



PRINCE EDWARD ISLAND
ÎLE-DU-PRINCE-ÉDOUARD

FOREST FIRE PROTECTION ACT FOREST FIRE PROTECTION REGULATIONS

PLEASE NOTE

This document, prepared by the *Legislative Counsel Office*, is an office consolidation of this regulation, current to March 4, 2023. It is intended for information and reference purposes only.

This document is *not* the official version of these regulations. The regulations and the amendments printed in the *Royal Gazette* should be consulted on the Prince Edward Island Government web site to determine the authoritative text of these regulations.

For more information concerning the history of these regulations, please see the *Table of Regulations* on the Prince Edward Island Government web site (www.princeedwardisland.ca).

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FOREST FIRE PROTECTION REGULATIONS

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**FOREST FIRE PROTECTION ACT
CHAPTER F-13.2**

FOREST FIRE PROTECTION REGULATIONS

Pursuant to section 25 of the *Forest Fire Protection Act* R.S.P.E.I. 1988, Cap. F-13.2, Council made the following regulations:

PART 1 - DEFINITIONS

1. Definitions

In these regulations

- (a) “**Act**” means the *Forest Fire Protection Act* R.S.P.E.I. 1988, Cap. F-13.2;
- (b) “**fire season**” means the period specified as the fire season under section 2;
- (c) “**Pulaski**” means a firefighting hand tool resembling an axe with an integrated hoe for moving soil or other material. (EC119/23)

PART 2 - ADMINISTRATION

2. Fire season

For the purpose of section 8 of the Act, the fire season for Kings, Queens and Prince County is the period each year that commences at 12:01 a.m. on March 15 and ends at 11:59 p.m. on November 15. (EC119/23)

3. Notice to public

For the purpose of section 11 of the Act, a forest service officer shall provide notice to the public respecting open burning days, restricted burning days and non-burning days by

- (a) posting the information on a website maintained by the Government for that purpose that is accessible to the public; or
- (b) updating the information in a recorded message that members of the public may access by telephone at a telephone number maintained by the Minister for that purpose. (EC119/23)

PART 3 - REQUIRED EQUIPMENT

4. Required equipment for Category 1 fire

A person who starts or ignites a Category 1 fire shall ensure, at a minimum, that the following equipment is available at the site of the fire:

- (a) a hand tool that can be used for fire suppression, such as a shovel, axe or grub hoe or a Pulaski;
- (b) a telephone capable of contacting the 911 emergency number. *(EC119/23)*

5. Required persons, equipment for Category 2 or 3 fire

A person who starts or ignites a Category 2 or 3 fire shall ensure, at a minimum, that the following are available at the fire site:

- (a) at least two persons capable of monitoring and controlling the fire;
- (b) at least 400 litres of water and equipment for pumping it;
- (c) at least two hand tools that can be used for fire suppression, such as a shovel, axe or grub hoe or a Pulaski;
- (d) at least one operational bulldozer, excavator or loader and a person capable of operating it;
- (e) a telephone capable of contacting the 911 emergency number. *(EC119/23)*

6. Required persons, equipment for Category 4 fire

A person who starts or ignites a Category 4 fire shall ensure, at a minimum, that the following are available at the fire site:

- (a) at least two persons capable of monitoring and controlling the fire;
- (b) at least 400 litres of water and equipment for pumping it;
- (c) at least two hand tools that can be used for fire suppression, such as a shovel, axe or grub hoe or a Pulaski;
- (d) a telephone capable of contacting the 911 emergency number. *(EC119/23)*

7. Equipment required for forestry operations

(1) A person who operates equipment or machinery in forestry operations or within 30 metres of a forest during fire season shall ensure that the following equipment is available at the site:

- (a) a fire extinguisher rated at least 6A 80BC that is in serviceable condition;
- (b) a shovel.

Removal of debris

(2) An operator referred to in subsection (1) shall ensure that the equipment involved in forestry operations or within 30 metres of a forest during fire season is checked daily for accumulation of flammable debris and that any accumulation of debris is removed.

Safe disposition of equipment

(3) An operator referred to in subsection (1) who leaves equipment or machinery in a forest or within 30 metres of a forest during fire season while it is not being operated shall ensure that the equipment or machinery is placed in an area that is free from flammable materials.
(EC119/23)

PART 4 - PERMITS

8. Issuance at no charge

A permit for any category of fire shall be issued at no charge. (EC119/23)

9. Suspension of permit

- (1) A permit for any category of fire is immediately suspended when a fire closure order is issued, and the permit holder or any person acting on the permit holder's behalf shall immediately extinguish any fire lighted under the permit.

Duration of suspension

- (2) A permit referred to in subsection (1) remains suspended until the fire closure order is cancelled. (EC119/23)

10. Suspension of permit by Minister

- (1) The Minister may suspend a permit for the period specified by the Minister, not exceeding the remainder of the period for which the permit is valid, where the Minister is satisfied that the permit holder obtained the permit through misrepresentation or fraud.

Permit holder must extinguish fire

- (2) Where a permit holder is notified of the suspension of the permit under subsection (1), the permit holder or any person acting on the permit holder's behalf shall immediately extinguish any fire ignited under the permit.

Permit to be surrendered on request

- (3) Where a permit is suspended, the permit holder shall immediately on the request of a forest service officer surrender the permit to the Department. (EC119/23)

PART 5 - REQUISITION OF EQUIPMENT

11. Compensation for requisition of equipment, etc.

- (1) A person from whom equipment or facilities have been requisitioned under section 15 of the Act shall be compensated based on the applicable rates stated in
- (a) the most current Standard Negotiated Rates provided by the Department of Transportation and Infrastructure; or
 - (b) the most current Mutual Aid Resource Sharing Aviation Rates provided by the Canadian Interagency Forest Fire Centre.

Where rates not established

- (2) Where an exact rental rate has not been established for equipment or facilities in the rates referred to in clause (1)(a) or (b), the Minister shall provide fair and equitable compensation based on current market rates. (EC119/23)

PART 6 - TRAINING

12. Training required for forest service officer

The required training for a person to be appointed as a forest service officer is the successful

- (a) completion of the basic forest fire suppression training approved by the Minister; and
- (b) completion of training in the Incident Command System 100 and 200 administered by the Emergency Measures Office of the Department of Justice and Public Safety.
(EC119/23)