

Item	08
Manager's Report No.	22
Council Meeting	04/08/23

TO: CITY MANAGER 2004 August 17

FROM: DIRECTOR PLANNING AND BUILDING FILE: 31000 01
DIRECTOR ENGINEERING

SUBJECT: RIPARIAN AREA REGULATION UPDATE

PURPOSE: To update Council on the new Provincial Riparian Area Regulation.

RECOMMENDATION:

1. **THAT** a copy of this report be forwarded to the City's Environment Committee.

REPORT

1.0 INTRODUCTION

As reported at the 2004 May 17 Council meeting, the Province has been considering amending the Streamside Protection Regulation (SPR). Council has expressed concern that local governments be fully consulted on any changes to the SPR. On 2004 July 27, the Province enacted the changes, by repealing the SPR and introducing a new Riparian Area Regulation (RAR).

2.0 THE RIPARIAN AREA REGULATION

The Riparian Area Regulation (RAR) will come into effect on 2005 March 31. Before that date, the Province will prepare an Implementation Guidebook to clarify roles and responsibilities for implementing the regulation. The RAR is supported by the federal Department of Fisheries and Oceans (DFO). The Union of British Columbia Municipalities (UBCM) has committed to two joint Provincial/UBCM reviews on the status and preparedness for implementing the regulation - on 2004 October 15 and 2004 December 15. UBCM and the Province are also hosting workshops with local government staff and at the UBCM convention in September 2004.

The core of the new RAR is similar to the old SPR, in that it prescribes that development be set back a certain distance from watercourses. The RAR provides two different methodologies for prescribing the setback areas - one method based on the old SPR, and the other method based on detailed assessment practices adapted from forest management. Both methods require the expertise of a qualified environmental professional, who will be hired by the project proponent to determine the appropriate setback from the watercourse. Some definitions have varied from the old SPR. The RAR still only applies to industrial, residential

and commercial land uses and covers the same land base as the old regulation, except that the City of Vancouver is now excluded.

3.0 IMPLICATIONS OF THE NEW REGULATION

As Council will recall, the City and UBCM have been concerned that any riparian regulation must meet the following criteria:

- Provide liability protection for local government when making land use decisions based on a report by a Qualified Environment Professional on fish habitat;
- Ensure that no new responsibilities are downloaded on local government and that all training costs and management costs required to implement the new regulation are paid for by either the federal or provincial government;
- Ensure the process is timely and cost effective, from the community perspective;
- Ensure an integrated approach is implemented to avoid conflicts between the different levels of government;
- Ensure that a balance is maintained between development and protection of the environment; and
- Extend to all land uses.

As previously indicated, staff have worked with other municipal environmental managers to outline a matrix of specific questions linked to each of these criteria (this matrix was provided to Council in the June 14, 2004 Council report, and forwarded to UBCM and the Provincial and Federal governments). The Province has sought to address the issues at a general level in materials provided with the regulation. While these materials are useful, many detailed questions in the matrix are still outstanding. The Province has noted that detailed questions will be clarified through the forthcoming workshops with local governments, and through the forthcoming Implementation Guide. Staff will contact the Province and UBCM to confirm that the forthcoming workshops will specifically address the issues outlined in the matrix. Questions include resourcing, the role of the Environmental Review Committee, pilot projects, detailed liability protection issues, auditing of consultant work, monitoring, and enforcement.

As Council will recall, the City and many other local governments have prepared a draft resolution for the fall UBCM convention, proposing that UBCM not sign a tripartite participation agreement until completion of a comprehensive legal and logistical review of

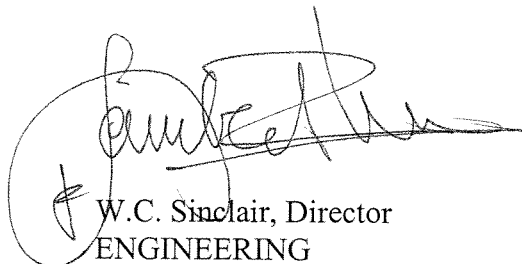
the RAR by an objective party to identify, assess, and address the implications of the Regulation to local governments. The draft resolution also requested full involvement in the development of the Implementation Guidebook and development of the RAR monitoring and enforcement strategy. This resolution is still very relevant in order to clarify all the details of implementing the regulation.

4.0 CONCLUSION

The new Riparian Area Regulation is an amendment to the old Streamside Protection Regulation and affects the way the City and developers work around watercourses. The support of the Department of Fisheries and Oceans for the revised regulation is positive, in that it reduces potential duplication of legislation. Numerous operational and implementation issues remain outstanding, and the Province has noted that they will respond to these issues through working sessions and the development of an Implementation Guide. City staff will continue to work with municipal environmental managers, UBCM, and the provincial and federal governments through these processes, and will report back to Council as implementation details and implications are clarified.



J.S. Belhouse, Director
PLANNING AND BUILDING



W.C. Sinclair, Director
ENGINEERING

RW/sla

cc: Director Parks, Recreation and Cultural Services
City Solicitor

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