

From: [Edquist, Kevin FLNR:EX](#)
To: [Gorley, Al FPB:EX](#)
Cc: [Townsend, Gary FLNR:EX](#); [Wheler, Francesca M FLNR:EX](#); [Harkema, John FLNR:EX](#); [Pankhurst, Mike J FLNR:EX](#); [Weese, Kristine FLNR:EX](#); [Bertram, Kevin FLNR:EX](#)
Subject: FPB recommendations
Date: December 3, 2012 9:28:07 AM

On behalf of the Ministry of Forests, Lands and Natural Resource Operations (FLNRO), please accept this email as Government's response to the Forest Practices Board's recommendations in its October 2011 report, "*Remediation Orders: How effective are they?*".

Recommendation 1

Develop guidance for decision-makers to consider when making remediation orders, so orders are more enforceable.

Annual training on 'Enforcement Decision-Making under FRPA for Delegated Decision Makers' provides guidance to delegated decision-makers (DDMs) on remediation orders. This training material is updated as needed to address opportunities for improvement identified through internal and external reviews, including audits and investigations of the Board. Based on the Board's findings regarding remediation orders, we will update the Remediation Orders section of this training package to emphasize the importance of being clear and specific regarding remediation actions to be carried out, as well as the outcomes to be achieved by any required remediation plans. These improvements will be reflected in the 2013 training. As well, the Board will be pleased to know that the majority of DDM determinations are reviewed by FLNRO's Manager of Litigation and SDM Support before they are issued. This includes remediation orders, which are reviewed to ensure they are clearly articulated, specific and within the DDM's power.

Recommendations 2 and 3

(2) Improve and standardize the way in which information about compliance with orders, and the enforcement of orders, is gathered and recorded.

(3) Publish information annually on the rate of compliance with orders; the number of investigations and penalty determinations made to enforce orders; and, whether the intended outcomes of orders were achieved.

Compliance and Enforcement Branch, along with other compliance and enforcement departments in other natural resource ministries in BC, is currently undertaking a Data System Business Redesign. This redesign aims to improve, standardize and streamline requirements for recording, managing and tracking compliance inspections in the Compliance Inspection System (CIS) and enforcement actions in the Enforcement Action, Administrative Review and Appeal Tracking System (ERA). This redesign will also improve cross-links between these and other data systems. In particular, the redesign will improve our ability to report on remediation orders, including rates of compliance with orders, investigations and penalty determinations to enforce orders, and the effectiveness of orders.

The Data System Business Redesign is expected to be completed by December 2013.

Recommendation 4

Amend FRPA and the WA to enable government and licensees to cooperatively enter into formal agreements to remediate, as a way to address non-compliance with legislation, when forest or range activities have resulted in harm to Crown resources.

Similar to our Data System Business Redesign, Compliance and Enforcement Branch is also working with other compliance and enforcement departments across the natural resource ministries to carry out a 'Compliance and Enforcement Framework Review'.

This review is examining opportunities to harmonize compliance and enforcement provisions across natural resource legislation in BC, including FRPA, the Wildfire Act, and other acts governing resource management on Crown lands. The scope of this review will include investigating opportunities to enable Government and licensees to cooperatively enter into formal agreements to remediate as a way to address non-compliance with legislation. The Compliance and Enforcement Framework Review is expected to be completed by December 2013. Given that both the Data System Business Redesign and the Compliance and Enforcement Framework Review are 'works in progress', I hereby commit to following up with the Forest Practices Board in one year's time so that we may explain the outcomes of these reviews and their relevance to the work of the Board.

If the Board has any questions about the initiatives described above, please feel free to contact me directly at 250-387-8372.

Kevin Edquist
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**Forest
Practices
Board**

File: 97325-20/2010-01

December 13, 2012

Doug Konkin
Deputy Minister
Ministry of Forests, Lands and Natural Resource Operations
780 Blanshard Street
Victoria, BC V8W 2H1

Dear Doug Konkin:

Re: *FPB/SIR/32 Remediation Orders: How Effective are They?*

Thank you for the Ministry response to the recommendations in the Board's report, *Remediation Orders: How Effective are They?*, which I received from Kevin Edquist, Director of Compliance and Enforcement.

I accept the response and look forward to hearing from the Ministry in a year's time as to the outcome of the two reviews described in the response.

Yours truly,

A handwritten signature in blue ink, appearing to read 'R. A. Gorley', with a long horizontal flourish extending to the right.

R. A. (Al) Gorley, RPF
Chair

December 2, 2013

In response to the Board's recommendation that government improve and standardize the way in which information about compliance with orders, and the enforcement of orders, is gathered and recorded, the ministry advises that: "In the short term this will be accomplished through initial tracking outside of our systems and included in the business plan process at an operational level (fiscal 2014/15). Our current redesign is for our compliance reporting system and does not include enforcement actions. As such longer term it will be included as a business requirement in the redesign of our case management system for enforcement."

In response to the Board's recommendation that government publish information annually on the rate of compliance with orders; the number of investigations and penalty determinations made to enforce orders; and, whether the intended outcomes of orders were achieved, the ministry advises that: "This can be achieved through our annual reporting mechanism and will be included in future reports once we have the data to support the publication of these actions based on implementation as stated above."

In response to the Board's recommendation that government encourage voluntary remediation by amending FRPA and the WA to enable government and licensees to cooperatively enter into formal agreements to remediate, as a way to address non-compliance with legislation, when forest or range activities have resulted in harm to Crown resources, the ministry advises that there is currently work being done in response to this recommendation.