



# Forest Appeals Commission

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**DECISION NOS. 2011-FOR-006(a)**

**IN THE MATTER OF AN APPEAL UNDER  
*THE FOREST AND RANGE PRACTICES ACT,*  
SBC 2002, c 69**

**BETWEEN:**

BABINE FOREST PRODUCTS LTD.

**APPELLANT**

**AND:**

GOVERNMENT OF BRITISH COLUMBIA

**RESPONDENT**

**CONSENT ORDER**

WHEREAS the Appellant Babine Forest Products Ltd. (“Babine”) holds a valid and approved forest stewardship plan in respect of its operations within the Lakes North Forest Development Unit within the Lakes Timber Supply Area in the Nadina Forest District (the “District”);

AND WHEREAS on August 20, 2010, Babine applied for an amendment to its forest stewardship plan to add section 6.6.2 to deal with a proposed cutting permit within the Babine Lake scenic area (the “Proposed Amendment”);

AND WHEREAS on November 17, 2011, following an opportunity to be heard, Josh Pressey, the District Manager of the District (the “District Manager”), refused to approve the Proposed Amendment (the “Determination”);

AND WHEREAS Babine appealed the Determination;

AND WHEREAS as a result of recent discussions, Babine has agreed to modify the language of the Proposed Amendment;

AND WHEREAS the Appellant and the Respondent agree to conclude the appeal by way of a consent order of the Forest Appeals Commission;

NOW THEREFORE the Forest Appeals Commission orders, by consent and pursuant to its powers under section 84 of the Forest and Range Practices Act that:

1. the appeal is allowed;
2. the Determination of the District Manager dated November 17, 2011 is hereby varied;  
and
3. the Proposed Amendment to the Forest Stewardship Plan of Babine Forest Products in the form set out as Schedule "A" to this Order is hereby approved.

Dated at Smithers, British Columbia, this 9<sup>th</sup> day of July 2013.

"Alan Andison"

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Alan Andison, Chair  
Forest Appeals Commission

BY CONSENT:

"Mark S. Oulton"

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Mark S. Oulton  
Counsel for the Appellant

"A.K. Fraser"

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Anthony K. Fraser  
Counsel for the Respondent

**SCHEDULE “A”**

**6.6 Objectives Set by Government for Visual Quality Objectives and Objectives in respect of Scenic Areas**

6.6.1 For visual quality objectives in the Lakes North FDU that are in scenic areas continued under the FRPA 180 (c) and continued as objectives under the GAR 17. The agreement holders over the term of this FSP, shall ensure that following harvest and road construction, the altered forest landscape does not exceed the categories prescribed by the visual quality objective as listed in Table 7.0 when viewed from a significant public viewpoint.

**Table 7.0: Categories of Visually Altered Forest Landscapes**

<b>Visual Quality Objective</b>	<b>Description of Altered Forest Landscape</b>
Preservation	(i) very small in scale, and (ii) not easily distinguishable from pre-harvest landscape
Retention	(i) difficult to see (ii) small in scale, and (iii) natural in appearance
Partial Retention	(i) easy to see, (ii) small to medium in scale, and (iii) natural and not rectilinear or geometric in shape
Modification	(i) very easy to see, and (ii) is (A) large in scale and natural appearance, or (B) small to medium in scale but with some angular characteristics.
Maximum Modification	(i) is very easy to see, and (ii) is (A) very large in scale (B) rectilinear or geometric in shape, or (C) both.

**Definitions:**

Mountain Pine Beetle Infested stands meet the following requirements:

Pine component is greater than 60% of the mature gross volume of the stand and greater than 30% of the pine is or has been attacked by mountain pine beetle.

6.6.2 Despite subsection (6.6.1), when harvesting mountain pine beetle infested stands or building roads to access these stands within CP\_300 within the Babine Lake scenic area as identified on map 2 of 4, the following applies:

1. When assessed from a significant public viewpoint, all reasonable efforts will be made to be fully consistent with the established VQO, where this is not practicable the development of roads and cutblocks will result in a visual condition that may be greater in scale and visual impact than the established VQO, but in any event, for those stands within CP\_300 to which the:
  - (i) Retention VQO applies, the percent alteration when measured from a significant public viewpoint along the centreline of Babine Lake will be no greater than 4.5% of the landform; and
  - (ii) Partial Retention VQO applies, the percent alteration when measured from a significant public viewpoint along the centreline of Babine Lake will be no greater than 10% of the landform;
2. When assessed from the significant viewpoints the development of roads and cutblocks will result in a visual condition that is consistent with the design elements of the established VQO.