

TO: CITY MANAGER 2003 August 06
FROM: DIRECTOR PLANNING AND BUILDING OUR FILE: 11.210
SUBJECT: STRATEGIC OVERVIEW OF FISHERIES RESOURCES IN BURNABY
PURPOSE: To provide additional information on the *Strategic Overview of Fisheries Resources in Burnaby*.

RECOMMENDATIONS:

1. **THAT** Council approve the distribution and use of the report *Strategic Overview of Fisheries Resources in Burnaby*, Volume 1: Introduction” as a resource document through the City’s web site and in hard copy.
2. **THAT** staff continue to monitor potential changes to the Provincial Streamside Protection Regulations and report to Council as necessary.
3. **THAT** the pending Volumes 2 - 4 of the *Strategic Overview of Fisheries Resources in Burnaby* be brought back to the Environment Committee and Council with recommendations on completion.

REPORT

1.0 BACKGROUND

In May 2003, the Environment Committee forwarded a report on the *Strategic Overview of Fisheries Resources in Burnaby* to Council. In reviewing the report, Council asked staff to clarify the current status of the provincial Streamside Protection Regulations, an assessment of the City’s Environmental Review Committee, and the expected completion date and review processes for future volumes of the *Strategic Overview of Fisheries Resources in Burnaby*. The following report responds to these questions.

2.0 PROVINCIAL STREAMSIDE PROTECTION REGULATION

The Streamside Protection Regulation (SPR) was enacted by the Provincial Government in January 2001, and requires local governments to establish streamside protection and enhancement areas within 5 years. While the Regulation and requirements have not changed since enactment in January 2001, the Province has been reviewing the legislation since late 2001. To date, no changes have been made to the Regulation, so the requirement remains for municipalities to establish streamside protection areas by 2006.

The Federal Department of Fisheries and Oceans (DFO) regard the SPR setbacks as an update to the *Land Development Guidelines for Protection of Aquatic Habitat* setbacks, and thus, a guide on how to avoid contravening the Federal Fisheries Act. Since 2001, DFO has noted that if landowners comply with the SPR setbacks, they meet federal requirements. If it is infeasible to meet these setbacks, the City coordinates an Environmental Review Committee (ERC) process with the DFO, where landowners can obtain variances to the setbacks (see description below). This ERC has been running since 1998.

City staff will continue to monitor any provincial changes to the SPR, and will report back to Council accordingly. If the SPR remains unchanged, staff will report back on how the City can establish streamside protection areas by 2006.

3.0 THE CITY'S ENVIRONMENTAL REVIEW COMMITTEE

Most of Burnaby is already developed, so many development and redevelopment applications do not meet stream setbacks as outlined in the federal/provincial publication the *Land Development Guidelines for Protection of Aquatic Habitat* or in the Streamside Protection Regulation. Historically, developers had to contact federal and provincial fisheries agencies to obtain approval for narrower setbacks. If approval was not obtained, the developer risked being in contravention of senior government regulations. Approvals were often extremely time-consuming or difficult to obtain.

Since 1998, the City has sought to streamline this "variance" process by coordinating an Environmental Review Committee. This Committee includes representation from senior government fisheries agencies, and City staff from Planning, Engineering, Building and Parks. The Committee reviews development applications which are unable to meet the setbacks prescribed in the Land Development Guidelines. If setbacks are achieved, then no review is required. Since 1998, over 110 projects have been reviewed. From 2001, the fisheries agencies have taken the SPR setbacks as an update to those in the *Land Development Guidelines*.

In staff's experience, the ERC has allowed the development of pragmatic, site-specific solutions, in accordance with City plans and senior government regulations. Environmental setbacks such as those outlined in the SPR (5 - 30 metres) are not always feasible in an urban context, and the ERC presents a forum for flexible solutions. While riparian setbacks have been reduced for specific sites, an overall net environmental gain has been achieved through this process, through rehabilitation, mitigation, and compensation works. In the view of staff, the existing ERC is a valuable variance opportunity within our development review process.

Senior government representation is critical for these meetings. In 2002, the Provincial Government stopped attending for budget reasons. The Federal Government continues to be represented.

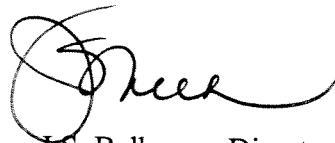
4.0 COMPLETION DATES FOR VOLUMES 2 - 4 OF THE STRATEGIC OVERVIEW

Volumes 2 - 4 provide fisheries appraisals of individual watercourses within the City. Each Volume will be forwarded to the Environment Committee and Council with recommendations. Expected completion dates for Volumes 2 - 4 are by spring 2004.

5.0 CONCLUSIONS

Effective decision-making requires a good understanding of the resources in question. The City's *Strategic Overview of Fisheries Resources in Burnaby* is a proactive documentation of Burnaby's fisheries habitat resources. The document is designed to provide information for land use planning and management initiatives (e.g., local area plans, park plans, transportation plans, individual site works, land management, and stewardship initiatives) and inform stormwater management (e.g., Integrated Stormwater Management Plans, infrastructure works, and servicing requirements). The document should improve understanding of fisheries resources, help evaluate the fisheries implications of land use planning and servicing alternatives, help identify priority areas of fisheries concern, and assist in the selection of cost-effective habitat enhancement opportunities.

It is recommended that Council approve the distribution and use of the report *Strategic Overview of Fisheries Resources in Burnaby*, Volume 1: Introduction as a resource document through the City's web site and in hard copy. Pending Volumes 2 - 4 of the *Strategic Overview of Fisheries Resources in Burnaby* will be brought back to the Environment Committee and Council with recommendations within the next year. Staff will continue to monitor any changes to the Provincial Streamside Protection Regulations and report to Council as necessary.



J.S. Belhouse, Director
PLANNING AND BUILDING

RW/sla/jc

cc: Director Engineering
Director Parks, Recreation & Cultural Services

