Compliance and Enforcement of Visual Management

Visual Workshop November 4 & 5, 2014

Presenter: Katherine Upward, RPF, NRO

Natural Resource Officers

Compliance and Enforcement Branch

Natural Resource Officers have the authority to enforce a broad range of environmental and natural resource laws.

- **Duties include;**
- Compliance and Enforcement in regard to;
- Natural Resource Operations, Lands Division
  - Illegal cabins/structures on Crown land/foreshore
  - Abandoned tenures
  - Illegal occupations/squatting on Crown land
  - Dumping of garbage, refuse or sewage
- Natural Resource Operations, Water Division
  - Alterations of Foreshore of lakes and streams
  - Dam and Dike inspections
  - Water permit and well inspections
- Ministry of Environment
  - Dangerous Wildlife/control of attractants
  - Minor spills/waste discharge
  - Open burning smoke control
  - BC Park & Protected Area patrols
- Recreation Sites and Trails
  - Recreation trail and campsite patrols
- Forests and Range
  - Logging and road inspections
  - Range land inspections
  - Damage to the environment including irresponsible ATV/motor bike use
  - Burning and campfire requirements, abandoned campfires
  - Safe forest road use
- All Terrain Vehicles
  - ATV and snowmobile closures area patrols
  - Registration and issuance requirements.

C&E Visual Inspections

Discovery

NRO officers do not monitor for visual objective compliance. Therefore we generally rely on others to direct where we may inspect and investigate.

Sources for inspections:

- Forest Professionals (within government or outside)
- FREP monitoring or FPB audits
- Public Complaints
- Obvious issues through field presence.

Reporting Violations

- To voice a complaint or issue, contact your local Ministry of Forests, Lands and Natural Resource Operations office or
- submit the form on https://www.for.gov.bc.ca/hen/nrv/report.htm
- 1-844-NRO-Tips (1-844-676-8477)

MINISTRY OF FORESTS, LANDS AND NATURAL RESOURCE OPERATIONS
COMPLIANCE AND ENFORCEMENT BRANCH

REPORT OF NATURAL RESOURCE VIOLATION

*A **Report of Natural Resource Violation** is information provided to the Ministry of Forests, Lands and Natural Resource Operations (FLNRO) alleging that an unauthorized activity (a contravention of the law) has occurred or is about to occur, or a contravention of an authorization (licence, lease, etc.) has occurred.*

*For the Ministry of Forests, Lands and Natural Resource Operations to adequately address your report of a **Violation**, it is important for you to provide us with sufficient information. Please describe the **Violation** in as much detail as possible on this form, ensuring all required fields are completed, and then select **Submit Violation Report** at the bottom of the page.*

Privacy:

The information that you provide will be subject to the Freedom of Information and Protection of Privacy Act *(FOIPP). We will keep your information confidential to the maximum extent possible. Please direct any inquiries about FOIPP to the Information Policy and Privacy Branch at 1 800 663-7867.*

*The information in your **Report of Natural Resource Violation** will be reviewed and you may be contacted for further details. Where warranted, the matter will be investigated and appropriate action will be taken. If the Ministry of Forests, Lands and Natural Resource Operations does not have jurisdiction over the matter, your **Report of Natural Resource Violation** will be forwarded to the appropriate agency. If there are no reasonable grounds to believe a contravention has occurred or if the matter is not considered to be significant, is not a threat to public safety or is not having a detrimental impact on the environment or on others, an investigation may not be initiated.*

If you have any questions, please contact the nearest FrontCounter BC Contact Centre.
www.frontcounterbc.gov.bc.ca

* = required field

SECTION A. YOUR INFORMATION	
*Last name:	*First name:
*Email address:	*Daytime phone number:
	Cell number:
Mailing address:	
Your property address (if different from above):	

Legislation Review

- Grandparented VQO's or Visual Gar Orders are enacted which contain the VQO's and established line work.
- Under FRPA – FSP's must have Results and strategies for each of the Objectives. (Section 5)
- Under the FPPR, Visuals are found in the definitions (sec 1 and 1.1) and managed under one of the Objectives (Sec 9.2).
- Therefore Established VQOs, FPPR Section 1.1 and the FSP apply to Visuals.
- Section 12(7) exemptions can be applied for. (Julie's talk)
- The Forest Practices Code of BC Act and the associated guidebooks is an established standard for managing visuals and can be used to define best practices or established procedures.

Verification of Compliance

Determining Compliance can be very complex. To assist C&E do its work, a visual inspection manual has been developed and is used for training

Some actions taken by the NRO Officer include:

- Determine VQO and "altered forest landscape"

  Identification that the complaint is in a scenic area and define the altered forest landscape.

- Determine if Licensees used VIAs or assessments.

  VIA's are used by NROs to help determine whether appropriate viewpoints were used and whether the visual simulation was accurate. Site Plans are also requested at this time to ensure consistency. At this stage we may verify if any exemptions were granted for this block.

- Verify significant viewpoints.

  NROs do not need to use Licensee's viewpoints, especially if significant viewpoints were not identified during the VIA or assessment process.

Field Investigation

- Determine FPPR 1.1 definitions.

Example

(c) *partial retention*: consisting of an altered forest landscape in which the alteration, when assessed from a significant public viewpoint, is

- (i) easy to see,
- (ii) small to medium in scale, and
- (iii) natural and not rectilinear or geometric in shape;

- Use FREP protocol to verify % alteration and visual design concepts.

- Use FPC guidebooks to determine compliance with the established standards of % alterations.

Visual quality objective (VQO)	Percent alteration per VQO
Preservation	**0**
Retention	**0–1.5**
Partial Retention	**1.6–7.0**
Modification	**7.1–18.0**
Maximum Modification	**18.1–30.0**

Further Investigation

- Verify compliance with FSP

FSP Wording

1. Primary forest activities are consistent with the Kootenay Lake District Manager's letter of July 12, 1999 regarding visual quality objectives.

2. VQO's may be exceeded temporarily if necessary to salvage damaged timber or address forest health issues, but the principles of visual design will be employed to mitigate visual impacts.

3. The licensee will complete a Visual Simulation Package from major viewpoints for cutblocks located in Scenic Areas prior to the submission of a Cutting Permit application or Road Permit application when:

- A cutblock is within a Scenic area.
- Cutblocks in which the harvest method is cable and the yarding corridor angle is such that they will be visible
- Roads constructed in scenic areas.

- Bring in expertise if required.

Enforcement Options

Administrative Remedies

Non-compliance – no action

Compliance notice - alleged contravention

OTBH – FRPA 21(1) $50,000

Remediation Orders – FRPA Section 74.

Court Actions

Ticket - FRPA 21(1) $173

Stop Work Orders – FRPA Section 66

Actions taken are the discretion of the Natural Resource Officer.

QUESTIONS?