

The Wildfire Regulations

being

Chapter W-13.01 Reg 1 (effective March 31, 2015) as amended by Saskatchewan Regulations 30/2016 and 23/2018.

NOTE:

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

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CHAPTER W-13.01 REG 1

The Wildfire Act

PART I

Preliminary Matters

Title

1 These regulations may be cited as *The Wildfire Regulations*.

Interpretation

2 In these regulations:

- (a) “**Act**” means *The Wildfire Act*;
- (b) “**brush pile**” means an accumulation of slash not less than two metres in height and three metres in diameter;
- (c) “**campfire**” means any open wood fire used for cooking, warmth, lighting, ceremonial or aesthetic purposes;
- (d) “**forest resources**” means forest resources as defined in *The Forest Resources Management Act*;
- (e) “**smudge**” means a small area of smouldering or glowing combustion that may produce smoke, used for spiritual or ceremonial purposes or as insect repellent.

2 Apr 2015 cW-13.01 Reg 1 s2.

PART II

Administration

Determination of damages

3(1) For the purposes of clause 13(3)(b) and subsection 13(4) of the Act, the minister may calculate the value of Crown timber and forest resources damaged or destroyed by a fire using:

- (a) any applicable market price calculated in accordance with *The Forest Resources Management Regulations*; and
 - (b) any assumptions and procedures that the minister considers reasonable.
- (2)** Subject to subsections (3) and (4), the minister may assess an amount equal to the value calculated pursuant to subsection (1) or any other amount that the minister considers reasonable on the person who is responsible for the fire mentioned in section 13 of the Act.

(3) In addition to the amount assessed, the minister shall include in the assessment mentioned in subsection (2):

- (a) information respecting the market price calculated in accordance with *The Forest Resources Management Regulations* and any assumptions and procedures that the minister used in calculating the value of Crown timber and forest resources; and
 - (b) notice to the person assessed of the right to make written representations to the minister respecting the accuracy of the calculation within 30 days after receipt of the assessment.
- (4) After considering any written representation made pursuant to clause (3)(b), the minister may make any adjustment to the amount assessed that the minister considers appropriate.
- (5) For the purposes of an order of the court pursuant to subclause 47(1)(b)(ii) of the Act, the value of Crown timber and forest resources damaged or destroyed by a fire is the value calculated pursuant to subsection (1).

2 Apr 2015 cW-13.01 Reg 1 s3.

Park lands designated

- 3.1** For the purposes of clause 2(h) of the Act, park lands are designated as designated lands.

4 Mar 2016 SR 30/2016 s2.

PART III
Wildfire Suppression

Duties of persons assigned to fight wildfires

- 4** No person who is employed or assists in a wildfire suppression operation shall:
- (a) leave the site of the wildfire suppression operation without notifying an officer or person in charge of the wildfire suppression operation of his or her intent to be relieved from duty; or
 - (b) interfere with, impede, obstruct or restrict the efforts of any person in the performance of his or her duties while engaged in the wildfire suppression operation.

2 Apr 2015 cW-13.01 Reg 1 s4.

PART IV
Protection and Prevention Measures

Wildfire season

- 5(1) The period commencing on April 1 and ending on October 31 in each year is the wildfire season for the purposes of the Act.
- (2) Notwithstanding subsection (1), the minister may, at any time, extend or shorten the wildfire season for the province or any area within the province designated by the minister.
- (3) If the minister extends or shortens the wildfire season pursuant to subsection (2):
 - (a) the minister shall cause the change to the wildfire season to be posted on the ministry's website and to be made known to the public in any manner that the minister considers appropriate; and
 - (b) the change to the wildfire season is effective as of the day on which the notification mentioned in clause (a) is posted.

2 Apr 2015 cW-13.01 Reg 1 s5.

Burn notification number

- 6(1) For the purposes of section 17 of the Act, any person applying for a burn notification number for a fire shall provide the information required by the minister pursuant to section 7 in the form and manner determined by the minister.
- (2) On receiving an application from a person in accordance with subsection (1), the minister may assign a burn notification number to that person.
- (3) A ministry officer may, at any time, cancel or suspend a burn notification number by providing verbal, electronic or written notice to the person to whom the number was assigned if the ministry officer believes circumstances or conditions exist in which lighting a fire could create a potentially hazardous situation.
- (4) Any person who obtains a burn notification number shall at all times remain in charge of and oversee the fire for which the burn notification number was obtained until the fire is completely extinguished.
- (5) On the request of a ministry officer, a person shall immediately provide his or her burn notification number and name.
- (6) A burn notification number expires at the end of the day that follows the day for which the burn notification number was issued, at which time the fire must be extinguished.
- (7) Notwithstanding subsection (6), a burn notification number for brush piles expires at the end of the day that is four days after the day for which the burn notification number was issued, at which time the fire must be extinguished.

2 Apr 2015 cW-13.01 Reg 1 s6; 6 Apr 2018 SR
23/2018 s2.

Burn notification number information to be provided

7 The following information must be provided to the minister in order to obtain a burn notification number:

- (a) the name, address and telephone number, or other means of immediate contact, of the person who proposes to start the fire;
- (b) the location of the proposed burn area, including a legal description or georeferenced position of the land on which the proposed burn area is situated and the total size of the area to be burned;
- (c) the purpose of the proposed fire;
- (d) any other information relating to the proposed fire that the minister requires.

2 Apr 2015 cW-13.01 Reg 1 s7.

Burn notification number exemptions

8(1) For the purposes of subsection 17(1) of the Act, a burn notification number is not required for a fire of less than one metre in diameter that meets the requirements set out in subsection (2) and that is:

- (a) started in an outdoor fireplace or pit, burning barrel or incinerator;
- (b) a campfire;
- (c) a smudge;
- (d) a fire that is intended to dispose of wood or other cellulose-based material or debris.

(2) The person in charge of a fire mentioned in subsection (1) shall ensure that only wood or other cellulose-based material is burned and that the fire:

- (a) is:
 - (i) contained in a non-combustible receptacle or located over bare rock, gravel, sand, mineral soil, concrete or other non-combustible material; and
 - (ii) surrounded by a non-combustible surface that is at least one metre in radius from the outside edge of the receptacle or surface mentioned in subclause (i); or
- (b) is contained in a burning barrel or incinerator that is a fully enclosed device constructed of non-combustible material and covered with a heavy gauge metal screen of a mesh size sufficient to prevent the escape of sparks or embers.
- (3) If there is a conflict between this section and a provision of any other Act, any regulation or any bylaw of a municipality, the provision that is more restrictive prevails.

2 Apr 2015 cW-13.01 Reg 1 s8.

PART V
Industrial and Commercial Operations

Wildfire prevention and preparedness plan

9(1) A wildfire prevention and preparedness plan required to be submitted pursuant to section 20 of the Act must describe the manner in which the operator of an industrial or commercial operation will meet performance objectives for preparedness and fire suppression and must include the following information regarding the industrial or commercial operation:

- (a) a general description of the activities to be conducted, the number of people, the types of equipment, the anticipated schedule of activity and the location of each activity;
- (b) the names of key contact personnel, emergency contact information and a process for communicating and reporting;
- (c) a map showing the location of work activities, the camp and its layout, road access, fuel types, water sources and the location of wildfire suppression equipment in a format approved by the minister;
- (d) a complete description of the methods to be used to reduce or prevent fire starts;
- (e) a complete description of the procedure to be used for notifying a ministry officer:
 - (i) in the event of a fire in the area of the industrial or commercial operation; or
 - (ii) of changes in the scheduling or location of activities;
- (f) a description of measures to be taken to protect infrastructure and assets from a wildfire threat;
- (g) a description of the manner in which the operator will modify or suspend activities in response to the daily wildfire danger rating published on the ministry's website;
- (h) a plan of action for initial suppression response in the event of a fire;
 - (i) a complete description of the personnel resources available for wildfire suppression, the training standards and requirements to be met by those personnel and an inventory of wildfire suppression equipment available;
 - (j) a description of emergency response plans, including escape routes, safety zones and evacuation plans;
 - (k) any other information the minister may require.

(2) The operator of an industrial or commercial operation shall provide updates with respect to the plan mentioned in subsection (1) as required by the minister.

(3) The operator of an industrial or commercial operation shall ensure that each employee, agent or contractor is made fully aware of the contents of the wildfire prevention and preparedness plan, any updates to the plan, the code and his or her responsibilities in the event of a fire.

Records

- 10(1)** The operator of an industrial or commercial operation shall maintain all records that are required to be kept pursuant to its wildfire prevention and preparedness plan.
- (2)** The operator of an industrial or commercial operation shall maintain all records and evidence pertaining to the cause of a fire.
- (3)** The operator of an industrial or commercial operation shall maintain records pursuant to subsections (1) and (2) and provide those records to an officer on request.

2 Apr 2015 cW-13.01 Reg 1 s10.

PART VI
Burning Plans

Resource management burn plan

- 11(1)** A resource management burn plan required pursuant to section 27 of the Act must be in writing, and must include:
- (a) a site description and location, projected burn size and the proposed date for the resource management fire;
 - (b) a description of the management objectives and desired outcomes of the resource management fire, expressed in measurable terms;
 - (c) a description of specifications relating to desired weather and fire behaviour factors required to achieve the objectives and outcomes mentioned in clause (b), including:
 - (i) the weather conditions;
 - (ii) the applicable range of codes and indices of the Canadian Forest Fire Danger Rating System as published by the Canadian Forest Service;
 - (iii) the fuel moisture content and conditions;
 - (iv) the required fire behaviour; and
 - (v) the factors to be considered in addressing air quality and smoke management issues;
 - (d) a smoke management plan that will identify and address any smoke management concerns;
 - (e) a public consultation and communication plan that sets out:
 - (i) the measures to be taken for public consultation and notification in relation to the resource management fire;
 - (ii) the schedule for public consultation; and
 - (iii) the manner in which the public will be notified and advised of the resource management fire;

- (f) if the resource management fire is for biological purposes, a biological monitoring plan including a pre-burn biological inventory, the sampling procedures to be used and the post-burn monitoring procedure;
 - (g) an ignition and control plan describing the manner in which the resource management fire will be started and contained;
 - (h) the location of fire breaks and control lines, taking into consideration weather conditions;
 - (i) identification of the personnel and equipment on the site;
 - (j) a post-burn containment plan describing the extent of extinguishment that is required to ensure that the resource management fire will not pose a threat to persons, property or natural resources in the area surrounding that fire;
 - (k) a safety plan identifying the location of safety zones and escape routes in the area, including first aid procedures and identifying any hazards or concerns that may threaten persons, property or natural resources in the area surrounding the resource management fire;
 - (l) a wildfire contingency plan detailing the procedures and actions to be followed in the event that the resource management fire escapes the proposed containment area; and
 - (m) confirmation that all required permits and approvals have been obtained.
- (2) A person who conducts a resource management fire shall submit a post-burn report to the minister within 90 days after the burn's completion.
- (3) The report provided pursuant to subsection (2) must include:
- (a) an assessment of the resource management fire in achieving the objectives and outcomes mentioned in clause (1)(b); and
 - (b) a description of the observed positive and negative effects of the resource management fire, including a description of those effects respecting the areas of concern identified in the resource management burn plan.
- (4) A person who conducts a resource management fire shall comply with all applicable laws relating to open burning.

2 Apr 2015 cW-13.01 Reg 1 s11.

PART VII

Coming into force

Coming into force

- 12(1)** Subject to subsection (2), these regulations come into force on the day on which section 1 of *The Wildfire Act* comes into force.
- (2) If section 1 of *The Wildfire Act* comes into force before the day on which these regulations are filed with the Registrar of Regulations, these regulations come into force on the day on which they are filed with the Registrar of Regulations.

2 Apr 2015 cW-13.01 Reg 1 s12.

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