



**Forest  
Practices  
Board**

## **West Cracroft Island Visual Quality**

---

*Complaint Investigation #15032*

**FPB/IRC/198**

February 2016

# Table of Contents

---

<b>Introduction</b> .....	<b>1</b>
The Complaint.....	1
Background.....	2
<b>Investigation Results</b> .....	<b>2</b>
Was the district manager’s response to SWAs concern reasonable and timely? .....	2
Was TimberWest’s response to SWA’s concerns reasonable? .....	3
<b>Conclusions</b> .....	<b>4</b>

# Introduction

## The Complaint

Spirit of the West Adventures (SWA), a guided adventure tourism company that has a base camp at Boat Bay, submitted a complaint to the Board on January 8, 2015. SWA was concerned that proposed harvesting by TimberWest Forest Corp. (TimberWest) would adversely affect their clients' kayaking experience. SWA was concerned that neither TimberWest nor the district manager of the Ministry of Forests Lands and Natural Resource Operations (FLNR) North Island Central Coast District, addressed its concerns about visual quality in a reasonable manner.

SWA was also concerned that it did not have an opportunity to express its concerns about visual quality objectives (VQOs) when TimberWest requested an extension to its forest stewardship plan (FSP). However, since there is no requirement for public review and comment on an FSP extension, and the extension was approved before the complainant requested public review and comment, the Board did not report on that matter.

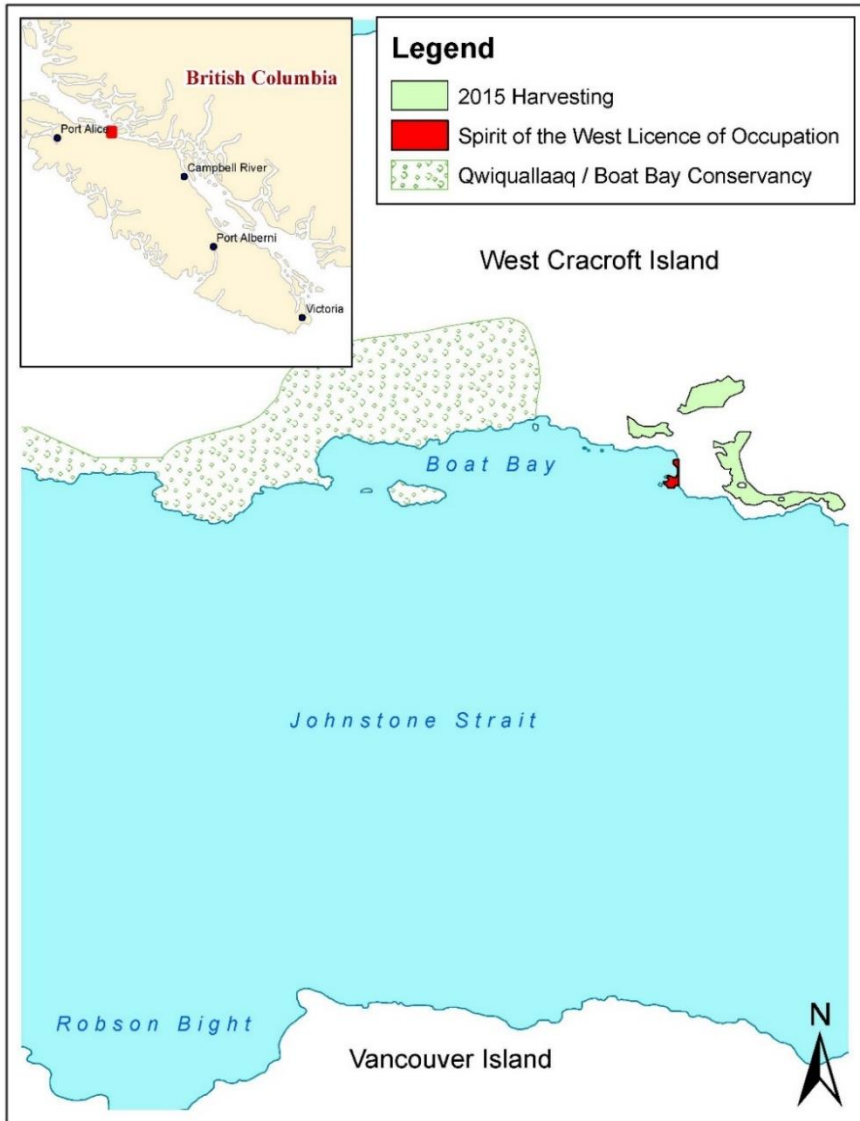


Figure 1. Area of the complaint.

## Background

### Boat Bay Area and Overlapping Tenures

Boat Bay is on West Cracroft Island, across Johnstone Strait from Robson Bight, on the east coast of Vancouver Island (Figure 1). The western half of the upland area in the vicinity of Boat Bay is protected from harvest by the Qwiquallaq/Boat Bay Conservancy and the remainder is in Tree Farm Licence (TFL) 47, Block 2, which is held by TimberWest. Prior to 2015, TimberWest had not logged there since 1985.

SWA holds a licence of occupation that allows it to guide kayak tours in a large part of Johnstone Strait and has a base camp at Boat Bay located within TFL 47. SWA has been authorized to use its base camp at Boat Bay since 2003.

In June 2011, SWA found cutblock boundary marking ribbon near its base camp and contacted TimberWest. They had a meeting in August where TimberWest showed SWA its harvest plans for Boat Bay and a visual simulation showing what cutblocks would look like from the middle of Johnstone Strait. In November, SWA sent a letter to TimberWest requesting that it remove the Boat Bay cutblocks from its plans. SWA also developed a simulation of what it anticipated the area would look like following harvesting from near shore. SWA polled its past guests to see if they would return, based on the SWA simulation, and the overwhelming response was negative.

By January 2012, SWA was actively seeking support to stop the timber harvesting by approaching politicians, government officials and the media. In mid-January it also met with the district manager, who encouraged SWA to work on a resolution with TimberWest. SWA and TimberWest consulted extensively from that point until the fall of 2014 when TimberWest submitted a cutting permit application for the area. Not satisfied with the proposed harvesting plans, SWA again contacted the media and began discussing its concerns with Board staff. SWA filed the complaint with the Board in January 2015 and TimberWest started harvesting in February 2015.

## Investigation Results

---

The Board investigated two questions:

1. Was the district manager's response to Spirit of the West Adventures' concerns reasonable?
2. Was TimberWest's response to Spirit of the West Adventures' concerns reasonable and timely?

### Was the district manager's response to SWAs concern reasonable and timely?

Boat Bay has a VQO of 'partial retention', which is based on a government-approved recreation inventory for TFL 47 that was completed by TimberWest in 2000. However, recreational use of Boat Bay and Johnstone Strait has increased since 2000. Therefore, when SWA met with the district manager in January 2012, it asked the district manager to change the VQOs for Boat Bay from 'partial retention' to 'preservation'. Section 7 of the *Government*

Generally speaking harvested areas under a VQO of:

- **preservation** cannot be seen;
- **retention** are difficult to see; and
- **partial retention** are easy to see.

*Actions Regulation* (GAR) gives the minister authority to establish a new VQO and the minister has delegated that authority to district managers.

The district manager told SWA he could change the VQO under the GAR, but the GAR required him to notify TimberWest first. He explained that TimberWest would most likely protect the planned cutblocks at Boat Bay by declaring<sup>1</sup> them in its FSP before he could change the VQOs. The district manager advised SWA that it would be more productive to work on a business-to-business arrangement with TimberWest using “principles of good stewardship.”

SWA continued discussions with TimberWest, but by September 2013, SWA was not satisfied with progress and once again, this time in writing, asked the district manager to change the VQO from partial retention to preservation. In October 2013, the district manager met with TimberWest and SWA, encouraging them both to work out a solution. They continued their discussions, which led to a commitment from TimberWest to reduce the visual impact of its proposed cutblocks by modifying its cutting plans to meet the following VQOs:

- partial retention from mid channel viewpoints;
- retention from viewpoints in Boat Bay; and
- preservation from the base camp.

In August 2014, TimberWest told the district manager it was going to apply for a cutting permit for the Boat Bay cutblocks. The district manager concluded that the negotiations between the two parties had gone as far as possible, so he informed TimberWest that he was considering a change in the VQO at Boat Bay from partial retention to preservation. On January 16, 2015, TimberWest submitted amendment 18 for its FSP, declaring the cutblocks at Boat Bay. As of December 2015, the district manager was still considering changing the VQO at Boat Bay.

In summary, the district manager knew that changing the VQO may prompt the licensee to protect its current planned cutblocks by declaring them, so he encouraged the parties to seek a solution together through consultation. That consultation resulted in some positive steps by TimberWest. Once the district manager understood that the consultation between the parties had run its course and SWA was still not satisfied, he began to consider a change in the VQO. TimberWest, as predicted, declared its cutblocks.

## **Finding**

In the Board’s opinion, there was little more the district manager could have done and his response to SWA’s concerns was reasonable and timely.

## **Was TimberWest’s response to SWA’s concerns reasonable?**

In 2011, TimberWest began planning cutblocks in the area around Boat Bay, but did not inform SWA of its plans before it started cutblock layout. There was no legal requirement for TimberWest to inform SWA that it planned to harvest at Boat Bay. It is the Board’s view that licensees must go beyond legislated consultation requirements where circumstances warrant it. For consultation to be

---

<sup>1</sup> Licensees can declare areas under the *Forest Planning and Practices Regulation* section 14(4). This effectively protects these blocks from changes to the VQO.

effective, the Board believes it must occur early in the process.<sup>2</sup> TimberWest explained to the Board that it usually consults other parties before cutblock layout in the field, but in this case, TimberWest was not aware of the exact location of SWA's base camp.

Once SWA made the initial contact with TimberWest in June 2011, both parties had extensive consultations about the planned harvesting at Boat Bay. During these discussions, TimberWest modified its harvest plans to significantly reduce the visual impact of its proposed cutblocks to SWA's operations. TimberWest also committed to spreading its harvest schedule out over three phases to allow both parties to monitor the visual impact. TimberWest determined that these plans and commitments have reduced its return on investment for cutblocks in the Boat Bay area.

On June 29, 2015, both parties accompanied FLNR's regional visual quality specialist on a site inspection of the first phase of harvesting. All agreed that the harvesting was consistent with TimberWest's visual impact assessments and commitments. SWA was satisfied with this outcome, but continued to maintain that any harvest beyond the first phase will have a negative impact on its business.

## **Finding**

In the Board's opinion, once TimberWest was aware of SWA's concerns, its consultation and consequent changes to its plans were a reasonable response.

## **Conclusions**

---

SWA was concerned that the proposed harvesting by TimberWest would adversely affect its clients' kayaking experience and that neither TimberWest nor the district manager addressed its concerns about visual quality in a reasonable manner. To address SWA's concerns the Board investigated the following questions.

### **1. Was the district manager's response to the SWA's concern reasonable?**

The district manager encouraged the parties to seek a solution together through consultation. Once the consultation had run its course, the district manager began to consider a change in the VQO and TimberWest, as predicted, declared its cutblocks. In the Board's opinion, there was little more the district manager could have done and his response to SWA's concerns was reasonable and timely.

### **2. Was TimberWest's response to Spirit of the West Adventures concern reasonable?**

TimberWest has reduced the visual impact of the cutblocks to accommodate the business interests of SWA. In the Board's opinion this is a reasonable response to SWA's concerns.

The Board encourages both parties to continue building their business-to-business relationship and to come to mutual agreement with government on appropriate VQOs for Boat Bay.

---

<sup>2</sup> [Public Involvement in Forest Management Planning in BC - FPB Bulletin 015](#), Page 4.



**Forest  
Practices  
Board**

PO Box 9905 Stn Prov Govt

Victoria, BC V8X 9R1 Canada

Tel. 250.213.4700 | Fax 250.213.4725 | Toll Free 1.800.994.5899

For more information on the Board, please visit our website at: [www.bcfpb.ca](http://www.bcfpb.ca)