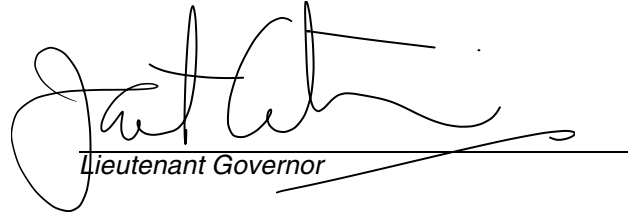


PROVINCE OF BRITISH COLUMBIA

ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No. 256

, Approved and Ordered April 24, 2023



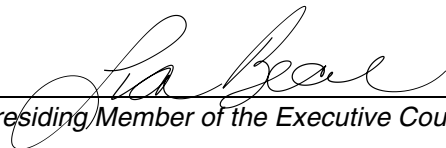
Lieutenant Governor

Executive Council Chambers, Victoria

On the recommendation of the undersigned, the Lieutenant Governor, by and with the advice and consent of the Executive Council, orders that the Wildfire Regulation, B.C. Reg. 38/2005, is amended as set out in the attached Appendix.



Minister of Forests



Presiding Member of the Executive Council

(This part is for administrative purposes only and is not part of the Order.)

Authority under which Order is made:

Act and section: *Wildfire Act*, S.B.C. 2004, c. 31, ss. 43, 69, 72, 76 and 79

Other: *O.C. 94/2005*

R10654096

APPENDIX

1 Section 1 (1) of the Wildfire Regulation, B.C. Reg. 38/2005, is amended

(a) by repealing the definition of “campfire”,

(b) by adding the following definition:

“category 1 campfire” means an open fire that both

- (a) burns material in one pile no larger than 0.5 m in height and 0.5 m in width, and
- (b) is lit, fuelled or used
 - (i) by any person for a recreational purpose, or
 - (ii) by a first nation for a ceremonial purpose; ,

(c) in the definition of “category 2 open fire” by striking out “other than a campfire, that” and substituting “other than a category 1 campfire, that burns” and by striking out “burns” in paragraphs (a) to (c),

(d) in paragraph (c) of the definition of “category 3 open fire” by adding “each not exceeding 200 m in length or 15 m in width” after “windrows”,

(e) by adding the following definitions:

“category 4 resource management open fire” means an open fire used for resource management that

- (a) burns unpiled slash over an area of any size, or
- (b) is not a category 1 campfire or category 2 or 3 open fire and is lit, fuelled or used for silviculture treatment, forest health management, wildlife habitat enhancement, fire hazard abatement, ecological restoration or range improvement;

“outdoor stove” means a device that

- (a) is used outdoors for cooking, heat or ambience,
- (b) burns charcoal briquettes, liquid fuel or gaseous fuel as the fuel source,
- (c) is certified by the Canadian Standards Association or the Underwriters Laboratories of Canada, and
- (d) has a flame height that is less than 15 cm;

“payroll loading cost” means a cost that is determined for a fiscal year in accordance with the manner established by Treasury Board; ,

(f) by repealing paragraph (a) of the definition of “protected area” and substituting the following:

- (a) any of the following, as defined in section 1 of the *Park Act*:
 - (i) a park;
 - (ii) a recreation area;
 - (iii) a conservancy, ,

(g) by repealing the definition of “qualified holder” and substituting the following:

“qualified holder” means

- (a) a person, other than the government, who is a party to a wildfire response agreement, as defined in section 28 of this regulation, or
- (b) a person, other than the government, who
 - (i) is the holder of an agreement or licence referred to in section 12 (1) (a), (c), (d), (e), (e.1) and (g) and (2) (a) of the *Forest Act*, and
 - (ii) is not in arrears, under the Annual Rent Regulation, B.C. Reg. 122/2003, for the annual rent payable respecting
 - (A) the agreement or licence, or
 - (B) in the case of a supplemental forest licence, the cutting permit issued under the supplemental forest licence; , **and**

(h) **by repealing the definition of “resource management open fire”.**

2 Sections 2.2 and 2.3 (a) (i) and (b) (i) (A) are amended by striking out “fueling” and substituting “fuelling”.

3 Section 6 (4) is repealed and the following substituted:

- (4) A person who is required, in accordance with subsection (3) (a) and Schedule 3, to maintain a fire watch and a fire watcher, must ensure that
 - (a) the fire watcher is reasonably able to see all areas of the high risk activity at all times during the time the fire watch is required,
 - (b) if one fire watcher is not able to see all areas of the high risk activity at all times, that there are as many fire watchers as required to reasonably see all areas of the high risk activity at all times during the time the fire watch is required,
 - (c) each fire watcher is dedicated to patrolling and watching for smoke and fire on all areas of the site where the high risk activity occurred and not carrying out any other duties unrelated to being the fire watcher,
 - (d) each fire watcher has at least one fire fighting hand tool and access to a fire suppression system if one is required,
 - (e) the fire watcher immediately carries out fire control and extinguishes the fire, if practicable, and
 - (f) the fire watcher reports any fire in accordance with section 2 of the *Wildfire Act*.

4 Section 7 is amended by striking out “escape the site” and substituting “spread beyond the fuel break”.

5 Section 19 (2) is amended by striking out “escape” and substituting “spread beyond the outdoor stove”.

6 Section 20 is amended

(a) in subsection (1) by striking out “campfire” and substituting “category 1 campfire”,

- (b) in subsection (1) (c) by striking out “burn area” and substituting “category 1 campfire”,**
- (c) in subsection (1) (d) (ii) by striking out “escape of fire” and substituting “fire from spreading beyond the fuel break”,**
- (d) in subsection (2) by striking out “campfire must ensure that the fire does not escape” and substituting “category 1 campfire must ensure that the fire does not spread beyond the fuel break”, and**
- (e) in subsection (3) by striking out “If a campfire spreads beyond the burn area or otherwise becomes out of control, the person who lit, fuelled or used the campfire” and substituting “If a category 1 campfire either spreads beyond the fuel break or becomes out of control, the person who lit, fuelled or used the category 1 campfire”.**

7 Section 21 is amended

- (a) in subsection (1) (c) by striking out “the burn area” and substituting “each pile, grass or stubble area to be burned”,**
- (b) in subsection (1) (d) by striking out “escaping” and substituting “spreading beyond the fuel break”,**
- (c) in subsection (1) (d) (ii) by striking out “escapes” and substituting “spreads beyond the fuel break”,**
- (d) in subsection (1) (d) (iii) by striking out “escape of fire” and substituting “fire from spreading beyond the fuel break”,**
- (e) in subsection (2) by striking out “escape” and substituting “spread beyond the fuel break”, and**
- (f) in subsection (3) by striking out “spreads beyond the burn area or otherwise” and substituting “either spreads beyond the fuel break or”.**

8 Section 22 is amended

- (a) in subsection (1) (d) by striking out “in the burn area” and substituting “within the fuel break”,**
- (b) by repealing subsection (1) (e) (i) and (ii) and substituting the following:**
 - (i) the cutblock, in the case of a qualified holder using a category 3 open fire for hazard abatement in a cutblock, and**
 - (ii) each pile, windrow or grass or stubble area, in all other cases; ,**
- (c) in subsection (1) (f) by striking out “a risk of the fire escaping” and substituting “a risk of the fire spreading beyond the fuel break”,**
- (d) in subsection (1) (f) (ii) by striking out “escapes” and substituting “spreads beyond the fuel break”,**

(e) in subsection (1) (f) (iii) by striking out “escape of fire” and substituting “fire from spreading beyond the fuel break”,

(f) in subsection (1) (f) (iv) by striking out “escaping” and substituting “spreading beyond the fuel break”,

(g) by repealing subsection (2) and substituting the following:

(2) A person who, in the circumstances set out in subsection (1), lights, fuels or uses a category 3 open fire on a burn area must ensure that the category 3 open fire is extinguished by the date specified by the official or person who issued the burn registration number. ,

(h) by adding the following subsection:

(2.1) A person who extinguishes a category 3 open fire in accordance with subsection (2) must document the actions taken to confirm extinguishment and provide that documentation at the request of an official. ,

(i) in subsection (3) by striking out “escape” and substituting “spread beyond the fuel break”, and

(j) in subsection (4) by striking out “spreads beyond the burn area or otherwise” and substituting “either spreads beyond the fuel break or”.

9 Section 23 is amended

(a) in subsection (1) (e) by striking out “is contained in the burn area” and substituting “does not spread beyond the fuel break”,

(b) in subsection (3) (b) by striking out “escape” and substituting “spread beyond the area specified in the burn plan”, and

(c) in subsection (4) by striking out “spreads beyond the burn area or otherwise” and substituting “either spreads beyond the area specified in the burn plan or”.

10 Section 24 (1) (b) is amended by striking out “whereabouts” and substituting “location”.

11 Section 29 is amended

(a) by renumbering the section as section 29 (1),

(b) by repealing subsection (1) (b) and substituting the following:

(b) the fire that gives rise to the government’s costs results from timber harvesting, silviculture treatments, road construction, road maintenance or road deactivation by a person, or a contractor, agent or employee of that person,

(i) who is the holder of an agreement or licence referred to in one of the following provisions of the *Forest Act*:

(A) section 12 (1) (a), (c), (d), (e), (e.1) or (g);

(B) section 12 (2) (a) or (b), and

(ii) who, as of the date of the fire, is not in arrears for the annual rent payable for the agreement or licence, as applicable, under the Annual Rent Regulation, B.C. Reg. 122/2003. , **and**

(c) by adding the following subsection:

(2) The activities of timber harvesting, silviculture treatments, road construction, road maintenance and road deactivation referred to in subsection (1) (b) do not include the lighting, fuelling or use of an open fire related to those activities.

12 Section 34 (1) is amended by striking out “12 (2).”

13 The table in Schedule 3 is amended in column 2 of items 1, 2 and 4 by striking out “after work” and substituting “immediately after the high risk activity ends”.