



FRPA GENERAL BULLETIN

Number 9

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Managing Visual Resources

Introduction

The purpose of this bulletin is to provide District Managers and resource professionals with an overview of how visual resources will be managed under the Forest and Range Practices Act (FRPA) and its associated regulations. This document examines how visual resources were managed under the Forest Practices Code (the “Code”) and explains how management has been carried over to FRPA. The bulletin also explores the role of government agencies and licensees in managing for visual quality.

Under the Code, three principle designations were used to manage for visual quality: Visual Landscape Inventory, Scenic Areas and Visual Quality Objectives (VQOs). These three designations are continued under FRPA, but the definitions, responsibilities and/or the legal requirements associated with each of them have changed under FRPA. These changes are the focus of this document.

It should be noted that this bulletin is intended as reference material and not as legal advice or opinion. For legal advice, please consult the Legal Services Branch of the Ministry of Attorney General.

Discussion/Policy Advice

1.0 Visual Landscape Inventory

Role:

The role of the visual landscape inventory (VLI) is to identify and classify those areas and corridors throughout the province that are visually sensitive. This role has not changed under FRPA. The VLI database will continue to record both the spatial and attribute data in the corporate data warehouses. Under FRPA, the database attributes will also be used to record management decisions made under the Forest Planning and Practices Regulation (FPPR) and the Government Action Regulation (GAR), i.e. to record the location of designated scenic areas and established VQOs.

Responsibility:

The Ministry of Forests and Range (MOFR) retains the responsibility for data collection, maintenance of procedures and standards, and quality control of field data captured during visual landscape inventory. The MOFR Visual Landscape Inventory Procedures and Standards Manual (1997) provides guidance on how to carry out visual landscape inventory work. It can be accessed online at the main visual homepage:

http://www.for.gov.bc.ca/hfp/fordev/visual_resource_mngnt.htm

Visual Landscape Inventory work may be carried out on TSA lands by licensees using FIA funding, by the Ministry of Agriculture and Lands where needed for planning purposes, or by MOFR when and where required in support of VQO decisions.

TFL licensees are required to maintain an inventory of forest resources (including visual resources) which must accompany each new Management Plan. [*Forest Act*, Section 35(1)(d)(ii)]

The Ministry of Agriculture and Lands (MAL) will continue to maintain the Land and Resource Data Warehouse (LRDW). Any digital capture of VLI data done on TSAs and on TFLs must now be done in accordance with MAL's standards using the official district VLI tile. This file can be downloaded from the LRDW.

The primary use of the VLI is to identify those landscapes that are visually sensitive and warrant scenic area designation. The VLI also provides the Visual Sensitivity Class rating that is required for determining the objectives set in regulation (FPPR, Section 9.2) for those scenic areas with neither recommended visual quality classes (RVQCs) nor established VQOs previously designated under the Code and continued under FRPA. The VLI records the RVQC or VQO associated with each inventory polygon, although this information is not part of the inventory per se.

2.0 Scenic Areas

Under the Code, Scenic Areas were defined as visually sensitive areas and scenic landscapes identified through a visual landscape inventory or planning process approved by the district manager. Scenic areas were required to be identified in operational plans if they were made known to licensees at least 4 months before the operational plan was submitted for approval.

Under Section 9.2 of the FPPR, established Scenic Areas are areas previously designated under the Code and continued under Section 180 of FRPA. New scenic areas may be established by the Minister responsible for the Land Act under the Government Actions Regulation [GAR 7(1)].

In order to track the addition and deletion of scenic areas administratively, districts are encouraged to update their district-wide VLI database by toggling the status of scenic areas as on or off (i.e. toggling the “MADE_KNOWN” field as “Y” or “N”) in the LRDW.

Forest Stewardship Plan Requirements:

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Licensees preparing a Forest Stewardship Plan (FSP) must identify within each Forest Development Unit (FDU) those scenic areas that are in effect on the date the plan or amendment is submitted for approval, if the plan is submitted on or before December 31, 2005. [FPPR 14(2) and (3)].

In those circumstances where an FSP or amendment is submitted after December 31, 2005, it must include those scenic areas that were in effect 4 months prior to the plan or amendment being submitted for approval.

3.0 Visual Objectives

Under the Forest Practices Code, three distinct management approaches evolved at the forest district level:

1. District Managers made scenic areas known to licensees, and established VQOs.
2. District Managers made scenic areas known to licensees and specified a level of management that would be appropriate, i.e. maintained flexibility and made reference to Recommended Visual Quality Classes (RVQCs).
3. District Managers made scenic areas known to licensees, but did not specify a level of management. They simply made licensees aware that the “adequately manage and conserve test” would be applied to FDPs submitted for approval, to ensure basic visual values were being addressed.

The challenge during the development of FRPA was to carry these approaches into the new legal framework while maintaining equivalency in terms of resource protection and impacts on timber supply.

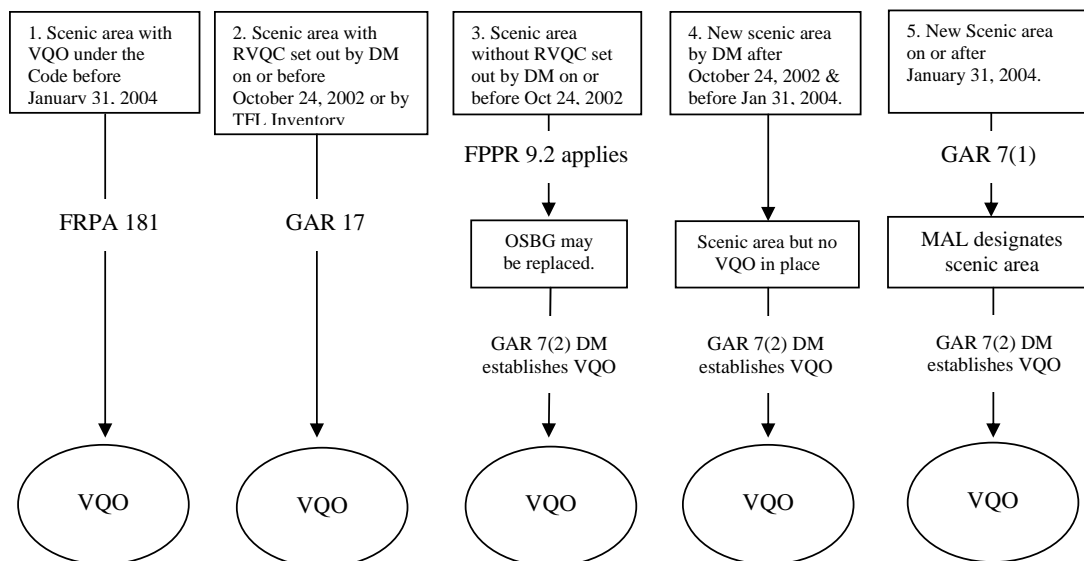
1. The first scenario was the easiest to address: VQOs formally established under the Code (EVQOs) are continued under FRPA. (FRPA, Section 181)
2. The second scenario was also relatively straight forward: Where RVQCs were included in a DM letter before October 24, 2002, or have been included in the most recently approved TFL visual landscape inventory, these RVQCs were carried forward as VQOs (GAR 17). The significance of the October 24, 2002 date is that this was the date that the last TSR2 analysis was completed. This ensures that all potential timber supply impacts had been accounted for and accepted.
3. For those scenic areas designated prior to October 24, 2002, and in which management direction was not explicit (i.e., no established VQOs or RVQCs had been set out) an objective has been set in regulation for visual quality. (FPPR 9.2).

4. A fourth scenario would be the designation of new scenic areas and the establishment of new VQOs post October 24, 2002.

FRPA and the regulations deal with scenic areas in existence as of October 24, 2002. In a few instances, district managers used their discretion under the Code to designate scenic areas after October 24, 2002, but prior to FRPA implementation January 31, 2004. The Ministry of Agriculture and Lands must designate new scenic areas or amendments to old scenic areas proposed after January 31, 2004. In both of the above situations, the Minister of Forests and Range may establish a VQO on the area using GAR Section 7(2). This authority was delegated from the Minister to District Managers in a memo dated July 2, 2004. It can be accessed at online at:
<http://www.for.gov.bc.ca/hcp/legislation/authoritymatrix/>

The process for developing an order to designate scenic areas and establish VQOs is presented in a joint MOFR/MSRM memo sent to MOFR Regional Executive Directors and MSRM Regional Directors December 7, 2004. The memo can be accessed at:
http://www.for.gov.bc.ca/hfp/fordev/visual_resource_mngnt.htm
 An order template for District Manager use is currently being developed.

The following figure illustrates the various pathways for establishing VQOs under FRPA.



VQO's carried forward under Section 181 of the act will continue to reside in the EVQO column of the VLI database. All GAR Section 17 RVQC's should be moved to the EVQO column in the VLI database. By doing this, there will be no confusion on the part of MOFR or industry as to what the VQO is for an area.

FPPR Section 9.2 objectives set in regulation provide latitude in terms of what category of alteration to use, depending on what the Visual Sensitivity Class is for an area. The upper end of the applicable range of objectives should be entered in the VQO data column. When conducting Visual Landscape Inventory work, District staff may wish to continue to record their management recommendations in the RVQC column of the VLI database as in the past, until the VQOs are formally established.

Under FRPA, the individual VQO classes are now legally defined. (Ref. FPPR, Section 1.1). A considerable effort was made during the drafting of the FPPR to make the definition for each VQO class as mutually exclusive as possible to reduce confusion between categories and facilitate compliance and enforcement and other assessments such as effectiveness evaluations. Numerical information such as percent alteration for predicting clear cutting and stems or volume retained information for predicting results for partial cuts continue to exist in policy and in operational planning. Since the numerical data was derived through research, this information remains relevant to each VQO class, but is not part of the legal definition.

The definitions of alteration for VQO classes also apply to the visual objective established in regulation. The principal difference between the visual objective set in regulation and a VQO is that a VQO defines a single category of alteration, while the visual objective set in regulation provides for a range of objectives for a given visual sensitivity class.

Forest Stewardship Plan Requirements:

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A Forest Stewardship Plan (FSP) must specify intended results or strategies in relation to objectives for visual quality. [FRPA, Section 5(1)(b)(i) and (ii)]

In those cases where new VQOs are established after December 31, 2004, the four-month rule applies FPPR 12 (2). For a VQO to be addressed in a plan, the VQO must be in effect 4 months before a plan or amendment is submitted to the Minister for approval.

Until December 31, 2005, the 2-year amendment rule applies FPPR Section 23(2). If a licensee has an approved FSP in hand, but VQOs are established on the area through GAR prior to December 31, 2005, a major amendment will be triggered. This means licensees must submit results and strategies for the VQOs within two years of the VQO coming into effect.

Where VQOs have been established after December 31, 2005, the licensee is required to prepare results or strategies for the next FSP being submitted. However, if a licensee wishes an extension to their existing FSP, they will have to incorporate results or strategies in their FSP that are consistent with any VQOs established under GAR. (FPPR, Section 28).

4.0 Other Considerations

▲ Woodlot Management:

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The principle difference between managing visuals under a Forest Stewardship Plan and a Woodlot Licence Plan (WLP) is that results or strategies pertaining to VQOs are not required for woodlot licences [WLPPR Section 10(f)]. A WLP holder must carry out forest activities in the area in a manner that is consistent with the visual quality objective. (WLPPR, Section 59). Also, WLPPR Section 8 (1)(i) requires woodlot licence holders to describe or identify scenic areas on their woodlot licence plan maps.

In those circumstances where a VQO does not exist for a scenic area designated prior to October 24, 2002, an objective set by government for visual quality is provided. (WLPPR Section 59.1). Woodlot licence holders must carry out primary forest activities in the area in a manner that is consistent with the government objectives for visual quality. Post October 24, 2002, new scenic areas and VQOs must be vetted through the Government Actions Regulation process.

New VQOs established after a Woodlot Licence Plan has been approved will not affect existing cutting permits or road permits.

If a Woodlot Licence Plan is prepared after a new VQO has been established, the licence holder must carry out forest activities in the area in a manner that is consistent with the visual quality objective. (WLPPR, Section 59).

▲ Professional Reliance:

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FPPR Section 9.2 specifies that the visual sensitivity class information can be found on the LRDW maintained by MAL. It must be understood while the LRDW is the most public location to access VLI data, the information stored there may not reflect the Visual Sensitivity Class in effect on October 24, 2002. Ultimately, the goal is to have all VLI data consolidated onto the LRDW. In the meantime, it may be prudent for DMs to advise licensees of any more accurate information that they may possess. From a due diligence standpoint, the professional prescribing the results or strategies should contact the MOFR district office in order to ensure that he/she has the most accurate information available.

Where results or strategies for VQOs are prepared by a professional, they may carry an additional certification by that professional, signifying that the professional believes the results and strategies meet the content and approval tests listed in FRPA, Sections 5 and 16 (FPPR, Section 22.1). These results or strategies will still have to be approved by the DM, however, the certification is expected to reduce the time and/or depth of the DMs review of those FSP components FRPA 16 (1.01)(a). The certification is done through the signing and sealing of a certificate which is provided by any of the four professional associations identified in the FPPR.

While assessments are not a legal requirement under FRPA, the ABCFP Standards of Professional Practice (ABCFP Bylaw 12 and associated Guidelines for Interpretation) require professional foresters and registered forest technologists to carry out due diligence in completing their work. Other professionals operate under similar requirements. Some level of visual impact assessment may be required in order for a professional to know that the results and strategies prescribed in the FSP will be consistent with visual quality objectives for an area. As explained in the VIA Guidebook released previously as part of the Forest Practices Code, the level and detail of the assessment that would be reasonable will depend on a number of factors, e.g. visual sensitivity, numbers of people and their level of concern, viewing opportunities and established VQO. As an example, it may be prudent for the professional to carry out a full visual impact assessment (VIA) in those situations where the following conditions are present: restrictive VQO, highly sensitive landscape and large numbers of viewers. A full VIA could include digital terrain modelling, photographic panoramas and TRIM contour mapping with viewpoints identified. However, a simple photograph of the area showing block size, location and configuration may be appropriate where there is a moderately sensitive landscape, low numbers of people and a more relaxed VQO such as Modification.

Effectiveness Evaluations:

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Effectiveness evaluations will be used to determine whether individual VQOs are achieved. Post-harvest evaluations will consider the scale of the alteration relative to the landform, the design of the opening in perspective view, viewpoint importance and distance from the alteration, within-block tree retention, road construction, and other factors to determine whether the visual quality objective has been achieved. The effectiveness evaluation procedures were developed by the MOFR in 2004, and have been satisfactorily field-tested. A review of the procedures will assist practitioners in developing awareness of alteration scale and design factors to consider when planning timber harvest in scenic areas.

The methodology to carry out effectiveness evaluations is available at http://www.for.gov.bc.ca/hfp/frep/repository/vis_procedure.pdf

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