



**Forest  
Practices  
Board**

## **Lake Koocanusa Campfire Ban and Recreation Issues**

---

**FPB/IRC/159**

November 2009

# Table of Contents

---

<b>The Investigation</b> .....	<b>1</b>
<b>Discussion</b> .....	<b>3</b>
Issue 1 – Campfire Ban .....	3
Issue 2 – Recreation Issues .....	8
<b>Conclusions</b> .....	<b>14</b>
Issue 1 – Campfire Ban .....	14
Issue 2 – Recreation Issues .....	14
<b>Recommendations</b> .....	<b>15</b>

# The Investigation

---

The owner of a private campground on Lake Koochanusa submitted a complaint to the Forest Practices Board on August 22, 2008. The complainant had concerns with a campfire ban, imposed on July 28, 2008, covering parts of the Rocky Mountain Forest District and the Lake Koochanusa area, which is southeast of Cranbrook, BC.

The complainant said that the campfire ban was unwarranted and it unjustly impacted her private campground business. The complainant asserts that effective government enforcement and management of recreation use on Crown lands, especially camping, would negate the need to ban campfires in commercial campgrounds. Furthermore, she believes squatters (campers) should be removed from Crown lands to reduce the threat of wildfires, Crown land areas could be closed to camping if there is a fire risk and government should enforce the “14-day stay” rule. Lastly, the complainant stated that areas adjacent to Lake Koochanusa had the same fire danger but were not included in the ban.

The Board investigated the decision to impose the fire ban and then asked the Ministries of Forests and Range and Tourism, Culture and the Arts about the recreation issues in the Lake Koochanusa area.

## Background

On July 21, 2008, the Southeast Fire Centre (SEFC) of the Ministry of Forests and Range’s Wildfire Management Branch responded to a wildfire caused by an abandoned campfire. The fire was named ‘Newgate’ (Fire N-0313). Several people were camping on Crown land adjacent to Lake Koochanusa when the fire started. The area is not a recreation site or park. Many campers set up trailers and leave them there all summer. This long-term camping on Crown land is locally referred to as ‘squatting.’ There is no general prohibition of camping on Crown land.

During the Newgate wildfire, several people were forced to seek shelter in the lake, as the only access trail back to the main road system was blocked by the fire.



Vehicles and camping trailers trapped by the Newgate fire. (Source: MFR)

This fire resulted in the loss of an ATV, a boat trailer and two campers. The fire was 35 hectares in size and spread rapidly. The fire was controlled by initial attack crews and an air tanker dropping fire retardant.

On July 28, 2008, the SEFC imposed a campfire ban on parts of the Rocky Mountain Forest District, including the Lake Koochanusa area.

The campfire ban was added to existing Category 1, Category 2 and Category 3 open fire restrictions. The July 28, 2008, campfire ban applied to all Crown and private land in the identified area.

The Wildfire Regulation defines three categories of fires. A "category 1 open fire" means an open fire that burns piled material no larger than one metre in height and one metre in diameter, and includes a campfire.

On August 20 and 21, 2008, the complainant reported there was heavy rain near their residence, which they felt was sufficient to warrant lifting the campfire ban. The SEFC manager stated that he considered lifting the ban at that time, but given the conditions and weather forecast, did not do so until September 5, 2008.

The Lake Koochanusa area is a popular summer recreation area that sees its summer population increase by an additional 5,000 to 10,000 visitors – many of whom camp on Crown land.

Government ministries recognize there are many issues with unregulated camping on Crown land such as littering, human feces, inappropriate camper behaviour and abandoned campfires. These issues can all contribute to increased risks to public safety and property.

# Discussion

---

This report addresses two issues.

Issue 1 is the decision to impose the campfire ban. The complainant had concerns with the imposition and removal of the campfire ban. The Board examined whether the SEFC manager's decision to impose and maintain the campfire ban was reasonable.

Issue 2 is the recreation issues in the Lake Koochanusa area. The complainant raised concerns with the management of Crown land in the Lake Koochanusa area. The Board asked the responsible government ministries what issues they saw with recreation. To facilitate future management, the report discusses what options exist under the *Forest and Range Practices Act* (FRPA) to deal with unregulated recreation.

## Issue 1 – Campfire ban

*Was the SEFC manager's decision to impose and maintain the campfire ban reasonable?*

The imposition of a campfire ban and open fire restrictions is a discretionary decision. Such discretionary decisions should be based on an adequate assessment of relevant available information and should be reasonable in the circumstances.

The complainant did not dispute the need for the ban when it was originally applied. However, the complainant questioned the decision to remove the ban, asserting that the ban should have been removed sooner, following one specific rain event.

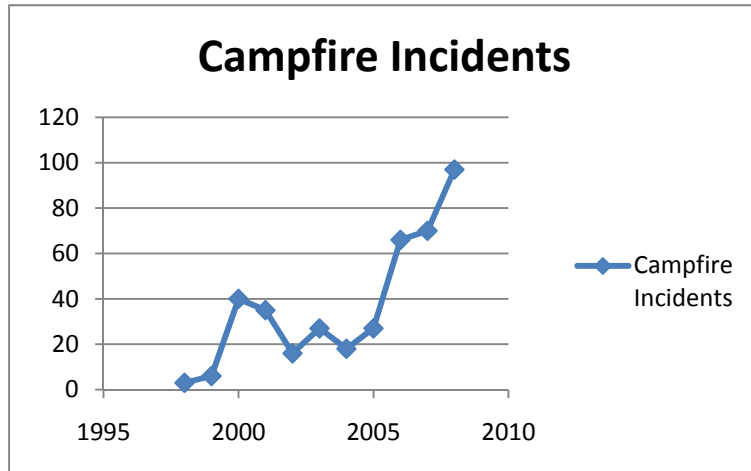
The Board examined whether the decision to impose the ban was based on an adequate assessment of relevant available information and whether it was reasonable to leave the ban in place after a subsequent rain event.

*Was the decision to impose the campfire ban based on an adequate assessment of relevant available information?*

The SEFC manager considered that a restriction was required due to several factors. The SEFC manager documented 15 points supporting his decision. These points can be characterized as fire start potential, potential fire behaviour, and risk to life and property.

## 1. Fire start potential

Fire start potential refers to the possibility of fires being started by people. The SEFC manager noted that the public use of campfires in the area was a significant problem.



The problem was the result of the scattered location of campers; the limited and often poor vehicle access to the camping areas; the use of fires without proper fire rings; and the number of abandoned campfires. The problem with campfires and camping contributed to the fire start potential.

Figure 2: Campfire incidents in the Cranbrook Zone by Year.

There had been a history of unattended or abandoned campfires in the Lake Kooconusa area and, over time, the number and rate of incidents have continued to climb. Notably, in 2008, there was a high of 97 campfire incidents in the Cranbrook fire zone.

Even though the government imposed a campfire ban, the number of campfires detected rose in 2008. Illegal use of campfires and abandoned fires continued, which put public safety at risk. The SEFC noted that grass fires kill more people, as the fires tend to be fast moving. Most campers locate in and around the lake in both forests and grasslands.

The SEFC manager noted that the recent Newgate fire illustrated that long-term campers were increasing the risk of wildfire starts, creating public health problems and contributing to environmental damage.

The SEFC manager also considered that the fuel conditions of the grasslands and forests in the area had reached a critical point for ignition and spread, and would combine with irresponsible fire use to increase the risk of fire starts.

The SEFC manager considered fire start potential in his decision to apply a campfire ban and open fire restrictions.

## 2. Potential fire behaviour

The SEFC manager considered potential fire behaviour in his decision to apply the campfire ban and open fire restrictions. Fire behaviour is influenced by weather, topography and fuel conditions.

The SEFC has access to a network of weather stations, a meteorologist on staff and satellite forecasts. In addition, the SEFC has measurements of forest fuel conditions.

The SEFC noted that around July 23, the fire weather indices were high and were likely to increase.

In terms of weather, the SEFC manager stated that, historically, the Lake Koochanusa area gets hit with a tropical flow of weather from the south in July and August. The flow brings with it lots of lightning. Throughout the southeast region, the SEFC was the busiest in the province for lightning at the time.

Weather forecasts showed that there was a high pressure system building. Temperatures were warm and would continue to increase. As well, the likelihood and frequency of lightning strikes would increase and there would be low relative humidity. Therefore, considering that August is the drier part of the fire season and busiest for lightning, the SEFC manager considered these weather conditions would contribute to dangerous fire behaviour.

The SEFC manager stated that the fuel type in the Koochanusa area was susceptible to fire starts and the weather forecasts indicated a drying trend.

The fuel type (C7<sup>1</sup>) consists of open, mature, uneven aged ponderosa pine and Douglas fir forests. While the stands are open, they can have thickets of younger trees as an understory. The forest floor has only light and scattered amounts of woody fuel with a continuous layer of pine needles with shallow organic layers or no organic layer at all. The forest floor is dominated by perennial grasses, herbs and scattered shrubs.

---

<sup>1</sup> C7 is a forest fuel as classified by the Canadian Forest Service *Canadian Forest Fire Danger Rating System*. This is Canada's national system of rating forest fire danger. The system includes tools to evaluate forest fire danger, describe fire occurrence, and predict fire behavior characteristics.



C7 fire type, open forest of ponderosa pine. Some areas have thickets and a heavy layer of needles on the forest floor. (Source: FPB)

As an example of potential fire behaviour, the SEFC manager had the real life example of the Newgate fire, located on the shore of Lake Koocanusa. In the Newgate case, the fire grew very quickly, blocked the only trail/road access to the area and several people ran into the lake for safety.

The SEFC manager considered potential fire behaviour in his decision to apply a campfire ban and open fire restrictions.

### **3. Risk to life and property**

The SEFC manager noted that there is a significant population of summer tourists in the area, which resulted in an increased risk to life. The Koocanusa area is very congested at times, with estimates of up to 10,000 summer tourists in the area.

The SEFC considered the risks to private land and business owners in addition to Crown land. As part of the evaluation of risk to life and property, the SEFC considered what fire fighting resources were available. Should a wildfire start, how soon could MFR fire fighters and aircraft respond, and could they contain a fire given the fuel types and weather?

#### Crown Land

Campers on Crown land may have difficulties evacuating Lake Koocanusa in an emergency. Some members of the public drive off road, creating trails of their own to areas on the grasslands or the forests to camp. The relatively gentle slopes and sparsely vegetated area makes it relatively easy for trucks and SUVs to access shore areas of Lake Koocanusa.

Lake Koocanusa was created when the Kootenay River was dammed. It is a flooded valley with steep escarpments that became the defacto shoreline. To access the shore, many campers use old dry ravines which have steep grades, blind corners, few pullouts and soft surfaces that can cause some vehicles to get stuck. These trails are often the only access route in and out of popular camping areas.



The SEFC manager said that many of the camping trailers are left on site all season as a summer residence. The owners of campers and trailers leave the units unattended. The cause of the Newgate fire was an abandoned campfire located amongst unattended trailers.



Umbrella Beach – unauthorized structure.



Roberts Point – campers on Crown land

(Source: MFR)

In addition to members of the public who drive into the area, beach areas are also accessed by boat. Boaters pull ashore in the evenings, start fires and, in some cases, abandon the campfires. There is also a problem with the illegal use of fireworks.

### Private Land

The complainant raised the issue of the potential financial implications to their campground business posed by the campfire ban.

In the application of section 10, the official has the ability to set different restrictions for open fires for categories of persons, places, things or circumstances. The SEFC manager noted that he could not exempt one campground operator versus another, unless he could consider them as distinct groups. Furthermore, the private campgrounds are located along the lake in close proximity to one another, so it is hard to differentiate between them. He was concerned that the purpose of a campfire ban is to prevent fire starts and if there were exemptions, that could jeopardize the effort to prevent fire starts. For example, should some campgrounds be exempt, other campers might assume there was no campfire ban at all. This could defeat the purpose of a ban and could even exasperate the fire start situation.

Many of the private and organized campgrounds have high densities of residents and some campgrounds have narrow one-lane roads, which complicates an evacuation.

Lastly, while organized campgrounds may have fire rings, watered grass and other factors that may lessen the chance of fire starts, there are also many factors that create higher risks.

For example, many campground trailers have stored firewood on site, have varying

amounts of native trees and needle layers on the forest floor, and some have campers located very close together. As well, each private campground can vary greatly in terms of trailer density, fuel types, road access, etc.

The SEFC manager stated that he did consider private or organized campgrounds and the possibility of excluding them as a group, but concluded that they still contributed to the risk of fire starts.

The SEFC manager considered the risk to life and property in his decision to apply the campfire ban and open fire restriction.

The Board finds that the decision to impose the campfire ban was based on an adequate assessment of relevant available information, including fire start potential, potential fire behaviour, and risk to life and property.

*Was it reasonable for the SEFC manager to leave the ban in place after a subsequent rain event?*

The complainant felt that rain on August 20 and 21 should have been sufficient to remove the campfire ban originally imposed on July 28.

The SEFC manager noted that since he imposed the campfire ban, he had monitored all the relevant factors (previously discussed) to decide when to remove the restriction. The SEFC manager noted that the effect of the August rain event was short-lived. He said that on August 20 and 21 the fire danger class dropped from danger class 4 (high) to class 2 (low) in response to rain showers. However, 24 hours after the rain, the fine fuel moisture content rating was back to point of ignition. As well, the fire danger rating returned back to class 4 (high) from class 2 in 48 hours. The SEFC explained that rain cells can deposit varying amounts of moisture in small areas, but that the larger campfire ban and restriction area had to be considered. Therefore, while some localized areas did get some rain, he concluded that the effects were not long lasting and the other risk factors remained. The risk of fire starts was still there and the weather forecast showed a warming trend. As well, MFR was still encountering abandoned campfires.

In the Board's view, given that the risk factors still remained, that the fire weather indices indicated conditions still presented a risk of fires starts, and that there was a warming trend, the decision to keep the campfire ban in place was reasonable in the circumstances.

## **Issue 2 – Recreation Issues**

The complainant asserted that better government enforcement could make the need for a campfire ban unnecessary. The complainant said that management of the Crown land and recreation use was not effective.

The complainant, and staff of the Ministry of Forests and Range (MFR) and the Integrated Land Management Bureau (ILMB), identified unregulated recreation use of Crown land as a significant management issue.

To address the complainant's concern with the management of recreation on Crown land, Board staff discussed the various issues, and the options that exist under the *Forest and Range Practices Act* to manage recreation, with MFR, the Ministry of Tourism, Culture and the Arts (MTCA), and the ILMB.

Specifically:

1. What are the concerns with environmental damage and public safety associated with recreation use?
2. What were the concerns with enforcing the campfire ban?
3. What are the ministries currently doing to manage recreation use?
4. What options exist under FRPA to manage recreation?

***What are the concerns with environmental damage and public safety associated with recreation use?***

The public is camping at scattered locations along the reservoir. Vehicle access to several of the areas is limited and poor. Vehicles have repeatedly used old roads, trails, or even old ravines to access the lake shore. Should a wildfire start, evacuation would be difficult or, in some cases, impossible. This is the most immediate and real risk of unregulated recreation.



Poor vehicle access, erosion of the road bed poses a safety issue. North of Kikumon bridge northeast of Jaffray. (Source: FPB)

Public safety is also at risk from ATV use. Without designated trails, there is a possibility of riders

driving into dangerous areas or through someone's camping area, leading to collisions. While MFR has been posting signs indicating that damage to the environment can result in fines, the public does not know which trails are okay to use or where the use of vehicles is considered to be damaging to the environment.

Litter and human feces also pose a risk to public safety. MFR staff report that some campers improperly dispose of camper sewage. Disease can be associated with garbage and human waste.

The environment is at risk from inappropriately located recreation use and from concentrated use. The investigation noted that campers set up on grasslands, which creates risks to flora and fauna. Extended stays can rob the sites of the opportunity to recover from the use. ATV use has resulted in trails throughout the area. Users do not know which trails are better than others. Trails can result in degradation of sensitive soils.

*What were the concerns with enforcing the campfire ban?*

Multiple agencies worked together to ensure the 2008 campfire ban and open fire restrictions were respected. The agencies consisted of MFR compliance and enforcement staff, fire wardens, local fire departments in Jaffray and Baynes Lake, the Ministry of Environment's (MOE's) Conservation Officer Service, and SEFC fire control staff.

The SEFC manager noted that, in 2007, enforcement efforts related to the *Wildfire Act* were spread throughout the entire Rocky Mountain Forest District. In a new approach to reducing fire starts in 2008, the campfire ban was imposed on the Lake Koocanusa area, which was the specific problem area. This approach resulted in more efficient application of enforcement resources. However, the SEFC manager said that in 2008, even with the campfire ban, the Lake Koocanusa area still had more problems with campfires than anywhere else in the region.

The SEFC manager also said that the coordinated approach amongst agencies was crucial. In 2008, a total of 127 violation tickets were issued by conservation officers. Ninety-three of those were offences under the *Wildfire Act* and most *Wildfire Act* tickets issued were to boaters recreating at the lakeshore. Despite the campfire ban, the public still lit and abandoned campfires.

During the interviews, the complainant commented that fines to Alberta residents were ineffective as people wouldn't pay them. Discussion with the SEFC manager revealed that the collection of fines may be an issue. MFR's Compliance and Enforcement Branch was asked about the collection of fines. The two provinces have a system to collect fines for motor vehicle type violation tickets, but not forestry related tickets. BC addresses all unpaid environmental tickets, whether in or out of the province, by sending them to a collection agency for follow-up. In 2005, a bill was introduced in BC that would enable the collection of fines for environmental tickets/fines when drivers licences were renewed, but it was never passed into law.

Despite the campfire ban, there remained a persistent problem with illegal campfires and, more importantly, abandoned campfires. Government concentrated its enforcement efforts on the Lake Koocanusa area and this was a reasonable strategy to focus on areas with large populations and a history of fire use issues. However, the Board is very concerned that the effectiveness of the *Wildfire Act* (and by extension, FRPA) is compromised by the inability of government to effectively collect fines. While ticketing is just one tool to promote responsible recreation use, it is an important deterrent.

### *What are the ministries currently doing to manage recreation use?*

During the investigation, several ministries provided the Board with an update on their activities, namely:

- government is initiating a strategic planning process for the Lake Koochanusa area ;
- MFR continues to focus enforcement activities on the area ; and
- candidate areas have been identified for establishment as MTCA recreation sites and trails.

### **Strategic land use planning for Lake Koochanusa**

Since the investigation, ILMB has started a land use planning process for Lake Koochanusa. The planning process will be managed by a steering committee that has representatives of the Ktunaxa Nation Council (KNC), Tobacco Plains Indian Band, Regional District of the East Kootenays (RDEK) and ILMB. The goal of the planning process is to develop recommendations that would result in:

- (a) RDEK official community plan and zoning bylaws;
- (b) guidance for land use and management decisions made by provincial agencies; and
- (c) KNC land values and interests being reflected in the official community plan.

It is expected that the resulting plan will provide direction for land use by articulating a common vision for the future and providing a technical framework for considering proposals for land use. The planning process will not address recreation issues, but rather will focus on future Crown land tenuring and private land zoning for the area. The planning process will not address the public recreation issues.

As of June 2009, there is no set timeframe for the planning process, but typically such land use planning takes several years.

### **The MFR continues to focus enforcement activities on the area**

For 2009, the Rocky Mountain Forest District (RMFD) has considered the recreation issues at Lake Koochanusa when creating its compliance and enforcement (C&E) inspection plan. The district stated it was focusing on two issues this summer and fall, namely unauthorized structures on Crown land and damage to the environment. Specifically, the district was planning to inventory unauthorized structures on Crown land, and to then discourage further use of the structures and remove the structures where possible. However, such efforts are constrained by limited enforcement resources.

The Rocky Mountain Forest District has also been patrolling for violations of section 46 of FRPA, which prohibits damage to the environment from a forest practice, a range practice or another activity, including recreation.



During the Board investigation, ILMB noted that unauthorized motorized recreation is impacting the area. ILMB noted that visitors from Alberta represented the primary problem user group. One factor that may encourage Alberta residents to visit BC for motorized recreation is the perception of stronger recreation regulations in Alberta as opposed to BC.

ILMB stated that the lawlessness in the Koochanusa Lake area has continued for many years and is steadily getting worse. While the management of motorized recreation is a priority of government, it must do so with depleted enforcement capabilities. Nonetheless, MFR had posted signs advising ATV users of their responsibility to not damage the area. The RMFD continued with enforcing section 46 as a priority. As well, ILMB are currently working with the RMFD staff to identify problem areas to focus its enforcement efforts.

### **Candidate areas for establishment as MTCA recreation sites and trails**

ILMB also noted that establishing recreation trails for motorized use was complicated. It is preferable to inform users where they can ride, versus just prohibiting where they can't. There is an existing public advisory group that advises on recreation management in the region. The Cranbrook West Recreation Advisory Committee (CWRAC) is a group that was established by government to provide policy direction on recreation use for the Cranbrook West plan area. When the plan was approved, several sites were identified as intensive use areas. However, none of these were implemented by government. CWRAC were told that the sites were not suitable and that alternative areas would have to be found.

ILMB stated that establishing recreation trails for motorized vehicles under section 56 of FRPA is problematic. The province prefers that a public group accepts responsibility and ensures that there is liability insurance. MTCA uses general guidelines for trail design, construction and maintenance as provided in chapter 10 of the "British Columbia Ministry of Forests Recreation Manual 2". Guidelines for motorized vehicles include all-terrain vehicles, four wheel drive vehicles and snowmobiles. Recently, MTCA has been engineering and building motorized trails, for example motorized riding areas have been established at the Bear Creek recreation site, located in the Okanagan Valley, and at Munroe Creek near Summerland.

During the summer of 2008, a working group made up of the advisory committee and members of the public who are local motorized recreationists, located 12 sites where there is current unauthorized recreation use or potential for development of designated recreation sites. Of these, two are located in close proximity to Lake Koochanusa. ILMB stated that, in 2009, the Kootenay Boundary managers committee will be asked to consider which areas should be candidates for establishment as recreation sites under section 56 of FRPA or designation under the *Land Act* consistent with the Commercial/Institutional or Commercial Recreation Policy.

---

<sup>2</sup> Chapter 10 of the manual was updated in 2000.

### ***What options exist under the Forest and Range Practices Act to deal with unregulated recreation?***

The complainant stated that, in order to reduce the threat of wildfires, squatters (campers) should be removed from Crown lands, Crown land areas should be closed to camping if there is a fire risk and government should enforce the “14-day stay” rule.

To address the issues with unregulated recreation use, including camping, the Board examined four FRPA provisions:

1. section 58, allows the minister of Tourism, Culture and the Arts to restrict or prohibit recreational use;
2. section 57, which requires authorization in order to build recreation trails or recreation facilities;
3. section 54, stipulating that authorization is needed to construct or occupy a building or structure; and
4. section 56, which allows for the designation of recreation sites and trails.

#### **Restrict or prohibit recreational use**

Section 58 of FRPA provides a tool to protect a recreation resource or to manage public recreation. Under section 58, the Minister of Tourism, Culture and the Arts may restrict or prohibit recreational use anywhere on Crown land. The minister may make different orders for different uses and locations. For example, areas of very limited access with inappropriate roads could be subject to restrictions or prohibitions on public access or camping.

#### **Authorization to build trails or recreation facilities**

The construction of trails or facilities on Crown land requires authorization under section 57. It states that a person must not construct, rehabilitate, or maintain a trail or other recreation facility on Crown land.

#### **Authorization to construct or occupy a building or structure**

Section 54 requires that a person must obtain the consent of the minister before constructing or occupying a building or other structure on Crown land. The ministries noted that some campers were constructing buildings on Crown land. In response to contraventions, the minister may order that person to remove the building or structure, destroy it, or restore the land under the building or structure.

#### **Designation of recreation sites and trails**

Recreation sites and trails are formally established under section 56 of FRPA. On established recreation sites, public recreation use is subject to the *Forest Recreation Regulation*. The regulation governs the use of recreation sites and trails.

The complainant referred to enforcement of the 14-day rule to control camping on Crown land. FRPA imposes a 14-day limit for camping on designated MTCA recreation sites only. Government has no ability to limit camping on other Crown land to 14 days.

However, it is an offence under section 60 of the *Land Act* to occupy or possess Crown land; construct a building, structure, enclosure or other works, or abandon on Crown land, any vehicle or vessel. The practice of ‘squatting’ on Crown land in the Lake Kooacanusa area could be interpreted as an offence under the *Land Act*.

The *Forest Recreation Regulation* has provisions that can address many of the issues raised by the various ministries in their discussion of these issues. Options exist to establish recreation sites on localized, high use, or popular areas, or even to establish large areas as sites. Once established, the *Forest Recreation Regulation* would equip enforcement officials with more legislative tools to deal with many of the recreation use issues.

However, MTCA states it has established recreation sites in the area and will likely not be carrying forward any more proposals until the completion of treaty negotiations.

Ideally, establishment of recreation sites should be coordinated through a land use planning process, but that isn’t always possible. In the Board’s opinion, the designation of areas as recreation sites could be done as an interim measure. Sites could be established, but MTCA could delay or choose not to provide any developments or facilities on these sites until such time as the land use planning process is complete and investments are warranted. However, any designation would need to be supported with enforcement resources.

## Conclusions

---

### Issue 1 – Campfire ban

*Was the SEFC manager’s decision to impose and maintain the campfire ban reasonable?*

The SEFC manager had a wide array of information available to him. That information enabled him to consider fire start potential, potential fire behaviour, and the risk to life and property. Furthermore, after the August 20 and 21 rain, the risk factors still remained and the fire weather indices indicated conditions still presented a risk of fire starts.

The Board finds that the decision to impose and maintain the campfire ban was based on an adequate assessment of relevant available information, and was reasonable in the circumstances.

### Issue 2 – Recreation Issues

This investigation documented many forest management issues in the Lake Kooacanusa area and what ministries are doing to address them. The report also identifies the provisions for recreation management provided by the *Forest and Range Practices Act* that the ministries could make use of.



# Recommendations

---

## Recommendation 1

There are circumstances when recreation use requires regulation or management and FRPA provides those tools. In this case, concerns have been raised about recreational use creating safety concerns and environmental damage. In the Board's opinion the most appropriate tool to manage this issue is FRPA's provisions for designating recreation sites and orders to regulate recreation use.

In the fall of 2008, government announced a new approach to multi-ministry compliance and enforcement. Government embarked on its resource management coordination project (RMCP). The RMCP is a new initiative to enhance collaboration and coordination of natural resource management activities across several ministries with the intention to expand the initiative to many program areas. The project is to focus initially on three activities, namely: compliance and enforcement activities; First Nations consultation; and opportunities to expand FrontCounter BC. The project is to enable ministries to coordinate and share resources, and in the case of compliance and enforcement, to address and manage broad government risk by having ministries cross ministry and program lines to inspect and enforce. Given that the RMCP is a multi-agency committee, the Board expects that MFR and MTCA will bring the issues identified in this report to the local RMCP sub-regional managers committee.

**The Board recommends the government assess the risk to public safety and the environment, in the Lake Koocanusa area, caused by unmanaged recreation use. The assessment should identify and assess problematic areas by issue, and identify the resources needed to implement appropriate management measures, such as recreation orders. The government should designate a lead agency to coordinate the process and its implementation.**

The Board requests that the respective managers responsible for the Rocky Mountain Forest District of the Ministry of Forests and Range and the Ministry of Tourism, Culture and the Arts, notify the Board of the steps taken to implement this recommendation by June 1, 2010.

## Recommendation 2

The collection of fines under the *Wildfire Act* and the *Forest and Range Practices Act* was raised as a factor in reduced effectiveness of government enforcement. BC's current system of collecting tickets or fines from the out-of-province residents only applies to motor vehicle type violation tickets and not forestry-related tickets. Unpaid forestry-related tickets are assigned to a collection agency for follow-up. As well, the collection of fines from BC residents is a concern. Given that the Board is mandated under section 122 of the *Forest and*

*Range Practices Act* to examine the effectiveness of government enforcement, the Board is making a recommendation.

**The Board recommends that the Minister of Forests and Range examine the risk and effectiveness of the current system for collection of tickets under the *Forest and Range Practices Act* and the *Wildfire Act*. As part of this examination, the Board suggests that the Minister consider establishing a reciprocal arrangement with Alberta for collection of fines, and internal to BC an amendment to link collection of *Wildfire Act* and *Forest and Range Practices Act* fines to driver's licence renewals.**

The Board requests that the Director of Compliance and Enforcement of the Ministry of Forests and Range, notify the Board of the steps taken to implement this recommendation by December 1, 2010.



**Forest  
Practices  
Board**

PO Box 9905, Stn Prov Govt  
Victoria, BC, Canada V8X 9R1

Tel. 250.213.4700 | Fax 250.213.4725 | Toll Free 1.800.994.5899

For more information on the Board, please visit our website at: [www.fpb.gov.bc.ca](http://www.fpb.gov.bc.ca)