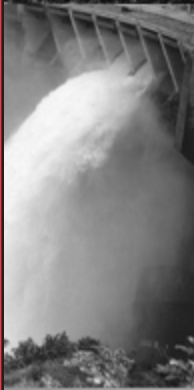
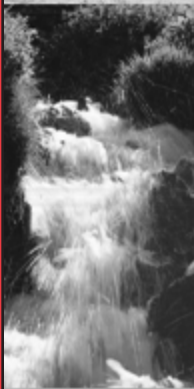


RESOURCES

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Wildfire Management Law in Alberta and British Columbia

By: Allan Ingelson and Carter Czaikowski

Introduction

In light of the Canadian fire-fighting assistance requested by officials in California to assist with the ongoing Los Angeles wildfires, this article discusses the framework for mutual assistance between Canada and the U.S.A. to fight wildfires in the two nations.

Emergency management emphasizes prevention, mitigation, and recovery alongside traditional preparedness and response efforts.¹ It is a shared responsibility across all sectors of society.² Wildfire management in Canada is distributed across federal, provincial, territorial, and local levels of government. Public Safety Canada coordinates national emergency efforts, adopting an all-hazard approach for managing natural and human-caused hazards and disasters.³ The overwhelming majority of Canada's forest lands, approximately 94 percent, are managed by provinces and territories, with the federal government responsible for the remaining lands, including national parks and Indigenous reserves. While provincial and territorial governments oversee wildfire management on their lands, not all forested areas are actively managed.⁴

Wildfire management agencies in Canada typically operate as

standalone organizations focused on wildfire control. However, exemptions exist, such as in the Yukon, where the Wildland Fire Management Branch and Emergency Management Organization are within the same ministry.⁵ The fundamentals of wildfire prevention include education and awareness, engineering vegetation to reduce flammability, and enforcing fire prevention regulations.⁶

This article provides a legal framework perspective for wildfire management institutions and policies in Alberta and British Columbia, including federal law and policy.

Jurisdiction-Specific Wildfire Management

At the provincial level, key organizations such as Alberta Wildfire and the BC Wildfire Service are central to wildfire management efforts. Wildfire management agencies across Canada employ various approaches to determine their preparedness level and utilize decision support tools to assess wildfire behaviour and threat levels. They prepare for upcoming wildfire threats by assessing current and forecasted wildfire loads and prepositioning appropriate resources to high-risk areas. Suppression resources are managed separately for initial and sustained attacks, prioritizing

new wildfires. Despite varied preparedness approaches, all agencies prioritize readiness and budgets based on wildfire behaviour potential and values-at-risk. Wildfire management agencies use regulatory tools, including permits with specific conditions, fire advisories, restrictions, bans, forest area closures, and equipment and off-highway vehicle regulations.⁷

Alberta

Wildfire management in Alberta is governed by a comprehensive set of laws and regulations, primarily the Forest and Prairie Protection Act (“**FPPA**”),⁸ alongside other relevant legislation such as the Emergency Management Act (“**EMA**”),⁹ the Safety Codes Act (“**SCA**”),¹⁰ and the Municipal Government Act (“**MGA**”).¹¹ Under the FPPA, the Alberta Forest Protection Zone comprises ten districts, each centred around municipal offices.¹² The Forest Protection Branch (“**FPB**”) leads wildfire suppression efforts, collaborating closely with the oil and gas industry through the industrial wildfire control plan.¹³

Management priorities in Alberta are structured to prioritize human life, communities, sensitive watersheds and soils, natural resources, and critical infrastructure.¹⁴ The province employs a wildfire management strategy based on zoning, with different zones dictating the severity and location of the wildfire.¹⁵ Emergency response planning is crucial and involves collaboration between industry, stakeholders, emergency services, and local authorities, emphasizing the importance of comprehensive emergency planning and response.¹⁶

Forest and Prairie Protection Act, RSA 2000, c F-19

In addition to the above, the FPPA also delineates the responsibilities of individuals and landowners concerning firefighting costs and fire prevention measures. Additionally, it

grants the minister the authority to delegate firefighting responsibilities and appoint fire guardians to enforce regulations and facilitate permits. The FPPA is a crucial tool for effectively managing wildfires across Alberta. It applies to all lands within the province except certain urban municipalities and federal lands lacking fire control agreements.¹⁷ It places the burden of firefighting costs on individuals causing a fire and on landowners where the fire originated.¹⁸ The minister may delegate responsibilities to forest officers and appoint fire guardians with designated powers and duties.¹⁹ Municipalities annually appoint fire guardians for enforcement purposes, except in fire protection zones.²⁰ Fire guardians promote wildfire prevention and facilitate fire permits under the FPPA.²¹ Moreover, the FPPA facilitates the establishment of fire control agreements with various entities to prevent and manage forest and prairie fires.²²

Emergency Management Act, RSA 2000, c E-6.8

The EMA mandates that local authorities develop integrated plans and mutual assistance programs to manage emergencies, including wildfires.²³ It grants the minister and local authorities extensive powers to declare states of emergency and empowers the minister to order individuals or entities posing hazards to develop plans with local authorities to mitigate risks and respond to emergencies.²⁴ It establishes a Disaster Relief Fund²⁵ and grants the Lieutenant Governor in Council the authority to declare states of emergency for Alberta,²⁶ with time limits unless extended by the Legislative Assembly or terminated by the Lieutenant Governor in Council.²⁷

Safety Codes Act, RSA 2000, c S-1

The SCA oversees building and infrastructure safety, including fire protection, barrier-free design, and the design, construction, and maintenance of electrical gas, plumbing, and sewage disposal systems.²⁸ Fire protection

encompasses detection, prevention, and suppression measures.²⁹ Under the SCA, safety code officers are empowered to inspect, enforce, and investigate unsafe conditions, accidents, or fires³⁰ and the authority to take necessary actions in emergencies.³¹ Refusal or interference with a safety code officer's duty may result in legal action, including court orders and police assistance during inspections.³²

Municipal Government Act, RSA 2000, c M-26

The MGA stipulates that a municipal council cannot enact a bylaw concerning fires that affect a portion of a district located within a Forest Protection Area ("FPA").³³ However, the council retains the authority to enact bylaws regarding fires, excluding forest or running fires, which applies to the section of a hamlet within an FPA.³⁴ If a municipality has enacted a bylaw holding the parcel owner accountable for costs associated with the municipality extinguishing fires on the parcel, the council has the authority to include unpaid expenses for extinguishing fires on the parcel in the tax assessment of the land.³⁵ Conversely, fire service organizations, regional service commission members, and firefighters are immune from liability for any loss or damage resulting from actions or omissions performed in good faith while fulfilling their duties or exercising their powers in delivering fire services.³⁶

British Columbia

Primary legislation regulating wildfire management in BC is the Wildfire Act ("WA").³⁷ The WA and WA Regulation³⁸ constitute BC's comprehensive wildfire management framework.³⁹ Other relevant legislation includes the Forest and Range Practices Act ("FRPA"),⁴⁰ the Fire Services Act ("FSA"),⁴¹ and the Local Government Act ("LGA").⁴² Each will be discussed in turn.

The BC Wildfire Service Prevention Program

aims to mitigate wildfire impacts using FireSmart principles, promoting shared responsibility among stakeholders. The Community Resilience Investment ("CRI") program, introduced in 2018, funds FireSmart (see below) initiatives to reduce community wildfire risks, including fuel management activities on provincial Crown and private lands.⁴³ The program, administered by the Union of British Columbia Municipalities, supports local authorities and indigenous peoples in wildfire prevention efforts. CRI initiatives include two funding mechanisms: FireSmart Community Funding and Supports ("FCFS") and Crown Land Wildfire Risk Reduction ("CLWRR").

Wildfire Act, SBC 2004, c 31

The WA outlines the responsibilities of various stakeholders in preventing and managing wildfires in British Columbia. It includes provisions for fire prevention, detection, suppression, and rehabilitation.⁴⁴ Part 1 of the WA establishes a duty to report unattended fires immediately and prohibits mishandling of burning substances.⁴⁵ Individuals in BC must prevent and extinguish fires they cause, with exemptions for specific areas.⁴⁶ The WA regulates open fire use, mandates fire hazard assessments for industrial activities near forests and empowers officials to issue hazard mitigation orders. Persons carrying out industrial operations are responsible for rehabilitating land damaged by an uncontrolled fire or fire control operations.⁴⁷ Industrial operations near forests or grasslands require fire hazard assessments and precautions to prevent fire spread. All uncontrolled fires must be extinguished and reported.⁴⁸

The minister may order individuals responsible for fires to pay firefighting costs, damages, and rehabilitation expenses.⁴⁹ Damages for environmental losses may be available at common law.⁵⁰ Claims for firefighting costs where the cause of the fire was due to negligence are subject to the six-year limitation period provided in the Limitations

Act.⁵¹

Forest and Range Practices Act, SBC 2002, c 69

Under the FRPA, the chief forester can establish, modify, or revoke standards for forest practices, including fire management, under specific conditions.⁵² It protects individuals taking reasonable steps to control fires and authorizes inspections to identify fire hazards in forested areas unless they know an official has declared that the fire is under control.⁵³ Authorized officials can inspect land within or near forests for fire hazards if there are reasonable grounds to suspect activities or conditions that could lead to fire risks.⁵⁴

Fire Services Act, RSBC 1996, c 144

Under the FSA, a fire commissioner and staff oversee fire-related matters, with the FSA defining their powers and duties.⁵⁵ A Fire Services Advisory Board is established for counsel and investigations at the minister's request.⁵⁶ The fire commissioner and staff are granted the authority of a peace officer.⁵⁷ Regulations under the FSA may adopt the National Fire Code of Canada and other fire safety standards.⁵⁸

Local assistants investigate fires within their districts and report findings to the commissioner.⁵⁹ The cause, origin, and circumstances of a fire must be determined within three days, excluding holidays.⁶⁰ Local assistants and interested insurers must immediately file a preliminary report with the fire commissioner for suspicious fires. The report must state the name of the owner and occupier of the premises, the location use and occupancy of the premises, the date of the fire and the facts that establish the cause or origin of the fire.⁶¹ Inquiries, usually discretionary, may be held by the fire commissioner or delegated to a competent person.⁶² Inquiries can be conducted privately, with powers to exclude individuals and prevent witness

communication. Interested persons may be heard, with a maximum adjournment of 30 days.⁶³ Insurance companies report monthly on fires they insure. Fire officials can enter premises, issue corrective orders, and do necessary work.⁶⁴

Local Government Act, RSBC 2015, c 1

In accordance with the LGA and its regulations, a regional district's board of directors can enact bylaws granting powers to the fire chief, including inspecting properties for fire hazards, implementing measures to prevent or suppress fires (including building demolitions), and exercising powers vested in the fire commissioner by the LGA. The bylaw may also compel property owners or occupants to eliminate identified fire hazards. Furthermore, if debris from lumbering, land clearing, or industrial activities poses a threat, the bylaw can require responsible parties to dispose of the debris and take necessary actions.⁶⁵

Government of Canada

At the national level, the federal government manages emergencies within its exclusive constitutional jurisdiction and on its controlled lands. It intervenes and shares management responsibility for emergencies of national consequence. Agreements are in place between federal, provincial, and territorial governments to manage wildfires on federal lands, including those on Indigenous reserves and national defence lands. Additionally, agreements address wildfire management along provincial and territorial borders and involve coordination between different levels of government.⁶⁶ A provincial or territorial state of emergency may prompt a request for federal assistance, activating Public Safety Canada's Government Operations Centre ("**GOC**") to coordinate the federal response.⁶⁷

Canada National Parks Act, SC 2000, c 32

Federal authorities have various duties and powers regarding fire prevention. Fires must be started and maintained in a manner that ensures they remain under control. It is only permissible to leave a fire unattended to report the fire in a national park.⁶⁸ Individuals responsible for fires must take reasonable precautions to prevent spreading and ensure complete extinguishment.⁶⁹ Strict fire management and readiness protocols are enforced, with resources and personnel on standby during high-fire danger periods.⁷⁰

Permits are generally required for open fires during fire season.⁷¹ They are issued on a discretionary basis, with conditions and restrictions.⁷² Permits are required in most jurisdictions, including federal parks, for specific fire-related activities.⁷³ A federal park superintendent may also enforce a smoking prohibition in any national park area.⁷⁴ Fire bans are implemented according to local fire danger and weather conditions to safeguard visitors, residents, and park infrastructure.⁷⁵ Forest officials may request or require assistance in fire control operations. Failure to comply with assistance orders is an offence. Similarly, federal fire prevention inspectors have the authority to inspect and issue orders for fire prevention.⁷⁶ Inspectors may order closure of premises until fire prevention orders are met.⁷⁷

Emergency Management

Federal agencies such as Natural Resources Canada and Public Safety Canada are instrumental in developing policies and programs for wildfire management.⁷⁸ In emergencies exceeding local resources, Public Safety Canada triggers and coordinates a Request for Federal Assistance through the Government Operations Centre, ensuring a unified response.⁷⁹ Disaster management comprises prevention and mitigation, preparedness, response, and recovery

efforts, emphasizing collaboration across all levels of government and with partners.⁸⁰ These components are interdependent and require coordination across all levels of government and with partners like Indigenous peoples and municipalities.⁸¹

Disaster Financial Assistance Agreements

Financial assistance through the Disaster Financial Assistance Agreements (“**DFFA**”) program aids provinces and territories in managing disaster aftermaths. Public Safety Canada administers this program, reimbursing eligible response and recovery expenses. Provinces and territories design and deliver financial assistance, with the federal government providing support when expenses surpass certain thresholds that exceed what the province or territory could reasonably bear alone.⁸²

The process for activating the DFFA program involves several steps. A provincial or territorial government initiates the process by submitting a formal request for DFFA and providing necessary disaster information and financial estimates. The federal government reviews the situation and, upon approval, authorizes financial cost-shared assistance under the DFFA framework.⁸³ Provinces and territories have six months after a disaster to request DFFA assistance and up to five years to submit final claims. Advance payments may be requested within the first 12 months following the event to address immediate financial needs.⁸⁴ The program reimburses eligible response and recovery expenses, with over \$7.9 billion disbursed since 1970, most of which has been paid out over the last decade.⁸⁵

Operation LENTUS

Provincial and territorial authorities may request assistance from the program known as Operation LENTUS, in response to natural disasters. This assistance aims to stabilize

situations and reassure affected Canadian residents.⁸⁶ Operation LENTUS follows a flexible plan adaptable to various crises, such as forest fires, floods, ice storms, or hurricanes. Tasks include sandbag filling, fire suppression, evacuations, aid delivery, infrastructure assessment, and public information dissemination.⁸⁷

Indigenous Service Canada's Emergency Management Assistance Program ("**EMAP**") supports Alberta's on-reserve First Nations communities affected by wildfires, coordinating responses to safeguard health, safety, and property. EMAP facilitates agency response, resource coordination, and evacuee support, focusing on recovery assistance for on-reserve infrastructure.⁸⁸

Canadian Interagency Forest Fire Centre (CIFFC)

The CIFFC is a federally incorporated not-for-profit corporation established in 1982. It is owned and operated by federal, provincial, and territorial agencies responsible for wildland fire management in Canada.⁸⁹ The CIFFC coordinates resource sharing through formal agreements, like the Canadian Interagency Mutual Aid Resources Sharing ("**MARS**") Agreement, which outlines three categories of resources: equipment, personnel, and aircraft.⁹⁰

During escalated wildland fire activity, CIFFC acts as a resource "broker," matching agencies with specific resource needs to those available under the MARS Agreement.⁹¹ A Diplomatic Note signed with the United States also authorizes sharing resources for fire suppression across the international boundary through the Canada/United States Reciprocal Forest Fire Fighting Arrangement ("**CANUS**"). The MARS Agreement and CANUS define the terms under which resources can be legally shared, including availability, costs, and return conditions.

Canada Wildfire Strategic Plan 2022-2027

The strategic plan for Canada Wildfire ("**CW**") provides enduring guidance and direction, reflecting CW's consistent philosophy while adapting to emerging knowledge and societal changes. Originating in 2009 as part of the Canadian Wildland Fire Strategy ("**CWFS**"), CW has been pivotal in advancing vegetation fire research and training, notably through NSERC Canada Wildfire Strategic Research Network.

Climate change is a fundamental driver for vegetation fire research, with increasingly intense fire seasons and catastrophic events. Societal awareness of vegetation fires is rising, recognizing fire as a natural component of ecosystems, alongside the growing recognition of Indigenous knowledge and cultural burning practices. CW aims to bridge operational fire communities and academia, fostering collaboration to address research priorities and evolving business processes to meet changing needs efficiently and transparently.

International

Canada frequently relies on aid from global allies. In 2023, amid its most challenging wildfire season on record, Canada enlisted over 1,500 American firefighters and support staff through a longstanding partnership with the United States.⁹² Recognizing the increasing severity and duration of wildfire seasons, Canada and the United States signed a Memorandum of Understanding ("**MOU**") on June 23, 2023. The CIFFC (above) and its member agencies have arrangements with Australia, Costa Rica, Mexico, New Zealand, and South Africa.⁹³ Requests for assistance from and to these countries are negotiated as and when needed. Further, on June 27, 2023, the Government of Canada launched the National Adaptation Strategy that lays out an agreed-upon framework to reduce the risk of climate-related disasters such as wildfires,

improve health outcomes, protect nature and biodiversity, build and maintain resilient infrastructure, and support a strong economy and workers.⁹⁴

Northwest Wildland Fire Protection Agreement (Northwest Compact) Cooperative Operating Plan for 2023

The Northwest Wildland Fire Protection Agreement, established in 1999, encompasses the United States' Alaska, Idaho, Oregon, Washington, and Montana, along with Canadian provinces Alberta, BC, Yukon Territory, Saskatchewan, and Northwest Territories. The Cooperative Operating Plan for 2023 underlines cooperation procedures among member agencies for wildfire prevention, preparation, and response. It supplements existing agreements, detailing assistance requests, personnel reimbursement, liaison officer provision, aircraft costs, recall notices, billing, and payment procedures.⁹⁵

United Nations Department of Economic and Social Affairs Forests

In the summer of 2023, the United Nations Department of Economic and Social Affairs, Forests noted that integrated strategies for forests, climate, and sustainability are ever more urgent as wildfires increase.⁹⁶ Dr. Juliette Biao Koudenoukpo, Director of the UN Forum on Forests Secretariat, noted the urgent necessity of integrated strategies for forests, climate, and sustainability as wildfires escalate globally. The UN opined that integrating wildfire management and climate mitigation approaches is imperative to address escalating wildfire risks. Comprehensive strategies should prioritize risk mitigation, prevention, suppression, and post-disaster recovery. Integrated fire management, emphasizing review, risk reduction, readiness, response, and recovery, offers a robust methodology.

The Oil & Gas Context: FireSmart

A key component of wildfire risk is understanding the probability of a wildfire occurrence and its impact.⁹⁷ Wildfire prevention in the oil and gas industry requires a proactive approach based on understanding the corporate liabilities associated with a fire's ignition and the threat that a catastrophic fire poses to personnel, infrastructure, and protection.⁹⁸ FireSmart originated in Alberta and has gained global recognition as a wildfire management strategy.⁹⁹ It emphasizes assessment, mitigation,¹⁰⁰ integration, and land management to address wildfire threats comprehensively.¹⁰¹

FireSmart Canada, a partnership involving governments, communities, and businesses, raises awareness and develops tools to mitigate wildfire risks. Its merger with the CIFFC extends FireSmart initiatives nationwide, enhancing stakeholder collaboration.¹⁰²

Looking Forward: WildFireSat Mission

The WildFireSat mission is scheduled to launch in 2029 and is poised to revolutionize wildfire management in Canada by enabling more effective prevention and control measures, ultimately reducing the risk of large-scale wildfires. The satellite's ability to provide continuous, real-time data will significantly enhance the capacity of emergency services to respond promptly and effectively to wildfire outbreaks.¹⁰³

The provinces of Quebec, Alberta and British Columbia have just provided additional firefighting resources to the State of California to assist in its battle with the Los Angeles wildfires.

By Allan Ingelson, Professor, Faculty of Law, University of Calgary, and Carter Czaikowski, Rose LLP
Adapted for Resources by Summer Okibe, PhD Student, University of Victoria

- 1 - Government of Canada, "An Emergency Management Framework for Canada – Third Edition" (May 2017), online (pdf): *Public Safety Canada* <https://www.publicsafety.gc.ca/cnt/rsrscs/pblctns/2017-mrgnc-mngmnt-frmwrk/index-en.aspx> [Emergency Management Framework for Canada] at 8.
- 2 - Government of Canada, "About the Government Operations Centre" (29 November 2021), online: *Public Safety Canada* <https://www.publicsafety.gc.ca/cnt/mrgnc-mngmnt/rspndng-mrgnc-vnts/gvrmnt-prtns-cntr/bt-en.aspx> [About Government Operations Centre].
- 3 - Government of Canada, "Wildfires" (12 January 2024), online: <https://www.canada.ca/en/public-safety-canada/campaigns/wildfires.html>.
- 4 - Cordy Tymstra et al, "Wildfire management in Canada: Review, challenges, and opportunities" (2020), *Progress in Data Science, Vol 5*, online: <https://www.sciencedirect.com/science/article/pii/S2590061719300456> [Wildfire Management in Canada].
- 5 - *Ibid*.
- 6 - Canadian Association of Petroleum Producers, "Best Management Practices: Wildfire Prevention" (January 2008), online: https://www.capp.ca/wp-content/uploads/2022/06/Best_Management_Practice_for_Wildfire_Prevention-132380.pdf at 3 [CAPP 2008].
- 7 - Wildfire Management in Canada, *supra* note 4.
- 8 - *Forest and Prairie Protection Act*, RSA 2000, c F-19 [FPPA].
- 9 - RSA 2000, c E-6.8 [EMA].
- 10 - RSA 2000, c S-1 [SCA].
- 11 - RSA 2000, c M-26 [MGA].
- 12 - Calgary, Rocky Mountain House, Edson, Lac La Biche, Fort MacMurray, Whitecourt, Grande Prairie, Peace River, High Level, and Slave Lake.
- 13 - CAPP 2008, *supra* note 6 at 31.
- 14 - Wildfire Management in Canada, *supra* note 4.
- 15 - *Ibid*.
- 16 - CAPP 2008, *supra* note 6 at 26.
- 17 - FPPA, *supra* note 8, s 2.
- 18 - *Ibid*, s 2.1.
- 19 - *Ibid*, s 3.
- 20 - *Ibid*, s 4.
- 21 - Government of Alberta, "Wildfire compliance and enforcement" (2024), online: <https://www.alberta.ca/wildfire-compliance-and-enforcement> [Government of Alberta Compliance & Enforcement].
- 22 - FPPA, *supra* note 8, s 6.
- 23 - EMA, *supra* note 9, s 10(1)(b).
- 24 - *Ibid*, s 10(1)(d).
- 25 - *Ibid*, s 12.
- 26 - *Ibid*, ss 18(1), 19(2). See also SCA, *supra* note 10, s 2.2(1)(b).
- 27 - *Ibid*, s 18(4).
- 28 - SCA, *supra* note 10, s 2.
- 29 - *Ibid*, s 1(1)(n).
- 30 - *Ibid*, ss 31–35.
- 31 - *Ibid*, s 47.
- 32 - *Ibid*, ss 37(1), 1(e.1), 35(2).
- 33 - MGA, *supra* note 11, ss 75(1), (2).
- 34 - *Ibid*, s 75(3).
- 35 - *Ibid*, s 553(1)(g).
- 36 - *Ibid*, ss 535.2(2), (3).
- 37 - SBC 2004, c 31 [WA].
- 38 - BC Reg 38/2005 [WA Regulation].
- 39 - *Canadian National Railway Company v British Columbia*, 2022 BCSC 2263 at para 35 [CPRC].
- 40 - SBC 2002, c 69 [FRPA].
- 41 - RSBC 1996, c 144 [FSA].
- 42 - RSBC 2015, c 1 [LGA].
- 43 - British Columbia, "Funding for wildfire prevention" (8 May 2023), online: <https://www2.gov.bc.ca/gov/content/safety/wildfire-status/prevention/funding-for-wildfire-prevention>.
- 44 - Government of British Columbia, "Wildfire legislation and regulations" (12 December 2023), online: *BC Wildfire Service* <https://www2.gov.bc.ca/gov/content/safety/wildfire-status/about-bcws/governance/legislation-regulations>. [BC Wildfire Legislation & Regulations]
- 45 - WA, *supra* note 37, ss 2–3.
- 46 - *Ibid*, ss 3(2), 4. Certain areas like Vancouver and municipalities with specific bylaws regarding open fires are exempt from the application of the WA.
- 47 - *Ibid*, s 6.
- 48 - *Ibid*, ss 5–7.
- 49 - *Ibid*, s 25.
- 50 - *British Columbia v Canadian Forest Products Ltd*, [2004] 2 SCR 74. However, these claims must have a strong evidentiary basis.
- 51 - *British Columbia (Minister of Forests) v Tnasem Logging Ltd*, 2006 BCCA 546 at para 22.
- 52 - FRPA, *supra* note 40, s 1(1); *Provincial Forest Use Regulation*, BC Reg 176/95.
- 53 - *Ibid*, s 49.
- 54 - *Ibid*, s 59(3).
- 55 - FSA, *supra* note 41 ss 2, 3, 7, 10, 14–16, 18, 21–23, 29.
- 56 - *Ibid*, ss 4–5.
- 57 - *Ibid*, s 7.
- 58 - *Ibid*, s 47(2)(g); *British Columbia Fire Code Regulation*, BC Reg 263/2012.
- 59 - *Ibid*, ss 9–10, 13.
- 60 - *Ibid*, s 9(1).
- 61 - *Ibid*, s 13.
- 62 - *Ibid*, s 14.
- 63 - *Ibid*, ss 16(1), 17.
- 64 - *Ibid*, ss 19, 21–23.
- 65 - LGA, *supra* note 42, ss 303(1), (2).
- 66 - Wildfire Management in Canada, *supra* note 4.
- 67 - Jocelyn Stacey, Vulnerability, Canadian Disaster Law, and The Beast, 2018 55-4 *Alberta Law Review* 853, 2018 CanLII Docs 85, <<https://canlii.ca/t/29xj>>, retrieved on 2024-07-29
- 68 - *National Parks of Canada Fire Protection Regulations*, SOR/80-946, s 5(3)(f) [NPCFPR].
- 69 - *Ibid*, s 5.
- 70 - Government of Canada, "Wildfire management" (2023), online: *Parks Canada* <https://parks.canada.ca/nature/science/conservation/feu-fire/incendies-wildfires> [Parks Canada]
- 71 - NPCFPR, *supra* note 68, s 10(e).
- 72 - *Ibid*, s 4(3).
- 73 - *Ibid*, s 4(1).
- 74 - *Ibid*, s 3(1)(b), 2(b). Although there are broad powers in Alberta and BC to control activities posing a potential fire hazard, no legislative provisions specifically addressing smoking exist in these provincial jurisdictions: FPPA, *supra* note 8, s 21; WA, *supra* note 98, s 12.
- 75 - Parks Canada, *supra* note 70.
- 76 - NPCFPR, *supra* note 68, s 9.
- 77 - *Ibid*, ss 10–11.
- 78 - Government of Canada, "Government of Canada providing additional resources to combat wildfires in British Columbia" (25 August 2023), online: *Public Safety Canada* <https://www.canada.ca/en/public-safety-canada/news/2023/08/government-of-canada-providing-additional-resources-to-combat-wildfires-in-british-columbia.html> [Canada Provides BC Additional Resources].
- 79 - Government of Canada, "Government of Canada to provide assistance to Alberta in response to ongoing wildfire situation" (11 May 2023), online: *Public Safety Canada* <https://www.canada.ca/en/public-safety-canada/news/2023/05/government-of-canada-to-provide-assistance-to-alberta-in-response-to-ongoing-wildfire-situation.html> [Canada Provides Alberta Additional Resources]. See also About Government Operations Centre, *supra* note 2.
- 80 - Emergency Management Framework for Canada, *supra* note 1 at 7–8. Reducing disaster risks through structural and non-structural measures, potentially considering prevention and mitigation independently. Being ready for emergencies through plans, agreements, training, and awareness. Acting during, before, or after disasters to minimize suffering and losses. Restoring conditions and strengthening resilience post-disaster.
- 81 - *Ibid*.
- 82 - Government of Canada, "Government of Canada provides disaster recovery funding to Northwest Territories" (11 September 2023), online: <https://www.canada.ca/en/public-safety-canada/news/2023/09/government-of-canada-provides-disaster-recovery-funding-to-northwest-territories.html>.
- 83 - *Ibid*. The provincial and territorial thresholds for DFAA effective

January 1, 2023, were as follows. In Alberta, the threshold DFAA is set at \$16,610,744, based on the date from Q4 2022, which indicates a population of 4,601,314. In British Columbia, the threshold for DFAA is established at \$19,379,440, with a corresponding population of 5,368,266 as of Q4 2022. These thresholds serve as benchmarks for determining eligibility for financial assistance in the event of disasters within Alberta and British Columbia, respectively.

84 - *Ibid*.

85 - Government of Canada, "Disaster Financial Assistance Arrangements (DFAA)" (23 October 2023), online: <https://www.publicsafety.gc.ca/cnt/mrgnc-mngmnt/rcvr-dsstrs/dsstr-fnnci-ssst-nc-rmgmnts/index-en.aspx>.

86 - Canada Provides BC Additional Resources, *supra* note 78.

87 - Government of Canada, "Operation LENTUS" (10 October 2023), online: *National Defence* <https://www.canada.ca/en/department-national-defence/services/operations/military-operations/current-operations/operation-lentus.html> [Operation LENTUS].

88 - *Ibid*.

89 - CIFFC, *infra* note 102.

90 - Wildfire Management in Canada, *supra* note 4.

91 - CIFFC, *infra* note 102.

92 - Government of Canada, "Canada and the United States Commit to Enhanced Wildland Fire Cooperation" (23 June 2023), online: *Natural Resources Canada* <https://www.canada.ca/en/natural-resources-canada/news/2023/06/canada-and-the-united-states-commit-to-enhanced-wildland-fire-cooperation.html>. [CAN/US Enhanced Cooperation]

93 - Government of Canada, "Canada and Portugal Pledge Cooperation on Fighting Wildland Fires and Protecting Communities" (6 July 2023), online: <https://www.canada.ca/en/natural-resources-canada/news/2023/07/canada-and-portugal-pledge-cooperation-on-fighting-wildland-fires-and-protecting-communities.html>.

94 - *Ibid*.

95 - Northwest Compact, "Northwest Wildland Fire Protection Agreement" (2023), online (pdf): https://dnrc.mt.gov/_docs/forestry/Wildfire/agreements-plans-guides/2023_NWFC-Cooperative-Operating-Plan-FINAL.pdf.

96 - United Nations, "UN Chronicle: As Wildfires Increase, Integrated Strategies for Forests, Climate Change and Sustainability Are Ever More Urgent" (31 July 2023), online: *Department of Economic and Social Affairs Forests* <https://www.un.org/esa/forests/news/2023/07/un-chronicle-as-wildfires-increase-integrated-strategies-for-forests-climate-and-sustainability-are-ever-more-urgent/index.html>.

97 - Canadian Electricity Association, Wildfire Mitigation Guide (2022), online: <https://www.electricity.ca/files/reports/english/WildfireMitigationGuide.pdf>.

98 - CAPP 2008, *supra* note 6 at 3.

99 - Canadian Council of Forest Ministers, "Canadian Wildland Fire Strategy: A 10-year Review and Renewed Call to Action" (2016), online: <https://ostr-backend-prod.azurewebsites.net/server/api/core/bitstreams/edf5659d-f003-48fd-bddb-da3aa85e28ba/content> at 9.

100 - Alberta, "FireSmart Guidebook for the Oil and Gas Industry" (2008), online (pdf): <https://open.alberta.ca/dataset/0a8d9f5e-839f-4dc2-b52e-43fb21d442ad/resource/266580f2-c2b6-45dd-a9df-f316d3b13268/download/2008-firesmart-guidebook-oil-gas-industry.pdf> [FireSmart Guidebook for Oil and Gas]

101 - *Ibid* at 5.

102 - CIFFC, "CIFFC Wildland Fire Prevention and Mitigation Action Plan" (1 February 2022), online (pdf): https://ciffc.ca/sites/default/files/2022-02/PM_Action_Plan_Public_2022_02_01.pdf.

103 - CAN/US Enhanced Cooperation, *supra* note 92.

CIRL Events Update

Upcoming Workshops:

Saturday Morning at the Law School, February 22, 2025, Accommodations in the Alberta Workplace and Schools with Stephanie Chipeur

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MFH 3353, Faculty of Law, University of Calgary
2500 University Drive N.W.
Calgary, AB
T2N 1N4
403.220.3200
cirl@ucalgary.ca
www.cirl.ca



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