



Memorandum

Date June 17, 2014 File Number 6500-20 (Mayne RAR)

To Mayne Island Local Trust Committee

From Gary Richardson, Island Planner

Re Riparian Areas Regulation Implementation Project

At the May meeting the LTC amended its Work Program to make implementation of RAR a Top Priority again. As this was a Priority previously, there were various staff reports prepared summarizing the RAR and the LTC's options for implementation (available on the [webpage](#)). The purpose of this memo is to outline the proposed next steps in the project.

Background

The LTC previously contracted two QEPs to provide reports on RAR applicable streams, both of which identified three streams as subject to the RAR. The Mayne Island Landowners Coalition also contracted two reports from a QEP to determine fish absence in two streams.

A legal opinion was obtained in January of 2012 which clarified several questions regarding the RAR and confirmed that the three streams are RAR applicable.

Ministry staff attended the May LTC meeting and confirmed that the streams on Mayne are subject to the RAR.

In summary, the Riparian Areas Regulation, enacted under Section 12 of the Fish Protection Act in July 2004, requires local governments to protect riparian areas during residential, commercial and industrial development by ensuring that proposed activities are subject to a science based assessment conducted by a Qualified Environmental Professional (QEP).

Proposed Next Steps

The LTC had previously supported pursuing compliance with the RAR through using a simple assessment method. In this approach a Development Permit Area (DPA) is established that may be less than the 30 metre Riparian Assessment Area (RAA) otherwise required. Undeveloped areas would likely retain a 30m SPEA and areas with a stream along the roadside or that are already heavily developed would likely have a smaller SPEA. Ministry staff confirmed at the May meeting that this approach would be possible.

Staff have also calculated the upper influence of tides on the three streams subject the RAR during a high tide in January of 2013. This calculation further reduced land at the mouth of the streams that is subject to RAR.

Staff is currently proposing that the existing QEP reports be used to determine the distances and measures required on various stream sections using a simple assessment method and incorporate them into a DP area.

This could be done by staff (possibly with review by a QEP) or a QEP could be retained under contract to do the analysis using the existing reports. Staff are recommending the second approach (using a contractor reporting to the planner) in order to protect limited planner time for the other LTC projects and current applications. The specific costs are not yet available, but the Regional Planning Manager has confirmed with the Director of Local Planning Services that funding would be made available to support the hiring of a contractor.

Staff will also work with the Mapping Coordinator to address the issue of the diversion on Montrose, the result may be that this portion of the stream is not included in a DPA until the final watercourse is determined by MFLNRO and MoTI.

The agricultural building setbacks recommended by the province could also be incorporated into this project.

In terms of timing, if a contract QEP is hired the proposal is that the work be conducted this summer, with final mapping available for the September meeting. Draft bylaw provisions for a DPA were also prepared previously and would be available for the September meeting. If staff were to undertake the simple assessment, it is unlikely that the work could be completed before the October meeting, given vacations and other on-going priorities.

Alternatively, the LTC could proceed with designating DPAs based on a 30 metre Riparian Assessment Area. In this option, no contract work would be required and bylaws could be available for consideration at the next meeting.

If the LTC supports proceeding as outlined in this memo (using a contract QEP to determine SPEA widths using the Simple Assessment Method), the LTC should consider a resolution requesting staff to report back with a draft project charter at the next meeting. Staff would proceed with retaining a contract QEP and undertaking a simple assessment.

Resolution Wording:

1. THAT the Mayne Island Local Trust Committee request staff to report back with a draft Project Charter for the RAR Implementation project based on the approach outlined in the staff memo dated June 17, 2014.

Pc Robert Kojima, RPM