

# INSPECTIONS

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**Purpose:** This procedure outlines the process for undertaking an inspection depending on the inspection type and the terms of reference for the inspection.

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**Introduction:** The intent of any inspection is to confirm compliance with legislation. The discovery of a potential non-compliance, although not the intent of an inspection, may occur. If a potential non-compliance is discovered, an investigation may follow.

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**Procedure:** 1. **Determination of what type of inspection is to be conducted**

It is the responsibility of the executive director to determine which type of inspection (i.e. scheduled, risk-based or ad hoc) is to be conducted, and to assign the inspection to an inspector.

**1.1 Procedures for determining whether a *scheduled inspection* is appropriate**

The executive director selects a managed forest to be inspected from the managed forest database which maintains inspection records. This selection is to meet the inspection frequency goal of the council that

- managed forests are inspected at least once every five years, and
- new managed forests are inspected within three years of being classified as managed forest land under the *Assessment Act*.

The executive director may vary the inspection frequency for any given managed forest. Circumstances that may impact inspection frequency include

- increasing frequency where the results of one inspection identify that activities on a given managed forest have an increased risk of future non-compliance, and
- reducing frequency where
  - there has been no activity on a managed forest for an extended period of time, or
  - on a small managed forest all harvesting has been completed, all roads have been deactivated and the next reforestation obligation is many years off.

**1.2 Procedures for determining whether a *risk-based inspection* is appropriate**

The executive director may initiate a risk-based inspection on a managed forest if he or she has information that may increase the risk of non-compliance on that managed forest. This information could be based on:

- knowledge that a high risk activity is being conducted; or
- high values such as high value fish streams are in the immediate area and could be negatively impacted by activities on the managed forest.

In these circumstances the executive director may require inspections at a greater frequency than the 3-year and 5-year frequency for scheduled inspections.

**1.3 Procedures for determining whether an *ad hoc inspection* is appropriate**

The executive director may initiate an ad hoc inspection on a managed forest if he or she has information that there is a potential non-compliance on that managed forest. The information may come from a public complaint, a public inquiry, or communication from an owner who believes that an incident impacting the environment has occurred.

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Once the executive director has determined that it is appropriate to inspect a particular managed forest and decided on the type of inspection, the executive director may forward an information request to the owner asking for information pertinent to the potential inspection.

For ad hoc inspections, the executive director will

- retain a resource specialist with the appropriate knowledge and skills set to address the type of potential non-compliance that has occurred, and
- advise the resource specialist as to the type of inspection and outline the terms of reference for the inspection.

## 2. Planning the inspection

An inspector must plan the inspection.

### 2.1 **Contact the owner and get the information required**

Regardless of the type of inspection, the inspector will notify the owner of the upcoming inspection. By contacting the owner

- a) the owner's expectation of privacy is addressed by being advising of the intention to conduct the inspection;
- b) the inspector can find out what type of activity is being undertaken;
- c) the likelihood that an owner will be on-site when the inspection is carried is increased (which will improve overall communications).

**Scheduled inspections** - should be conducted at the convenience of the owner whenever possible, with every opportunity given to the owner or their representative to accompany the inspector.

**Risk-based inspections** – the specific reasons for a risk-based inspection may mean that delaying the inspection to accommodate the owner's timetable may not be prudent. The inspector should seek direction from the executive director if it is not appropriate to delay the inspection to accommodate the owner.

**Ad hoc inspections** - need to be conducted as soon as possible, to address any non-compliance if it is identified, to mitigate any negative impacts expediently, and to conduct the inspection while events are still current. The inspector should attempt to contact the owner. If the inspector is unable to contact the owner, the inspector should leave a message informing the owner that the inspection is to be conducted on a certain date.

### 2.2 **Understand what activities are being undertaken on the managed forest**

Before conducting an inspection, an inspector must determine

- what activities are ongoing, and
- whether there are any values that may be at risk as a result of those activities.

The owner may provide much of this information. It may need to be determined or confirmed on-site during the inspection.

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### 2.3 Identify any values at risk

An inspector must determine the values at risk on or adjacent to the managed forest land, using maps, photographs, satellite images and other agencies' databases.

### 2.4 Planning the inspection

#### *Setting priorities*

The inspector must plan where and what is to be inspected. This can be done by

- determining what activities are ongoing and analyze the risk associated with each activity,
- looking for the presence of any values (e.g. fish habitat or a licenced waterworks intake) at risk in the proximity of these activities, and
- focusing inspection resources on those issues that have the greatest potential to cause a problem.

Inspections should focus on activities having the highest risk to cause a material adverse effect to water quality, fish or fish habitat. Planning can prioritize inspection time by:

- a) determining what activities are underway at the present;
- b) analyzing the potential hazard of each activity;
- c) determining the values at risk (consequence) in the proximity of the activity; and
- d) identifying those issues that have the greatest risk (risk = hazard X consequence) to have a problem.

If there is insufficient information to plan before arriving onsite, plan them upon arrival.

#### *Equipment*

Assemble all of the equipment needed to conduct the inspection. This includes all of the equipment necessary to

- address personal safety issues (i.e. hardhat and hi vis vest),
- measure anything involved with the inspection, and
- document observations – both in writing and through photography.

In cases of an ad hoc inspection, the inspector should have the legislation relevant to the site of the suspected contravention.

#### *Identification*

The inspector must carry appropriate identification, including

- personal identification,
- the letter of authority from the executive director, and
- a copy of the inspection terms of reference.

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### 3. Conducting the inspection

The inspector should look for any values that might be at risk while approaching the inspection site. This is especially important if there is inadequate information available to fully pre-plan the inspection.

Upon arriving onsite, the inspector should visually assess the area to determine what activities are ongoing or have been concluded since the last inspection. These are the activities on which the pending inspection would normally focus. If the terms of reference for the inspection are too specific (e.g. to confirm if there is a successfully regenerated stand established on the area) to allow for this, the inspector should make note of the new activities of concern and continue with the original planned inspection.

If the owner or his representative is onsite, the inspector must

- identify him or herself,
- describe the purpose of the inspection, and
- if requested, provide proof of identification and authority.

Inspections can be conducted to three basic intensities: a *visual assessment*, a *recce-level inspection*, or a *detailed survey*. The level of inspection depends on

- the inspection terms of reference,
- what was determined through the initial visual assessment, and
- whether a non-compliance is suspected.

As it is not possible or cost-effective to inspect everything in a detailed manner, various levels of inspection intensity can be used to determine compliance, and a combination of intensities may be used.

#### ***Visual assessments***

A visual assessment enables the inspector

- to take an overall view of the area,
- to focus the inspection on those activities which have the highest risk.

Visual estimates provide the broadest coverage of a managed forest, but at a reduced level of detail. Visual assessments could be made

- onsite,
- from a vantage point en-route to the site,
- from the air, or
- using aerial photos and satellite images.

#### ***Recce-level inspections***

A recce-level inspection provides a good balance of coverage with an adequate assessment of detail, and should be used wherever possible. It is particularly useful when inspecting ongoing activities, or along existing roads to ensure the adequacy and functionality of drainage structures.

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### ***Detailed surveys***

Detailed surveys provide accurate information to confirm both compliance and potential non-compliance. While an inspection may identify potential non-compliance, it can often only be confirmed through detailed surveys during an investigation.

The inspector will determine which level of inspection is required on each portion of the managed forest. It may be that most of the area can be assessed visually, but that a portion of the activities (typically active harvesting and recent road construction) require at least a recce-level inspection. The inspector must ensure that inspection time is used to inspect activities having the highest risk at an adequate level of intensity.

When conducting an ad hoc inspection, the inspector will take additional steps to:

- review the specific portion of legislation relevant to the purpose of the inspection and to identify in advance those issues to focus on during the inspection;
- be aware of the elements of a possible contravention that is to be identified, in order to confirm whether an investigation is required;
- be aware that while a scheduled or risk-based inspection would look at all activities that are ongoing, an ad hoc inspection normally focuses on the potentially non-compliant activity. If, during an ad hoc inspection, it is determined that there is no potential non-compliance, the inspection may be terminated; and
- formally identify when a contravention may have occurred and immediately advise the owner and the executive director. In most circumstances, the inspector collects evidence concerning the alleged non-compliance, but is sensitive to the fact that a subsequent investigation may be undertaken.

#### **4. Discovering non-compliance**

An inspector that discovers a potential non-compliance will:

- decide on the severity and impact of the suspected non-compliance (if this is within his or her area of expertise), and determine how to inform the executive director;
- document the potential non-compliance on the appropriate inspection form; and
- prepare to provide recommendations to the executive director as to appropriate actions that may be taken.

##### **4.1 Jurisdiction**

The inspector will advise the executive director if potential contraventions of other provincial or federal legislation are identified during an inspection. The executive director will determine whether another agency should be notified.

##### **4.2 Assessing the level of non-compliance**

There are three basic levels of non-compliance, based on the degree of impact to the managed forest and surrounding values:

- those having a trivial impact;
- those having a minor impact; and
- those having a major impact.

Trivial impacts or minor impacts can be cumulative if they occur at multiple sites. The

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cumulative effect may raise the potential non-compliance into the major category. The executive director determines whether the potential non-compliance is trivial, minor or major in nature. In making the determination, the executive director will consider the input of the inspector and investigator (if any) each of whom observed the situation first hand.

### 4.3 Actions based on type of inspection conducted

If a potential non-compliance was detected during an inspection the inspector must, as soon as practicable after the conclusion of an inspection,

- notify the executive director of the potential non-compliance, and
- document the non-compliance on the Potential Contravention Advisory form.

When completing the form the inspector must describe the severity of the incident, complete with the rationale for that assessment (if it is within the inspector's area of expertise).

The actions by the inspector who identifies the potential non-compliance could vary, depending on the circumstances. If the potential non-compliance was not particularly serious in nature then the inspector would do each of the following:

- for scheduled or risk-based inspections:
  - not begin an investigation during the same visit;
  - inform the executive director and the owner of the potential non-compliance;
  - collect any time-sensitive evidence; and
  - continue the inspection of the managed forest, and
- for ad hoc inspections:
  - assess whether he or she has the skills necessary to conduct an investigation; and
  - advise the executive director.

Regardless of the type of inspection, if the inspector discovers a serious potential contravention at any point during the inspection, the inspector must

- cease the inspection immediately, and
- give priority to reporting the potential contravention to the executive director.

In order to complete the Potential Contravention Advisory form, the inspector must

- gather enough information and evidence to enable the executive director to determine what the next step should be,
- avoid disturbing any evidence, but takes photos of any evidence, and
- secure any evidence such as water samples, photos or digital images taken and transfers them to the investigator assigned to the case.

### 5. Giving advice or opinions to an owner

The owner may ask an inspector for advice on how best to conduct a certain activity, or whether an activity would be acceptable. The inspector may provide advice as long as it is within the inspector's area of expertise. Inspectors must ensure that advice that is given

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- Is not construed by the owner as an official sanction of an activity, and
- Is documented, including the context within which the advice was provided.

Inspectors must avoid giving prescriptive instructions on an issue that requires addressing. The inspector may point out the deficiency and suggests that the deficiency be fixed.

### 6. Completing the inspection report

Inspection reports are to be completed during, or very shortly after, the inspection and forwarded to the executive director. There are three different report forms to be filled out, depending on the type of inspection and its outcome:

- the Site Visit File Note which outlines the specific observations noted during the inspection;
- the Managed Forest Inspection Summary which summarizes the observation of one or more scheduled inspections; and
- the Potential Contravention Advisory form which focuses on potential non-compliance identified during the inspection.

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Approved: Original signed  
Trevor Swan, Chair