

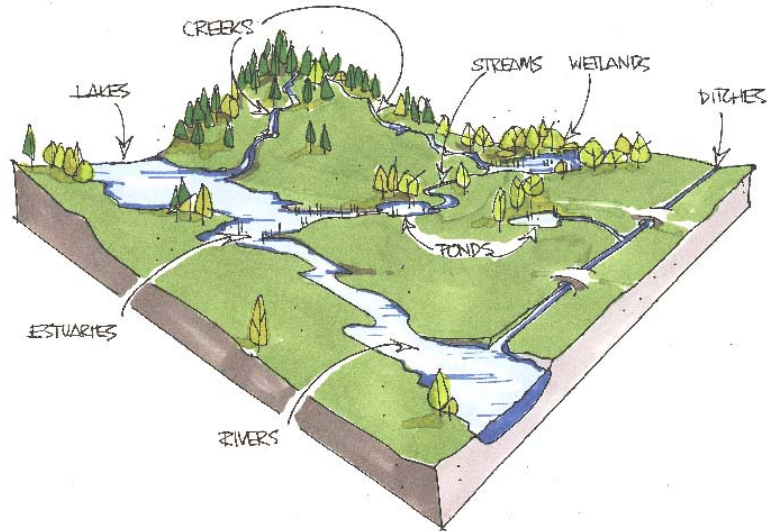
Riparian Areas Regulation Implementation on Salt Spring Island

Salt Spring Island is in the midst of an Official Community Plan (OCP) Review. This review focuses on the Environmental Development Permit Areas (DPA) including an effort to incorporate the Riparian Areas Regulation (RAR) into existing Development Permit Areas.

The Local Trust Committee is currently reviewing how best to implement RAR into the OCP through its development permit areas.

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.

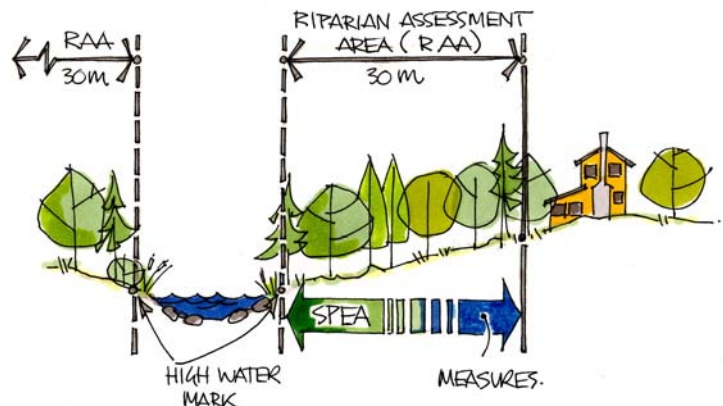


RIPIARIAN AREAS ARE ...

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.

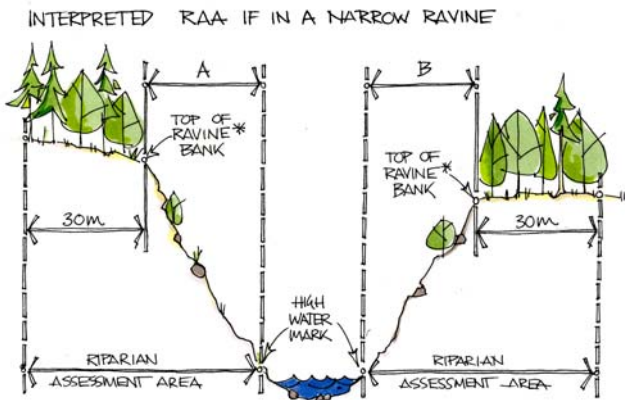
INTERPRETED RAA IF A STREAM



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

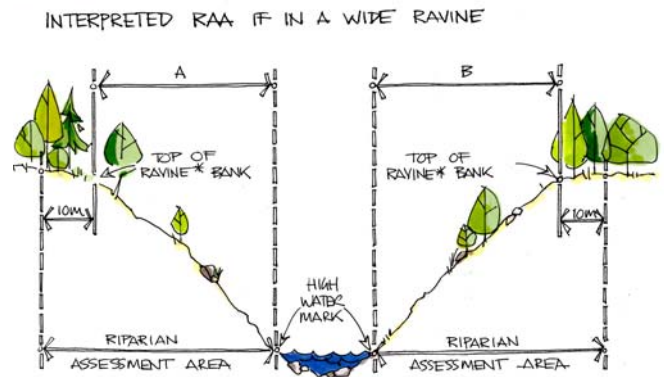
RAA - RIPARIAN ASSESSMENT AREA = WHERE THE ASSESSMENT OCCURS TO DETERMINE SPEA & MEASURES

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 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).



$A+B < 60m$ THEN RAA EXTENDS 30m FROM TOP OF RAVINE BANK

* RAVINE IS DEFINED AS BEING A NARROW, STEEP SIDED VALLEY THAT IS COMMONLY ERODED BY RUNNING WATER AND HAS A SLOPE GREATER THAN 3:1

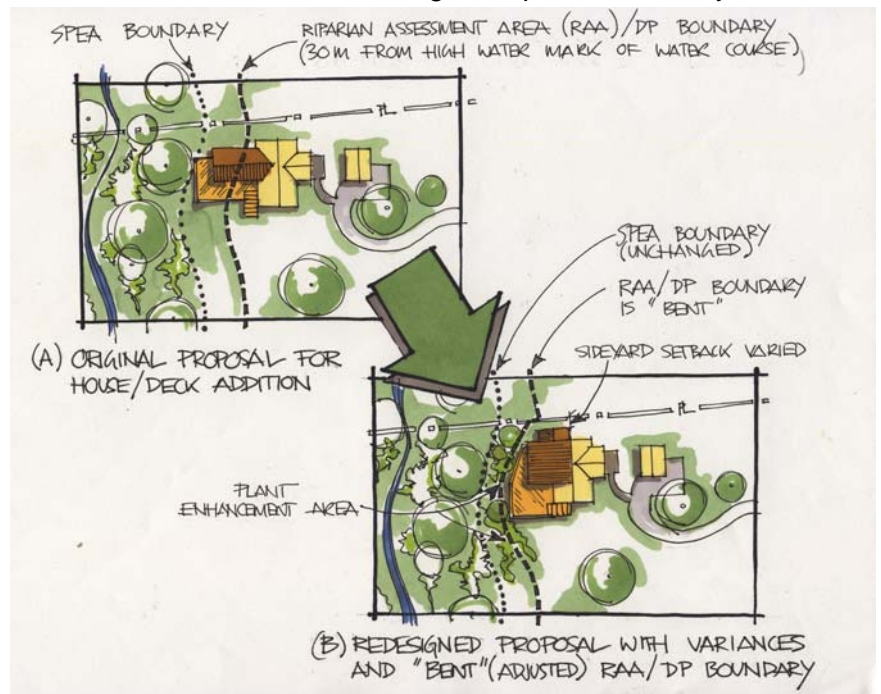


$A+B > 60m$ THEN RAA EXTENDS 10m FROM TOP OF RAVINE BANK

* RAVINE IS DEFINED AS BEING A NARROW, STEEP SIDED VALLEY THAT IS COMMONLY ERODED BY RUNNING WATER AND HAS A SLOPE GREATER THAN 3:1

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.
- Development permit areas (DPA) along watercourses on Salt Spring Island are not new. DPA4 exists currently with setbacks of 10 m on all streams, 61m on many lakes and Maxwell Lake has a 300m DPA surrounding it.
- 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.



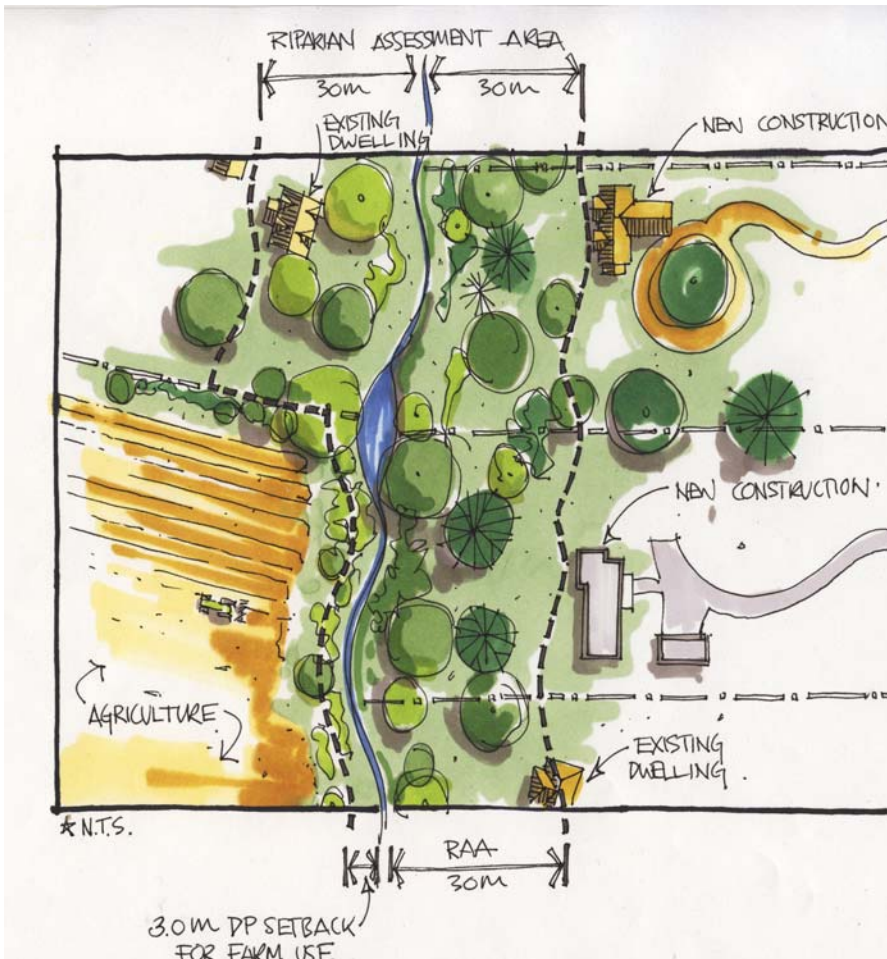
Development Permit or QEP Report Needed

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); and
- Development of new services (e.g. roads).

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.

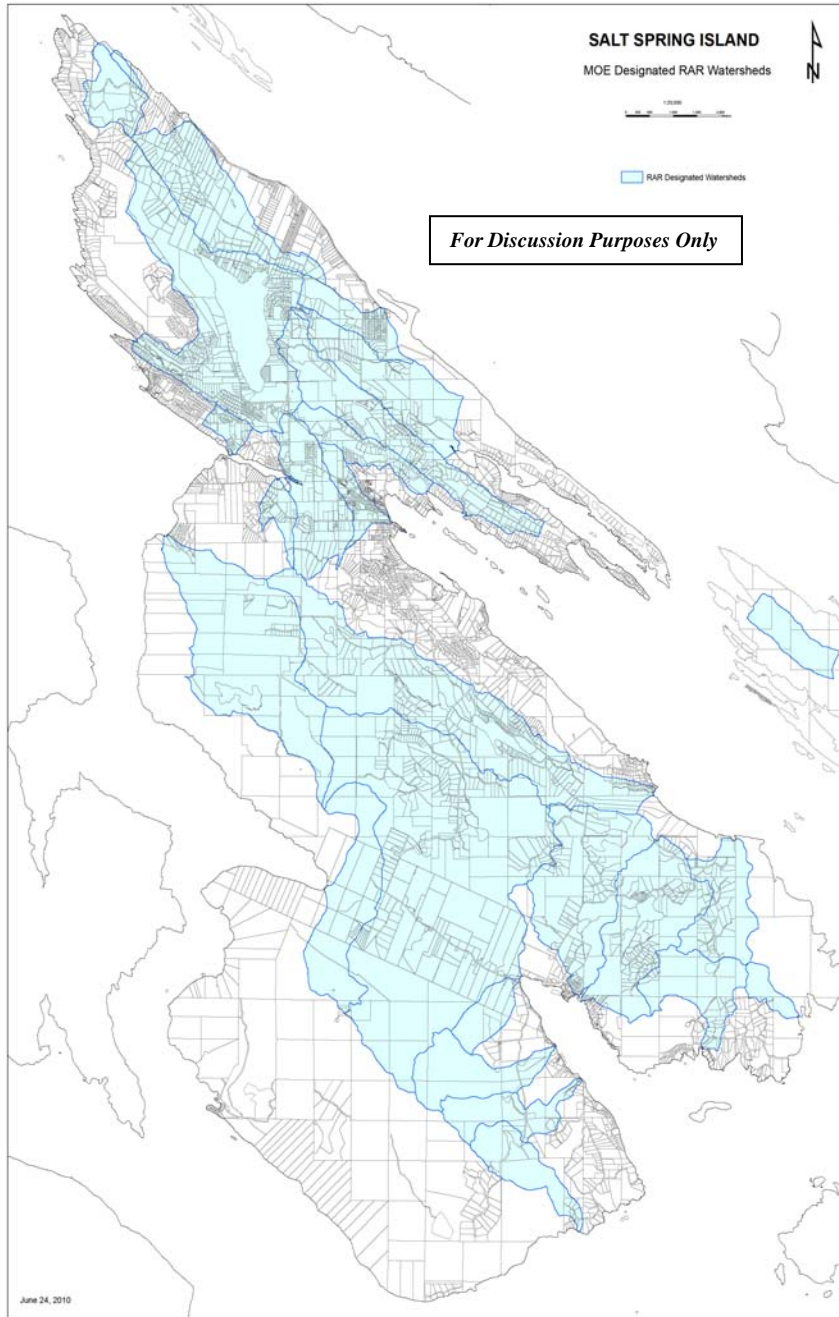


No Development Permit or QEP Report Needed

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 Salt Spring Island

On January 14, 2011, the Local Trust Committee gave direction to staff to review implementing the Riparian Areas Regulation through using a map which



indicates 24 RAR Designated Watersheds. These watersheds were identified through a study with UBC and the Ministry of Environment confirming in consultation with local experts that there are RAR designated watercourses within the watersheds.

Use of the mapping of the 24 RAR Designated Watersheds

When the mapping showing the 24 RAR Designated Watersheds was shown to the public, concern over how it would be implemented was raised. A couple of key points need to be understood in interpreting how the map may be used:

- If the 24 RAR designated watershed example is used, there would likely be exemptions beyond the 30 m or such tools as disclosure statements/affidavits for landowners/developers that they will sign stating that they are aware of RAR but that their development proposal will not be located in a Riparian Assessment Area (30 m).
- Due to RAR only applying adjacent to watercourses those developments beyond the RAA (generally 30 m) will be exempt. This is **key** to any interpretation being discussed. The development permits would in effect not be applicable to the entire shaded area as shown on the map just the watercourses.
- Any interpretation of the DPA has to be done in conjunction with objectives and guidelines which are not yet

written and will wait until public consultation is concluded before a draft bylaw is completed.

- That any draft mapping being used currently is for discussion purposes only and should not be viewed in isolation as to interpret how it might be used as a DPA. As with all DPAs it requires the objectives and guidelines to be interpreted properly.

See the Salt Spring Island's Trust website for information on the review process or how to stay involved:

www.islandstrust.bc.ca/ltc/ss/default.cfm

To submit comments by e-mail ssiinfo@islandstrust.ca