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Contact: John Andres, Stewardship Forester, DCR, (250) 286-9403

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December 14, 2005

**Subject: Determination Rationale for the December 14, 2005  
Order to Establish Scenic Areas and Visual Quality Objectives for the  
Campbell River Forest District**

### **Authority**

Authority to establish scenic areas under Section 7(1) of the *Government Actions Regulation* (GAR) has been delegated from the Minister of Agriculture and Lands to District Managers, Ministry of Forests and Range (MoFR) in a letter dated November 21, 2005.

Authority to establish visual quality objectives under Section 7(2) of the GAR has been delegated from the Minister of Forests and Range to District Managers for the MoFR in a Memorandum dated May 31, 2005.



### **Legislation**

Sections 2, 3, 4 and 7 of the *Government Actions Regulation* provide specific guidance for completion of this Visual Quality Objectives (VQO) Order.

### **General Background and Planning Context**

Planning for visual landscape management has been ongoing for some time in this district and has been the subject of repeated public consultation over the years. These issues were reviewed under the Quadra Plan of 1990 and the Western Strathcona Local Advisory Council report of 1991. Subsequent to this, the Vancouver Island Land Use Plan (VILUP) of 2000 provided general direction for visual landscape management throughout the plan area and more specific direction within Special Management Zones where visuals were identified as a primary objective or value.

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Ministry of  
Forests and Range

Campbell River Forest District

Location:  
370 S. Dogwood St.,  
Campbell River

Mailing Address:  
370 S. Dogwood St.  
Campbell River, BC V9W 6Y7

Tel: (250) 286-9300  
Fax: (250) 286-9490

## **Subject**

My letter, and map, of October 2, 2001, set out scenic areas with recommended visual quality classes for the Campbell River Forest District. Around the same time and subsequent to my October 2, 2001, letter, visual landscape inventories (VLI) were updated for most TFLs in this district. The net outcome was that two parallel standards emerged for visual landscape management in this district which led to confusion over how the standards should apply in operational planning.

My express purpose in completing this Order is to establish one clear standard for visual landscape management in this district which incorporates the most recent inventory information and which fully considers the range of public interests regarding visual landscape management.

### **Information Sources Considered**

- Quadra Plan, 1993
- Report from the Western Strathcona Local Advisory Committee, 1990
- Vancouver Island Land Use Plan, 2000
- Sayward Landscape Unit Plan, 2003
- Nootka Coastal Land Use Plan, 2001
- Kyuquot Coastal Plan, 2003
- Johnstone-Bute Coastal Plan, 2004 Draft
- Sensitive Area designations for Hyacinthe Point, Heriot Ridge, Saltwater Lagoon, and Nootka Trail, 2003
- Central Coast Land and Resource Management Plan (CCLRMP) – working draft of visual resource management regime
- *Visual Landscape Design Training Manual*, Ministry of Forests, 1994
- Visual landscape inventories and updates for the Strathcona TSA and for those portions of TFLs 19, 25, 39, 45 and 47 within the Campbell River Forest District
- Consultation with visual landscape specialists (both within and outside government), forest licensee representatives, tourism operators, environmental organizations and members of the public.
- *CRFD VQO Order - Summary of Public Input Comments*

All of the above-cited information sources were subject to public review and comment as they were being completed.

### **Summary of Consultation and Public Advertising**

Starting in early 2004, my staff met both individually and as a large group, with TFL holders to review TFL visual landscape inventories and discuss the process for completing this Order.

The TSA visual landscape inventory was sent out to licensees for pre-advertising review on May 12, 2005, requesting comments by the end of the month – no comments were received in response.

Following this consultation, the VQOs proposed for this district were compiled onto one map which was then advertised for public review and comment starting June 1, 2005, and officially ending on July 29, 2005. In addition to advertising in local newspapers, letters

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requesting review and comment were sent to all district licensees, First Nations, local communities, and members of the public who were known to have an interest in this issue.

A number of parties expressed concern that insufficient time had been allowed for comment. In response, my staff informally extended the timeline for response until early December 2005 (5 months + in total). In addition to two open houses held in July, there were many e-mails and letters exchanged, several field trips and numerous meetings including an all-licensee meeting on August 17, two large group meetings at the Stuart/Sonora Island area, and one large group meeting on Quadra Island.

### **Review of Comments Received**

All comments received during the course of this process have been summarized in a document titled *CRFD VQO Order – Summary of Public Input* which includes general and site-specific comments.

#### **TFL 19:**

My staff worked with Western Forest Products (WFP) staff in 2004 to review the TFL 19 visual landscape inventory and reach general agreement on the polygons and VQO classes which would be advertised for review. This general agreement was reached by October of 2004.

Once the formal review and comment process began in June of 2005, WFP staff provided additional advice on the VQO establishment process. In addition to a number of general comments about this process, WFP staff also requested less constraining VQOs for Little Espinosa Inlet, Tahsis and Zeballos Inlets, all areas with fishing closures, Tlupana Inlet including Valdez Bay, Zeballos Lake and Muchalat Lake.

BC Timber Sales (BCTS), which has operations within TFL 19, also requested a relaxation of proposed visual constraints in the Burman River/Matchlee Bay area.

There were no responses received from the public, tourism operators, or First Nations regarding proposed VQOs within TFL 19.

In response to these concerns, final VQOs were adjusted to reduce visual constraints for portions of the Matchlee Bay, Zeballos Lake, and Hisnit Inlet. These changes were made to areas anticipated to have less prominent views or lower recreational user levels/expectations. Prior to considering any further changes requested by WFP, I am of the view that further canvassing of local communities and user groups is required.

#### **TFL 25:**

My staff also worked with WFP staff in 2004 to review the TFL 25 visual landscape inventory and reach general agreement on the polygons and VQO classes which would be advertised for review. This general agreement was reached by October of 2004.

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Specific to Block 2 of TFL 25, WFP generally advised that district should not establish VQOs over that area given the new visuals regime proposed under the CCLRMP. WFP provided no site-specific comments about Blocks 2 or 3 of TFL 25.

Block 3 of TFL 25 is now managed by BCTS and their staff requested that an area of upper Tiessum Creek mapped as Partial Retention be changed to Modification VQO. This request was supported by digital terrain modelling which illustrated to my satisfaction that views from the Johnstone Strait would be brief enough and distant enough to warrant the change to Modification VQO.

There were no responses received from the public, tourism operators, or First Nations regarding VQOs proposed for Blocks 2 or 3 of TFL 25.

### TFL 39:

My staff worked with Weyerhaeuser (now Cascadia) staff, starting in early 2004, to review the existing inventory to assess its suitability for use in establishing VQOs. After this review, Cascadia staff elected to have an update done for the inventory in Block 2 to refine VQOs proposed in the Schoen-Strathcona SMZ (Victoria Peak) and along Highway 19. This updated inventory was submitted to our office in January of 2005 and following review by my staff was accepted for use in this process as submitted.

In part, the reinventory of Highway 19 was responding to concerns raised by the Forest Practices Board in their recent audit of harvest performance in visually sensitive areas for the Campbell River Forest District. Harvesting along the highway edge was noted as an area requiring additional planning and relating to this, one key issue was whether scenic areas and VQOs should be based upon a hypothetical “trees down” model (ie. all trees along the roadside removed) or a “trees up” model (ie. all trees along the roadside retained).

In practical terms, application of the “trees down” model would identify all areas of potentially scenic landscape – thus providing greater certainty for scenic values – but would also result in a much larger area mapped as scenic and this in turn could lead to additional, perhaps unnecessary, constraints to modelled timber supplies and subsequent reductions in allowable harvest levels. Conversely, the “trees up” model more closely approximates current visibility and maintains constraints to timber supplies more in line with current expectations however, this carries some risk to scenic landscape values if critical (ie. vegetative) screens are not well managed.

In their review comments, Cascadia expressed a preference that we focus upon design considerations rather than percentage alteration values when assigning VQOs within the Highway 19 corridor.

BCTS recently assumed management responsibility of that portion of TFL 39 within the Tsitika and Eve River watersheds and they inquired what direction would be provided for management of the highway corridor.

Two comments were received from the public regarding VQOs proposed within Block 2 of TFL 39. One member of the public expressed concern with the appearance of harvesting along Highway 19, while the second writer requested the maintenance of a 60 metre buffer on

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the north side of the White River Mainline where it is adjacent to White River Provincial Park.

One tourism sector writer requested economic tourism zone in the Johnstone Straits, including a part of TFL 39 - Block 5, however no site-specific comments were provided.

No comments were received from First Nations regarding proposed VQOs within TFL 39.

In consideration of the input received, I have decided to establish VQOs for TFL 39 as submitted by Cascadia, including a number of minor edits to the VQOs previously established within TFL 39 under the Sayward Landscape Unit Plan.

Specific to the VQOs I have assigned to the Highway 19 corridor, I am mindful that the definitions for categories of visually altered forest landscape (VQOs) described in Section 1.1 of the *Forest Planning and Practices Regulation* was not designed to apply to the management of foreground viewsapes. I am also mindful that there is a need to address the issue of roadside visual management and that the tools provided in the FRPA need to be adapted to fit the circumstances. The existing VQO management regime was designed to manage views in mid-ground and background areas and this issue highlights the need for additional research and public perception studies of acceptable levels and patterns of visual alteration in foreground viewing areas. Forest Practices Branch staff have such studies underway however it may be one to two years before the final results are available. I have discussed this matter further under the Implementation section of this Rationale.

### TFL 45:

“Pre-consultation review” of the 2001 visual landscape inventory for TFL 45 commenced in early 2004 and as a result, some changes were made to reclassify polygons in the Loughborough Inlet area from Partial Retention to Modification in order to maintain consistency with the “VQO buyback” which followed from the 1996 Practices Code Impact Analysis.

In addition to general process concerns, Interfor had outstanding concerns with VQOs proposed for the Phillips and Frederick Arm areas. One submission from Interfor, which included a consultant’s report examining visual landscapes within “TFL 45–South”, proposed that this Order establish VQOs based upon “primary viewpoints” associated with main travel corridors or “secondary viewpoints” associated with lower significance, less frequently travelled areas. A covering letter for this submission also provided an estimate of potential adverse impacts on delivered wood costs where a VQO of Partial Retention was strictly maintained.

Interfor also provided a summary of their consultation efforts over the past 5 years which included data gathered by Recreation Resources Ltd. for the 2001 update of the recreation features inventory and visual landscape inventory, comments provided during the 2000 and 2002 Forest Development Plan reviews, ad hoc queries of local service providers (water taxi, charter airlines, etc), and comments gathered from their participation in the two meetings at Stuart and Sonora Island area.

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One general comment was received from a tourism operator requesting an economic tourism zone in the Johnstone Straits, which included portions of TFL 45, however no comments specific to VQOs proposed for this TFL were received.

No comments were received from First Nations or the general public regarding VQOs proposed within this TFL.

I am mindful of government's commitment to expand the size of the tourism sector in the province and also, that the tourism sector is significant in this locality with potential to expand over time. At the same time, I am also mindful of the significance of these forest operations within the local and provincial economy. To examine this issue further, my staff and licensee staff from Interfor, TimberWest, and BCTS met twice with residents and lodgeowners in the Stuart/Sonora Island resort area and I personally attended the second meeting on August 23/05. This trip included a meeting held at Sonora Resort followed by a field review of scenic landscapes visible between Sonora Resort and Phillips Arm. I have also been informed of ongoing eco-tourism activities associated with upland areas around Phillips Arm and particularly along the reach of Phillips River downstream from the Lake. I have also considered available information and research regarding balancing forestry and tourism economic activity and the associated management of viewsapes.

In consideration of all input received, I have established VQOs for the portion of TFL 45 within the Campbell River Forest District. I acknowledge that there are some outstanding unresolved issues with the application of viewpoints when cutblocks are designed as well as the need for ongoing monitoring of public and tourism operator use levels in this area and I have discussed these issues further under the Implementation section of this Rationale.

### TFL 47:

"Pre-consultation review" was also done of the 2001 visual landscape inventory for TFL 47 and final agreement was reached later in 2004 for the VQO classes proposed for review and comment.

Two writers proposed an economic tourism zone for the Johnstone Straits area with one focusing on lodge concentrations at Stuart/Sonora Island and Blind Channel/Cordero Channel areas. A number of residents and tourism operators living on Quadra Island or along adjacent waterways of Okisollo and Hoskyn Channels proposed very restrictive VQOs along shorelines, trails, and prominent viewpoints. Specific to Quadra, major road corridors received significant comment and were field reviewed with residents, tourism operators, and licensees – this issue is discussed further under Implementation. In response to input received and following review with my staff, I have increased the visual constraints in the vicinity of Morte Lake.

Two residents from Owen Bay, on Sonora Island, requested that hillsides around nearby Hyacinthe Lake be recognized as scenic landscapes. My staff reviewed this issue with TimberWest staff who confirm that they have met with local residents in the past. While I recognize the significance of this area to some local residents, I am not satisfied that this could be considered a significant public viewpoint as described in the *Forest Planning and Practices Regulation* as it is not widely known or accessible to the general public. Based

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upon this assessment, I have not assigned scenic areas or VQOs to hillsides around Hyacinthe Lake. I encourage residents that use Hyacinthe Lake and TimberWest to maintain a dialogue and to continue to work together to manage this area for mutual benefit.

No input was received from First Nations regarding VQOs proposed within TFL 47.

In consideration of all input received, I am satisfied that the VQOs I have established for TFL 47 strike a reasonable balance between the needs of the forest and tourism sectors as well as those of the recreating public.

### Strathcona TSA and Woodlots:

As noted previously, TSA licensees were notified of the imminent advertising for review and comment of proposed VQOs for the Strathcona TSA; however, no comments were received prior to formal advertising.

As with TFL 47, there were significant amounts of comment received for the Quadra woodlots and many of the same issues were raised along ocean shorelines, along trails and associated significant viewpoints, and along the “major roads” as provided for under VILUP. In general terms, tourism operators and some members of the public favoured more restrictive VQOs which they felt would better support expansion of the local eco-tourism industry. Conversely, woodlot licensees expressed concern that more restrictive VQOs would increase costs and reduce available harvest volumes and cited the significance of forestry to their livelihood and the local economy.

I have considered all of this input and all prior planning context including the Quadra Plan, VILUP, Sensitive Areas established at Heriot Ridge, Hyacinthe Point, and Saltwater Lagoon, and VQOs established in adjacent areas on the west side of Discovery Passage and along the shorelines of Read and Maurelle Islands. I have made a number of changes which, on balance, increase the overall emphasis on visual resource management for Quadra Island. I am satisfied that the final assigned VQOs strike a balance between the needs of the tourism and forestry sectors while also providing for a high quality of life for Quadra residents.

Tourism operators in the Stuart-Sonora Islands resort area requested more restrictive VQOs while emphasizing the importance of scenic values to the successful operation of their resorts. These operators noted the particular significance of Denham Bay as local fishing grounds for them and requested that the most restrictive VQOs be assigned. In addition, local tourism operators also expressed concern that reactivation of the existing log dump at Denham Bay, and subsequent industrial activity, could negatively impact their businesses. BCTS, who has operations in this area, indicated that they could probably work with more restrictive VQOs but expressed concern that the potential loss of the log dump would make operations on this hillside uneconomic given the limited volumes which would be available.

I have considered the needs of the various sectors, and have assigned a Retention VQO to the hillside above Denham Bay but I must emphasize the importance of maintaining the option for BCTS to continue to use the old log dump site at Denham Bay. Both parties will need to work together co-operatively to find a means to ensure that the use of this site respects and meets the needs of both the forestry and tourism sectors. Available research suggests the economic interests of the public will be best served by the coexistence of both sectors.

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TimberWest requested that one polygon on a north-facing slope in Call Inlet be reclassified from Partial Retention to Modification based upon low use levels and following review of this issue with my staff, I have agreed to this requested change.

Specific to the Nootka SMZ, WFP inquired if multiple visual standards could apply to the same area based upon different viewpoints. As I have noted previously in the discussion under TFL 45, there is no provision for me to assign two or more VQOs to the same polygon. At their option, the licensee could propose results or strategies that develop this concept with a commensurate level of analysis and supporting rationale. Any rationale attached to such a request would have to consider any context provided by plans completed to date as well as an assessment of user levels and trends, user expectations and impacts to other sectors.

WFP also requested that less restrictive VQOs be assigned along Tahsis, Zeballos, and Espinosa Inlets, the Port Eliza area, and in areas with fishing closures or lower traffic areas. I have made some adjustments to the VQOs near Bodega Island which retain VQOs adjacent to the most significant anchorages and shallow water passages while applying less restrictive VQOs for locations that I judge to be more industrial settings. Otherwise, I have maintained VQOs in the Nootka Sound portion of this TSA as they were originally advertised. Prior to considering further changes, I would need to see the results of more complete canvassing of local communities and user groups and I have discussed this matter further under Implementation.

The Kyuquot/Checleset First Nation requested that more restrictive VQOs be assigned based upon the rationale that the changes would provide scenic conditions that would be conducive to growth of local eco-tourism opportunities and to support a higher quality of life for families in this area. Specific locations identified were the entire outer coast of the Kyuquot Sound area and in particular areas near the communities of Kyuquot/Houpsitas, as well as the travel corridor from Fair Harbour to Kyuquot/Houpsitas, the Cachalot/Amai Inlet area, and Kashutl Inlet. Some of these concerns were acknowledged in the original VQO package advertised in June of 2005. In addition, I have made some adjustments to VQOs in the Cachalot/Amai, and Union Island areas. Prior to considering further changes for VQOs in the Kyuquot Sound area, I would like to see additional information describing recreational use patterns and user needs and have discussed this further under Implementation.

BC Timber Sales requested the relaxation of VQOs on the shores of John Hart Lake. After further evaluation, I have concluded that it would be appropriate to reclassify polygons previously classed as Preservation VQO under the Sayward Plan to Retention VQO.

Finally, similar to TFL 39, there was significant discussion with licensees, notably BCTS and the holder of Woodlot Licence 1942, regarding operations proposed along the Highway 19 road corridor and the discussions I have summarized under the *TFL 39* section of this Rationale also apply to the TSA areas adjoining Highway 19.

### **Legislative (GAR) Tests**

As delegated decision-maker in this matter, I have considered the legislative tests set out in the Government Actions Regulation (GAR) as follows:



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### GAR 2

**(1) In addition to the criteria and procedures to be followed by a minister in making an order under any of sections 5 to 15 in relation to an area specified in the order, the minister must be satisfied that:**

**(a) *the order is consistent with established objectives,***

BC Timber Sales inquired how the new VQOs relate to approved higher level plans while WFP expressed concern that proposed VQOs are more restrictive than what they anticipated under VILUP (both within SMZs and Enhanced RMZs) and would add substantial costs to licensees.

The VQOs established under this Order are consistent with the VILUP Higher Level Plan Order. VILUP identified a number of SMZs in this district where visuals were a primary objective and visual landscape inventories were updated as required to acknowledge this direction. In the case of Quadra Island, the VILUP Summary Plan document identified “major road corridors” as a primary visually sensitive area but left the interpretation of “major roads” to this process.

I have considered WFP’s concern that VQOs proposed in Enhanced RMZs are more constraining than what they anticipated under VILUP. I have reviewed the VILUP Summary Plan and note that all Enhanced RMZs in this district were assigned a General rather than Basic visual management regime. I take this to signal an overall tone of timber harvesting emphasis which at the same time acknowledges local nodes, usually adjacent to settlement areas or significant tourism infrastructure, where scenic landscapes are also significant.

The Nootka Coastal Land Use Plan, 2001, while not a Higher Level Plan was an interagency plan developed with full participation of local communities and licensees and provided significant additional context for assignment of VQOs within the Nootka Sound region.

This Order incorporates VQOs as they were established in 2003 under the Sayward Plan with the exception of incorporating new inventory information for TFL 39, assigning VQOs for Highway 19, and some minor changes for VQOs assigned to John Hart Lake.

Finally, this Order is consistent with Sensitive Area designations completed in 2003 for the Nootka Trail and three areas on Quadra Island.

Some licensees also requested that VQOs not be established within the Central Coast Land and Resource Management Plan (CCLRMP) area given that completion of that process was imminent. I considered this option early on in this process; however, my decision to proceed with establishment of VQOs is predicated on the fact that legal direction around visual management and implementation tools arising from the CCLRMP discussions will not be competed for some time.

**(b) *the order would not unduly reduce the supply of timber from British Columbia's forests,***

Two forest licensees as well as forest industry associations questioned which “benchmark” should be used to assess impacts to timber supplies and costs to forest operations.

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My intention in this process has been to maintain “environmental equivalency” in general terms in the transition from the Forest Practices Code of BC, while allowing for site specific or localized variations based upon the merits of the arguments presented.

Since the time of my 2001 letter, visual landscape inventories were updated for most management units in this district and two parallel standards were emerging for scenic landscape management. This key factor was complicating licensee planning and the review of proposed plans by my staff, and also significantly complicated auditors’ work in a recent Forest Practices Board audit of visual landscape management in this district. Most TFL holders expressed a clear preference to use these newly updated inventories in their operational planning. Taking into consideration these expressed preferences, that the net impact to timber supplies from any of the changes would be minor, and finally that these new inventories respond to government’s commitments under VILUP for management of scenic values within SMZs as well as context arising from an assortment of planning processes, I have determined that this VQO Order should be based upon the most currently available inventory information. It should be expressly noted that these inventories as well as the order itself were the subject of public review and comment to ensure public interest issues were comprehensive and current.

- (c) the benefits to the public derived from the order would outweigh any**
  - (i) material adverse impact of the order on the delivered wood costs of a holder of any agreement under the Forest Act that would be affected by the order, and**
  - (ii) undue constraint on the ability of a holder of an agreement under the Forest Act or the Range Act that would be affected by the order to exercise the holder's rights under the agreement.**

Many writers, from a range of sectors, requested the opportunity to review a full analysis of the benefits and costs of proposed VQOs to the people of BC, and various sectors of the economy, prior to this Order’s completion. Forest sector representatives emphasized the potential reductions in timber supplies and increased costs associated with establishing VQOs. Conversely, tourism representatives emphasized the importance of wilderness and scenic area qualities to their sector and the importance of diversifying their operations to service clients with a wide range of interests including fishing, eco-tourism, etc.

I am mindful of government’s commitments to expand the size of the tourism industry as well as potential associated impacts to timber supplies or delivered wood costs. I have made every effort to respond to these often-competing interests in a balanced manner with full consideration of all available information. I encourage ongoing canvassing of local communities and user groups to monitor their interests and use levels and this VQO Order can be revisited as new information becomes available over time.

### **GAR 3 (1)**

*Before a minister makes an order under any of sections 5 to 15, the minister must provide an opportunity for review and comment,*

- (b) in the case of any other order, to the holders of agreements under the Forest Act or the Range Act that will be affected by the order.*

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The formal review and comment period ran from June 1 through July 29, 2005. This included advertising in local papers as well as letters and e-mails to district licensees, First Nations, community representatives, and members of the public and tourism operators who had previously expressed an interest in this process. This review and comment period was informally extended to the end of November and during this time, there were numerous meetings with all parties who requested meetings. One formal all-licensee meeting on August 17, 2005, which I personally attended, included representation from all TFL holders, TSA licensees, many district woodlot holders, and Ministry of Forests' representatives from Victoria, Nanaimo, and neighboring districts.

All licensees tenured in this district under the *Forest Act* had the opportunity for review and comment for a minimum period of 5 months and in some cases as long as 22 months. A Record of Consultation is on file which details all of the meetings, letters, and significant contacts over this period of time. As well, all written comments were summarized in a Summary of Public Input which is also on file.

Having reviewed all of the foregoing, and having personally participated in many of the contacts, I am satisfied that adequate opportunity for review and comment has been provided and that this test has been met.

### **GAR 3 (2)**

*A minister before making an order under any of sections 5 to 12, 14 or 15 must consult holders referred to in section 2 (1) (c) on whom the order may have a material adverse effect.*

District staff consultation efforts and my review of comments received are documented in earlier sections of this Rationale. Having reviewed all of the work prepared by my staff, and having personally participated in many of the proceedings, I am satisfied that consultation requirements set out by Section 3(2) of the GAR have been met.

### First Nations

Letters were sent to all First Nations claiming traditional territory within this district on June 16 and July 26, 2005, requesting comments on proposed VQOs. No responses were received to these letters.

An October 14, 2005, letter from the Kyuquot/Checleset First Nation to Interfor (cc'd to our office) regarding Interfor's Forest Development Plan major amendment indicated their intention to contact the provincial government about visual landscape management. In response, my staff sent a letter to the Kyuquot/Checleset First Nation requesting comments on the proposed VQOs. A response letter, dated November 1, 2005, from the Chief outlined a number of general concerns with scenic landscape management and provided site specific comments which were discussed earlier in this Rationale.

A November 1, 2005, letter from the Tlowitsis First Nation responded to the now-completed timber supply review for the Strathcona TSA but also incidentally requested that their office be contacted regarding any "future proposed activities within our traditional territories". My

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staff sent out a letter on November 14, 2005, requesting comments on the proposed VQOs; however, no responses were received to this letter.

### **GAR 4**

- (1) Notice must be given in accordance with this section of an order made under any of sections 5 to 15.**
- (2) The notice required under subsection (1) is sufficiently given if the notice includes a copy of the order or contains particulars or a summary of the order and is**
  - (a) posted on the website of the ministry of the minister who takes the action,**
  - (b) published in the Gazette, and**
  - (c) made publicly available at the regional office of the forest region to which the order relates.**
- (3) An order made under any of sections 5 to 15 takes effect on the later of**
  - (a) The effective date specified under section 2 (3) (b)**
  - (b) The date notice is posted under subsection (2) (a) of this section, and**
  - (c) The date notice is published under subsection (2) (b) of this section.**

This VQO Order was signed on December 14, 2005, advertised in the BC Gazette on December 15, posted to the Ministry of Forests and Range website on December 16, 2005, and made publicly available at the Coast Forest regional office. Therefore, pursuant to Section 4 of the GAR, I conclude that sufficient notice has been given and that this Order is effective as of December 16, 2005.

Finally, letters and e-mails advising of the completion of this process were sent to all district forest licensees, First Nations, community leaders, as well as tourism operators and members of the public who participated in this process.

### **GAR 7 (1)**

- The minister responsible for the Land Act by order may establish an area as a scenic area if satisfied that the area**
- (a) is visually important based on its physical characteristics and public use, and**
  - (b) requires special management that has not otherwise been provided for by this regulation or another enactment.**

As noted previously, authority to establish scenic areas has been delegated to district managers by the Minister of Agriculture and Lands November 21, 2005.

Three licensees inquired how proposed scenic areas and VQOs compare with those previously set out in 2001. These concerns were reviewed with staff of the Ministry of Agriculture and Lands, and visual landscape specialists from District, Region and Branch of the Ministry of Forests and Range.

Having considered all of the information available to me, and considering that the scenic areas establishment is based upon the most currently available inventory information, I am satisfied that all scenic areas identified under this Order are visually important and require special management not otherwise provided for by this regulation or another enactment.

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### **GAR 7 (2)**

**The minister responsible for the *Forest Act* by order may establish for a scenic area visual quality objectives that are consistent with subsection (1) and are within the categories of altered forest landscape prescribed under section 1.1 of the *Forest Planning and Practices Regulation*.**

As previously discussed, the authority to establish visual quality objectives has been delegated to district managers by the Minister of the Ministry of Forests and Range.

I therefore initiated this process and made the order consistent with my obligations, in consideration of advice from visual landscape specialists of the MoFR District, Region and Branch, considering the need to provide direction on visual management until the CCLRMP process is completed, considering the need for certainty for licensees and other resource interests, and to provide clear direction for licensees in their forest stewardship plans and cutting permit development.

The VQOs established under this Order are consistent with the scenic areas established under Section 7(1) of the Gar and conform to Section 1.1 of the FPPR.

### **Implementation Issues**

#### **Managing visuals adjacent to roadsides**

Assignment of a visuals management regime to road corridors was probably the most challenging technical issue tackled under this Order and carried with it some of the most vigorous debate and discussion which I have summarized under earlier sections of this Rationale.

Based upon all of these discussions, my staff identified four key visual design parameters which should be considered where logging is proposed along major road corridors:

- 1) size, shape, timing, and aggregated total of harvest entries along these roads,
- 2) location of roads – both within-block and as they connect with major roads,
- 3) general appearance of logging (slash management, cutblock edge feathering, placement of reserves, etc.)
- 4) management of “critical” roadside screens and the attendant effect on creation of new areas visible from the roads and viewpoints.

After analysis of all of the information available to me, I assigned VQOs of Retention or Partial Retention to road corridors on Quadra Island based upon my consideration of the balance of values represented. Specific to Highway 19, I have decided that an overall tone of Partial Retention VQO is appropriate along this highway corridor, particularly where topographic screens exist; however, I am mindful of the potential risk where “critical vegetative screens” exist and for these areas have assigned a Retention VQO.

I am also mindful that the VQOs I have assigned within the specified road/highway corridors do an imperfect job of conveying government’s intentions for scenic landscape management along road/highway corridors. However, this is the only tool available in legislation. Forest Practices Branch staff in Victoria has public perception studies underway which will

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provide us with better understanding of the site and stand conditions along roadsides to which the public respond favourably or unfavourably. As noted previously, it may be one to two years before the results of this work are available. In the interim, I encourage licensees to develop results and strategies under their Forest Stewardship Plans or Woodlot Licence Plans which would essentially interpret what consistency with these VQOs would mean. Ideally, these results and strategies would be developed collaboratively with other licensees sharing the same road and in consultation with local communities and interest groups.

### Viewpoints

There was also significant discussion about which viewpoints should be used for operational planning and the relative significance of various viewpoints. Licensee input included suggestions that the Order specify viewpoints which apply or that multiple VQOs be assigned to a single landform based upon viewpoints with different levels of significance.

I have considered this input and decided that I would not specify viewpoints in this Order. My rationale is that VQOs apply to the polygon or landform which in turn may be visible from any number and combination of viewpoints. Viewpoints are used during the VLI process to help determine visual sensitivity and are also used operationally to determine if a VQO will be achieved. I also note that viewpoints and their significance can evolve over time as a function of both changes in vegetation (for example, screening or lack of it) and changing use by the public and stakeholders. I am of the view that prescribing foresters should use their professional judgement, along with existing guidance and the assistance of qualified professionals, to determine which viewpoints should apply when designing roads or cutblocks within scenic areas.

Licensees are free to propose results and strategies to address the VQOs established under this Order. In doing so, they will need to consider all relevant planning context and an understanding of user levels and expectations as well as the impacts to other sectors. Essentially, what this means is that professionals employed by licensees will have to determine for themselves what consistency with these objectives means relative to guidance provided by the Association of BC Forest Professionals through papers such as the *Definition of Professional Reliance*, September 2004 and *Interpreting the Publics' Interest*, May 31, 2002.

### Blended Scene Management

A number of licensees expressed interest in combining adjacent VQO polygons when they are developing operational plans for roads and cutblocks. These scenarios might combine a number of foreground units or alternately a mix of foreground, midground and background units. This concept was also favoured by Forest Practices Board auditors in a recent visuals audit for this district based upon the view that the public evaluates the scene as they see it rather than on an individual landform basis.

With few exceptions, this approach has focused upon managing percentage alteration values (i.e. area disturbed within total scenic area). These values are helpful in that they provide one indicator of the potential acceptability of a cutblock within a scenic landscape; however other design parameters are also very important. I note that definitions of VQOs, found in

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Section 1.1 of the FPPR, focus on overall size, general “fit” in the landscape, and general appearance as primary factors to be considered in determining whether or not a VQO has been met.

In any event, it seems clear that a blended scene management will necessitate increased levels of collaboration between licensees sharing viewsheds. Harvesting on private land, although beyond the current sphere of the provincial regulatory environment, could also form part of the analysis as the public often has no way of distinguishing between private and Crown land harvest and simply assesses the visual impact of harvesting as they see it.

### Additional Community Consultation required

There were numerous instances where changes were requested which I was unable to accommodate as the requests were not accompanied by sufficient assessments of the public’s or cross-sectoral issues and interests.

Before I could consider further changes, I feel that more complete consultation is required with local communities, user groups, economic sectors and First Nations to assess the potential benefits and costs to the public or sectors from any additional changes to VQOs established under this Order. Such processes could be led by the forest sector or government; however, at this time, I can make no commitments on such processes other than to confirm our interest in and willingness to participate in such information gathering.

### Determination

Having satisfied myself that I have considered all pertinent details related to this issue, and having balanced the important social and economic objectives of all stakeholders, I have concluded that scenic areas and visual quality objectives should be established through a GAR Order. Accordingly, I have approved the scenic areas and VQO Order, and its associated Maps 1 through 7, as dated December 14, 2005, for the Campbell River Forest District.

Yours truly,

A handwritten signature in blue ink, appearing to read "Rory K. Annett". The signature is stylized and cursive.

Rory Annett  
District Manager  
Campbell River Forest District