

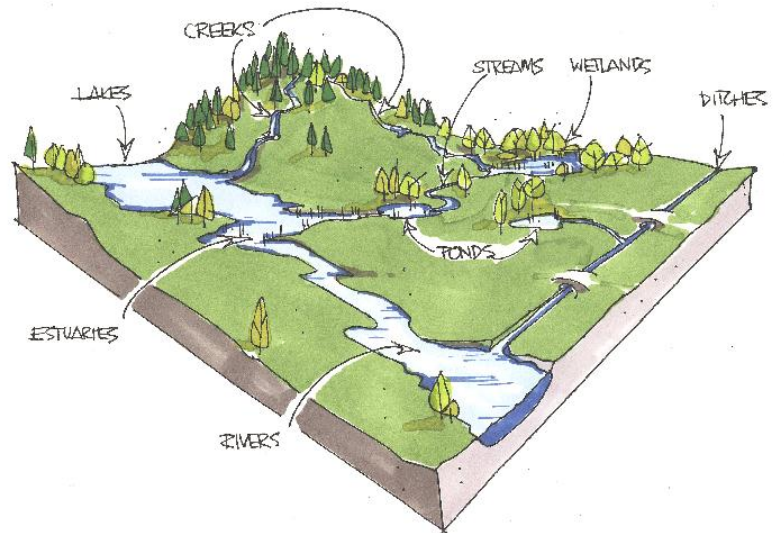
Riparian Areas Regulation Implementation on Denman Island

- January 2012 -

The Denman Island Local Trust Committee has recently entered into the first phase of the Riparian Areas Regulation (RAR) implementation project to adhere to the provincial requirement to implement the Riparian Areas Regulation. This first phase of this project requires field data collection to determine the location and characteristics of watercourses within five watersheds on Denman Island.

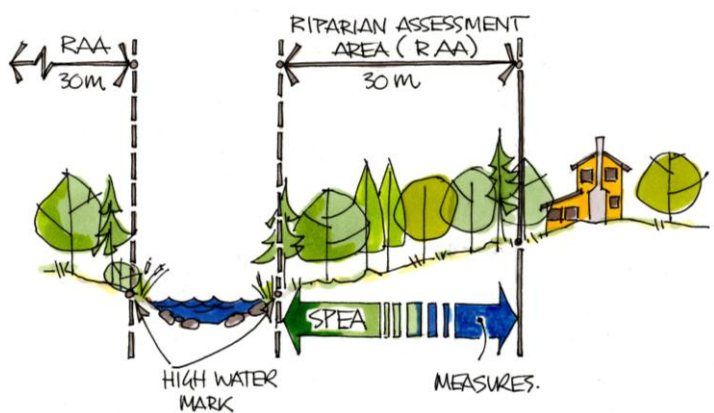
What is the Riparian Areas Regulation (RAR)?

The Riparian Areas Regulation (RAR), enacted under Section 12 of the *Fish Protection Act* in July 2004, requires local governments to protect riparian areas. Riparian areas are the areas bordering on streams, lakes and wetlands that link water to land. The RAR deals with riparian fish habitat in association with **new residential, commercial and industrial development** on land under local government jurisdiction (this includes private land and the private use of Provincial Crown land). The regulations prohibits a local government from approving or allowing a development to proceed in a riparian assessment area (RAA) unless the local government is notified by the Ministry of Environment that the developer has provided an assessment report by a qualified environmental professional (QEP). The QEP report certifies that the development can be carried out without damaging fish habitat.



RIPARIAN AREAS ARE ...

INTERPRETED RAA IF A STREAM



SPEA - STREAMSIDE PROTECTION & ENHANCEMENT AREA = STREAM BUFFER OR LEAVE STRIP

RAA - RIPARIAN ASSESSMENT AREA - WHERE THE ASSESSMENT OCCURS TO DETERMINE SPEA & MEASURES

30 metre RAA can be developed. The QEP may also provide recommendations on mitigation or enhancement measures specific to the development proposal. Remaining areas that may not be developed are identified as a Streamside Protection and Enhancement Area (SPEA).

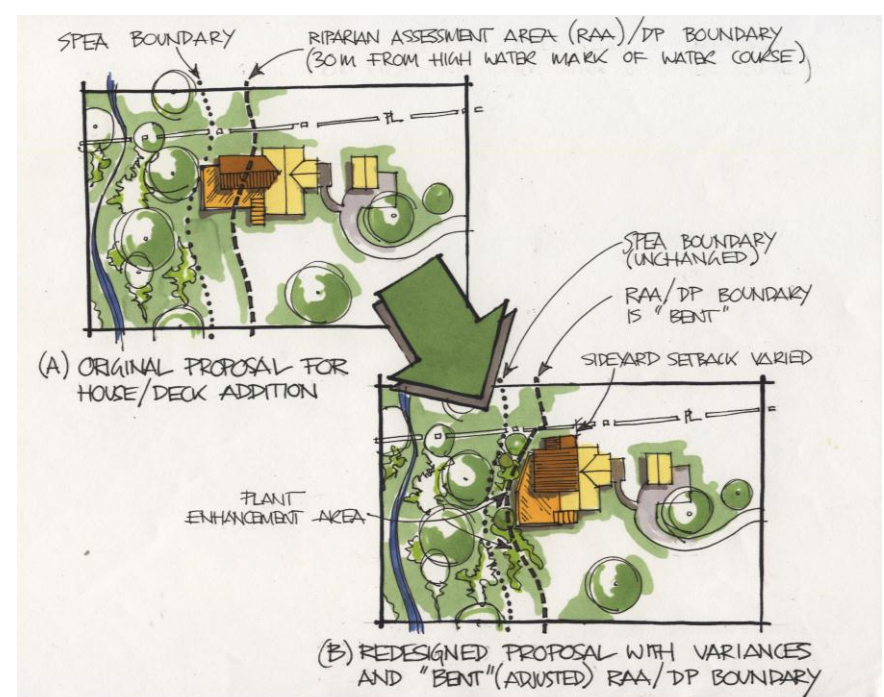
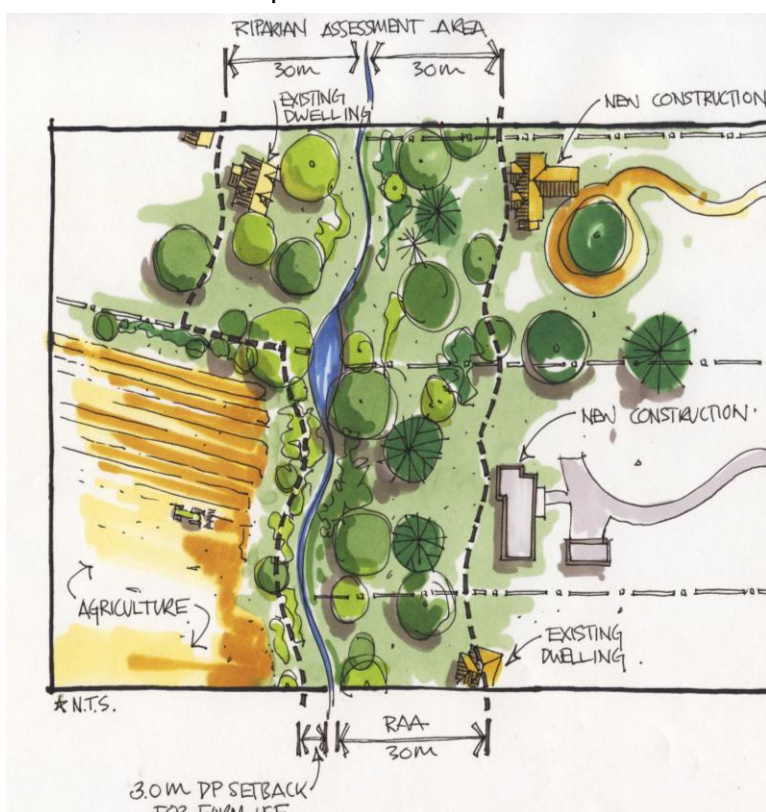
Where does RAR apply and how is it interpreted?

The RAR applies to a, "Riparian Assessment Area" (RAA), which is defined in the RAR to mean any area within 30 metres of a "stream". A "stream" is defined in RAR to include a watercourse, whether it usually contains water year round or not, that provide fish habitat. Watercourses include ponds, lakes, rivers, creeks and brooks as well as some ditches, springs, and wetlands if they are connected by surface flow to fish habitat.

Local governments may allow development within 30 metres of the high water mark of a stream or top of a ravine bank provided the prescribed riparian assessment methods have been followed. The riparian assessment method requires a Qualified Environmental Professional (QEP) to provide an opinion in an Assessment Report. In the assessment, the QEP will establish, on a site specific basis, which areas with the 30

Some Keys Facts Regarding RAR

- The RAR is a provincial regulation and there is not a choice in whether it gets implemented; only in the how this is done.
- The RAR applies to the riparian areas and that is generally defined as being within 30 m of a watercourse.
- Any development beyond the 30 m would be exempt from the RAR requirement.
- Implementation of the requirements of RAR could occur through the adoption of Development Permit Areas (DPA) or through amendments to the Land Use Bylaw. This will be discussed by the LTC at a future point once the initial assessment and mapping work is complete.
- Development permit areas do not restrict uses or density. They ensure that certain guidelines are followed.
- RAR applies to residential, commercial or industrial activities and ancillary activities within a Riparian Assessment Area.



The RAR does apply to the following activities:

- Construction of buildings and structures;
- Creation of non-structural impervious or semi-impervious surfaces (e.g. parking lots, patios);
- Removal, alteration, disruption or destruction of vegetation;
- Disturbance of soils;
- Development of some recreational facilities (e.g. parks, trails, golf courses);
- Development of new services (e.g. roads); and
- Dwellings on ALR land.

The RAR does not apply to the following activities:

- Development outside a riparian assessment area;
- Farming activities (ALR or zoned) or institutional development;
- Existing permanent structures, roads and other development;
- Reconstruction or repair of permanent structure if the structure remains on its existing foundation; and
- Developments that have been approved but not yet built

For further information regarding RAR see the Ministry of Environment's Website:
www.env.gov.bc.ca/habitat/fish_protection_act/riparian/riparian_areas.html

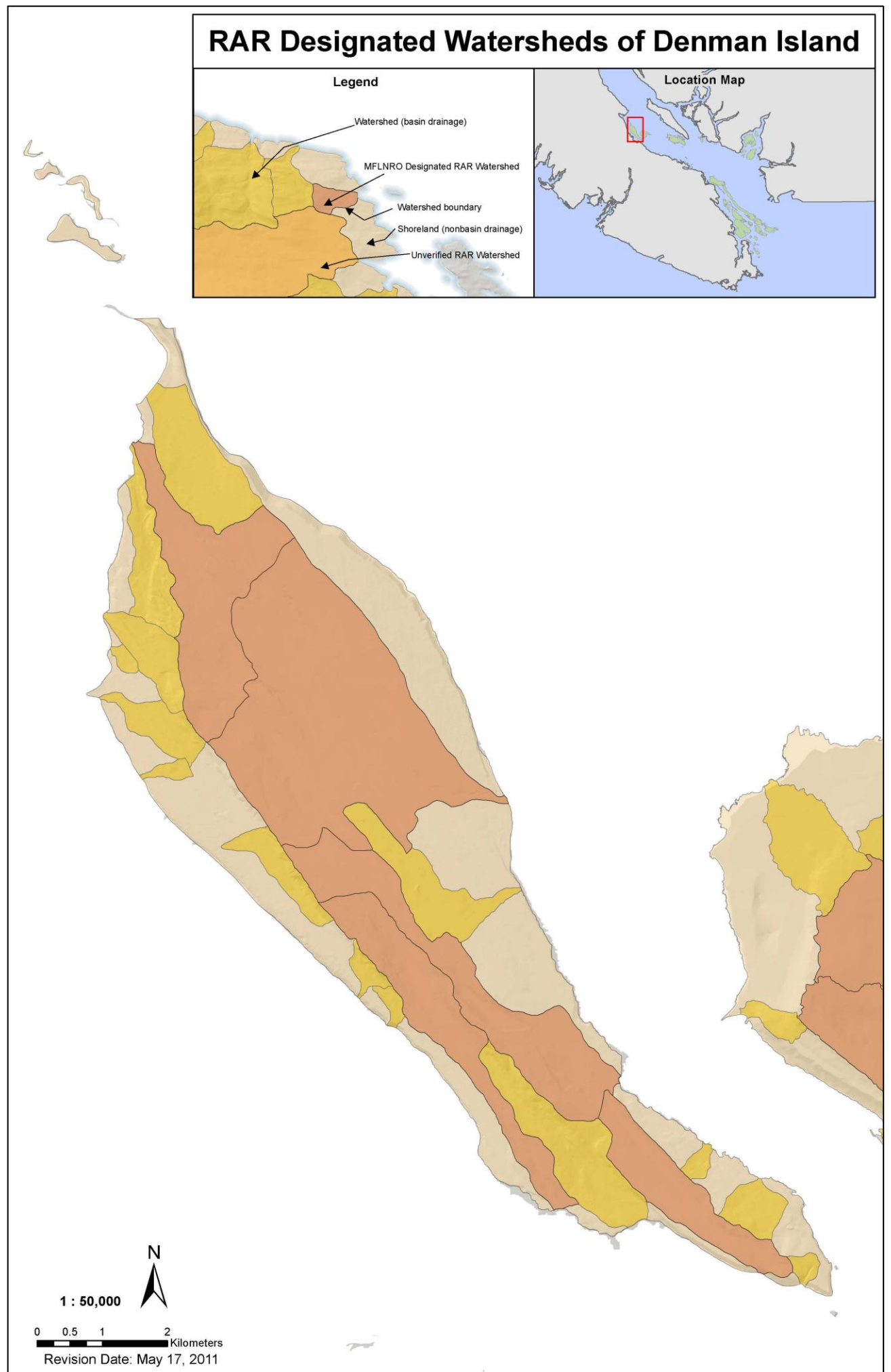
**Riparian Areas Regulation
Implementation on Denman Island**

There are currently five RAR designated watersheds on Denman Island. Mimulus Biological Consultants (of Courtenay, BC) will be collecting field data during February-March 2012 within the southern-most of these watersheds in order to verify which watercourses are potentially fish bearing and subject to RAR. Notices to property owners within the watershed have been sent to notify owners of the data collection phase of the project and to advise that access along private property will be required in order to complete the mapping portion of the project.

The Denman Island Local Trust Committee has requested budget from the Islands Trust to complete mapping for the remaining four RAR designated watersheds and will know in March, 2012 if it has been granted. At that time the Local Trust Committee will decide on a plan for further mapping and the next steps for the RAR Implementation Project. This project is anticipated to take 1-2 years to complete and will entail public consultation and input.

The Denman Island website will be updated regularly with information on the next steps of this project:
<http://www.islandstrust.bc.ca/>

For further information please contact Island Planner Courtney Simpson at csimpson@islandstrust.bc.ca or 250.247.2209 (toll free 1.800.663.7867)



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