



File: 97250-20/16080

November 27, 2017

VIA EMAIL

Dear Participants:

Re: Resolution of Complaint 16080 – Granite Bay VQOs

This is the Board's closing letter for a complaint filed by the residents of Granite Bay (the complainants) in January 2017.

Granite Bay is on Quadra Island in the Campbell River Natural Resource District (the district). The complainants live in a subdivision on the southern side of Granite Bay. When the complainants purchased their properties, government maps showed the area across from Granite Bay as part of Small Inlet Marine Park. The complainants believed the area would not be logged. However, government had incorrectly mapped the area and it is actually located within Tree Farm Licence (TFL) 47, which means it is part of the timber harvesting landbase..

The complainants asked the district manager to establish a visual quality objective (VQO) of retention¹ on the area of the complaint. The district manager considered the request, but did not establish a new VQO. Consequently, the complainants submitted this complaint to the Board.

Background

Under the *Forest and Range Practices Act*, government establishes VQOs for scenic areas in British Columbia. VQOs define the acceptable level of visual alteration for particular areas of

¹ Generally speaking, a VQO of retention means any harvesting or road building will be difficult to see.

Crown land, and forest licensees must address VQOs in their planning and forest activities. In 1997, government approved an inventory for TFL 47 that recommended a visual quality class² (VQC) of "partial retention" for the area subject to this complaint. This VQC meant that any harvesting in the area could be "easy to see". At about the same time, government removed some area from the TFL to establish Small Inlet Marine Park. Government maps incorrectly showed the area of the complaint as part of the park.

In 2004, government introduced the *Government Actions Regulation* (GAR). Transitional rules in the GAR changed recommended VQCs to VQOs. The GAR also allowed the district manager to establish new scenic areas and VQOs so, in 2005, the Campbell River district manager standardized VQOs in the district. He made a GAR order that cancelled the existing scenic areas and VQOs throughout the district, and replaced them with new ones.

In 2012, TimberWest discovered the area of the complaint was not within the park but instead was part of TFL 47. The complainants discovered the mapping error in 2015 and began discussions with TimberWest and the district because they were concerned the area could be logged. The district said the area had a VQO of partial retention. The complainants asked the district manager to change the VQO to "retention", which would mean that any harvesting would be difficult to see. The complainants thought that would be a fair compromise because the government mapping error led them to believe that the area was park when they purchased their properties.

The district manager considered the request, but declined to change the VQO. Instead, the complainants were encouraged to work with TimberWest to resolve their concerns about potential logging. They did work with TimberWest, who developed harvest plans for the next 15 years that satisfy the complainants' concerns. However, the complainants still wanted to have a legal VQO of retention on the area because they are looking for long-term certainty. Therefore, they filed the complaint with the Board

Resolution

Through the course of the investigation, the Board discovered that the 2005 GAR order had actually canceled the original scenic area and VQO for the area of the complaint and the new VQOs were never applied to the area because it was thought to be part of the park. As a result, there is no scenic area designation or VQO for the area. The Board brought this information to the district manager and asked if she would reconsider establishing a VQO for this area, in light of this new information. The district manager said that the district does not currently have the resources to review the GAR order, but that it intends to review the entire GAR order within three years. The complainant is satisfied with that commitment to revisit the GAR Order and considers the matter resolved.

² VQCs were the same definition as VQOs under previous legislation.


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The Board is pleased with the cooperation shown by all three participants and encourages continued cooperation and consultation to mitigate the consequences of this error. This concludes the Board's involvement in this file. If you have any remaining questions or concerns, please contact Glen Pilling at (250) 213-4731.

Yours sincerely,

A handwritten signature in blue ink that reads "Timothy Ryan". The signature is written in a cursive style with a large initial "T" and a long, sweeping underline.

Timothy S. Ryan, RPF
Chair