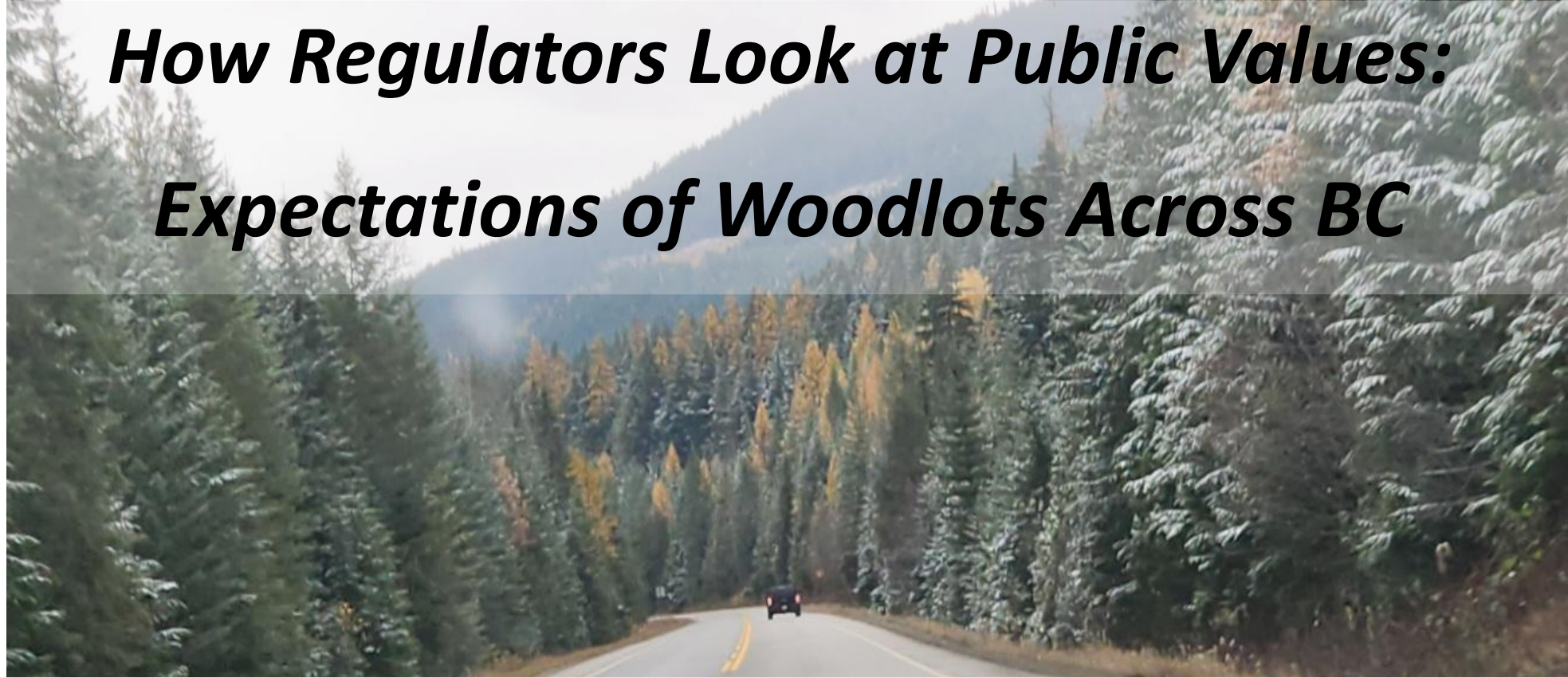




**2023 Woodlot  
Conference & AGM  
Cranbrook, BC**

# ***How Regulators Look at Public Values: Expectations of Woodlots Across BC***



**Garnet Mierau, RPF**



**Keith Atkinson, RPF**

# What we are going to talk about...

---

- 1. Legal Framework**
- 2. Forest Professionals Role**
- 3. Forest Practices Board Role**



# Legal Framework

## Tenure Holder

Forest Range and Practices Act

Woodlot Licence Planning and Practices Regulation

- Woodlot Licence document
- Woodlot Licence Plan
- And permitting provisions

## The Profession

Professional Governance Act

Forest Professional Regulation

- Bylaws
- Guidelines for Practice

# What is Professional Forestry?

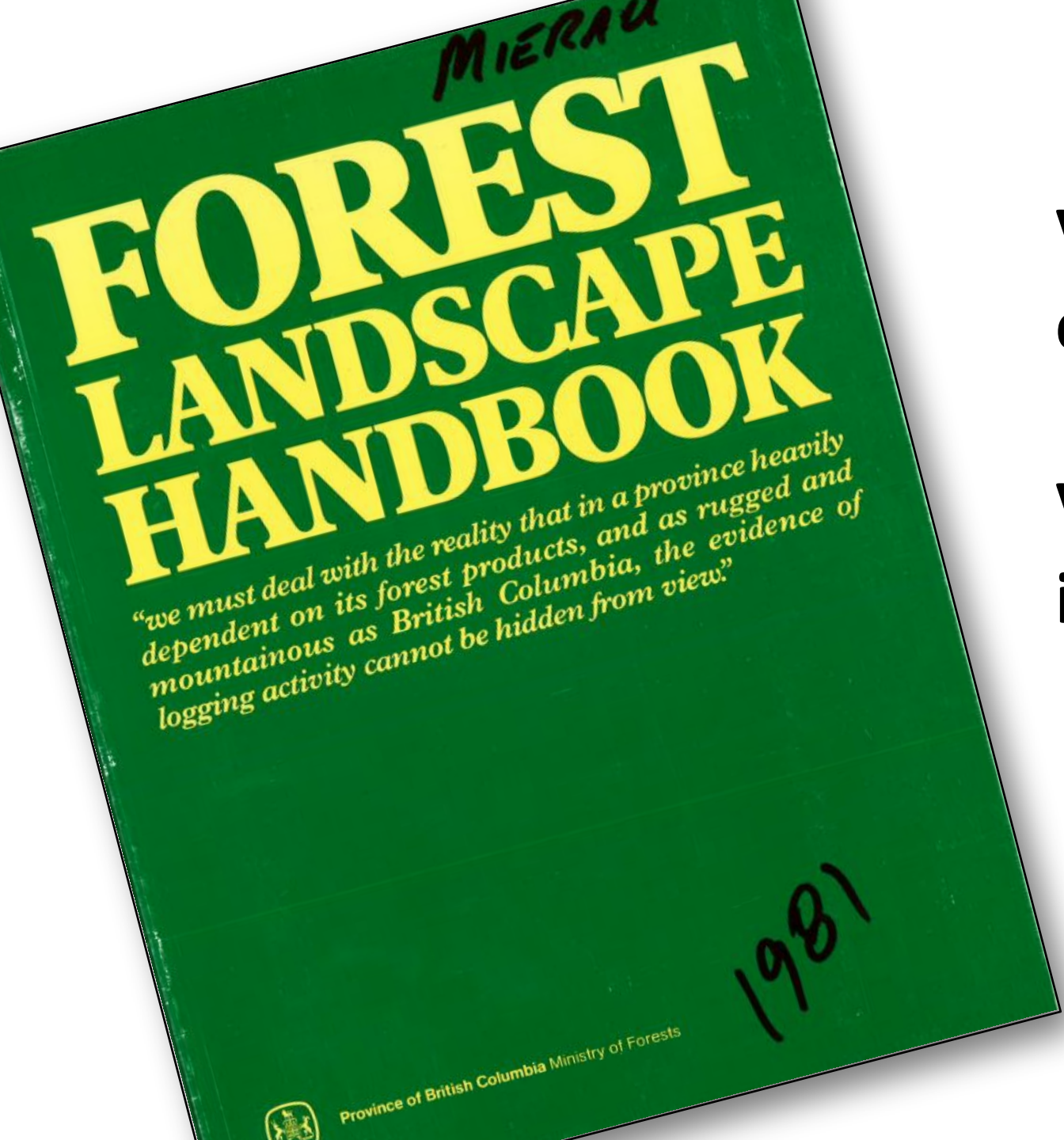
The practice of professional forestry means providing advice or services in relation to trees, forests, forest lands, forest resources, forest transportation systems, or forest ecosystems.



# 36

For example...

Visual resource management is the practice of professional forestry.



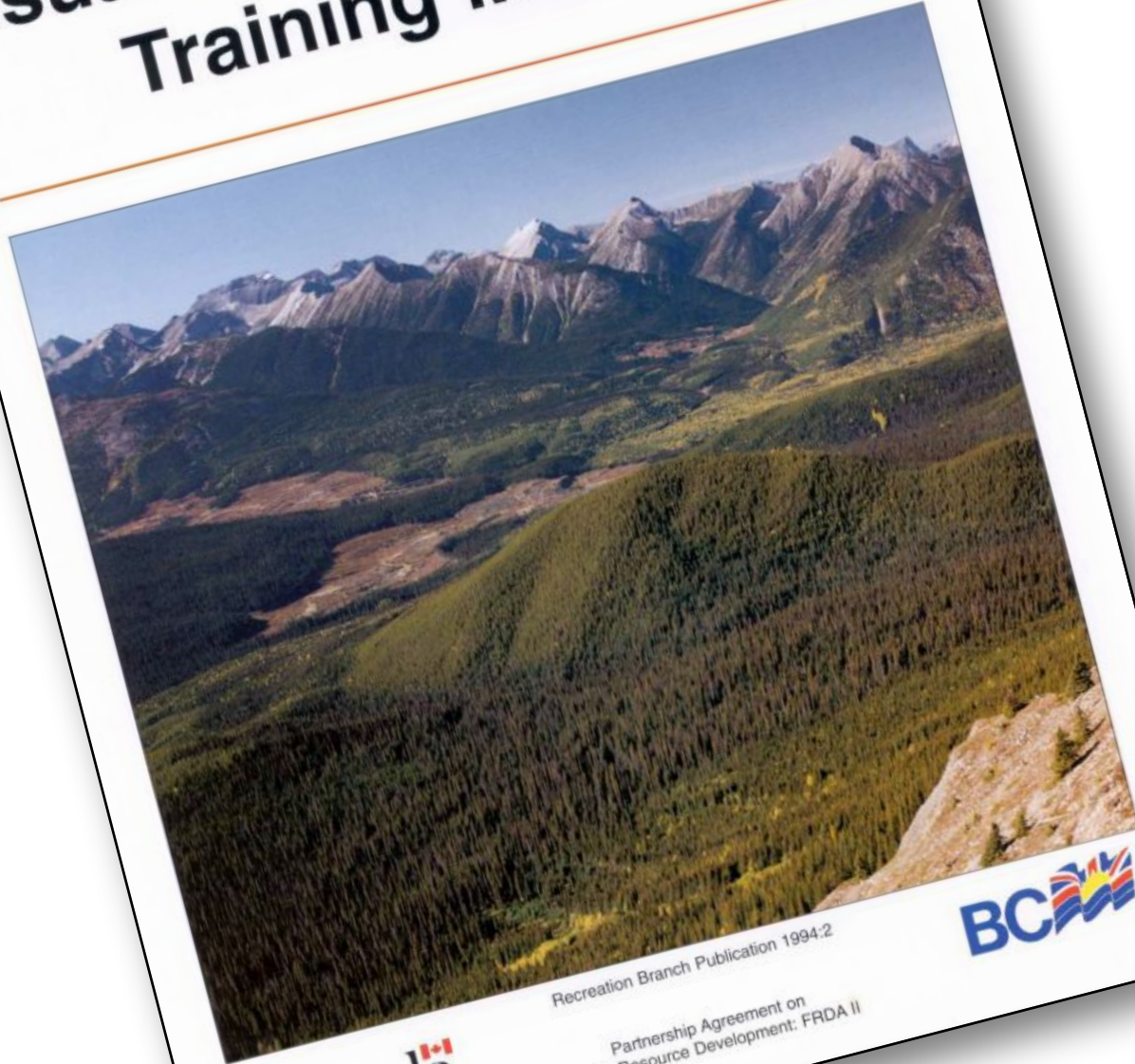
Visuals are not a “new” concept.

VQOs legally established in 1994.



FOREST RECREATION

# Visual Landscape Design Training Manual



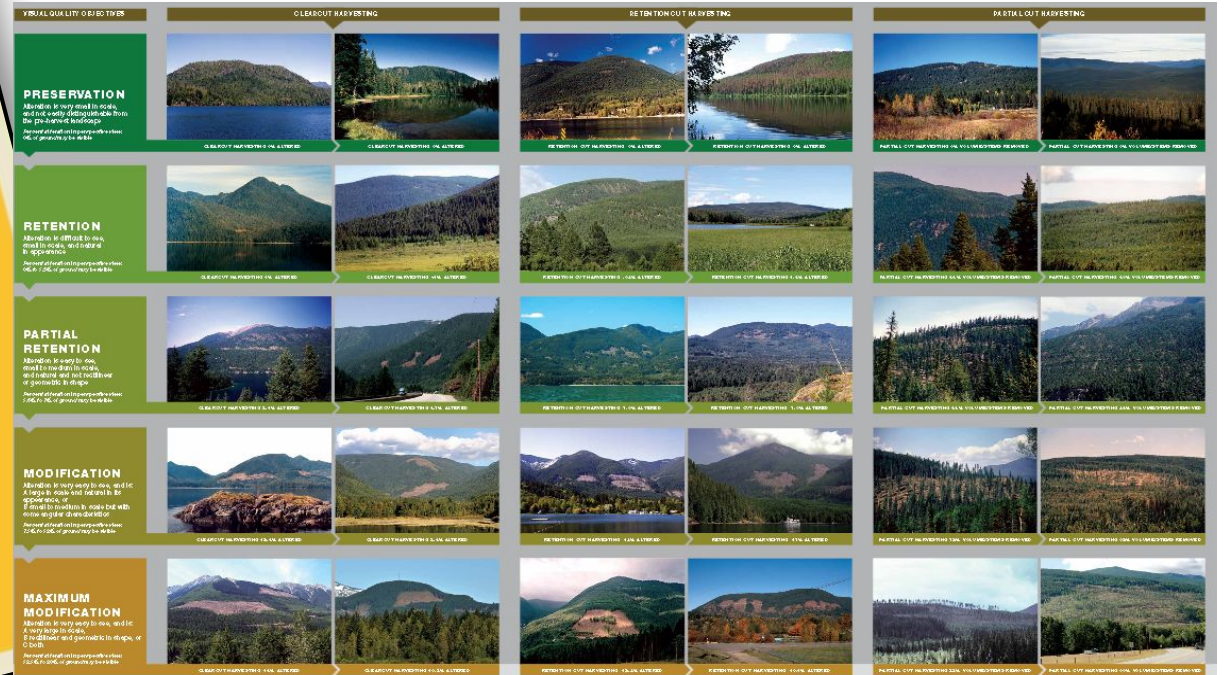
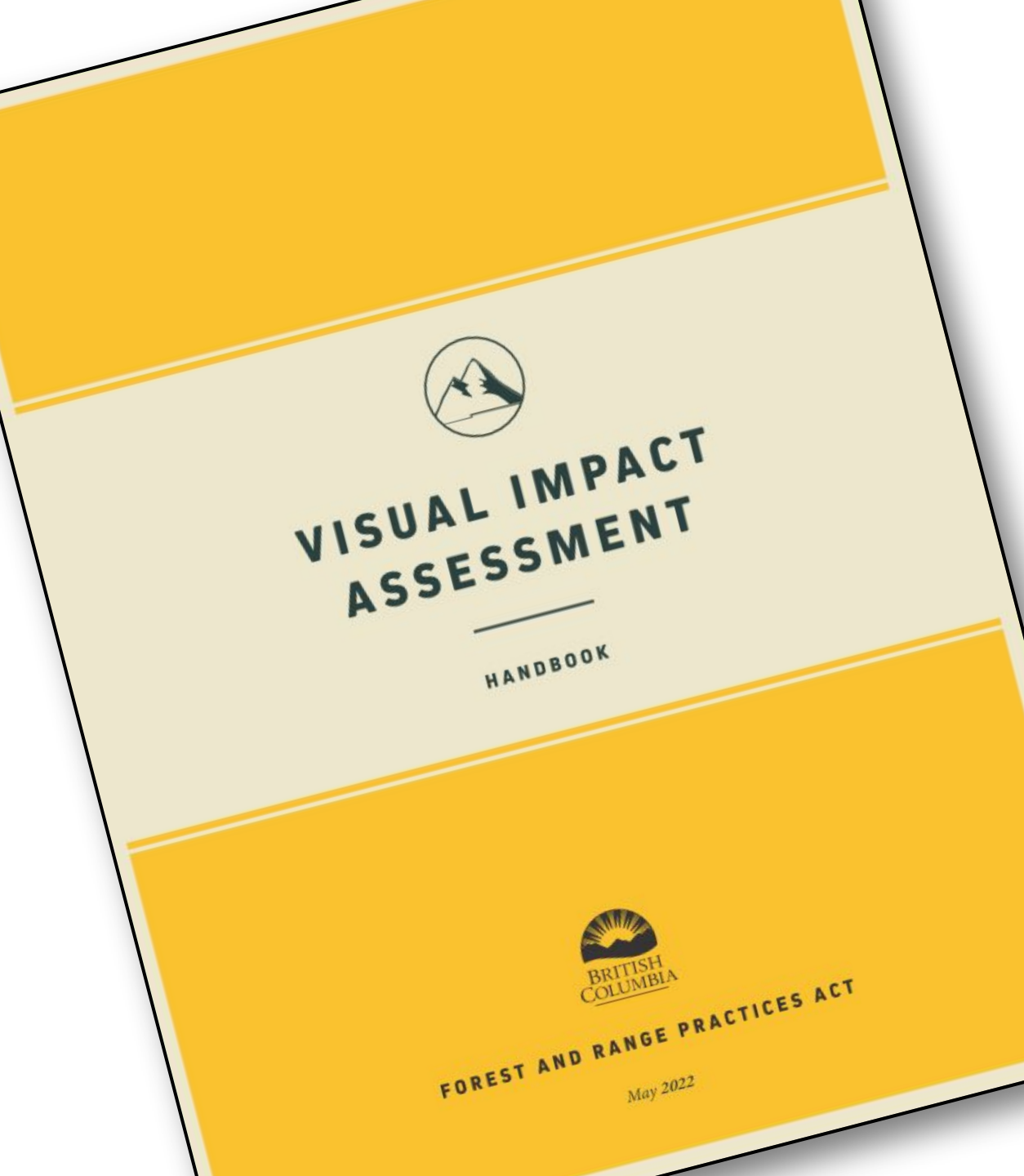
Recreation Branch Publication 1994:2

Partnership Agreement on  
Forest Resource Development: FRDA II

Canada

**Training is available to forest professionals.**

# Operational guidance is available to forest professionals.



# Visual Quality Objectives

Preservation  
(P)

Retention  
(R)

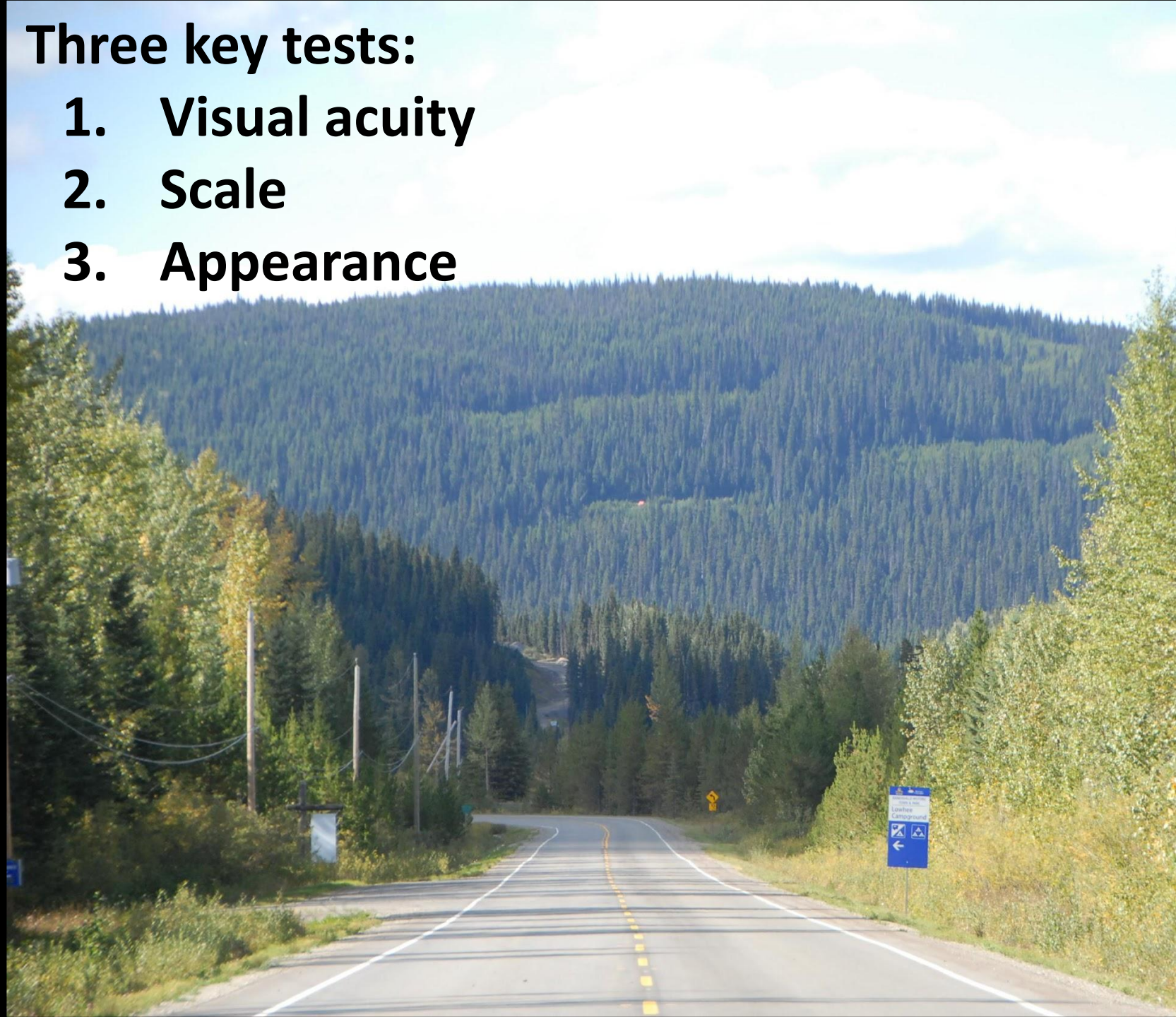
Partial  
Retention  
(PR)

Modification  
(M)

Maximum  
Modification  
(MM)

## Three key tests:

1. Visual acuity
2. Scale
3. Appearance





# BC Forest PROFESSIONAL

SPRING 2021

Where Forest and Ocean Meet:  
The Making of Fish Leather Shoes

A Century of Silviculture  
Research in BC

Bulkley Valley Wildfire Research:  
Sub-boreal and Montane Landscapes

Understanding  
Duty to Report

The PGA: What You Need to Know

Leverage

# Publications are available to forest professionals.

## THE LEGAL PERSPECTIVE

### Visual Quality Objectives and the Rule of Law

by Jeff Waatainen, LL.B., M.A. (HONS)

This past summer the Forest Appeals Commission (FAC) released its decision in the appeal of Interior Corporation v. Government of British Columbia. The appeal considered a contravention determination under the Forest and Range Practices Act (FRPA) that appellants did not achieve the intended results specified in its forest stewardship plan (FSP) in relation to visual quality objectives (VQOs). The case is interesting from a legal perspective given the almost impossible subjective standards the FAC had to deal with to apply in order to dispose of the appeal. At issue was whether the appellant achieved a VQO of partial retention after completion of its harvesting activities in a particular retention after completion of its requirements of the various categories of VQOs of modification. Without getting bogged down in the legislative linkages, the requirements of the various categories of VQOs for altered forest landscapes are defined in Section 1.1 of the Forest Planning and Practices Regulation (FPPR) from the lowest degree of alteration (preservation) through to the highest (maximum alteration). In between these two poles exist altered forest landscape, and in terms of visibility, so, already one might suggest that a problem exists in terms of scale within the test and scale is, instead, assessed relative to human perception. However, the terminology gets even more slippery. Under Section 1.1 of the FPPR, a VQO of partial retention is an alteration that is "easy" to see in terms of visibility, while modification is "very easy" to see. And a VQO of partial retention is "small to medium" in scale, whereas modification is "large" in scale. The problem is that it does not provide any guidance as to the difference in scale, and "very easy" to see, or between "small to medium" in scale of an alteration as to the difference in scale between "small to medium" in scale and "large" in scale. The problem is that it does not give any indication as to the difference in scale between "small to medium" in scale and "large" in scale.

Jeff Waatainen is an adjunct professor of law at UBC, has currently worked in the forestry law practice group of OJA Piper (Canada) LLP's Vancouver office (formerly Davis LLP).

OJA PAPER

## Applications of visual magnitude in forest planning: A case study

by Brent C. Chamberlain<sup>1</sup>, Michael J. Meitner<sup>2</sup> and Robert Ballinger<sup>3</sup>

**ABSTRACT**  
Recent impacts from the Mountain Pine Beetle epidemic, the lack of available timber in areas of lower elevation, and the reduction in back-country timber has pushed forest operations into publicly significant and visible landscapes. Some of the stage for operations they can be a source of public backlash. These kinds of landscapes are categorized as visually sensitive areas (VSAs). VSAs are areas where the visual quality of the landscape is important to the public. VSAs are areas where the visual quality of the landscape is important to the public. VSAs are areas where the visual quality of the landscape is important to the public.

**Mots clés :** amplitude visuelle, Viewshed, aménagement visuel des ressources, planification, SIG, visibilité, zones visuellement sensibles

1995, Frumkin 2001, Parsons and Daniel 2002) and it is likely that there are undiscovered health benefits associated with exposure to natural scenic beauty. In the light of studies that have documented the link between exposure to nature and stress inoculation (Ulrich 1986, Ulrich et al. 1991), it seems that by increasing the amount of natural scenic beauty in and around places we live and explore might reduce stress and associated complications. This is an important consideration when an estimated 20% of Canadian workers experience a stress-

Brent C. Chamberlain

Michael J. Meitner

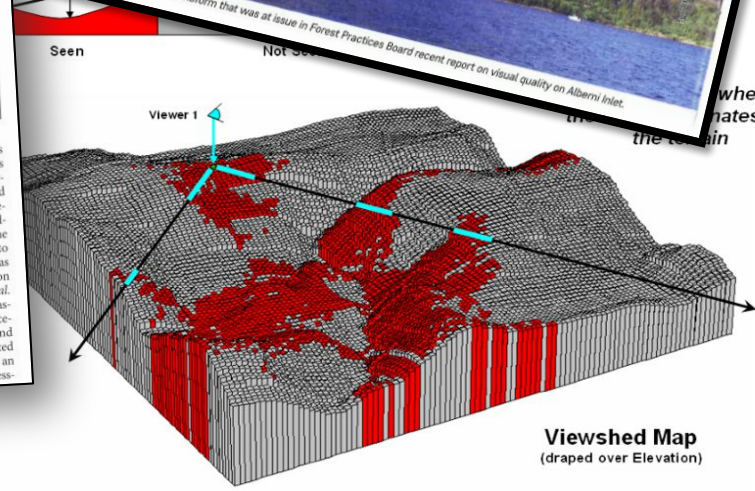
Robert Ballinger

Introduction  
Scenic beauty is an attribute of the natural world that has long

## Visual Quality Management: Lessons from the Field

INTEREST BY MARK HADDOCK, LL.B. AND DEL WILLIAMS, RPF

Landform that was at issue in Forest Practices Board recent report on visual quality on Alberni Inlet.





Forest  
Practices  
Board

# Fundamental Purposes

## The Board encourages:

- **Sound forest and range practices** that instill confidence with the public and Indigenous peoples;
- **Continuing improvements** in forest and range stewardship; and
- **Fair and equitable** application of FRPA and the *Wildfire Act*.



Forest  
Practices  
Board

# FUNCTION

## Must do:

- Audits
- Complaint Investigations

## May do:

- Special Investigations
- Special Reports
- Appeals



Forest  
Practices  
Board

# AUDITS

## Who?

- All tenure holders – large and small.

## What?

- 6 to 8 audits per year
- All plans and practices over a period of time.
- Assess compliance with legislation.
- Report publicly.
- Do not look at the effectiveness of practices.



# COMPLAINT INVESTIGATIONS

## The Board must investigate complaints regarding:

- Compliance
- Appropriateness of government's enforcement.

## Also:

- Help resolve complaints
- Find improvements to help avoid conflict in the future
- Do not stop work or levy fines



# Recent Reports: Woodlot related



- *2023 Audit of 5 WL in Campbell River*
- *2023 Complaint Investigation Turtle Valley*
- *2019 Special Investigation Kooteney Lake TSA*
- *2019 Audit of 5 WL Ft St John*
- *2018 Audit of 11 WL in Nadina NR District*

## Findings:

Fire hazard assessments not completed; unsafe bridges; FG not met; harvesting without approved CP; not meeting stocking standards; VQO non-compliance



Forest  
Practices  
Board

# OTHER TOOLS

## Appeals

- Review and may appeal decisions

## Special Reports

- About issues in the public interest relating to: the general work of the FPB; particular cases already investigated

## Special Investigations

- Investigate compliance with legislation or appropriateness of enforcement



BC'S INDEPENDENT WATCHDOG FOR SOUND FOREST & RANGE PRACTICES

FEATURES



Management of Habitat for Species at Risk under FRPA

- About Us
- Our Work
- Resources
- Contact

LATEST RELEASES



Board to audit Tolko operations near Revelstoke



Board to audit non-replaceable forest licence in Mackenzie



Appeals: Decision Not to Appeal Amendments to Okanagan-Columbia FSP



Woodlot Licence Campbell River Natural Resource District

# Forest Practices Board reports are available to the public

## PRACTICING LANDSCAPE FIRE MANAGEMENT



Forest Practices Board

TECHNICAL BULLETIN

### CONTENTS

INTRODUCTION.....	1
What is LFM?.....	2
PRINCIPLES FOR PRACTICING LANDSCAPE FIRE MANAGEMENT.....	4
Principle 1: Define the Landscape.....	5
Principle 2: Understand Current and Projected Conditions.....	5
Principle 3: Understand Risks to Values.....	6
Principle 4: Set Complementary Wildland Fire Objectives Across Land Use.....	7
Principle 5: Coordinate Intervention.....	8
Principle 6: Learn From Experience (Adaptive Management).....	8

FROM PRINCIPLE TO PRACTICE

## FOREST AND FIRE MANAGEMENT IN BC: TOWARD LANDSCAPE RESILIENCE

SPECIAL REPORT

JUNE 2023



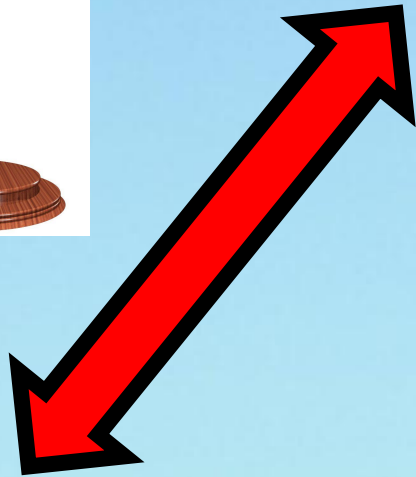
Forest Practices Board

BC'S INDEPENDENT WATCHDOG FOR SOUND FOREST AND RANGE PRACTICES



**Public**

**Expectations/ Interest/ Trust**



**Forest Professional  
Obligations  
(Professional Audits)**



**Practice  
Requirements  
(Board Audits)**





# Regulatory Toolbox



## Forest Professionals BC

- Discipline
- Investigation
- Penalties
- Publications
- Competency Audits
- Practice Review
- Practice Standards/ Guidance
- Firm Regulation (coming...)

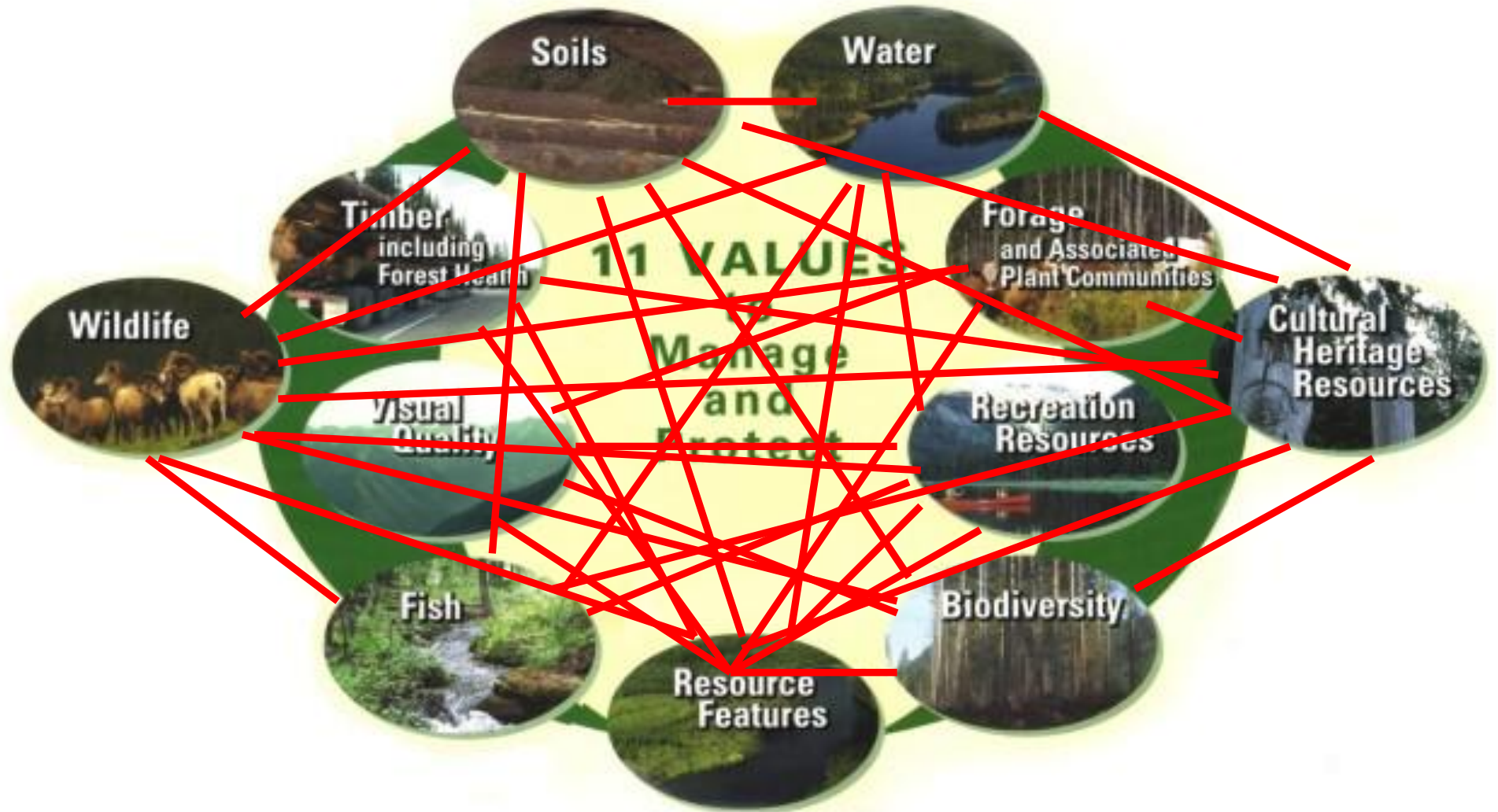
## Forest Practices Board

- Audits
- Complaint Investigations
- Special Investigations
- Special Reports
- Appeals
- Make recommendations



# Forest & Range Practices Act (FRPA)







Forest Professionals BC has a duty to investigate allegations of unprofessional conduct or improper practices by forest professionals.



## **Code of Ethical and Professional Conduct**

### **Nine Standards**

- |                               |                             |
|-------------------------------|-----------------------------|
| <b>1 Competence</b>           | <b>5 Integrity</b>          |
| <b>2 Independence</b>         | <b>6 Forest Stewardship</b> |
| <b>3 Conflict of Interest</b> | <b>7 Safety</b>             |
| <b>4 Due Diligence</b>        | <b>8 Professionalism</b>    |
|                               | <b>9 Reporting</b>          |



## Independence

We act on behalf of the public interest, not any single group or individual

We perform in a non-adversarial, unbiased, non-partisan and balanced manner



## Fairness

We treat all participants with fairness and sensitivity

We seek solutions rather than assigning blame



## Integrity

We are straightforward in approach—we tell it like it is

We base actions and decisions on knowledge, evidence, and experience



## Our Values and Behaviours

These values and corresponding behaviours guide us in all of our work.



## Respect

We treat all people with courtesy and value their opinions and perspectives

We recognize the value of a diverse range of backgrounds, experiences and perspectives



## Excellence

We produce high-quality work

We seek continuous improvement – both in our work and in forest and range practices



## Transparency

We provide clear and concise reports to the public

We are accessible and accountable





## Thank you

**Garnet Mierau, RPF**  
**Director of Practice**  
**Forest Professionals BC**  
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**(250) 819-0007**



**Forest  
Practices  
Board**

**Keith Atkinson, RPF**  
**Chair**  
**Forest Practices Board**  
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