



**Saskatchewan Environment and Resource
Management**

**Forestry
Enforcement
Report
2001 - 2002**

prepared by

**Forestry Enforcement and Compliance Unit
Forest Ecosystems Branch**

Saskatchewan Environment

FORESTRY ENFORCEMENT REPORT 2001 - 2002

Introduction

Forests cover more than half of Saskatchewan's land base and make a vital contribution to both our environment and our economy. Saskatchewan Environment (SE) is responsible for the protection of the long-term health of forest ecosystems, for the benefit of all Saskatchewan residents. Fair, equitable and sustainable use of Saskatchewan's environment and resources is recognized as a fundamental component of the department's mandate. This report is intended to highlight forestry enforcement activities undertaken during 2001 - 2002 in support of this objective.

The Forest Resources Management Act and accompanying regulations provides a framework that commits the government and forest users to undertake the essential components of sustainable forest management — planning, monitoring, reporting, adapting — while maintaining a focus on results. This framework ensures forest health is protected, while remaining flexible enough to be successfully applied to the great variety of forest ecosystems in Saskatchewan.

Some licensees are doing self-inspection. Through past and continuing good performance, companies earn the opportunity to conduct their own inspections, using specific standards established by SE. Random checks by SE staff, plus independent audits now required under legislation, will be used to verify results. This process is evolving.

Companies pay dues based on volume harvested, rather than on products produced. Companies are required to measure the volume of timber, a process called scaling, before it is processed. SE officers now conduct check scale activities on licensees. This will intensify next year.

Besides *The Forest Resources Management Act* and regulations, there are many other pieces of legislation used to ensure that the health of the province's forest ecosystems is protected. This report also reflects enforcement activities using those various pieces of legislation.

SE's Compliance Model outlines three components — Education, Prevention and Enforcement — that work in concert to ensure that the rules governing resource use are followed. Education and prevention both focus on working with all forest users, including the forest industry, to ensure that everyone is aware of and understands the reasons for applicable legislation. Workshops, presentations, meetings, media releases such as public service announcements through the SaskTip program and information publications like SE's Hunting and Trapping Guide are some of the tools that continue to be successfully used.

Forestry Enforcement Initiatives for 2001 - 2002 were, again, primarily in the area of implementing the *Forest Resources Management Act and Regulations*. The main focus was in the education of officers, private industry and the public on the new legislative requirements. Monitoring forest activities continued in a similar manner as it has in the past and this did result in a number of enforcement actions being taken.

This report summarizes the enforcement activities that were conducted in the 2001 - 2002 fiscal year — the third year that the new legislation has been in force. Activities reported on include: administrative penalties, written warnings, stop work orders and the laying of charges.

Enforcement Statistics

Information about forestry enforcement activities is grouped into the following categories:

▪ ***Warnings***

As with all new legislation there is an educational time frame where officers use discretion during the implementation of the legislation and issue warnings rather than charges. This is reflected in the high number of written warnings that were issued during the first year of *The Forest Resources Management Act* and regulations. In the third year of this Act and regulations, warnings are recorded from two sources. The first is a 'poor' rating of a permittee by an inspecting officer, as noted on the SE Report on Forest Operations form. The second is from the Notice of Violation (NOV) form, which notes the section of the Act or regulations, violated and how the incident will be rectified.

▪ ***Administrative Penalties***

The Forest Resources Management Act allows officer's to issue administrative penalties up to the amount of \$10,000 to address incidences of non-compliance. Penalties ranged from \$105 to \$10,000. Incidences include such as:

- failure to follow utilization standards
- failure to remove harvested wood within 90 days
- cutting outside of approved operating area
- failure to pay dues or fees by the prescribed time

▪ ***Stop Work Orders***

Officers issue Stop Work Orders to stop unauthorized harvesting or to stop activities that have damaged or are likely to damage Crown resource land or forest products on Crown land. Stop Work Orders also include directions as to what action must be taken to repair the damage or prevent further damage. Activities include:

- stopping harvesting activities to ensure cleanup of previously harvested areas occurred
- stopping harvesting to prevent rutting from occurring

- poor utilization of forest products after cutting
- harvest without a permit

▪ ***Enforcement Activities and Prosecutions***

Enforcement activities, while monitoring forest operations and in protection of provincial forests, encompass a variety of provincial Acts and regulations. Each has its role to play in ensuring that the long-term health of the forest ecosystem is protected. Officers have used the following Acts and regulations during this fiscal year.

- *The Forest Resources Management Act*
- *The Forest Resources Management Regulations*
- *The Prairie and Forest Fires Act, 1982*
- *The Provincial Lands Act*
- *The Environmental Management and Protection Act*
- *The Litter Control Act*

See Appendix ‘A’ for list of all Acts and associated regulations that may be used by officers conducting forestry enforcement activities.

The following sections break down the Enforcement Activities and Prosecutions done by the officers.

▪ ***Inspections***

SE and some companies doing self-inspection conduct inspections to ensure the harvesting of forest products complies with *The Forest Resources Management Act* and regulations. Total number of ‘Report on Forest Operations’ (RFO) and self inspection forms submitted: SE - RFO completed - 564; self inspections completed - 38; Total -**602**

The table shows the number of inspections done by staff and permit holders allowed self-inspection privileges by FMA or individual permit holder.

Weyerhaeuser	L & M	Mistik	Independents (includes self inspection)	TOTAL
161	7	157	277	602

▪ ***Violations***

The following table breaks down the type of warnings made on a ‘Report on Forest Operations’, NOV or Stop Work Order (a result of an inspection of a permittee’s operation) and self-inspection forms submitted. Again, please note that a ‘poor’ rating by an inspecting officer on a SE - RFO is taken as a warning. **In total, 151 warnings were issued.**

	FRMA or Regulation	Prairie & Forest Fire Act	OH & S	Litter Act	EMPA	TOTAL
SE - RFO	95	0	3	11	3	112
Self Inspection	0	0	0	0	0	0
Stop Work Order	5	0	0	0	0	5
NOV	31	1	0	0	2	34
TOTAL	131	1	3	11	5	151

The following table shows the number of ratings by class and Act or regulations applied by SE Administrative Regions. Parkland Region was left in this year's report even though no RFOs were received for comparison purposes. A 'good' rating includes report items or comments such as:

- a permittee or company is proactive, by requesting approval for a modification to their operating plan, temporary work camp location change, requests for gravel to maintain roads, obtaining shore land alteration permits or the payment of outstanding dues
- an officer stating 'harvest completed to operating plan standards'
- compliments noted by an officer on a SE - RFO for such things as the look/cleanliness of a camp or having adequate fire fighting equipment on site

	East Boreal			West Boreal			Shield			Parkland			TOTAL
	Good	Fair	Poor	Good	Fair	Poor	Good	Fair	Poor	Good	Fair	Poor	
Forestry	210	118	53	222	136	46	100	79	14	0	0	0	978
EMPA	1	2	2	0	1	1	1	1	0	0	0	0	9
Litter	6	12	5	0	20	4	4	2	2	0	0	0	55
OH & S	0	1	1	0	1	1	0	1	1	0	0	0	6
P & FFA	2	0	0	1	1	2	0	0	0	0	0	0	6
TOTAL	219	133	61	223	159	54	105	83	17	0	0	0	1054

▪ **Administrative Penalty**

Administrative penalties are issued by inspecting officers for non-compliance of three sub-sections of *The Forest Resources Management Act*. These are for overcuts, failure to pay dues or fees on time and contravention of the terms of a licence where specific terms are set out in the regulations. The following table shows the number of administrative penalties used by inspecting officers by SE Ecological Regions. There is one administrative penalty waiting for a final volume to be submitted before it will be issued. **There were 29 administrative penalty numbers used.**

	East Boreal	West Boreal	Shield	TOTAL
FMA	1	7	0	8
Independents	13	3	5 issued/1 pend.	21
TOTAL	14	10	5	29

There have been a number of administrative penalties that have had requests for review submitted by the permit holder to FEB. This means the permit holder/accused is disputing some part of the administrative penalty. The Provincial Enforcement and Compliance Specialist is the person who reviews all disputed administrative penalties. He must examine the facts, circumstances and calculations of the administrative penalty. He will then make a final ruling. This may mean leaving the penalty as is, raising or lowering the dollar amount by adjusting the penalty calculations or dismissing the penalty.

Two administrative penalties were issued to Crown departments. Under *The Forest Resources Management Act*, Crown departments do not pay dues or fees and therefore penalties, but they must acknowledge receipt of the administrative penalty. The following table shows the number of completed, pending or not yet collected and acknowledged administrative penalties and the amount of dollars involved by Ecological Region.

	East Boreal			West Boreal		Shield		Total
	Paid	Pending	Acknowl'd.	Paid	Pending	Paid	Pending	
Admin Pen	7	5	2	8	2	2	3	29
Dollar Amt	\$11,918.09	\$35,859.32	\$11,000.00	\$8,786.22	\$3,381.13	\$4,278.00	\$10,750.00	\$85,972.76

▪ **Charges**

This section deals with all charges that originated with or applied to forest products. There have been 14 charges laid. There were four laid under *The Prairie and Forest Fires Act*, seven under *The Forest Resources Management Act* or regulations and five under the *Criminal Code of Canada*. The following table shows the number of convictions and alternative measures dealt with by inspecting officers by SE Administrative Regions. Charges that go to alternative measures are withdrawn from court proceedings. **There were a total of five convictions, one charge withdrawn and one charge stayed by the Crown.**

	East Boreal	West Boreal	Shield	TOTAL
Collection of Debt/3rd Party Demand	0	0	0	0
Alternative Measures	2 completed/2 pend.	3	0	7
Charges	1 conv./2 pend.	0	4 conv./1 stayed/1 w/d	9
TOTAL	7	3	6	16

▪ **Dues, Fees and Penalty Dollars Collected**

The following is a breakdown of the money collected through enforcement duties by SE staff. All columns were left in this year's report for comparison purposes. **The total amount of money collected or invoiced by these means was \$153,343.31.**

	Collect. of Debt/ 3rd Party Demand	FRM Reg. - Sec 99*	Court Imposed	Admin. Penalty+	Alt. Measure Donations	Invoiced	TOTAL
Dues and Fees	\$0	\$1,772.16	\$0	\$0	\$0	\$125,003.84	\$126,776.00
Penalties	\$0	\$0	\$1085.00	\$24,982.31	\$500.00	\$0	\$26,567.31
TOTAL	\$0	\$1,772.16	\$1085.00	\$24,982.31	\$500.00	\$125,003.84	\$153,343.31

*Section 99 - every person who harvests without a licence or overcuts is liable to pay the dues and fees on the amount harvested, regardless of the outcome of any court proceedings.

+ This the total amount of money collected. There is another \$49,990.45 outstanding, pending the appeal of nine administrative penalties and one yet to have a final dollar amount calculated. It **does not** include the \$11,000 acknowledged by the Crown departments.

Appendix 'A'

This Appendix lists the various Acts and associated regulations that may be applied in forestry enforcement activities.

- *The Forest Resources Management Act*
- *The Litter Control Act*
- *The Environmental Management and Protection Act*
- *Fisheries Act (Canada)*
- *The Fisheries Act (Saskatchewan), 1994*
- *The Natural Resources Act*
- *The Parks Act*
- *The Pest Control Act - the Dutch Elm Disease Control Regulations*
- *The Prairie and Forest Fire Act, 1982*
- *The Provincial Lands Act*
- *The Wildlife Act*
- *The Wildlife Habitat Protection Act*
- *The Noxious Weeds Act, 1984*
- *The Environmental Assessment Act*
- *The Stray Animals Act*
- *The Attachment of Debts Act*
- *The Crown Minerals Act*
- *The Northern Municipalities Act*
- *The Rural Municipalities Act, 1989*
- *The Planning and Development Act, 1983*
- *The Arbitration Act, 1982*