

June 3, 2011

File: 35850-08/RAR Islands Trust
Mayne Island

Robert Kojima
Regional Planning Manager
Islands Trust
200 - 1627 Fort Street
Victoria BC V8R 1H8

Dear Mr. Kojima:

I met last week with Mr. Dave Clough, Fisheries Consultant, and regional staff Ms. Margaret Henigman Ecosystems Biologist and Ms. Tracy Michalski Senior Fisheries Biologist to discuss the current level of stream assessment and fish presence information collected on Mayne Island. We considered the information which has been collected in relation to the interpretation of the Riparian Areas Regulation (RAR), the RAR Assessment Methodology, and other fish inventory techniques and situations. As well, I have consulted colleagues in headquarters and around the province with regard to the intent and application of the RAR.

The final consensus was to identify Campbell Creek as non-fish-bearing due to the presence of a natural barrier near its mouth, and to designate Deacon (Village Bay) Creek and Horton (Hunt's Brook) Creek as RAR streams. These streams cannot be ruled out as potential/suspected fish producing watersheds as they have reasonable gradients and no natural barriers to access by sea-going (anadromous) fish.

In considering the legislation, and after consulting with other RAR experts around the province, we have concluded that it would be impossible to prove complete and permanent fish absence in streams that have potential fish access from the ocean. Hence this letter replaces my previous correspondence, including the e-mail of March 31, 2010.

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The focus of appropriate fish inventory methodology relative to the RAR is on the presence of immitigable natural or permanent man-made barriers and not on the inventory for presence/absence of fish in the system. Therefore our decision is based on the presence or absence of barriers, the stream gradient, and surface flow connection. In that there are no permanent, immitigable barriers in these streams, their gradients are appropriate for all fish life stages and that there is surface flow connection to the Strait of Georgia, we have concluded that there is potential for fish presence in these streams and that the Riparian Areas Regulations apply. Although past land practices have impacted the watercourses resulting in few fish present today on Mayne Island, maintenance and future rehabilitation for proper function and condition of the riparian zone will provide better quality fish habitat in the future.

It is important to note that the RAR applies to all land uses except farming, institutional, forestry and mining activities. Consequently, while development activities associated with the construction of a residence or the operation of a commercial enterprise within 30m of the stream would trigger a RAR assessment, land uses associated with farming activities would not. This also means that the RAR can be consistently applied to all residential, commercial or industrial activities on lands within the two watersheds. This will be complemented by guidelines for setbacks affecting agricultural lands that have just been released, and which were developed to parallel the RAR. These guidelines can be found at:
http://www.agf.gov.bc.ca/resmgmt/sf/ag_bldgs_riparian_setbacks/index.htm.

Applying RAR to the two streams will, over time, promote the establishment of stable, riparian vegetation, thus minimizing sediment release and deposition in the valley bottom and reducing the need for ongoing instream dredging to maintain an open channel. As a result, the adverse impacts on downstream organisms from sediment and other pollutants flowing from upstream development will be reduced, both within the streams and in their estuaries.

There are several ways for local governments to implement the RAR – for instance, by identifying watershed boundaries or by mapping all stream courses. One implementation option applied by a few other local governments is to hire a Qualified Environmental Professional to pre-determine all Streamside Protection and Enhancement Areas (SPEA) in the community so that the setback distances are identified in the bylaw. In most other communities the local government has opted to require individual landowners to conduct a detailed or simple RAR assessment, to calculate a SPEA that is applied to a proposed development within the 30m Riparian Assessment Area (RAA). The 30 metre RAA flags the potential sensitivity surrounding a stream in the same manner that a development permit identifies areas, such as steep slopes, where development restrictions may be applied. This should not be confused with the final SPEA setback that is calculated by the qualified environmental professional for a development proposal.

I am available to answer your questions and to help you create the tools which work for your community.

Yours truly,



P. Marlene Caskey
Senior Urban Ecosystem Biologist
Resource Stewardship Division
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cc: Jeanine Dodds, Mayne Island Trustee
Colin Shew, Mayne Island Trustee
Gary Steeves, Chair, Local Trust Committee
Dean Mackay, Mayne Island Land Owners Coalition