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January 22, 2013

File Number: MA-04-1-2

via e-mail: [FLNR.Minister@gov.bc.ca](mailto:FLNR.Minister@gov.bc.ca)

The Honourable Steve Thomson  
Minister of Forests, Lands and Natural Resource Operations  
PO BOX 9049, STN PROV GOVT.  
Victoria BC V8W 9E2

Dear Minister:

**RE: Implementation of the Riparian Area Regulations on Mayne Island**

I am writing to convey a decision made regarding implementation of the Riparian Areas Regulation (RAR) at a recent meeting of the Mayne Island Local Trust Committee (LTC).

The LTC passed a resolution stating that the Mayne Island Local Trust Committee is not proceeding with implementing the RAR due to frustrations with the lack of clarity and contradictory information relating to the regulation.

The LTC and Islands Trust staff have been working with Qualified Environmental Professionals (QEPs) over the past several years to try to implement the RAR in a way that addresses the requirements of the legislation, the desires of the Mayne Island community, and the specific conditions found in the streams on Mayne Island.

A total of three QEP reports have been prepared, some commissioned by the Islands Trust and some by the Mayne Island Land Owners coalition. The combined cost of staff time and financial resources has been considerable.

The QEP reports indicated that there were no fish present in any of the streams on Mayne Island. The lack of clarity regarding the implementation of the RAR for streams that indicate an absence of fish has led to much of the confusion.

The LTC has directed staff to prepare an Official Community Plan amendment that will contain polices regarding the protection of riparian areas on Mayne Island. The LTC believes that existing regulations sufficiently address riparian area protection on Mayne Island.

Sincerely,

Peter Luckham  
Chair, Mayne Island Local Trust Committee  
[pluckham@islandstrust.bc.ca](mailto:pluckham@islandstrust.bc.ca)

cc: Elizabeth May, MP, Saanich Gulf Islands  
Gary Holman, MLA, Saanich North and the Islands  
Andy Witt, Manager, Habitat Management, FLNR  
Margaret Henigman, Ecosystems Biologist, FLNR  
Mayne Island Land Owners Coalition

**Subject:**Implementation of the Riparian Area Regulations on Mayne Island (204356)

**Date:**Wed, 5 Mar 2014 11:02:02 -0800

**From:**Minister, FLNR FLNR:EX <[FLNR.Minister@gov.bc.ca](mailto:FLNR.Minister@gov.bc.ca)>

**To:**Peter Luckham <[pluckham@islandstrust.bc.ca](mailto:pluckham@islandstrust.bc.ca)>

**CC:**Henigman, Margaret FLNR:EX <[Margaret.Henigman@gov.bc.ca](mailto:Margaret.Henigman@gov.bc.ca)>

Peter Luckman, Chair  
Mayne Island Local Trust Committee  
Islands Trust  
[pluckham@islandstrust.bc.ca](mailto:pluckham@islandstrust.bc.ca)

Dear Mr. Luckman:

Thank you for your letter of January 22, 2014, stating that the Mayne Island Local Trust Committee (LTC) has passed a resolution stating that you will not be implementing the Riparian Areas Regulation (RAR).

I appreciate that considerable effort has been taken to assess streams on the island, in an attempt to rule out the presence of fish. It is important however to realize that the RAR was created to ensure that, irrespective of present stream condition or fish presence, site potential is maintained to support future fish populations. Streams are defined in the regulation to include a watercourse, whether it usually contains water or not; a pond, lake, river, creek or brook; and a ditch, spring or wetland that is connected by surface flow to any of the aforementioned.

The RAR applies to these topographical features, even where fish are not present, provided there is the potential for fish habitat to be restored. Therefore, the RAR applies to Mayne Island streams where there is potential habitat and no permanent, natural barriers to fish. I understand from my staff that at least some of the Mayne Island streams could provide fish access should instream enhancements be carried out and where riparian vegetation is permitted to regenerate.

I recognize that there has been confusion over RAR implementation on Mayne Island. To assist you in gaining compliance with the regulation I have requested that ministry staff work with Islands Trust planners to resolve the technical issues impeding the implementation of RAR.

Please contact Margaret Henigman, Ecosystem Biologist, West Coast Region at 250 751-3214 or by email at [Margaret.Henigman@gov.bc.ca](mailto:Margaret.Henigman@gov.bc.ca) to set up a meeting to discuss the next steps to facilitate an outcome that is positive and compliant with the regulatory framework.

Thank you again for writing.  
Sincerely,

Steve Thomson  
Minister of Forests, Lands  
and Natural Resource Operations

pc: Margaret Henigman, Ecosystem Biologist, West Coast Region