

CITY OF BURNABY

ENVIRONMENT AND WASTE MANAGEMENT COMMITTEE

HIS WORSHIP, THE MAYOR
AND COUNCILLORS

RE: STREAMSIDE PROTECTION REGULATIONS

RECOMMENDATION:

1. **THAT** Council receive this report for information.

R E P O R T

The Environment and Waste Management Committee, at its Open meeting held on 2001 February 13, received and adopted the *attached* report outlining the provincial streamside protection regulations. The Committee advised that the regulations contain streamside protection area setbacks which can be varied through two mechanisms: one, variance applications to the Environmental Review Committee and two, local area or watershed plans with revised setbacks approved by senior government environmental agencies. The Committee concluded by noting that the City has been working with senior governments to anticipate and prepare for the new regulations in a variety of ways including development of an intergovernmental co-operation agreement, initiation of an Environmental Review Committee (ERC) and conducting watershed appraisals.

Respectfully submitted,

Councillor D. Johnston
Chair

Councillor C. Redman
Vice Chair

Councillor B. Der
Member

<p>: COPY - CITY MANAGER - DIRECTOR ENGINEERING - DIRECTOR FINANCE - DIR. PLNG. & BLDG. - DIR. PARKS, REC. & CULT. SERV.</p>
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TO: CHAIR AND MEMBERS
ENVIRONMENT AND WASTE
MANAGEMENT COMMITTEE

February 8, 2001

FROM: DIRECTOR PLANNING AND BUILDING

OUR FILE: 11.210

SUBJECT: STREAMSIDE PROTECTION REGULATIONS

PURPOSE: To update the Environment Committee on the newly proclaimed Streamside Protection Regulations and the City's work to prepare for implementation

RECOMMENDATION:

1. **THAT** this report be received for information purposes

REPORT

1.0 BACKGROUND

On January 19, 2001 the Provincial government enacted Streamside Protection Regulations to support the 1997 Fish Protection Act. The province conducted detailed consultations prior to enacting these Regulations, including pilot projects in Burnaby and other selected municipalities. The Regulations largely reflect the recommendations of these pilot projects and subsequent consultations with the Union of British Columbia Municipalities (UBCM).

2.0 SUMMARY OF STREAMSIDE PROTECTION REGULATIONS

The content of the Regulations is almost identical to that reviewed by City staff and the Environment Committee in October 2000. The Regulations contain streamside protection area setbacks (*Attachment 1*). It is the intent of the Provincial government that these setbacks supercede the setbacks as outlined in the Land Development Guidelines. The Federal government have yet to officially confirm this approach. The setbacks are in a similar range to the Land Development Guidelines (15 - 30m), but the criteria for how they are to be applied is different. Setback criteria are not linked to specific land uses, but rather focus on streamside vegetation conditions and whether the stream is fish-bearing and is permanent.

The setbacks can be varied through two mechanisms:

1. Variance applications to the Environmental Review Committee (including City and senior government staff); and
2. Local area or watershed plans, with revised setbacks approved by senior government environment agencies.

Local governments have up to 5 years to establish streamside protection and enhancement areas, as a means for implementing the Regulations. The Regulations are to be supported by Intergovernmental Cooperation Agreements, that include provisions for financial and technical support, clarification of roles and responsibilities, and a dispute resolution process. The specifics of these provisions are not known at this time.

In previous reviews of the draft Regulation, the City had concerns about liability, funding and resourcing, federal government approvals, and the ability to implement the setbacks in an urban setting. The Regulations identify the Intergovernmental Cooperation Agreement as a mechanism for resolving these outstanding issues.

3.0 CITY IMPLEMENTATION OF REGULATION

Over the past year, the City has been working with senior governments to anticipate and prepare for the new regulations including the following:

1. **Development of an Intergovernmental Cooperation Agreement.** In October 2000, Council directed staff to initiate discussions with senior governments to develop an Intergovernmental Cooperation Agreement for environmental issues. City staff have begun this process.
2. **Initiation of an Environmental Review Committee (ERC).** The ERC has been functioning for the past 2 years. The City will work with Senior Governments to continue to refine the ERC process to meet the Streamside Protection Regulations, and provide developers with a clearer more streamlined process for developments close to watercourses.
3. **Watershed Mapping and Appraisals.** Individual applications to the ERC can best be reviewed in the context of the entire watershed. To understand the context, it is important to determine existing fisheries values of the watercourse, limiting factors to fisheries productivity, and potential enhancement and compensation opportunities. This overview information is not available in a consistent summary format for Burnaby watercourses.

To help provide this needed information, the City obtained funding from the Urban Salmon Habitat Program (USHP) for the year 2000-2001, to conduct Watershed Appraisals of watercourses within the City. A fisheries biologist is collating existing fisheries information on each watercourse, conducting field assessments, confirming existing mapping, and producing written watershed appraisals.

The watershed appraisals are tied closely to GIS-based watershed mapping. The mapping includes digital orthophotos, watercourses, the underground stormwater network, property lines, contours, and watershed catchment areas. In the long-term this mapping may be publically available through the City Webmapping project.

The appraisals are valuable for several purposes:

- Providing background information on watershed and fisheries for reviewing ERC applications;
- Setting direction for potential cost-effective fisheries enhancement projects;
- Providing base information for determining revised stream setbacks under watershed or local area plans (see below); and
- Identifying data gaps that should be filled by future monitoring.

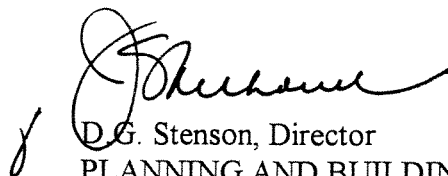
The 2000 - 2001 USHP will allow the City to complete appraisals for all north and south slope streams. The City has applied for 2001 - 2002 USHP funding to complete appraisals for the Brunette Watershed. The City is working to integrate BCIT mapping into the watershed appraisal process. The watershed appraisal initiative has been developed through close collaboration between City Planning and Engineering Departments, and has involved consultation with stewardship groups, BCIT, and senior government agencies.

4. Determining revised stream setbacks under local area plans. The Streamside Protection Regulations allow municipalities to revise the default stream setbacks, through planning and consultation with senior governments. Setback revisions can be considered for factors such as biophysical conditions, existing parcel size, and existing roads, works or services. The City will examine stream setback requirements during local area planning processes. For example, the City is currently determining setbacks as part of the Byrne Road - Marine Way Commercial Precinct Plan and the Burnaby Mountain Community Plan. These Plans will be reviewed and approved by senior governments, and will then supercede the default setbacks outlined in *Attachment 1*.

4.0 CONCLUSION

Over the past year, the City has been preparing for the new Streamside Protection Regulations, through the actions identified above. The Regulations will build on and integrate into existing City environmental planning and review processes. Current practices already

reflect many features of the new Regulations. To a large degree the issues previously raised by the Committee and Council will be dealt with through the Intergovernmental Cooperation Agreement. Full implementation of the Regulations will nonetheless require considerable work for the City, working in close collaboration with senior government agencies, landowners, and developers. Additional funding will be sought from the Province to assist in implementing the regulations.


D.G. Stenson, Director
PLANNING AND BUILDING

RW:sa

Attachment

cc: City Manager
Director Engineering
Director Parks, Recreation and Cultural Services
Director Finance
City Solicitor

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Summary of Streamside Protection Area Setbacks

Existing or Potential Streamside Vegetation Conditions	Streamside Protection Area Widths		
	Fish Bearing (all streams)	Non Fish Bearing	
		Permanent	Non Permanent
> 30 metres	at least 30 metres	at least 15 metres	
>15 to 30 metres	The greater of: - existing - potential, or - 15 metres	at least 15 metres	
<15 metres		at least 5 and up to 15 metres	