

WILDFIRE LEGISLATION

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Introduction

Forest and Prairie Protection Act enables the protection of the forests and prairies of Alberta from wildfires.

- The Act was recently amended and came into force on Dec 9, 2016
- The official copy is available on Queen's Printer

NOTE: Three regulations under the Act are undergoing a review and significant changes. This presentation covers recently amended Act and current regulations. The new regulations will likely be implemented by the end of March 2017.

Forest and Prairie Protection Act

- **Establishes the fire season**
- **Identifies wildland firefighting responsibilities**
- **Provides authority for fire control orders**
- **Enables cost recovery**
- **Describes the authority of forest officers and fire guardians**
- **Identifies offences and penalties**

Regulations

- **Forest and Prairie Protection Regulations Part I**
 - Deals with precautionary measures, including fire permitting, prevention and equipment requirements.
 - Set to Expire March 31, 2017. This regulation is being repealed and replaced in the coming month.
- **Forest and Prairie Protection Regulations Part II**
 - Deals with fire hazard reduction as it pertains to debris disposal and conduct of firefighting operations.
 - Set to expire on March 31, 2017. This regulation is being repealed and replaced in the coming month.
- **Forest Protection Area Regulation**
 - Establishes and designates the locations of forest protection areas in Alberta.

Regulations - Continued

- **Fire Control Zone Regulation**
 - Establishes fire control zones in Alberta for purposes of closure and fire control orders.
- **Non-Permit Areas Regulation**
 - Describes the lands that are designated as non-permit areas.
 - Non-permit areas are those areas in which fire permits are not required.
- **Forest Protection Payment Regulation**
 - Establishes the rates for emergency services and equipment (not covered by contracts or agreements).
 - Will be repealed in early spring 2017.

Application of the Act

- **The *Forest and Prairie Protection Act* applies to all land within Alberta, with the following exceptions:**
 - Urban municipalities (cities, towns, villages, summer villages and urban service area of specialized municipality)
 - Federal lands
- **However, section 6 of the Act allows the Minister to enter into a fire control agreement on the lands mentioned as exceptions.**

Key Sections of the Act

<p>Fire control agreements (Section 6)</p>	<ul style="list-style-type: none"> To ensure fire prevention and control of wildfires the Minister may enter into a fire control agreement with industrial operations, the Government of Canada, any province or territory or municipal district.
<p>Payment of municipal expenses (Section 8)</p>	<ul style="list-style-type: none"> The Minister may reimburse municipalities for suppressing wildfires on unoccupied public land.
<p>Closure of forest areas – fire ban (Section 14)</p>	<ul style="list-style-type: none"> Provides the Minister with the ability to close to public entry any land, and/or Prohibit the operation of equipment or off highway vehicle use during high fire hazard conditions.
<p>Fire Season (Section 17)</p>	<ul style="list-style-type: none"> March 1 – October 31. The Minister may extend or shorten the fire season for any area of Alberta.
<p>Outdoor fires (Section 18)</p>	<ul style="list-style-type: none"> No person shall light an outdoor fire during the fire season without a fire permit on land in a permit area (does not apply for cooking or warming fires and flare stacks).

Key Sections of the Act

<p>Fire control orders (Section 21)</p>	<ul style="list-style-type: none"> The Minister may cancel fire permits within any part of Alberta and/or prohibit the lighting of fire.
<p>Fire control plans and fire fighting equipment (Sections 23, 24)</p>	<ul style="list-style-type: none"> Industrial or commercial operations within 1km of public land shall submit a fire control plan and have on hand fire fighting equipment in accordance with the regulations.
<p>Forest pest management (Section 28)</p>	<ul style="list-style-type: none"> Provides the Minister with the ability to take measures for the prevention/control of a forest pest.
<p>Offences and penalties (Section 37)</p>	<ul style="list-style-type: none"> For contravening the Act, regulations, an order under the Act or a condition of a permit: <ul style="list-style-type: none"> - up to \$1,000,000 fine for a corporation - up to \$100,000 fine for an individual
<p>Administrative penalties (Section 37.5)</p>	<ul style="list-style-type: none"> Industry focused mid-level penalties for moderate type infractions levied outside court system: <ul style="list-style-type: none"> - Up to \$10,000 per contravention

The Regulations - Part I

Describes precautionary measures for:

- Industrial and recreational activities
- Fire permits
- Fuel free buffer zones
- Equipment and number of tools required on site

Explains:

- Travel in closed areas
- Conscriptio exemptions

Provides:

- Form for a fire permit and an Order to Reduce or Remove a Fire Hazard
- Table with required equipment for fire control

The Regulations - Part II

- **Debris disposal requirements**
- **Conduct of firefighting operations**
- **Pollution and erosion control measures**

Forest Protection Area Regulation

- Defines the Forest Protection Area (FPA)
- FPA includes all Forest Management Units and portions of municipal district and counties
- Based on the following:
 - Political considerations
 - Ecological consideration
 - Timber Management
 - Practical fire control considerations



Jurisdiction

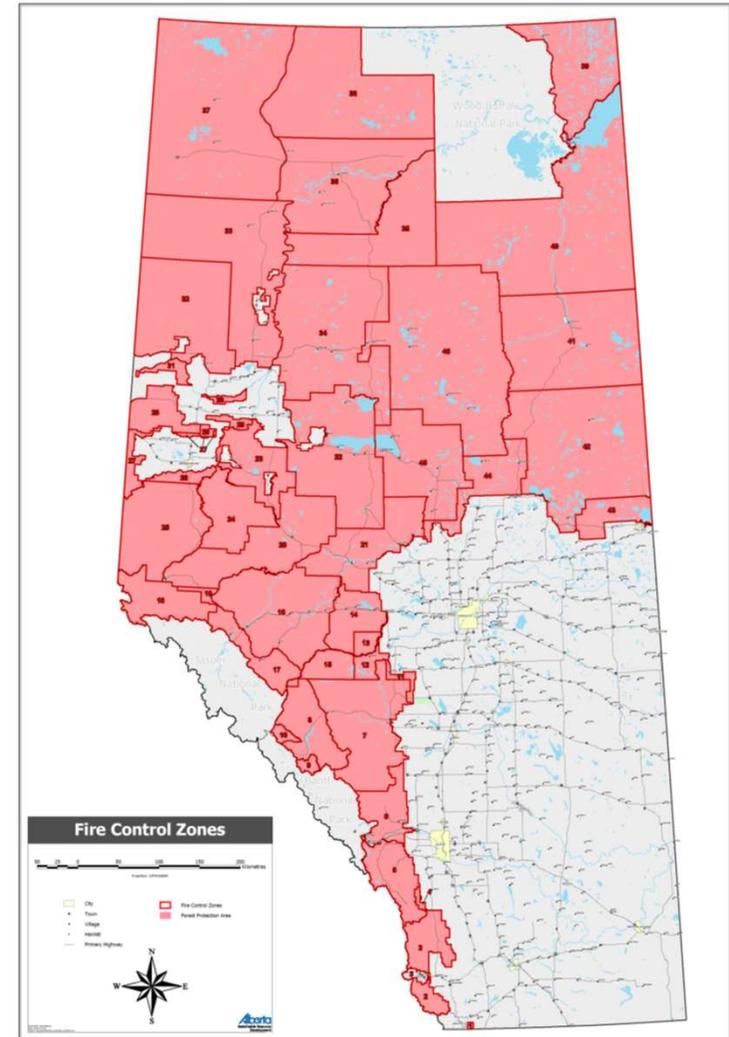
- **Alberta Agriculture and Forestry is the wildfire authority under the Act in the Forest Protection Area (FPA) of Alberta.**
- **Alberta Agriculture and Forestry manages and responds to all wildfires in this area and is responsible for maintaining provisions of the Act, issuing fire permits, putting on fire bans, etc.**
- **Local municipal governments responsible for fighting and controlling wildfires, issuing fire permits, etc., within the boundaries of the municipal districts (MD) except that part of the MD that is within the FPA.**

Municipal Government Act Section 75

- **A municipal district (MD) may not pass a bylaw regarding fire that applies to part of the MD in the FPA.**
- **Despite the above, a MD may pass a bylaw regarding non forest fires (e.g. structural fires), that applies to the part of a hamlet that is within the Forest Protection Area.**

Fire Control Zone Regulation

- Breaks the FPA up into numbered locations
- Provides management boundaries for the implementation of fire bans and fire control orders



Non-Permit Area Regulation

- **Non-Permit Areas cover a small portion of the province**
- **No fire permit required for anytime of the year**
- **Ministerial Orders still apply to these areas**
- **Must still enforce provisions of the Act (aside from fire permits)**

Thank you!

Question?