

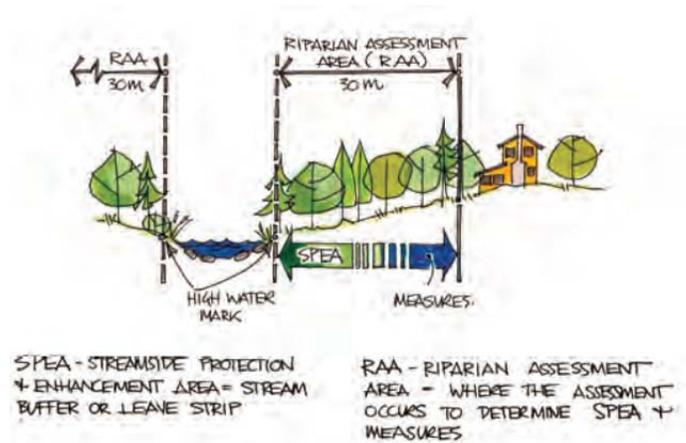
What is the Riparian Areas Regulation?

The Riparian Areas Regulation is a provincial regulation, enacted under s. 12 of the Fish Protection Act, which 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 applies to new residential, commercial and industrial development on land under local government jurisdiction. The regulations prohibit 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 province 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.

Where does the 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 provides 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 m of the stream provided the prescribed riparian assessment methods have been followed. The riparian assessment method requires a QEP to provide an opinion in an Assessment Report. In the assessment, the QEP will establish, on a site specific basis, which areas within the 30 m 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).



What type of development is subject to the RAR?

The types of development that are subject to a riparian area assessment are residential, commercial and industrial. Development is not limited to buildings; for example, land clearing within 30 meters of a stream for a driveway or for a trail that requires a development permit should not occur prior to submission of an Assessment Report.

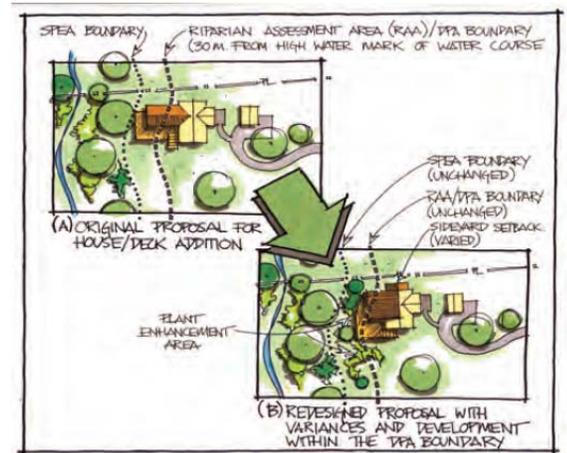
Development **not** subject to assessment includes: permits issued for repair or reconstruction of existing structures, pre-existing buildings or structures, agricultural activities, mining activities, hydroelectric facilities and forestry, parks, institutional development, and development on federal and First Nations lands.

The RAR DOES apply to the following activities:

- Construction of buildings and structures;
- Creation of non-structural impervious or semi-pervious 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 structures if the structure remains on its existing foundation; and
- Developments that have been approved but not yet built.



Do local governments have any new powers under the RAR?

The Regulation does not give local governments any additional powers for streamside protection. Rather, it requires local governments to use their existing land use planning and management powers under the *Local Government Act* to improve the protection of fish habitat.

Who is a Qualified Environmental Professional (QEP)?

A Qualified Environmental Professional is an applied scientist or technologist. He or she must be registered and in good standing in British Columbia with an appropriate professional organization, acting under the association's code of ethics and subject to disciplinary action by that association. The applicable professionals are Professional Biologists, Geoscientists, Foresters, Agrologists, and Technicians in the ASTTBC. To be able to certify that they are qualified to conduct the assessment methodology, the individuals must detail their area of expertise in the report, and their expertise must be relevant to the content of the report. The individual is considered a Qualified Environmental Professional only for that portion of the assessment that is within their area of expertise.

Some key facts about the RAR

- The RAR is a provincial regulation and there is not a choice in whether it gets implemented; only in how this is done.
 - Development permit areas which would implement the RAR do not restrict uses or density. They ensure that certain guidelines are followed and can impose conditions on development.
 - The RAR applies to the riparian areas generally defined as being within 30 m of a watercourse.
 - There does not need to be fish present in a stream for the RAR to apply, only fish habitat.
 - Any development beyond 30 m from a stream would be exempt from RAR.
 - RAR applies to residential, commercial or industrial activities and ancillary activities within a Riparian Assessment Area.
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