



## **Visual Quality on Alberni Inlet**

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**FPB/SIR/46**

September 2016

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# Board Commentary

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In 2015, Forest Practices Board staff investigated logging on a prominent landform in Port Alberni that appeared to exceed government's visual quality objective (VQO) for the area. The investigation found the licensee failed to achieve the required VQO and government decided not to take enforcement action. This is the fourth Board report published since 2014 that has identified issues with visual resource management.<sup>i</sup> These are important scenic views clearly visible to the public that government has determined are significant for tourism and public recreation values. The Board has found this issue is not specific to an area of the province, a licensee or group of licensees, professionals, or government. The Board is concerned that stewardship of visual resources is inconsistent across the province.

As a result of these findings and concerns, and in accordance with section 131 of *Forest and Range Practices Act* (FRPA), the Board makes the following recommendations:

1. Government evaluate its approach to management of visual resources. This evaluation should involve not only the forest sector, but also those business sectors reliant on visual resources for their success. The evaluation should include consideration of ways to improve the clarity and enforceability of the existing regulatory framework, including consideration of making visual resource management a practice requirement for all licensees, consistent with the *Woodlot Licence Planning and Practices Regulation*.
2. Government and the Association of BC Forest Professionals (ABCFP) review and update guidance and policy documents to ensure consistency of approach and use of best practices in the management of visual resources.
3. Government ensure that compliance with, and enforcement of, visual quality objectives is a consistent priority across the province.

In accordance with section 132 of FRPA, the Board requests that government advise it of the steps taken to implement recommendations 1-3 by December 31, 2016, and that the ABCFP do so for recommendation 2 by December 31, 2016.

# Executive Summary

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In April 2015, Forest Practices Board staff noticed logging, easily visible from Port Alberni's Harbour Quay, that appeared to exceed government's visual quality objective (VQO) for the area. The VQO had been set by a *Government Actions Regulation* (GAR) Order. The Board undertook an investigation to determine if the VQO had been met, and if not, what could be done to improve visual quality management.

The logging in question was done under a forestry licence to cut held by the Tseshaht First Nation. In 2010/11, the licensee logged a cutblock on the landform visible from viewpoints along Alberni Inlet and the Port Alberni waterfront. The Ministry of Forests, Lands and Natural Resource Operations (FLNRO) regional visual resource management specialist was concerned about the outcome and determined that the cutblock may have exceeded the VQO. He notified compliance and enforcement (C&E) staff of the possible non-compliance. After completing a preliminary review of the situation, C&E decided not to investigate.

In July 2012, the licensee requested the cutting permit for a second cutblock on the same landform. The district manager issued the cutting permit, and logging took place in 2013. Logging of the second cutblock added more alteration to a landform that already exceeded the VQO.

The Board considered three questions in the investigation:

1. Did the licensee comply with the *Forest and Range Practices Act's* (FRPA) visual resource management requirements when it planned and logged the two cutblocks?
2. Did the licensee adequately consider impacts on visual quality caused by cutblock 164215?
3. Was government's enforcement of FRPA visual resource management requirements appropriate?

The logging of this cutblock did not meet the partial retention VQO, as required under *Government Action Regulation Order*, and did not comply with the licensee's forest stewardship plan (FSP).

The second cutblock, logged in 2013, lies on the same landform and in the same polygon designated as partial retention as the first cutblock, and the additional disturbance created by the second cutblock was not in compliance with the Order or the FSP.

The potential impacts on visual quality for cutblock 164215 were not adequately considered by the licensee. After harvesting the first cutblock, there were many indications that the visual quality values were at risk on this landform. In spite of these indications, the licensee did not reconsider harvest of this cutblock.

With regard to the first cutblock, C&E actions were not carried out because of the belief by C&E staff that there was no violation apparent in the licensee's FSP, despite legal advice to the contrary they received from a government lawyer. C&E staff did not follow this advice and did not proceed with an investigation of this case. In the Board's opinion, government's enforcement of FRPA was not appropriate. With regard to the second cutblock, C&E staff told the Board that they were not aware there was a second cutblock on the landform.

The Board has made three recommendations for improvement to management of visual resources in the future.

# Introduction

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British Columbia is famous for its spectacular scenery and has made provisions to protect this resource within the forestry legislative framework. These provisions, collectively known as visual resource management, provide some balance between the forest industry's need for wood and the tourism industry's need for a natural landscape. They also help preserve the natural beauty of the landscape for residents and visitors.

A key part of visual resource management is delineation of areas where visual quality objectives (VQOs) apply. In a recent compliance determination on visual quality, the government decision maker said a great deal of effort has gone into the delineation and classification of these to safeguard views in visually sensitive areas, while balancing the needs of the forest industry.<sup>ii</sup> To that end, it is important that the visual disturbance caused by logging<sup>1</sup> results in a landscape that meets the VQO for the area.

In April 2015, Board staff noticed logging near Port Alberni that appeared to exceed government's VQO for the area. The Board decided to investigate the issue to determine if the VQOs had been met, and if not, what could be done to improve visual management in the future.

## Background

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### Visual Resource Management in British Columbia

The *Forest and Range Practices Act* (FRPA) provides the basis for visual resource management, as it relates to forestry, by allowing government to establish VQOs for scenic areas, and defining the categories of these objectives.

Government has established VQOs for many scenic areas in BC. One way to legally establish these is by issuing an order under the *Government Actions Regulation* (GAR). A 2005 GAR Order set the VQOs for certain areas near Port Alberni, including the one in this investigation.

VQOs define the acceptable level of visual alteration for particular areas of Crown land. There are five VQOs ranging from "preservation," where alterations from forest logging and road building are not easily distinguishable from the pre-harvest landscape, to "maximum modification," where large and geometric-shaped cutblocks would be very easy to see. Figure 1 provides examples of each VQO.

Forest licensees must address VQOs in their planning and forest activities. First, they must create results or strategies in

#### **Visual Quality Management —Where to go for More Information**

The Ministry of Forests, Lands and Natural Resource Operations maintains an informative website on visual resource management at: <http://www2.gov.bc.ca/gov/content/industry/forestry/managing-our-forest-resources/visual-resource-management>.

For a description of VQO classes, this poster is particularly useful: <https://www.for.gov.bc.ca/hfd/pubs/docs/mr/Rec044.htm>.

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<sup>1</sup> Visual disturbance caused by logging is called 'altered forest landscape' in the *Forest Planning and Practices Regulation*.

their forest stewardship plans (FSPs) designed to meet the VQOs. Second, they must comply with those results or strategies when logging or road building.

On highly visible or sensitive sites, licensees will usually conduct a visual impact assessment (VIA) to gauge the impact of a proposed cutblock on the landscape. This is part of the licensee professional forester's site planning process and may be key in being duly diligent while planning operations in areas with VQOs. This assessment may include computer-generated visual simulations to predict how a cutblock might look from significant public viewpoints after it is logged.

Cutblock design might include retaining trees, creating irregular edges and logging behind topographical features such as knolls, to achieve a VQO.

## Visual Resource Management Near Port Alberni

Port Alberni lies at the end of Alberni Inlet—a long inlet leading out to Barclay Sound and the Pacific Ocean. Forestry is a key element of the area's economy, but the tourism sector is also important and is largely dependent on recreational fishing, outdoor recreation and Port Alberni's position as a jumping off point for Vancouver Island's west coast. On a typical summer day, the inlet is busy with hundreds of recreational and commercial boats. The city redeveloped a portion of the waterfront—the Harbour Quay—with tourism and the enjoyment of the public in mind.

Government has established VQOs for Crown forest lands visible from Port Alberni and the surrounding travel routes, including Alberni Inlet. Scenic areas were originally established in 1998, and later made legally binding with a GAR order in 2005. There has been a great deal of effort involved in planning for and establishing these areas, including meetings with forest industry representatives and tourism operators. The VQO for the area of this investigation is "partial retention," which means that alteration may be easy to see, but is small to medium in scale, and natural and not rectilinear or geometric in shape.<sup>iii</sup>

### Landscape and Landform

Throughout this report, you will see the terms *landform* and *landscape*. In visual resource management, these terms are both used. A landform is a distinct topographic feature, is three-dimensional in form, and is generally defined by ridges, valleys, shorelines, and skylines. Landform examples include hills and mountains.

Landscapes are often considered to be the entire scene visible from a viewpoint and are usually comprised of several landforms.

The forest legislation uses the term landscape in its definitions of visual alterations. However, human perception studies show that the people tend to assess visual disturbance on landforms rather than landscapes. Hence, visual impact assessments are carried out on landforms, not landscapes.

## The Cutblocks

The logging in question was conducted under forestry licence to cut A81582, held directly by the Tseshaht First Nation (TFN) and later by a subsidiary called Cisaa Forestry LLP, which is wholly owned by the TFN. The holder of the licence, whether it be TFN or Cisaa, is called the licensee throughout this report. The licensee logged two cutblocks on the landform that are visible from viewpoints along Alberni Inlet and the Port Alberni waterfront—cutblocks 164211 and 164215.

## Cutblock 164211

In late 2010, the licensee began logging the first of the two cutblocks. Cutblock 164211 lies on a prominent landform that is visible from the Port Alberni waterfront and for approximately 10 kilometres along Alberni Inlet (Figures 2 and 3).

The planning for this cutblock had started much earlier, culminating with issuance of the cutting permit in July 2010. The planning process included a visual impact assessment completed by the licensee's visual management specialist in February 2010.

This cutblock is on Crown land, but there is a strip of private land between the cutblock and the inlet (Figure 3). Portions of the private land were logged at about the same time as cutblock 164211. VQOs do not apply to private land, and the logging of this private land removed trees that the licensee had anticipated would provide some screening of its cutblock.

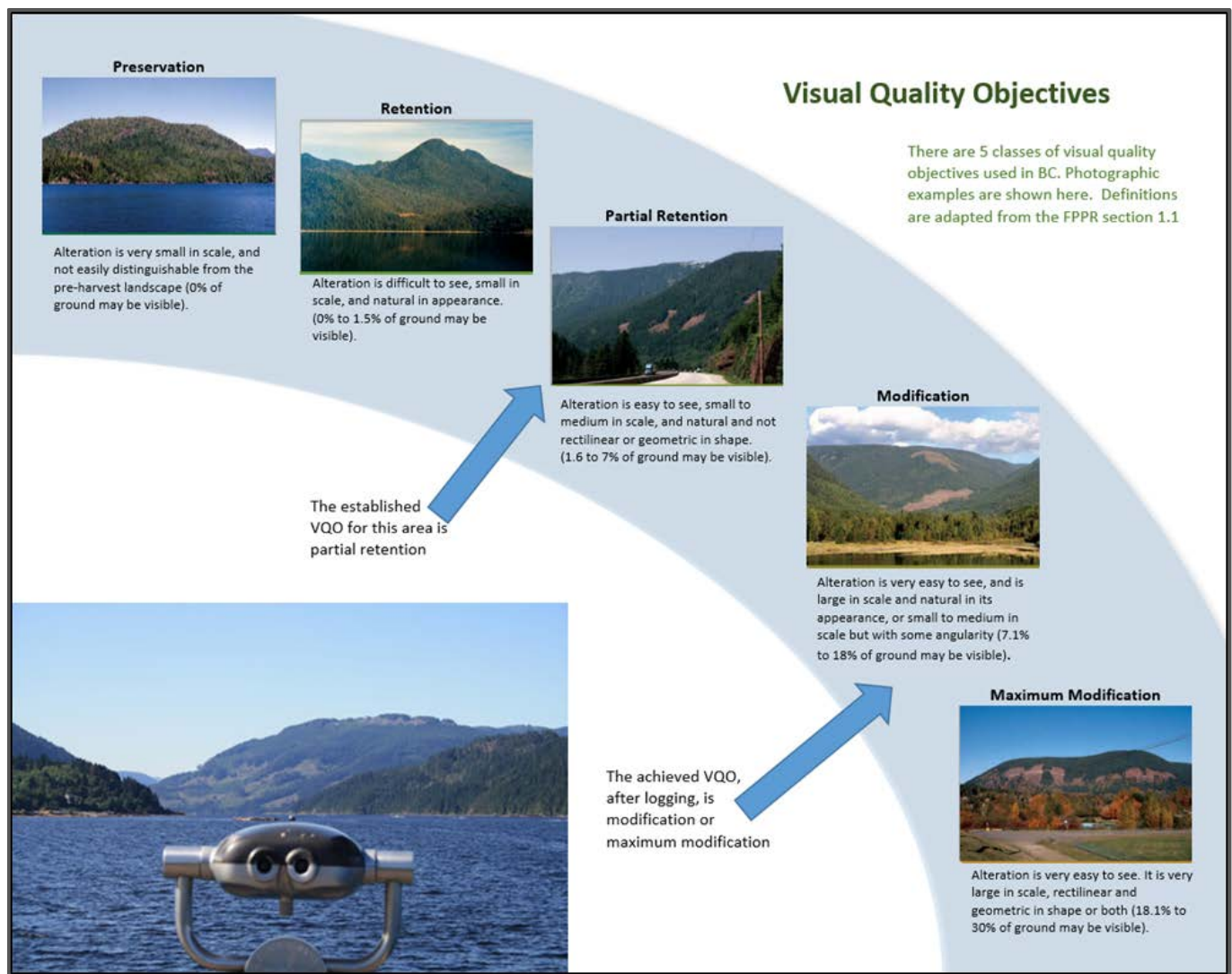
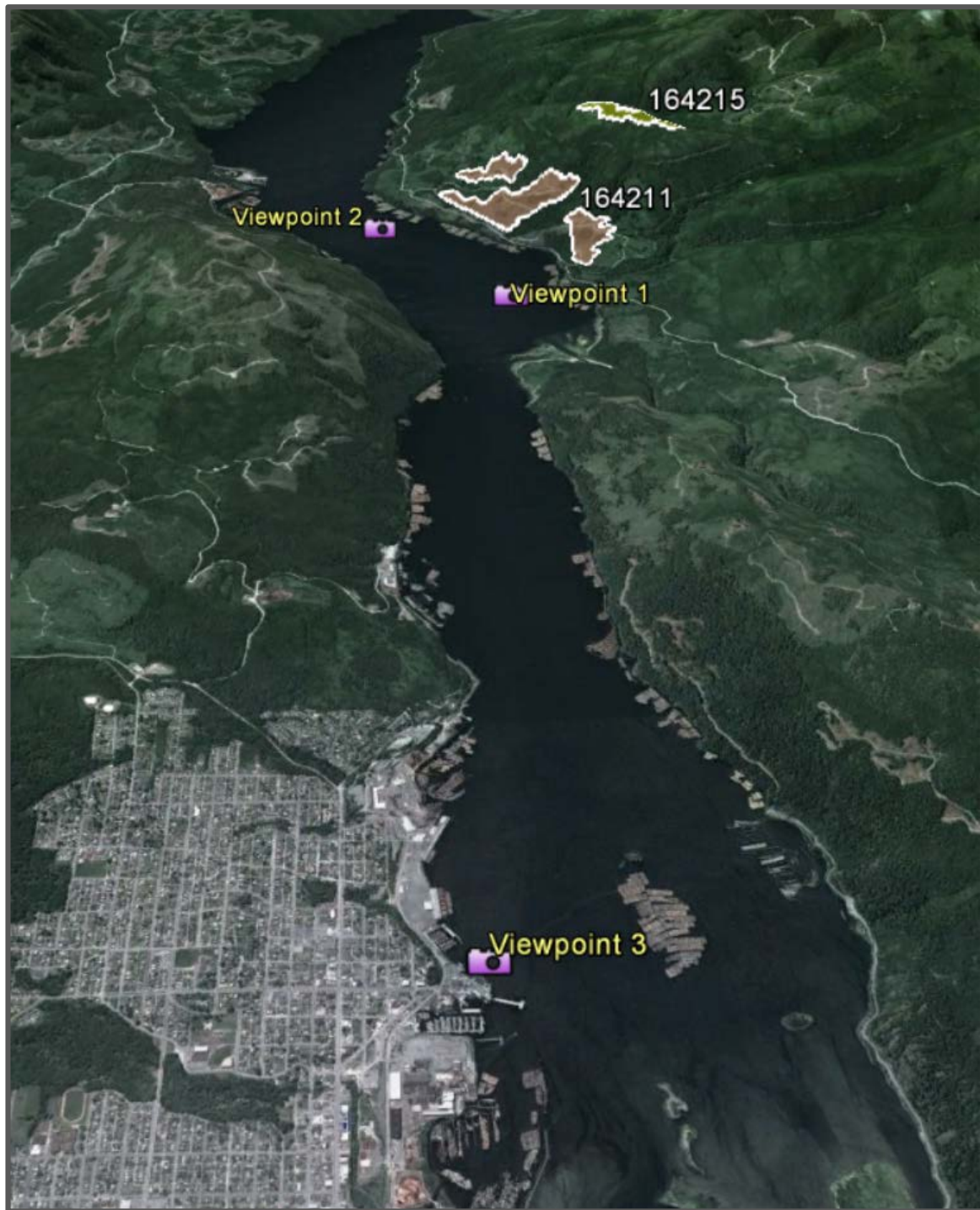


Figure 1. VQOs and how they relate to this area.

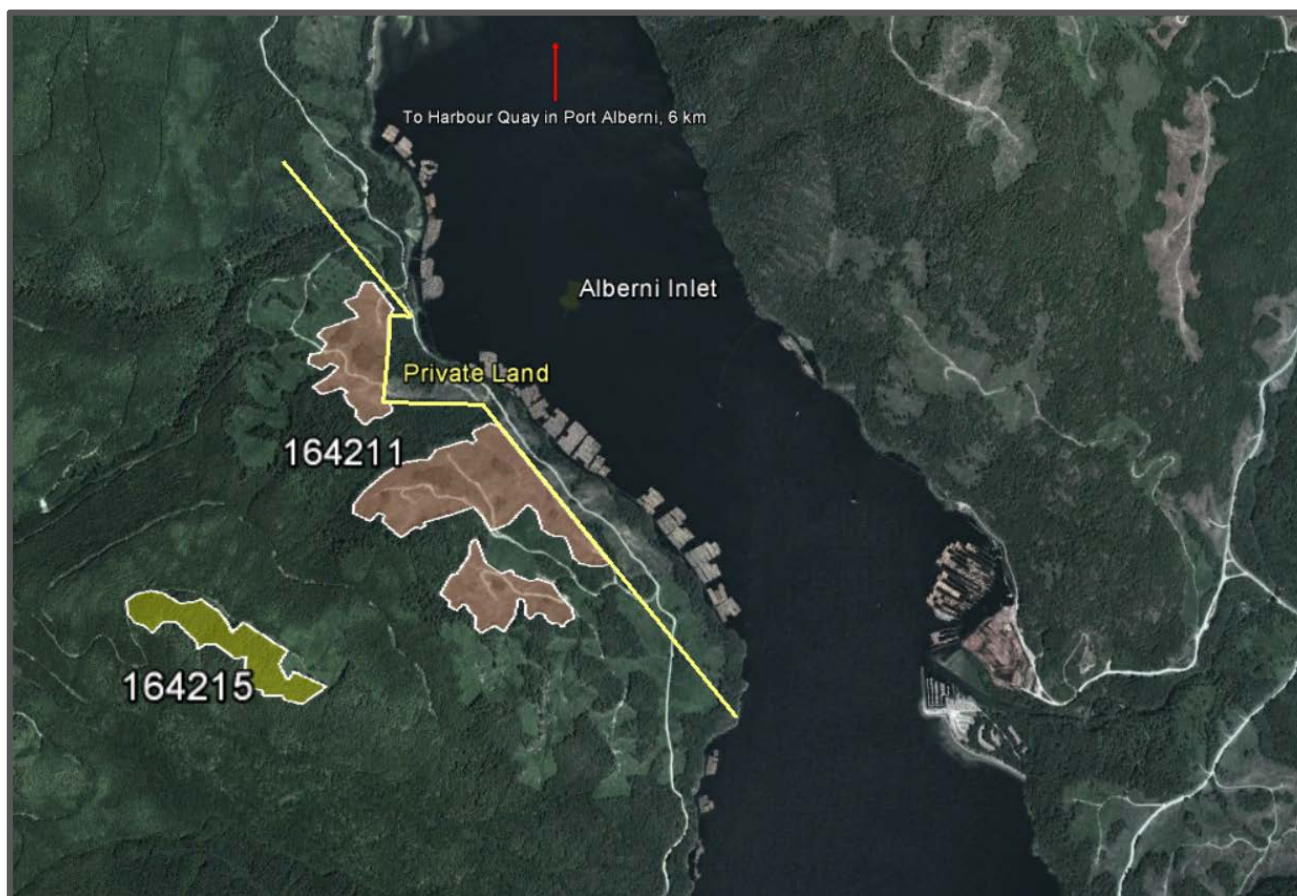




**Figure 2.** Overview of Port Alberni, looking south down Alberni Inlet, showing the cutblocks and viewpoints referred to in this report.



The licensee completed logging of cutblock 164211 in early 2011. On July 4, 2011, the Ministry of Forests, Lands and Natural Resource Operations (FLNRO) regional visual resource management specialist viewed the new logging and was concerned that it may have exceeded the VQO. He notified FLNRO compliance and enforcement (C&E) staff of a possible non-compliance. Later in July, he completed visual quality evaluations from several viewpoints and confirmed his initial assumption that the VQO was not met. He determined that the visual impact was modification or maximum modification, depending on the viewpoint, not partial retention. He shared that information with C&E staff. C&E staff requested the VIA from the licensee and, after completing a preliminary review of the situation, decided not to investigate.



**Figure 3.** Location of the cutblocks.

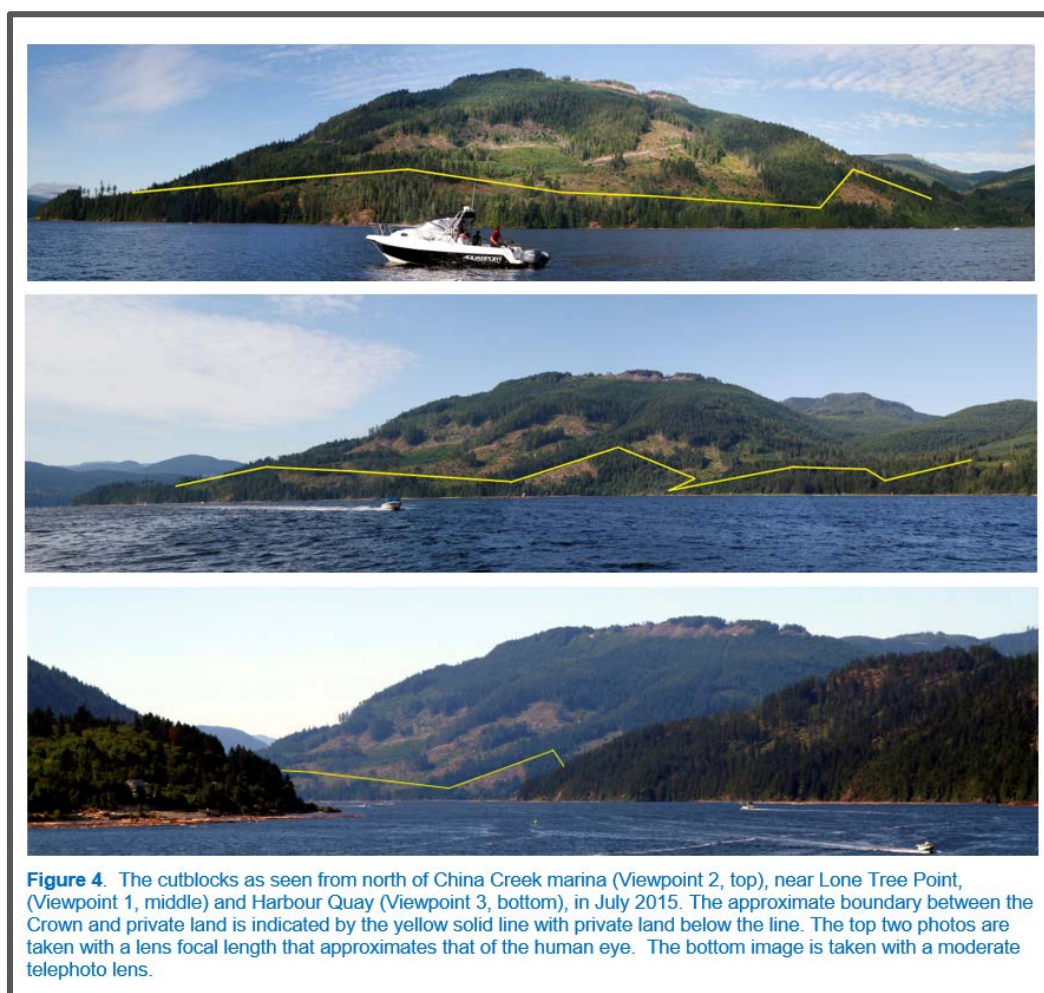
Because of his concerns about the visual impacts of cutblock 164211, and the C&E decision not to investigate, the regional visual resource management specialist organized a meeting. This meeting was held in March 2012 and included FLNRO visual resource management specialists, FLNRO district staff, the licensee's manager, professional forester and visual quality specialist.

There were no minutes recorded for this meeting, and no detailed agenda is available. However, during the interviews for this investigation in 2015, the regional and provincial visual resource management specialists told the Board that the FLNRO post-harvest VQO inspection results, (showing that cutblock 164211 did not meet the visual quality objective) were discussed, along with

broader visual quality principles and concerns relating to Alberni Inlet. The licensee's participants told the Board that they were not made aware at this meeting that the VQO had not been met.

### Cutblock 164215

Cutblock 164215 lies high on the same landform as cutblock 164211 and is visible from the same viewpoints used to assess cutblock 164211. At the time of the March 2012 meeting, planning—including a VIA—for this cutblock had been completed by the licensee, but a cutting permit application had not been submitted to government. Government staff at the meeting were not aware the licensee was planning cutblock 164215.



In July 2012, the licensee requested the cutting permit for cutblock 164215. The district manager issued the cutting permit on July 12<sup>th</sup>, and logging took place in 2013. Ministry policy is that as long as certain administrative requirements have been met, district managers have no discretion to refuse to issue a cutting permit.<sup>iv</sup>

In June 2015, the Board visited the site with an independent visual quality expert to conduct visual quality evaluations and to gather information at identified viewpoints to complete visual impact assessments. Since the licensee had no control over the private land harvest, and the private land was not yet harvested when the licensee planned cutblock 164211, the Board's visual evaluations and

assessment work did not consider the disturbance caused by the private land logging. The Board assumed the trees on this land would have provided screening of the cutblock, even though they had actually been logged by this time.

Key events and dates are shown in tabular form in the appendix of this report.

## The Investigation

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The Board considered three questions in the investigation:

1. Did the licensee comply with FRPA's visual resource management requirements when it planned and logged the two cutblocks?
2. Did the licensee adequately consider impacts on visual quality caused by cutblock 164215?
3. Was government's enforcement of FRPA visual resource management requirements appropriate?

To answer these questions, the Board contracted a visual quality expert to complete independent VIAs and assess the licensee's VIAs, visited Port Alberni and Alberni Inlet to view the cutblocks, reviewed the licensee's site plans, and interviewed the licensee's forest manager, professional forester, and visual quality specialist, as well as the FLNRO regional visual resource management specialist and C&E staff.

### Did the licensee comply with FRPA?

Under FRPA, licensees must prepare, and obtain the minister's approval of, an FSP. The FSP must specify results or strategies to achieve VQOs relevant to the FSP area. Forest practices, including cutblocks and roads, must be consistent with these results or strategies. FRPA, section 21(1) says "the holder of a forest stewardship plan must ensure that the intended results specified in the plan are achieved, and the strategies described in the plan are carried out."

The licensee's FSP states:

Within each applicable scenic area, the Holder(s) of the FSP will:

- a) ensure that each cutblock or road within the FDU is designed in a manner such that the altered forest landscape for the applicable scenic area will be consistent with the applicable visual quality objective, and
- b) carry out forest practices only if the forest practices are consistent with the design for the cutblock or road referred to in paragraph (a), ...

The licensee had a visual quality specialist complete a VIA for cutblock 164211 prior to logging and concluded that the cutblock and road design were consistent with the VQO of partial retention. The actual logging and road building were consistent with the cutblock and road design considered in the VIA.

The Board examined the licensee's VIAs, including the simulations and data within them, and the post-logging results on the ground. In examining the data and simulations within the VIAs, the Board drew different conclusions as to what the visual quality class after logging would be. The licensee's and the Board's estimates of the predicted VQOs are shown in the *design* columns of Table 1, while

the post-logging results on the ground are shown in the *outcome* columns. The licensee's VIAs contain errors and underestimate the predicted visual impacts.

After logging was completed, both expert FLNRO staff and the Board independently completed visual quality evaluations on the landform using similar viewpoints. The Board's visual quality evaluations were completed as if the private land in front of cutblock 164211 was not logged and still provided the screening assumed in the licensees' VIA. The evaluations found that the landform clearly did not meet the partial retention VQO after the logging of cutblock 164211.

Logging of the second cutblock then added more alteration to a landform that already exceeded the VQO. Table 1 summarizes these results.

**Table 1.** Visual Quality Objectives, Visual Impact Assessments and Existing Visual Conditions

			Requirement (VQO requirement)	Design (estimated result from pre-logging information)		Outcome (actual result after logging)	
Cut-block	View-point Number	Viewpoint Location	Visual Quality Objective	Visual Impact Assessments <sup>2</sup>		Existing Visual Condition <sup>3</sup>	
				Licensee	Board	FLNRO <sup>4</sup>	Board
164211	1	Near Lone Tree Point	PR	PR	MM	MM	MM
	2	North of China Creek	PR	PR	M	MM	MM
	3	Harbour Quay	PR	PR	MM	M/MM	MM
164215 <sup>5</sup>	1	Near Lone Tree Point	PR	PR <sup>6</sup>	MM	No assessment	MM
	2	North of China Creek	PR	PR	M	No assessment	MM
	3	Harbour Quay	PR	M	MM	No assessment	MM

PR=Partial Retention    M=Modification    MM= Maximum Modification

<sup>2</sup> The licensee's visual impact assessments (VIAs) were completed prior to harvest and the results are indicated in the licensee column. The Board used the basic information from these VIA's to reconstruct a pre-harvest VIA.

<sup>3</sup> FLNRO and the Board completed ratings of the existing visual condition after harvest. FLNRO did this work after the first cutblock was logged. The Board did this after the second cutblock. In both cases, the evaluations were done as if the private land was still fully forested.

<sup>4</sup> FLNRO completed assessments after harvest of block 164211. FLNRO did not reassess after logging of block 164215

<sup>5</sup> The assessments of block 164215 include the disturbance from 164211 since both blocks are visible from the viewpoints and contained within the same landform.

<sup>6</sup> Although the licensee's VIA states that this is PR, the quantitative information provided by the licensee suggests it is M.



## Finding

The visual impact caused by logging cutblock 164211 clearly exceeded the partial retention VQO, so it was not “designed in a manner such that the altered forest landscape for the applicable scenic area will be consistent with the applicable visual quality objective” as the FSP states. This is a non-compliance with FRPA section 21(1).<sup>v</sup>

Two years later, the licensee logged cutblock 164215 on the same landform. Cutblock 164211 had not achieved visually-effective green-up<sup>vi</sup> and the addition of cutblock 164215 increased the already excessive visual impact. So, block 164215 is also not compliant with FRPA section 21(1).

## Did the licensee adequately consider impacts on visual quality?

The licensee told the Board that it has a protocol for planning logging and road building in areas with VQOs. This involves designing cutblocks in conjunction with a visual quality specialist; creating computer-modelled VIAs to help the specialist assess the designs; and, when the specialist is satisfied that the design meets the VQO, logging the cutblocks consistent with that design. The licensee followed this protocol for both cutblocks on this landform.

Despite following the protocol, the visual disturbance caused by the logging of cutblock 164211 led to two actions by government agencies that the licensee was aware of:

1. Discussions between the licensee and C&E staff regarding visual quality on Alberni Inlet in July 2011.
2. The March 2012 meeting referred to earlier in this report in which visual quality management in the area was discussed.

By the time of the March 2012 meeting, the licensee had completed planning on the second cutblock (164215) on this landform, but had not yet applied for a cutting permit. At the meeting, the FLNRO visual quality specialists were not aware of the second cutblock and the licensee did not mention it. One of the outcomes of the meeting was an offer by the government visual quality specialists to peer review the licensee’s VIAs for future cutblocks. The licensee did not act upon this offer.

The Board noted that the licensee’s VIA for cutblock 164215 did not use the categories of visually altered forest landscape, defined in the *Forest Planning and Practices Regulation*, as its evaluative criteria. Also, the assessment was developed using a 2006 photograph from one viewpoint, which predated the disturbance caused by cutblock 164211. The VIA compensated for this but, in the Board’s view, the best practice is to use recent photographs, particularly on landforms where recent visual disturbance makes achievement of VQOs challenging.

The VIA for cutblock 164215 concluded that the proposed alteration was “within the criteria for the visual quality objective” of partial retention and also stated that “visual quality objectives must be achieved from all selected viewpoints,” yet it indicated that one of the three viewpoints was in the modification rather than partial retention VQO. Also, two of the three viewpoints showed a visual disturbance level (percent alteration) greater than is typically accepted as partial retention.

The VIA also noted that the existing visual condition—prior to the planned harvest of 164215—was at partial retention, but close to the boundary between partial retention and modification.

With the first cutblock, the licensee followed a protocol that should help the licensee adequately consider the visual quality values. They employed a visual quality specialist to help design the cutblock to meet the VQO, performed a VIA to show that the cutblock met the VQO, and logged the block consistent with the assessment. Although the licensee followed the same protocol with the second cutblock, it failed to modify its plans when warning signs were apparent. These warning signs included:

- The interest by C&E in the visual quality of the licensee's logging on Alberni Inlet.
- The visual quality meeting convened as a result of the harvest of cutblock 164211.
- The fact that the VIA for the second cutblock was created in part with a photograph taken prior to harvest of cutblock 164211.
- The presence of a "modification" VQO rating from one of the viewpoints in the VIA.
- Expected visual disturbance levels, expressed as percent alteration, that were higher than typically accepted for the partial retention category.
- The rating of the existing visual condition of "high partial retention" by the visual quality specialist in the VIA prior to harvesting the new cutblock.

## **Finding**

Given these warning signs, and the prominent location of this landform, it would have been prudent to consider having the VIA for the new cutblock reviewed or reassessed prior to finalizing logging plans. The Board notes that the government visual quality specialists had offered to provide this service. The Board finds that the licensee did not adequately consider impacts on visual quality relating to cutblock 164215.

## **Was government's enforcement of FRPA appropriate?**

On July 4, 2011, the regional visual resource management specialist informed C&E staff that the VQO for the landform where cutblock 164211 is located had not been met. A C&E natural resource officer considered the case and acknowledged that the VQO of partial retention was not met.

The C&E officer then requested the VIA from the licensee, and reviewed the licensee's FSP. A licensee must specify results or strategies in its FSP that are consistent with the VQOs set by government. These results or strategies must be measurable and verifiable so that, if necessary, government can enforce them. The licensee's FSP specified that:

Within each applicable scenic area, the Holder(s) of the FSP will:

1. ensure that each cutblock or road within the FDU is designed in a manner such that the altered forest landscape for the applicable scenic area will be consistent with the applicable visual quality objective, and
2. carry out forest practices only if the forest practices are consistent with the design for the cutblock or road referred to in paragraph (a), ...

The C&E officer understood that the cutblock design was required to be consistent with the VQO, and that logging was required to be consistent with the design. However, he believed that this was a "strategy" rather than a "result." He interpreted this to mean that compliance was to be measured



against whether the licensee made cutblock 'design' efforts, and not against whether the design or post logging results were actually consistent with the VQO. Thus he concluded that the FSP strategy had been met and there was no contravention of FRPA.

The provincial visual resource management specialist disagreed and interpreted the FSP to require that the result or strategy be met on the ground. He obtained legal advice indicating that regardless of whether the FSP commitments were viewed as a result or a strategy, the VQO had to be met. The visual resource management specialist provided this information to the C&E officer. C&E staff did not follow this advice, and stated that this was not a compliance and enforcement issue and that their time would be better spent elsewhere. C&E did not proceed with an investigation of this case.

In the nearby Sunshine Coast Resource District, C&E did investigate a VQO case, which led to a determination by the district manager and a \$20,000 penalty. The licensee appealed, but the Forest Appeals Commission upheld the determination (see the text box.)

#### **Forest Appeals Commission Decision**

In July 2016, the Forest Appeals Commission decided an appeal concerning the enforcement of FRPA's visual resource management regime. The Commission dismissed a licensee's appeal of a district manager's determination that it had not met the Partial Retention VQO when logging on Stuart Island, a scenic area near Bute Inlet. The decision provides important guidance to forest professionals, licensees, and ministry officials concerning how to interpret and apply key aspects of the visual resource management regime. Although the licensee had completed a visual impact assessment, it was not successful in establishing a due diligence defence. The decision may be found at this link: <http://www.fac.gov.bc.ca/forestAndRange/2015frp002a.pdf>

With regard to cutblock 164215, C&E staff told the Board that they were not aware of a second cutblock on the landform. C&E staff said they would consider an investigation if they received a complaint.

### **Finding**

Appropriate enforcement encourages compliance with legislation and contributes to public confidence that forest practices are sound.

In this case, a FLNRO visual resource management expert informed C&E staff that the VQO was exceeded, which is a contravention of FRPA. C&E staff incorrectly determined that there was compliance, and took no enforcement action. Compliance was not encouraged and the public cannot be confident that C&E staff were looking after the public interest. The Board finds that government enforcement was not appropriate.

# Conclusions

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The Board concludes that:

1. Cutblock 164211, logged in 2010 and 2011, lies within an area designated as partial retention by a *Government Actions Regulation* Order. The logging of this cutblock did not meet the partial retention VQO in violation of the licensee's FSP.
2. Cutblock 164215 was logged in 2013, and lies on the same landform and in the same polygon designated as partial retention as cutblock 164211. Because cutblock 164211 was on the same landform and exceeded the VQO, the additional disturbance created by cutblock 164215 is also non-compliant with the Order and the FSP.
3. The potential impacts on visual quality for cutblock 164215 were not adequately considered by the licensee. After harvesting cutblock 164211, there were many indications that the visual quality values were at risk on this landform. In spite of these indications, the licensee did not reconsider harvest of the second cutblock (164215) on the landform.
4. In the case of cutblock 164211, compliance and enforcement actions were not carried out because of the belief by C&E staff that there was no violation apparent in the licensee's FSP, in spite of legal advice they received from a government lawyer. In the Board's opinion, there was a violation and therefore government's enforcement of FRPA was not appropriate.

## Appendix – Chronology

### Chronology of Key Events

Date	Details
Dec 15, 2005	A <i>Government Actions Regulation</i> (GAR) Order establishes visual quality objectives (VQOs) for South Island Forest District. The VQO for the landform that includes cutblocks 164211 and 164215 is set at partial retention.
Feb 24, 2010	A visual impact assessment (VIA) was completed by the licensee for cutblock 164211. This VIA concludes that proposed logging will meet the partial retention VQO for the area.
July 12, 2010	The cutting authority is issued for cutblock 164211.
Nov 2010	Harvest commences on cutblock 164211.
Fall 2010	Harvesting of the private land adjacent to cutblock 164211 removes some of the screening anticipated in the VIA.
Early 2011	Harvesting on cutblock 164211 is completed
July 4, 2011	The Ministry of Forests, Lands and Natural Resource Operations (FLNRO) regional visual resource management specialist notifies compliance and enforcement (C&E) staff that VQO's appear to have been exceeded by the harvesting of cutblock 164211.
July 22, 2011	The FLNRO regional visual resource management specialist, assisted by a C&E staff member, completes VIAs from several viewpoints of this landform. These indicate that the established VQO of partial retention was not met from 4 of 5 viewpoints.
July 2011	Discussions between the FLNRO regional visual resource management specialist and C&E continue. C&E staff member says "there is no contravention of FRPA". The FLNRO specialist forwards a legal opinion to C&E that says "...it would appear from this limited amount of information on the situation as though a good case can be made that there has been a contravention ..." C&E staff do not investigate further. These communications were internal to FLNRO.
Nov 8, 2011	A VIA is completed by the licensee for cutblock 164215. This cutblock is near block 164211, shares the same landform and partial retention VQO. The VIA concludes that the proposed logging will meet the VQO for the area.
March 14, 2012	FLNRO visual management specialists, and FLNRO district staff hold a meeting with licensee staff and contractors to discuss the VQO issue relating to cutblock 164211. The FLNRO specialists were not aware of cutblock 164215 and the licensee did not mention it.
July 12, 2012	Cutting authority is issued for cutblock 164215.
June 2013	Harvesting commences on cutblock 164215.
June 2015	FPB staff initiate the special investigation.

## ENDNOTES

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<sup>i</sup> The three recent Board reports are:

- BCFPB, [Haida Gwaii Visual Quality Objectives](#), November 2014; and
- BCFPB, [Audit of Forest Planning and Practices: BC Timber Sales and Timber Sale Licence Holders Chilliwack Natural Resource District portion of the Chinook Business Area](#), April 2015.
- BCFPB, [Forest Stewardship Plans: Are They Meeting Expectations?](#) Special Investigation 44, August 2015.

<sup>ii</sup> Garth Wiggill, District Manager, Selkirk Forest District, FLNRO, 2016, letter regarding *Contravention Determination and Notice of Penalty Levied under Section 71 (2) (a) of the Forest and Range Practices Act (FRPA)*.

<sup>iii</sup> VQOs are defined in the *Forest Planning and Practices Regulation*, section 1.1.

<sup>iv</sup> The Board has commented on this policy in: [District Managers' Authority Over Forest Operations](#), Special Report 52, December 2015.

<sup>v</sup> Excerpt from FRPA: **Compliance with plans**

21 (1) The holder of a forest stewardship plan or a woodlot licence plan must ensure that the intended results specified in the plan are achieved and the strategies described in the plan are carried out.

<sup>vi</sup> The FLNRO definition of visually effective green-up (VEG) is: the stage at which regeneration is seen by the public as newly established forest. When VEG is achieved the forest cover generally blocks views of tree stumps, logging debris and bare ground. Distinctions in height, colour, and texture may remain between a cutblock and adjacent forest but the cutblock will no longer be seen as recently cut-over.



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