



Staff Report

Date May 24, 2016 File Number 6500-20 (Mayne RAR)

To Mayne Island Local Trust Committee
For Meeting of May 30, 2016

From Gary Richardson, Island Planner

Re Riparian Areas Regulation (RAR) Implementation

Purpose

The purpose of this staff report is to provide background on RAR implementation on Mayne Island and to provide a draft project charter to assist in the implementation of RAR for the Mayne Island Local Trust Area.

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.

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 2014 LTC meeting and confirmed that three streams on Mayne are subject to the RAR.

At its June 25, 2014 meeting LTC passed the following resolutions:

MA-2014-043

It was Moved and Seconded that Mayne Island Local Trust Committee direct staff to draft a Riparian Area Regulation bylaw, incorporating Trustee Crumblehulme's document.

MA-2014-044

It was Moved and Seconded that Mayne Island Local Trust Committee direct staff to draft Official Community Plan amendments indicating that Village Bay/Deacon Creek be Riparian Area Regulations compliant and that Horton Bay/Hunt Brook and Campbell Bay Creek be excluded due to natural barriers.

At its April 25, 2016 meeting the LTC reviewed a report regarding the implementation of the RAR prepared by Islands Trust staff and listened to a presentation on the RAR by Andrew Appleton from the Ministry of Forests, Lands and Natural Resource Operations. Ministry staff suggested that the LTC would benefit from having another QEP review the RAR with respect to Mayne Island.

At its April 25, 2016 meeting LTC passed the following resolution:

MA-2016-026

It was Moved and Seconded that the Mayne Island Local Trust Committee request staff to report back with a draft Project Charter for the Riparian Area Regulations Implementation project based on the approach outlined in the staff memo dated June 17, 2014.

Staff Comments

Further to the direction given by the LTC at its April 25, 2016 meeting staff has prepared a project charter for the LTC's review. The charter envisions a QEP to be retained to carry out a peer review of existing QEP reports, review methodology used to identify RAR applicable streams and to provide a further report regarding RAR applicability on Mayne Island.

Once the QEP report is received by staff and presented by the QEP at an LTC meeting staff will prepare a report and make a recommendation regarding next steps for RAR implementation for Mayne Island.

Resolution Wording:

1. THAT the Mayne Island Local Trust Committee approve the Project Charter for RAR Implementation outlined in the staff report dated May 24 17, 2016.

Prepared and Submitted by:

Gary Richardson

May 24, 2016

Date

Concurred in by:



May 24, 2016

Robert Kojima
Regional Planning Manager

Date

Attachments: Project Charter

RIPARIAN AREA REGULATION IMPLEMENTATION - Charter

v1 May 24, 2016

Mayne Island Local Trust Committee

Purpose: Review previous reports prepared for the Mayne Island Local Trust area by Qualified Environmental Professionals (QEPs), carryout fieldwork and to prepare further QEP report sufficient to implement the Riparian Area Regulations (RAR) within the Mayne Island Local Trust Area-

Background: The LTC previously contracted two 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. Ministry staff attended the April 25, 2016 LTC meeting and suggested that a QEP be retained to carry out a review of previous QEP reports and further review streams on Mayne Island

Objectives

- To determine if existing QEP reports are sufficient to implement the RAR.
- Ensure QEP reports followed appropriate methodology to identify streams subject to the RAR.
- Implement RAR for the Mayne Island Local Trust Area.

In Scope

- QEP to carry out a peer review of existing QEP reports
- QEP to carryout fieldwork and office work necessary to provide sufficient information for Island Trust staff to implement the RAR for the Mayne Island Local Trust Area

Out of Scope

- Additional or extra ordinary community consultation
- Amendments to bylaws

Workplan Overview

Deliverable/Milestone	Date
1) Draft terms of Reference for QEP	June 2016
2) Retain QEP	July 2016
3) QEP to review existing QEP reports and carryout further fields work if required	August—September 2016
3) QEP to prepare report	September 2016
5) Staff to review QEP report and prepare a staff report and provide recommendation proceeding with RAR implementation	October 2016
6) Prepare new project charter if LTC determines OCP amendments are required.	November/December 2016

Project Team

Gary Richardson, Island Planner	Project Manager
Sharon Lloyd-deRosario	Admin support
Regina Robinson	Admin support
Barb Dashwood	GIS support

Budget

Budget Source:

Fiscal	Item	Cost
2016/17	QEP	7000.00
2016/17	contingency	2000.00
	Total	9,000.00

RPM Approval:

Date:

LTC Endorsement:

Resolution #: