

# COMPLAINT INVESTIGATION

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## Visual Quality in the Salisbury Creek Area

JANUARY 2023  
FPB/IRC/247



**Forest  
Practices  
Board**

BC'S INDEPENDENT  
WATCHDOG FOR  
SOUND FOREST &  
RANGE PRACTICES

*In undertaking its work, the Forest Practices Board acknowledges and respects the Indigenous Peoples whose territory is the subject of this report. The Board recognizes the importance of their historical relationship with the land that continues to this day.*

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# List of Acronyms Used

CCC	Cooper Creek Cedar Ltd
CP	Cutting Permit
FPPR	Forest Planning and Practices Regulation
FRPA	Forest and Range Practices Act
FSP	Forest Stewardship Plan
RCMP	Royal Canadian Mounted Police
VIA	Visual Impact Assessment
VQO	Visual Quality Objective

# Introduction

## The Complaint

In July 2022, a Kaslo resident filed a complaint with the Forest Practices Board (the Board) about Cooper Creek Cedar Ltd.'s (CCC) harvesting in the Salisbury Creek area south of Argenta. The complainant believes that CCC's harvesting is inconsistent with the visual quality objective (VQO). For relief, the complainant would like CCC to work with the local community to ensure future cutblock design and harvesting considers significant public viewpoints representative of the community's perspectives.

## Background

The Salisbury Creek area is located at the northeast end of Kootenay Lake (Figure 1). The area lies within the traditional territories of the Adams Lake Indian Band, the Ktunaxa Nation, which includes the ʔAkisq'nuk First Nation (Columbia Lake Indian Band), ʔAq'am (St. Mary's Indian Band) Tobacco Plains Indian Band, the Yaqan nuʔkiy (Lower Kootenay Band), the Lower Similkameen Indian Band, the Neskonlith Indian Band, the Okanagan Indian Band, the Penticton Indian Band, the Shuswap Band, the Skw'ax te Secwepemcul'ecw, and the Upper Nicola Band.

The area is most visible when travelling on Highway 31 between Schroeder Creek and Lardeau on the west side of Kootenay Lake. It can be seen from several significant viewpoints, including the Lost Ledge campground in Kootenay Lake Provincial Park.

Government has established VQOs for scenic areas in BC. VQOs set out the permitted level of visible alteration due to harvested areas and roads. The VQO categories, from least to most visually impactful, are preservation, retention, partial retention, modification and maximum modification. Table 2 (in Appendix 1) provides the *Forest Planning and Practices Regulation* (FPPR) definition for each VQO category and Table 3 (in Appendix 1) lists resources on visual quality management in BC.

In 2014, government established a VQO of "partial retention" for the Salisbury Creek area.

CCC is the holder of forest licence A30171 and operates in the northeast area of Kootenay Lake. CCC's Argenta operating area, which includes the Salisbury Creek area, covers 7736 hectares. It stretches on the east side of Kootenay Lake from Cooper Creek in the north to Fry Creek in the south.

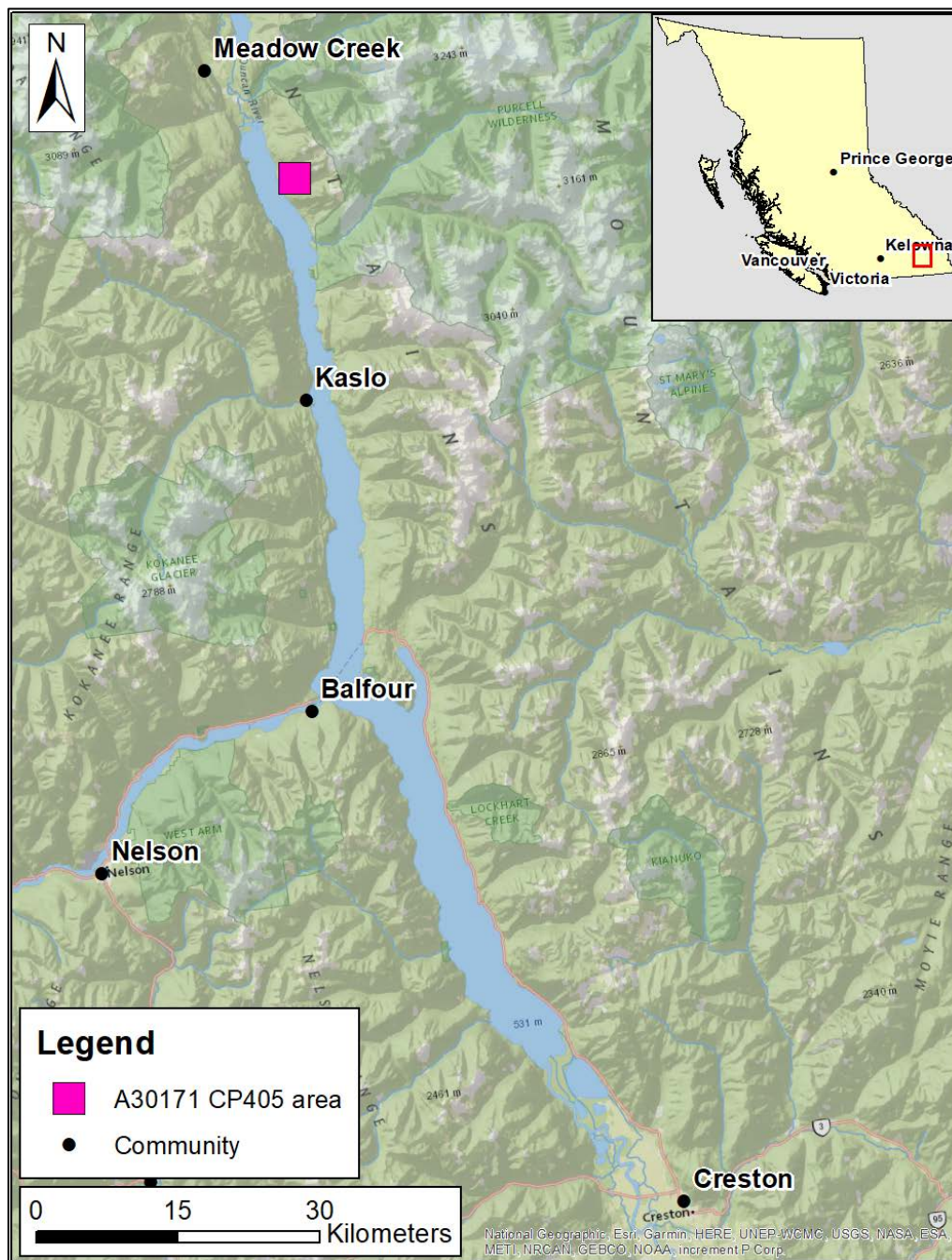
This [poster](#) describes the five VQO categories and illustrates what they look like for clearcut, retention and partial cut harvesting.

In November 2020, the Ministry of Forests (the ministry) issued cutting permit (CP) 405 to CCC. The CP consists of five cutblocks in the Salisbury Creek area (Figure 3 in Appendix 2). CCC began harvesting CP 405 in June 2022.

While travelling north on Highway 31 at the end of June, the complainant noticed cutblock 405-4 and stopped at the Lost Ledge campground to examine it. Later, the complainant downloaded CCC's visual impact assessment<sup>1</sup> (VIA) from the company's website.<sup>i</sup> After comparing the VIA's harvest simulation with the view from the campground, the complainant was concerned about the appearance of the cutblock and filed this complaint. CCC completed the harvesting of CP 405 cutblocks in October 2022.

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<sup>1</sup> A VIA comprises a set of procedures and criteria that are applied to a proposed landscape alteration(s) to estimate the level of visual impact and determine consistency with visual quality objectives. Taken from: 2022, Ministry of Forest, [Visual Impact Assessment Handbook](#) [last accessed on October 12, 2022].



**Figure 1.** Overview map showing the CP 405 area

## Legislation

The *Forest and Range Practices Act* (FRPA) requires licensees to prepare and obtain approval for a forest stewardship plan (FSP). An FSP must specify results or strategies to achieve the VQOs relevant to the area under the plan. Forest practices, including timber harvesting and road building, must be consistent with these results or strategies. Section 21(1) of FRPA states that the holder of an FSP must ensure that the intended results specified in the plan are achieved and that the strategies described in the plan are carried out.

Section 1.1 of the FPPR defines the categories of visually altered forest landscapes. “Partial retention” is defined as an alteration that, when viewed from a significant public viewpoint, is easy to see, small to medium in scale, and natural and not rectilinear or geometric in shape.

# The Investigation

## Did Cooper Creek Cedar comply with FRPA section 21(1) when it planned and logged cutblock 405-4?

CCC has an approved FSP that includes a result and strategy designed to be consistent with the VQOs in its operating areas (Appendix 3). The FSP states that CCC will meet the VQO after harvesting and road building. Furthermore, CCC will carry out a VIA to assess the impacts of the proposed harvesting and road building to ensure it achieves the VQO. CCC also committed to using several design techniques to mitigate the visual impact of its harvest activities on the landscape.

### Visual Impact Assessment

During the planning phase, CCC completed a VIA to evaluate the impact of proposed harvesting and road building on the landscape. CCC consulted with two community groups to design logging to comply with the VQO of partial retention. During the consultation, CCC added another significant viewpoint to the assessment to address the community groups' requests. The VIA includes simulations of the expected visual condition after harvesting from four significant viewpoints: Davis Creek, Lost Ledge, Marine Beach, and Schroeder Creek.

CCC concluded that the proposed logging of the five CP 405 cutblocks would meet the VQO of partial retention. The licensee based its conclusion on the FPPR definition of "partial retention" mentioned above, the percentage<sup>2</sup> of the altered landform<sup>3</sup>, and the size, shape and design of the proposed cutblocks.

### Logging of Cutblock 405-4

CCC planned to use two logging contractors to harvest cutblock 405-4. One contractor was to log the steep slopes with an overhead cable system,<sup>4</sup> and the other was to log the remainder with ground-based equipment.<sup>5</sup> However, CCC changed its plan due to equipment availability and a blockade by protestors. After RCMP removed the blockade, CCC decided to move one conventional logging contractor with winch-assisted, ground-based equipment into cutblock 405-4.

CCC asked the logging contractor not to harvest groups of trees as simulated in the VIA. However, CCC then realized this was not feasible because the contractor harvested the steep slope area with winch-assisted equipment instead of an overhead cable system. At that point, CCC asked the contractor to retain single trees. CCC contends that the contractor kept 10 to 15 trees per hectare in the cable harvest unit.

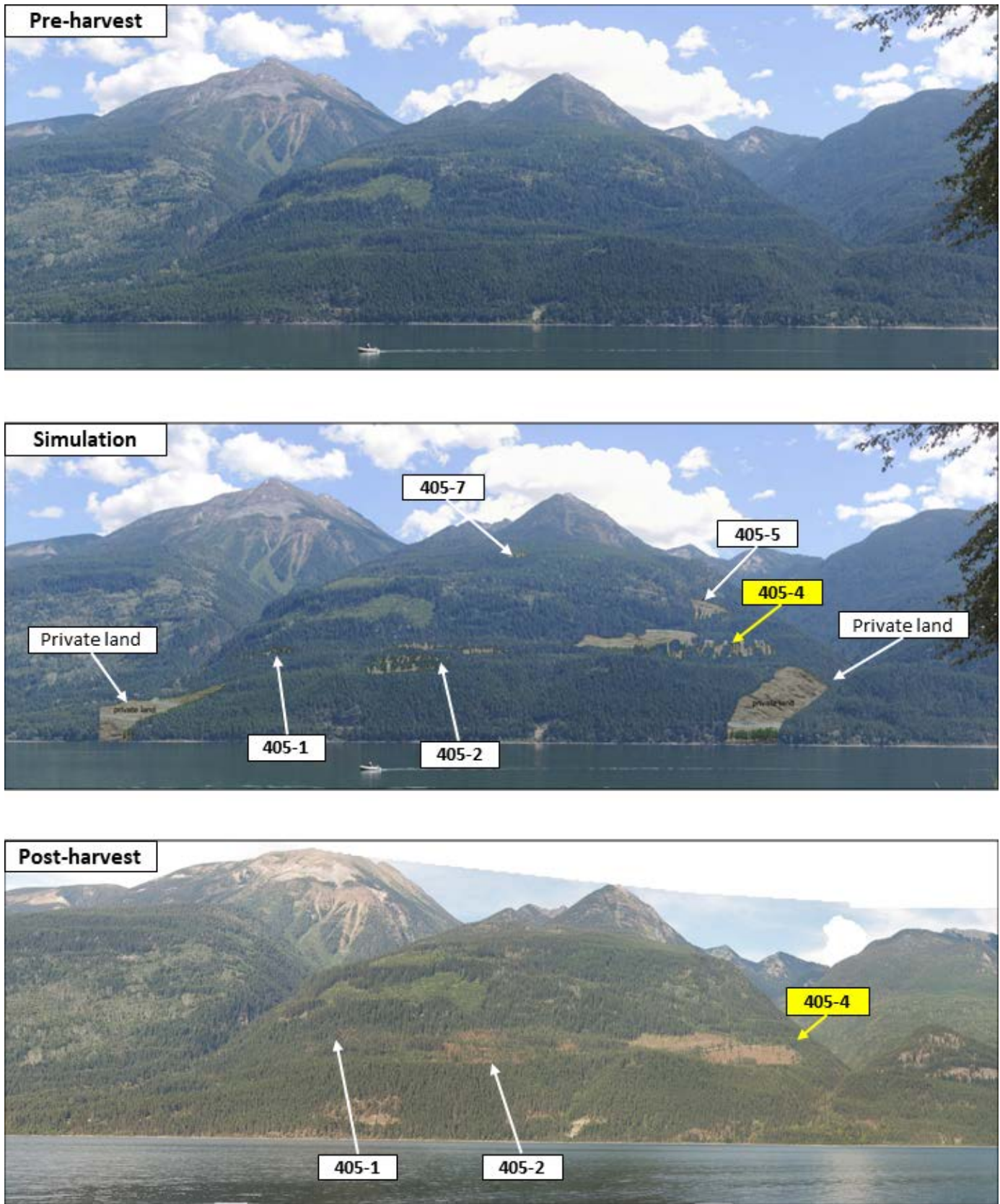
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<sup>2</sup> The Ministry of Forest's [Visual Impact Assessment Handbook](#) provides guidance on how forest professionals may assess a harvest simulation against two independent measures – the ocular assessment based on the FPPR definitions and the perspective numerical assessment, which is also known as percentage alteration assessment.

<sup>3</sup> A landform is a distinct topographic feature that is a sub-unit of the broader landscape, three-dimensional in form, and delineated from a significant public viewpoint in perspective view. A landform is generally defined by ridges, drainage channels, valleys, shorelines, and skylines. Taken from: 2022, Ministry of Forest, [Visual Impact Assessment Handbook](#) [last accessed on October 12, 2022].

<sup>4</sup> Cable harvesting is a yarding system employing winches, blocks, and cables to transport logs to a landing from slopes inaccessible to ground-based equipment. Adopted from: [2008, Ministry of Forest, Glossary of Forestry Terms in British Columbia](#) [last accessed on October 12, 2022]

<sup>5</sup> Conventional logging is any combination of mechanical or hand felling and rubber-tired or tracked skidding equipment. Adopted from: [2008, Ministry of Forest, Glossary of Forestry Terms in British Columbia](#) [last accessed on October 12, 2022].



**Figure 2.** View from Lost Ledge campground before logging, simulated view after logging, and the actual view after CCC had completed logging of cutblocks 405-1, 405-2 and 405-4 by mid-August 2022. Note that cutblocks 405-5 and 405-7 were not harvested at the time of this photo.

## Board Assessment

The main issue in this investigation is whether the harvesting of cutblock 405-4 meets the VQO of partial retention.

Board investigators took pictures from three significant public viewpoints in August 2022. By that time, CCC had completed logging of cutblocks 405-1, 405-2 and 405-4. Cutblocks 405-5 and 405-7 were not yet harvested. The first panel in Figure 2, as well as Figure 4 and Figure 5 (Appendix 4) shows the view before CCC's harvesting and road building occurred. The second panel shows CCC's simulation of the expected view after logging.<sup>6</sup> The third panel shows the actual view after harvesting.

Board investigators completed a visual impact assessment of the harvested area from three significant public viewpoints that CCC had identified in the VIA (Table 1). Based on an assessment of the harvested area's size, shape and design from the Lost Ledge and Marine Beach viewpoints, the Board found that it is very easy to see, medium to large in scale, and linear/ rectilinear in shape.

The harvested area is very easy to see from the Lost Ledge and Marine Beach viewpoints because an observer requires almost no effort to see it. By comparison, "easy to see" means that some effort is needed and that the observer might miss it when glancing at the scene. Furthermore, the harvested area is large in scale because it carries significant visual weight in the scene when assessed from the Lost Ledge viewpoint. The perpendicular view of the harvested area from that viewpoint further increases its visual weight. Moreover, the harvested area draws the viewer's eye to it because of the strong contrasts in colour, texture, and shape compared to the surrounding forest. Finally, the horizontal orientation of the cutblock's rectilinear shape is opposed to the underlying pyramid-shaped landform (Figure 2).

Thus, the Board found that CCC's logging of cutblock 405-4 failed to achieve the VQO of partial retention from two viewpoints. Instead, CCC's logging satisfied the higher alteration VQO of modification from those two viewpoints.

In summary, CCC's logging of cutblock 405-4 is very easy to see, medium to large in scale, with angular and rectilinear characteristics. As a result, the harvested area meets the higher VQO of modification when assessed from two significant public viewpoints rather than the prescribed VQO of partial retention.

**TABLE 1.** Visual Quality Comparison by Significant Viewpoint as of Mid-August 2022

SIGNIFICANT PUBLIC VIEWPOINT	ESTABLISHED VQO	VQO IN VIA SIMULATION	POST-HARVEST ASSESSMENT	ESTABLISHED VQO ACHIEVED?
#1 Davis Creek (Figure 5)	Partial Retention	Retention	<b>Retention to Partial Retention</b> Easy to see due to contrasts in colour and shape, small in scale, natural appearing, and not rectilinear or geometric in shape.	Yes
#2 Lost Ledge (Figure 2)		Partial Retention	<b>Modification</b> Very easy to see, large in scale with angular characteristics, and rectilinear in appearance.	No
#3 Marine Beach (Figure 4)		Partial Retention	<b>Modification</b> Very easy to see, medium to large in scale with some angular characteristics.	No
#4 Schroeder Creek		Retention	Not assessed	Not assessed

<sup>6</sup> The simulation shows private lands at the base as bare because *FRPA* requirements do not apply there.

## Finding

CCC did not comply with FRPA section 21(1) because it did not achieve the visual quality objective of “partial retention” after harvesting and road construction had occurred.

CCC maintains that the logging of cutblock 405-4 meets the visual quality objective of “partial retention.” CCC disagrees with the Board’s assessment that the cutblock is very easy to see, large in scale, and linear/ rectilinear in shape.

## Conclusions

This investigation examined a complaint asserting that CCC’s logging of cutblock 405-4 did not meet the VQO for the Salisbury Creek area. The Board found that CCC did not comply with legal requirements because its logging failed to meet the partial retention VQO from two significant public viewpoints. The Board found that CCC’s logging of cutblock 405-4 meets the definition of a “modification” VQO.

CCC likely did not meet the partial retention VQO because it did not log according to the plan. Instead of logging the steep slopes with an overhead cable system, CCC changed its plan and logged the entire cutblock with winch-assisted, ground-based equipment. This change in the harvest system meant it was not feasible to retain groups of trees as simulated in the VIA. Thus, CCC’s logging altered the landscape’s appearance from what CCC had simulated in the VIA.

This situation highlights the importance of harvesting according to the plan. When plans change, licensees need to check if their assessments require revision. For this complaint, an alternative approach for CCC would have been to redo the VIA when it decided to change the harvesting system.

## CCC’s Future Logging Plans at Kootenay Lake

CCC has logging plans for the area north of the Salisbury Creek area. The VQO for that area is retention, which is more restrictive than the VQO in the Salisbury Creek area. The retention VQO requires that a harvested area is difficult to see, small in scale, and natural in appearance when assessed from a significant public viewpoint.

CCC told the Board that it has experienced a great deal of public scrutiny on its logging plans for the area. The Board encourages CCC to continue working with the public when planning and logging in scenic areas around Kootenay Lake, and to carefully consider the impact of operational changes on the ground to the requirements to manage visual quality.

## ENDNOTES

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<sup>1</sup> The VIA for CP405 was prepared by Timberland Consultants on June 3, 2020. It is available on [CCC’s website](#) [last accessed on October 12, 2022].

# Appendix 1: Information on Visual Quality Management in BC

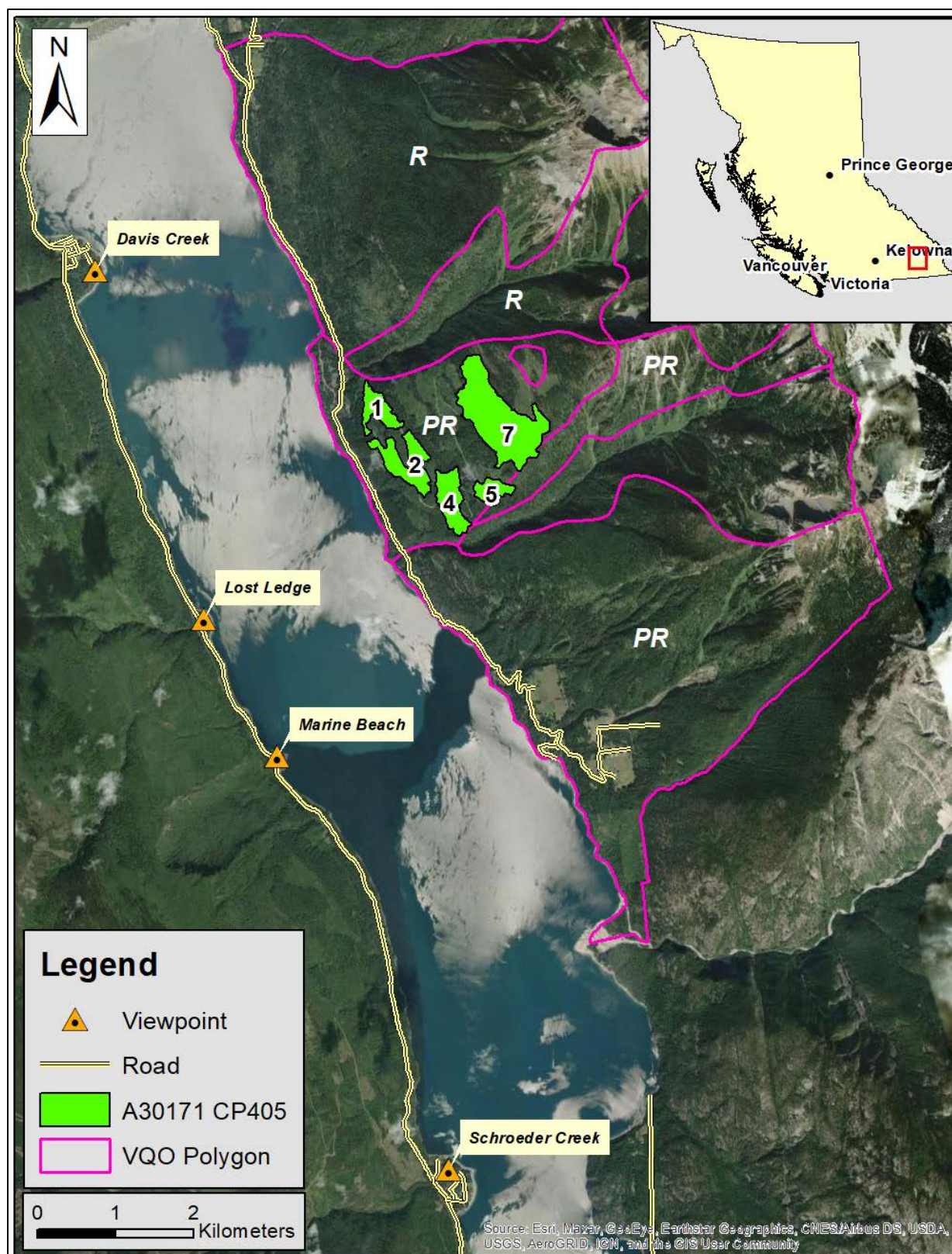
**Table 1.** Definition of VQO Categories

VISUAL QUALITY CLASS	SYMBOL	DEFINITION FROM FPPR SECTION 1.1
Preservation	P	consisting of an altered forest landscape in which the alteration, when assessed from a significant public viewpoint, is <ul style="list-style-type: none"> <li>(i) very small in scale, and</li> <li>(ii) not easily distinguishable from the pre-harvest landscape;</li> </ul>
Retention	R	consisting of an altered forest landscape in which the alteration, when assessed from a significant public viewpoint, is <ul style="list-style-type: none"> <li>(i) difficult to see,</li> <li>(i) small in scale, and</li> <li>(ii) natural in appearance;</li> </ul>
Partial Retention	PR	consisting of an altered forest landscape in which the alteration, when assessed from a significant public viewpoint, is <ul style="list-style-type: none"> <li>(i) easy to see,</li> <li>(ii) small to medium in scale, and</li> <li>(iii) natural and not rectilinear or geometric in shape;</li> </ul>
Modification	M	consisting of an altered forest landscape in which the alteration, when assessed from a significant public viewpoint, <ul style="list-style-type: none"> <li>(ii) is very easy to see, and</li> <li>(iii) is               <ul style="list-style-type: none"> <li>(A) large in scale and natural in its appearance, or</li> <li>(B) small to medium in scale but with some angular characteristics;</li> </ul> </li> </ul>
Maximum Modification	MM	consisting of an altered forest landscape in which the alteration, when assessed from a significant public viewpoint, <ul style="list-style-type: none"> <li>(ii) is very easy to see, and</li> <li>(iii) is               <ul style="list-style-type: none"> <li>(A) very large in scale</li> <li>(B) rectilinear and geometric in shape, or</li> <li>(C) both.</li> </ul> </li> </ul>

**Table 2.** Where to Find More Information on Visual Quality Management in BC

1. The Ministry of Forests' [resource on visual resource management](#).
2. The Ministry of Forest's [2022 Visual Impact Assessment Handbook](#) provides guidance.
3. [Logging and Visual Quality near Lillooet](#) is the Board's most recent VQO-related report.
4. The 2016 Board report [Visual Quality on Alberni Inlet](#) describes visual quality management.
5. In 2015, [the Forest Appeals Commission decision](#) defined public viewpoints and VQO categories.

## Appendix 2: Overview Map



**Figure 3.** Overview of the north end of Kootenay Lake with VQO polygons and CP 405 cutblocks.

## Appendix 3: Excerpt from CCC's 2018-2023 Forest Stewardship Plan (p. 17-18)

### 3.6 Objectives set by Government for Visual Quality (FPPR 9.2)

*The objective set by government in relation to the revised scenic areas and VQO's (Visual Quality Objectives) for the Kootenay Lake TSA that were established March 7, 2014*

#### 3.6.1 VQO's Established On March 7, 2014

Visual Quality Objectives (VQO's) and the scenic areas for the Kootenay Lake TSA were revised and established in the District Manager – Selkirk Forest District March 7, 2014 letter (and are subsequently continued under FRPA-Sec 180 & 181 & GAR-Sec 17) that provide VQO guidelines designed to meet the designated Scenic Area objectives for altered landscapes through:

- the March 7, 2014 District Manager - Selkirk Forest District letter identified *known Scenic Areas*, in the Kootenay Lake TSA
- **KBHLP – Objective 9 – Visuals:** to conserve the quality of views from communities, water waterways and major highways by establishing identified areas as *known scenic areas*
- the Kootenay Lake Forest District VQO's are consistent with the scenic areas identified in the KBHLP

#### Visual Quality Objectives: Result/Strategy – to be applied in all FDUs with VQOs:

**Result:** The holder of the FSP will meet the visual quality objectives (VQOs) after harvesting and road construction has occurred in the Kootenay Lake FDUs. The VQOs are established by GAR Section 7 notices March 7, 2014 for the Kootenay Lake FDUs.

**Practice:** the following practices will be undertaken by CCC when developing a CP &/or RP (and prior to submitting a CP or RP for approval) to achieve the VQO established for that area:

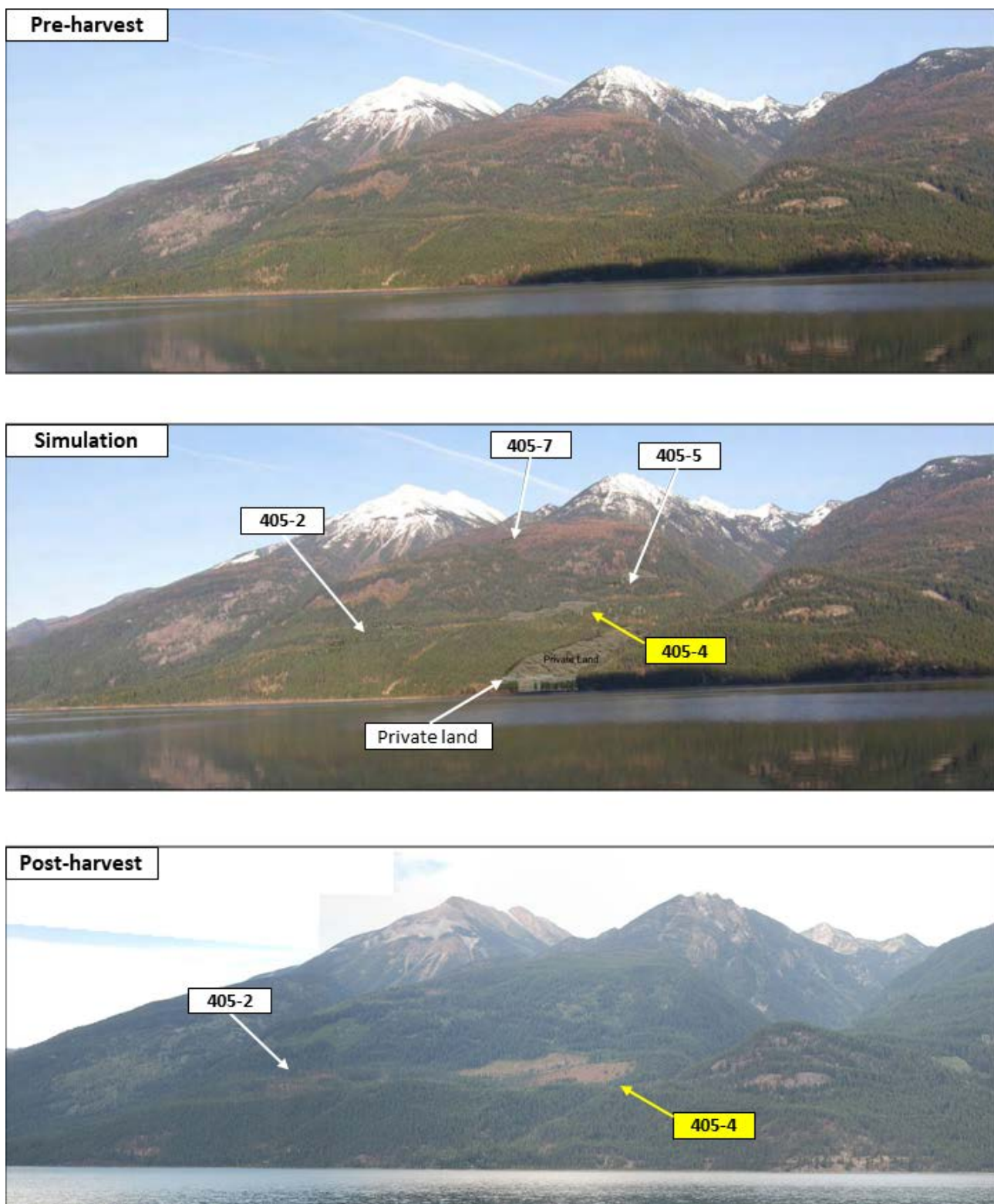
A Visual Impact Assessment (VIA) will be carried out by CCC at the planning stage of forest development (Cutting Permit/Road Permit) in an area designated as a *Known Scenic Area*. The VIA will:

- i. review the visual landscape from significant public viewpoints
- ii. determine the percent alteration on a perspective view
- iii. describe how the visual design is consistent with the strategies and guidelines described in the *Visual Impact Assessment Guidebook (2<sup>nd</sup>. Ed., January 2001)* for those areas designated to be in a VQO of Preservation (P), Retention (R), Partial Retention (PR), or Modification (M). *FPPR 1.1* states the definition of "altered forest landscape" for each of the VQO categories, according to the extent of alteration resulting from the size, shape and location of cutblocks and roads
- iv. evaluate the visual alteration of the planned forest development on the affected landscape to ensure the planned development meets the designated VQO of the specific landform.
- v. the resultant VIA will be formally reviewed by CCC and the QRP completing the VIA prior to finalizing the visual design and prior to Cutting Permit submission

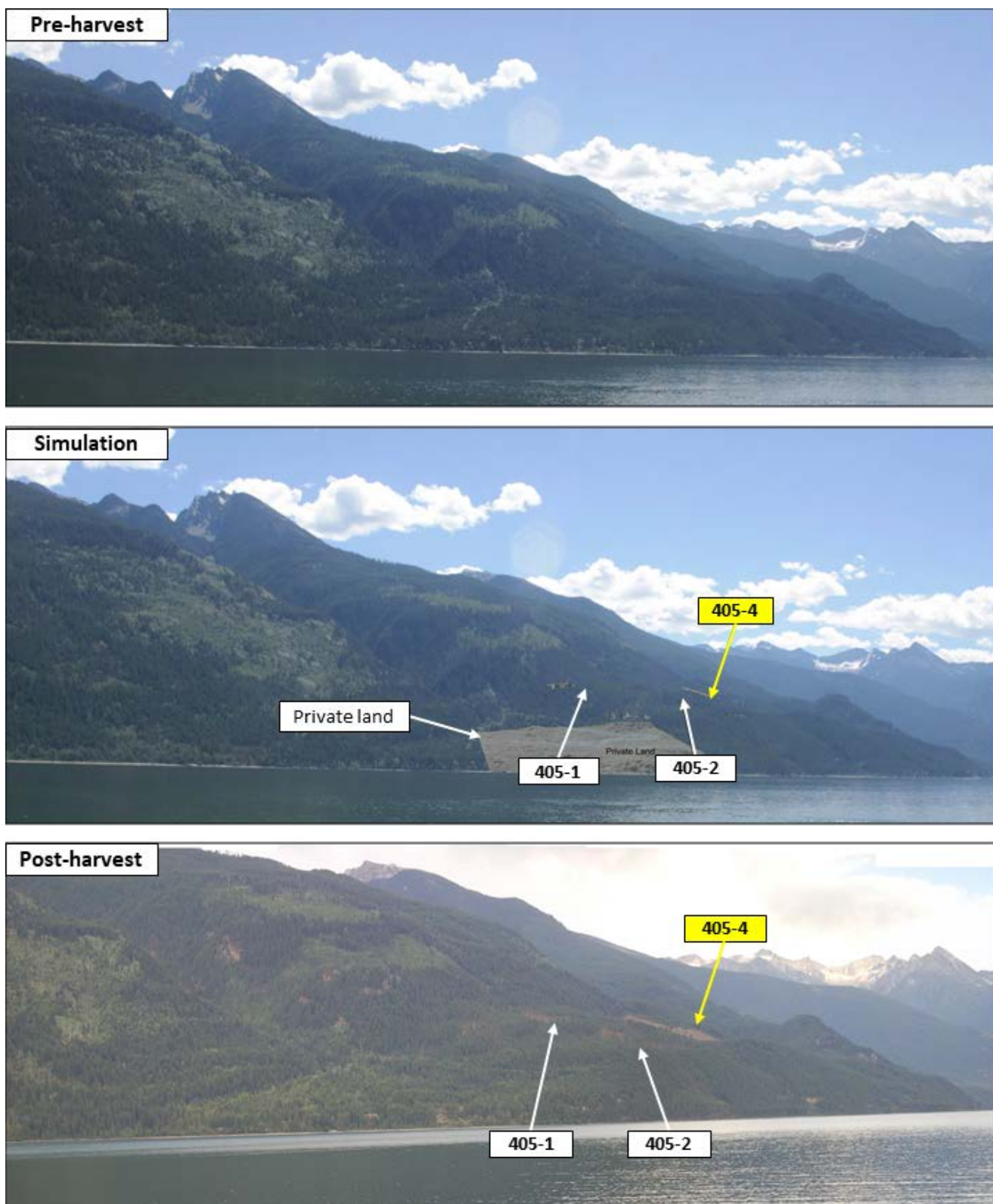
CCC will use the following design techniques to mitigate the visual impact on the landscape:

- i. use the existing major terrain features to design boundaries
- ii. design the shape of the block to resemble the natural character of the landscape
- iii. incorporate edge treatments into the design of the cutblocks (ie feathered edges, irregular cutblock design)
- iv. retain stand structure within the block boundaries (ie islands, patches of trees) to mitigate the visual impact
- v. plant the blocks as soon as possible following completion of harvesting operations
- vi. harvesting/ road construction activities will be viewed from designated viewpoints during the operations to monitor the PFA activities to ensure the resultant landscape, from the harvesting/road construction disturbance, is consistent with the prescribed/designated VQO.
- vii. to mitigate visual impacts from PFAs, CCC will reseed exposed mineral soil, resulting from a PFA, in the first available fall or spring within 12 months following the soil disturbance, plan planting of cutblocks as soon after harvesting as possible, rehab/re-contour temporary roads when the temp roads are no longer required and dispose of slash piles as soon after harvesting as weather allows.

## Appendix 4: Comparison of Pre-Harvest Condition, Simulation and Post-Harvest Results



**Figure 4.** View from Marine Beach viewpoint before harvesting, simulated view after harvesting, and the actual view after harvesting of cutblocks 405-1, 405-2, and 405-4 by mid-August 2022.



**Figure 5.** View from Davis Creek viewpoint before harvesting, simulated view after harvesting, and the actual view after harvesting of cutblocks 405-1, 405-2, and 405-4 by mid-August 2022.



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