



June 27, 2008

File: 58000-35/05-IT13

Islands Trust Office
1 - 500 Lower Ganges Rd
Salt Spring Island BC V8K 2N8

FAXED

ATTENTION: Mark Brodrick
Island Planner

Dear Mark Brodrick:

Re: Implementation of the Riparian Areas Regulation (RAR)/Implications to the OCP

I wish to provide some clarity around how RAR will impact the OCP and Development Permits.

First, although the present OCP and Development Permit (DP) #4 do not specifically meet the requirements, RAR IS already in effect on Salt Spring Island and has been since the Regulation was implemented on March 31, 2006.

Consequently, we notified you (Islands Trust) that you must include riparian area protection provisions in your zoning bylaws and permits.

The proposed modifications to the OCP and DP #4 will make the implementation of RAR smoother and the process clearer for all Salt Spring Island residents.

Although you (Islands Trust) have not yet implemented a RAR compliant bylaw for Salt Spring Island, you must ensure that no development proceeds that is contrary to the regulation. It is the activity as defined in the definition of 'development' that triggers the requirement to meet the RAR directives, not the existence of the regulatory tools

The RAR requires that a riparian assessment be carried if any development is proposed within 30 metres of a fish-bearing watercourse. 'Fish-bearing' refers to watercourses which support salmon or trout, and the RAR applies to the entire watershed, even if fish are not present beyond a certain point. As not all watercourses on Salt Spring are fish-bearing, it does not apply to all watercourses.

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The 30 metre riparian assessment area, like DP areas, acts as a 'flag' – within it a qualified environmental professional (QEP) determines the actual setback distance, which is often less than the 30 metres. It is primarily within this lesser setback distance that there are restrictions on how the vegetation is maintained.

Another approach you may wish to consider when modifying your DP is to hire a QEP to pre-determine the setback distances on each section of the fish-bearing watercourses – a 'made on Salt Spring Island' solution. Then your DP would reflect only the setback area impacted, and not entire assessment area.

Having a riparian assessment done and following the resulting report helps ensure that property owners are not violating either the *Fisheries Act* or the *Water Act*. Hence it helps protect them from possible legal action.

I hope this provides some clarity around the proposed modifications to your Development Permit area. We are looking forward to helping you develop a solution which fits your needs as well as ours.

Yours truly,



P. M. Caskey
Sr. Ecosystems Biologist - Urban