

WILDFIRE LEGISLATION

Professional Exam Study Session Webinar

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Introduction

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

- **It was amended and came into force on Dec 9, 2016.**
- **Agriculture and Forestry (AF) is the wildfire authority under the Act in the Forest Protection Area of Alberta.**
 - AF is responsible for all wildfires in the Forest Protection Area (FPA) and for maintaining provisions of the Act, issuing fire permits, putting on fire bans, etc.
 - Outside the FPA, local municipal governments are responsible for controlling wildfires and issuing fire permits within their boundaries, AF can assist through a mutual aid agreements.
 - Inside the FPA municipal fire departments still respond to structure fires and can provide mutual aid to AF on wildfires.

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**

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 – which includes National Parks, First Nations Reserves, and Department of National Defense lands
- **However, section 6 of the Act allows the Minister to enter into a fire control agreement on the lands mentioned as exceptions.**
 - These include mutual aid agreements for municipalities
 - Federal agreements with National Parks, Indigenous and North Affairs Canada (INAC), and Department of National Defense are in place

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.**

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

Forest and Prairie Protection Regulation

- **Former name: Forest and Prairie Protection Regulations Part I.**
- **Deals with fire prevention measures, including fire permitting and includes provisions for administrative penalties.**
- **Updated regulation is in force since March 30, 2017.**

Forest and Prairie Protection (Ministerial) Regulation

- **Former name: Forest and Prairie Protection Regulations Part II.**
- **Deals with fire hazard reduction as it pertains to debris disposal, conduct of firefighting operations and equipment requirements.**
- **Updated regulation is in force since March 30, 2017.**

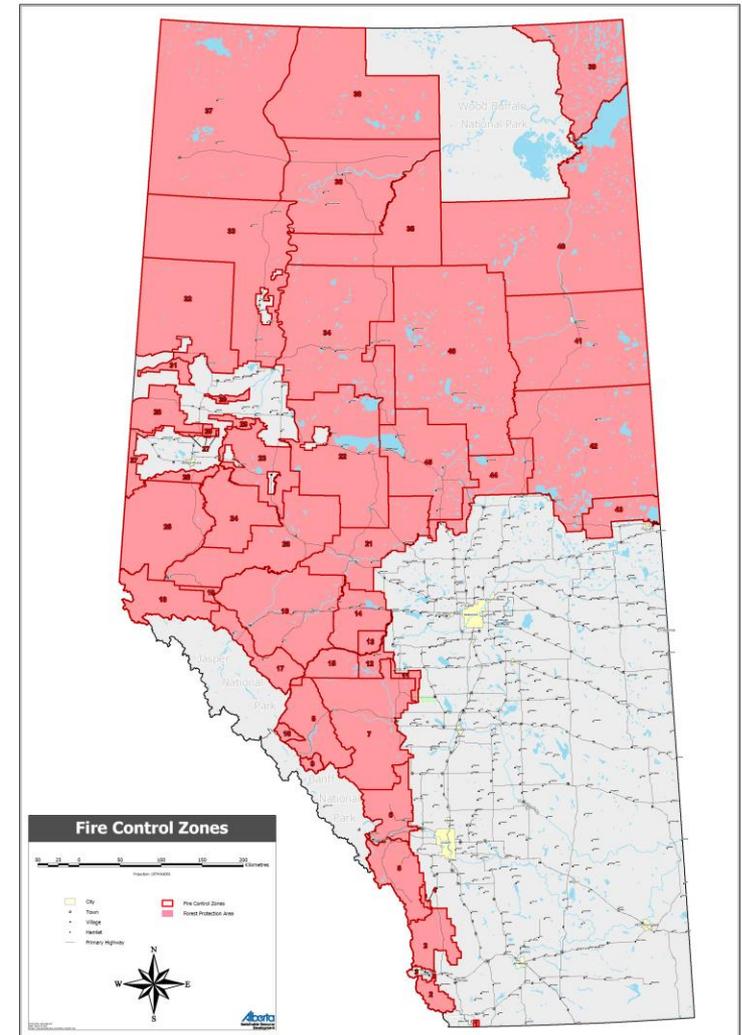
Forest Protection Area Regulation

- Establishes and designates the forest protection area in Alberta.
- Agriculture and Forestry is the agency responsible for wildfire suppression in FPA
 - primary area of the responsibility
 - Municipal district and counties can be inside, outside, or split by FPA
 - For information - Forest Management Units are contained within the FPA
- Based on the following:
 - Protection of Alberta’s forests
 - Ecological considerations
 - Fire control considerations



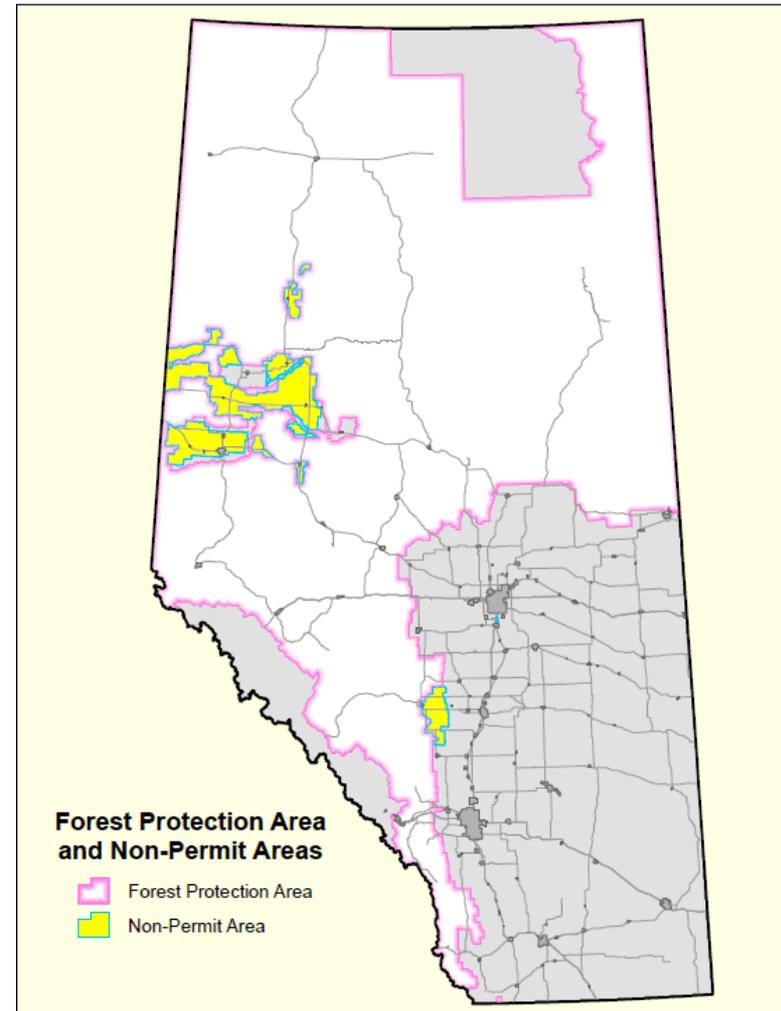
Fire Control Zone Regulation

- Breaks the FPA up into numbered fire control zones
- These zones provide 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?