcome your feedback, please contact Judi Beck ([Judi.Beck@gov.bc.ca](mailto:Judi.Beck@gov.bc.ca)) (250-387-5782)  
or your local Fire Centre.



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Enclosure(s): 2

pc: Dave Peterson, Assistant Deputy Minister, BC Timber Sales  
Richard Grieve, Acting Director, Compliance and Enforcement Branch  
Brian Simpson, Acting Director, Protection Branch  
Judi Beck, Manager, Fire Management, Protection Branch