



DATE OF MEETING: March 27, 2017
TO: Mayne Island Local Trust Committee
FROM: Gary Richardson, Island Planner
Southern Team

SUBJECT: Riparian Area Regulation Implementation

Location: Mayne Island Local Trust Area

RECOMMENDATION

- 1. That the Mayne Island Local Trust Committee direct staff to prepare a draft bylaw to establish a Riparian Area Regulation Development Permit area for Deacon Creek and Horton Creek.**
- 2. That the Mayne Island Local Trust Committee endorse the Riparian Area Regulation Development Permit area implementation project charter dated March 14, 2017**

REPORT SUMMARY

This report provides comment on the March 7, 2017 report prepared by Madrone Environmental Services Ltd. (Madrone) in which Madrone completed an assessment of three stream networks on Mayne Island in order to determine the applicability of the streams to the Riparian Area Regulation (RAR). Madrone also completed an overview of RAR Detailed Assessment on applicable streams to assist Islands Trust staff and the Mayne Island Local Trust Committee in establishing a refined Development Permit Area (DPA) that would be reflective of specific stream characteristics and RAR assessment methodology. The Madrone report dated March 7, 2017 is attached for the LTCs reference.

The report also recommends a course of action to implement RAR DPAs on the RAR applicable watercourses, within the Mayne Island Local Trust Area. A project charter is attached for the LTCs consideration.

In summary, staff is recommending that Riparian Area DPAs be implemented on Deacon Creek and Horton Creek using the DPA distances (including buffer areas) recommended in the Madrone report for the following reasons:

- Campbell Creek has been deemed to not be RAR applicable and therefore should not be included in the DPA;
- Deacon Creek and Horton Creek have been determined to be subject to the RAR and therefore should be have DPAs in place;

- The Streamside Protection and Enhancement areas (SPEAs) as identified in the Madrone report for Deacon Creek and Horton Creek have been calculated using RAR methodology and can be used as the basis for creating a DPA; and
- Buffer areas outside of the SPEA are required in order to contain measures to protect the SPEA in the event development occurs in the vicinity of the stream.

BACKGROUND

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). There have been various staff reports prepared summarizing the RAR and the LTC's options for implementation (available on the webpage).

The LTC previously contracted two Qualified Environmental Professionals (QEPs) to provide reports on RAR applicable streams, both of whom 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.

At its May 30, 2016 business meeting the LTC endorsed a project charter which directed staff to engage the services of a Qualified Environmental Professional (QEP) to review existing QEP reports and carryout further fieldwork to determine:

- If Horton Creek, Campbell Creek, and Deacon Creek are RAR applicable streams.
- Calculate the Streamside Protection and Enhancement Areas (SPEAs) using the detailed assessment method for watercourses deemed to be subject to the RAR.

As a result of the LTCs direction a QEP was contracted (Madrone Environmental Ltd.) and a report was prepared by the QEP titled "Review of Mayne Island Riparian Area Regulation Requirements – Recommendations Resulting from Application of the Detailed RAR Assessment Methodology". The Madrone report dated March 7, 2017 is attached for the LTCs reference.

ANALYSIS

Policy/Regulatory

Fish Protection Act:

The Fish Protection Act requires that local governments establish regulations to protect riparian areas.

Islands Trust Policy Statement:

It is the Object of the Islands Trust to "Preserve and protect the Trust Area and its unique amenities and environment of the Trust Area for the benefit of the residents of the Trust Area, and of British Columbia generally, in cooperation with municipalities, regional districts, improvement districts, other persons and organizations and the government of British Columbia."

It is a policy of the Islands Trust Council that local trust committees shall in their Official Community Plans and regulatory bylaws, address means to prevent further loss or degradation of freshwater bodies or water courses, wetlands or riparian zones and to protect aquatic wildlife.

Official Community Plan:

Development Permit Areas should be applied to environmentally sensitive areas.

Objective: To preserve and protect the natural environment of the Mayne Island Local Trust Area, the quality and quantity of its surface and ground water.

Issues and Opportunities

The provincial RAR requires local governments to use existing land use planning tools to protect fish habitat, including streams that are potentially fish-bearing. The recommended approach of establishing DPA for the two streams subject to the RAR on Mayne will provide certainty to landowners and to the LTC that activities undertaken adjacent to those watercourses are assessed in conformity with the Riparian Area Regulations.

Consultation

A community information meeting is recommended as part of the bylaw review process. Also the draft DPA bylaw will be forwarded to government agencies, First Nations and other groups and individuals as appropriate. If the draft DPA bylaw proceeds to public hearing all statutory notification requirements will be complied with.

Rationale for Recommendation

The provincial RAR requires local governments to use existing land use planning tools to protect fish habitat, including streams that are potentially fish-bearing. The recommended approach of establishing DPA for the three streams subject to the RAR on Mayne will provide certainty to landowners and to the LTC that activities undertaken adjacent to those watercourses are assessed in conformity with the Riparian Area Regulations.

NEX THE NEXT STEPS IN THE PROCESS ARE TO:

- Prepare a draft bylaw to create the RAR DPA.
- Schedule a Community Information Meeting
- Forward draft bylaw to First Nations and agencies.
- Proceed through the process to amend the OCP to establish the new DPA, including bylaw readings, public hearing, executive approval and ministerial approval.
- Implement the new DPA through landowner and contractor contact.

Submitted By:	Gary Richardson, Island Planner	March 13, 2017
Concurrence:	Justine Starke, A/Regional Planning Manager	March 15, 2017

ATTACHMENTS

1. Project Charter dated March 14, 2017
2. Report prepared by Madrone Environmental dated March 7, 2017