

# **Riparian Areas Regulation Implementation Guidebook**

**January, 2006**

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Ministry of Environment, Ecosystems Branch**

# Presentation Objectives


1. Purpose of Implementation Guidebook
2. Overview of Implementation Guidebook
3. Updates to Implementation Guidebook
4. Website & Government Search for Assessments

# Guidebook Purpose

The primary purpose of the guidebook is to assist local governments, landowners, developers, community organizations and QEPs:

- understand what the legal requirements of the Riparian Areas Regulation are;
- understand the process for seeking development approval under the Regulation;

# Guidebook Purpose cont.

- be aware of the assessment process that can be used to protect the biological function of riparian areas;
  - to provide guidance in applying the Regulation, and
- 

# Guidebook Purpose cont.

- outlines the roles and responsibilities of governments, QEPs and proponents (landowners and developers) in implementing and complying with the Regulation.

# Updating

Input received from:

- Working group representatives from MOE, DFO, UBCM, Local Governments (including: Nanaimo, Surrey & Kelowna), QEP's
- Key focus was on Section 3 (Process for Seeking Project Approval).

# Updating cont.

Review took into consideration:

- Local Government Process
  - RAR Notification System
  - Assessment
- 

# Guidebook Contents

## ➤ 1. **Introduction**

Background; Where does the RAR apply; What types of development; Local governments requirements to meet the RAR; Other environmental concerns, & Riparian assessment areas and Assessment Reports



# Guidebook cont.

## ➤ 2. Roles and Responsibilities

MOE, DFO, Local Governments,  
Qualified Environmental Professional,  
& Proponents

# Guidebook cont.

## ➤ 3. **Process for seeking project approval under RAR**

Overall process, Activities permitted within a SPEA, Activities not permitted within a SPEA, & Adjustment to SPEA widths

# Guidebook cont.

## ➤ 4. **Implementation Tools for Local Government**

Overview, Basic requirements,  
Legislative Tools, & Approaches to  
Implementing the Riparian Areas  
Regulation

# Guidebook cont.

## ➤ 5. **Compliance Monitoring and Enforcement**

Compliance monitoring,  
Effectiveness monitoring, Local  
government enforcement tools,  
Education, & Enforcement roles

# Guidebook cont.

## ➤ Appendix

- Local Government Pilots
- Notification system
- Example letters

# Update to Guidebook

- **Section 1.1 Introduction to RAR**
  - Refer to LG's prior to making land use decisions
- **Section 1.4 What types of development does the RAR not apply?**
  - Section 911 (8)
  - Institutional developments

# Update to Guidebook

- **Section 1.6 Other Environmental Concerns**
  - Stormwater management, including GVRD/LWMP
  - DFO Operational Statements – as part of measures to reduce Authorizations

# Update to Guidebook

- **Section 1.7 Riparian Assessment Areas & Assessment Reports**
  - Clarification of when to apply *measures* for simple and detailed assessment (*simple* - SPEA includes *measures*, whereas in the *detailed* - *measures* are in addition to SPEA).



# Update to Guidebook

## ➤ Section 2.5 Proponent

- Refer to LG's prior to making land use decisions

# Update to Guidebook

- **Section 3.1 Overall Process**
  - Revised flow chart to define process for seeking approvals under RAR  
(**Figure 3-1**)

# Update to Guidebook

- **Section 3.2 Activities permitted within a SPEA**
  - Instream Works – riparian area crossings
  - Fish Habitat Enhancement
  - Siting of small out buildings (<9.29m<sup>2</sup>) except Greenfield developments

# Update to Guidebook

- **Section 3.3 Activities not permitted within a SPEA**
  - Trails
  - Landscaping
  - Stormwater infrastructure

# Update to Guidebook

- **Section 3.4.1 Small modifications to SPEA**
  - Intended for use by Local Government on small urban lots, not Greenfield developments
  - To be considered in conjunction with front, back and side lot setback adjustments
  - Must be coordinated with QEP

# Update to Guidebook

## ➤ Section 3.4.1 Small modifications to SPEA

- Overall riparian area remains the same
- SPEA boundary not less than 10m from high water mark
- QEP must still submit Notification
- Local Gov flex (use of discretionary tool is entirely the choice of the local government.) and should be used in combination with Appendix 3.

# Update to Guidebook

## ➤ Appendix 3 Sample letter

- Notify the Province that a local government has chosen to use the flex option

# Update to Guidebook

- **DFO Regional Operating Statements**
- Chapter 1 has a list of these and explains how they are intended to be used
- Plan to develop additional ROS for lake views/ lake access/ and low impact trail construction



# Guidebook

## ➤ Requests for Adjustments

- Justified only where an unreasonable restraint or hardship on the use or development of the property exists
- Special circumstances that give rise to hardship that are unique to the property in question

# Guidebook

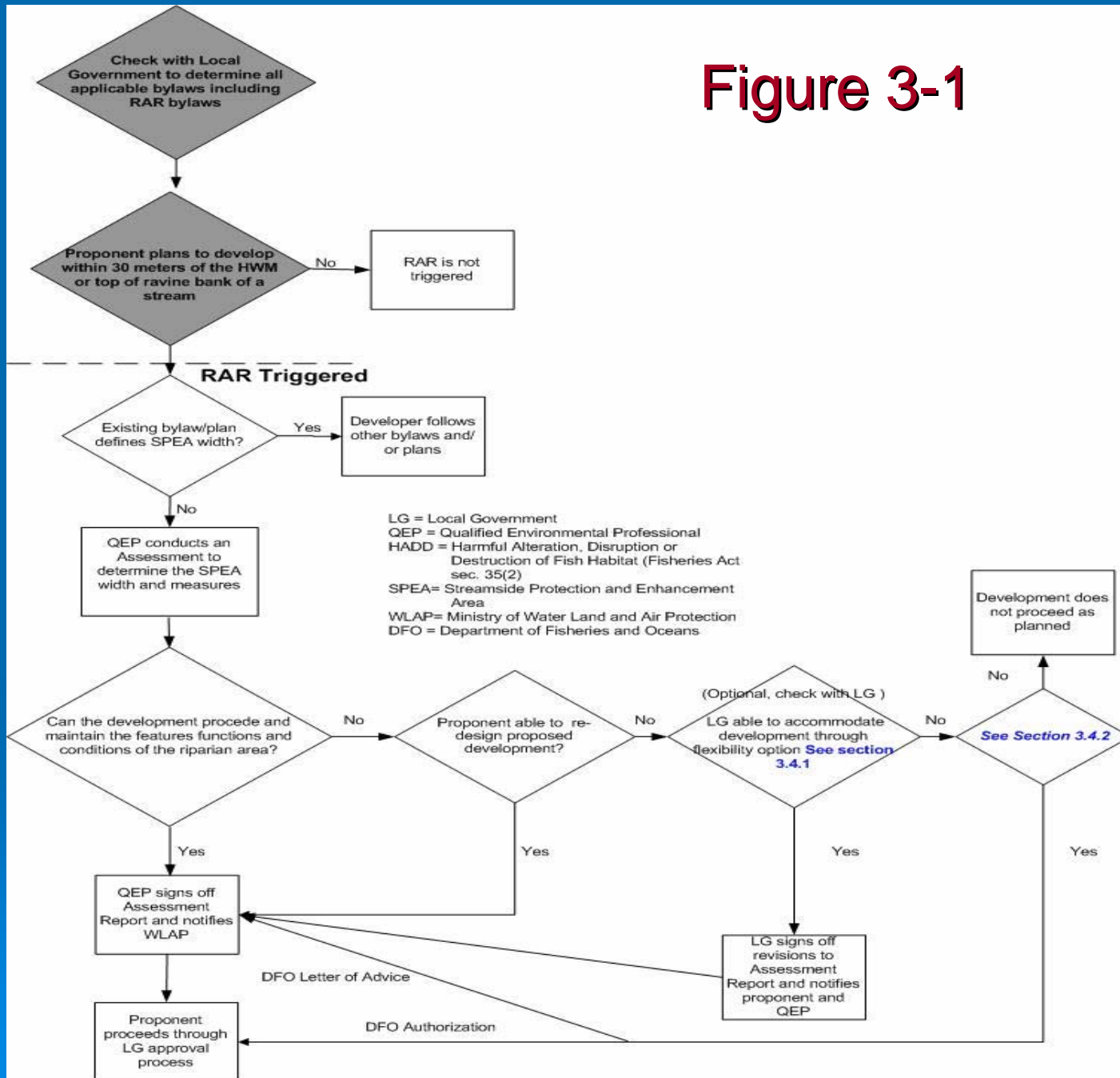
- **Local Government has a key role in assessing, negotiating and supporting adjustment requests**
  - To assess whether, in their opinion, undue hardship would be caused without an adjustment
  - To assess their options to relax other restrictions on the development that could alleviate the need to request an adjustment
  - To provide their written support for the adjustment request
  - Adjustments are not considered precedents – individual based on merit

# Guidebook

## DFO Approvals

- DFO will determine if the adjustment will result in a harmful alteration, disruption or destruction of fish habitat
- If no, then the adjustment will be dealt with through a Letter of Advice that the QEP includes in their submission to the notification system
- If yes, then an Authorization will be required and the project is evaluated with respect to our guidelines and policies; project is not entered into notification system – reliant on the conditions of the Authorization

# Figure 3-1



# Update to Guidebook

## ➤ Appendix 2 Notification System

- Web based submission for QEP
- Generates e-mail notifications
- Local Government access with ability to view and download Assessment reports
- Local Government ability to conduct searches of Assessments

# Notification System



QEPs

tombstone data  
assessment report  
completion report



RAR

notification  
assessment  
reports



local  
governments



MOE



acknowledgement



DFO

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Go

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Main Index ▶  
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B.C. Home

B.C. Home > Ministry of Water, Land & Air Protection > Riparian Area Regulation

RAR Home

- Assessment Search
- Code Tables
- Logout

## Search

Assessment #:	<input type="text"/>	Region:	<input type="text"/>	
Legal Description #:	<input type="text"/>	<input type="radio"/> Exact Match	<input type="radio"/> Contains	<input type="radio"/> Sounds Like
QEP Last Name:	<input type="text"/>	<input type="radio"/> Exact Match	<input type="radio"/> Contains	<input type="radio"/> Sounds Like
QEP First Name:	<input type="text"/>	<input type="radio"/> Exact Match	<input type="radio"/> Contains	<input type="radio"/> Sounds Like
QEP Company Name:	<input type="text"/>	<input type="radio"/> Exact Match	<input type="radio"/> Contains	<input type="radio"/> Sounds Like
Local Government:	<input type="text"/>	Nature of Development:	<input type="text"/>	
QEP Designation:	<input type="text"/>	QEP Registration #:	<input type="text"/>	
Stream/River Name:	<input type="text"/>	<input type="radio"/> Exact Match	<input type="radio"/> Contains	<input type="radio"/> Sounds Like
Stream/River Type:	<input type="text"/>	Watershed Code:	<input type="text"/>	
Developer Last Name:	<input type="text"/>	<input type="radio"/> Exact Match	<input type="radio"/> Contains	<input type="radio"/> Sounds Like
Developer First Name:	<input type="text"/>	<input type="radio"/> Exact Match	<input type="radio"/> Contains	<input type="radio"/> Sounds Like
Developer Company Name:	<input type="text"/>	<input type="radio"/> Exact Match	<input type="radio"/> Contains	<input type="radio"/> Sounds Like
Development Type:	<input type="text"/>			
Area of Development:	<input type="text"/>			
Order Results By:	<input type="radio"/> Assessment # <input type="radio"/> Developer Name <input type="radio"/> Region <input type="radio"/> Stream/River Name			
<input type="button" value="Search"/>		<input type="button" value="Reset"/>		

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- RAR Home
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[B.C. Home](#) > [Water, Land and Air Protection](#) > Riparian Areas Regulation

## Search

### Assessment Search Results

Your query returned 4 result(s).


Assessment #	QEP/Company Name	Developer Name	Stream Name	Assessment Date	Number of Revisions
<input type="radio"/> 2034231	Bob Jones	Wallis Construction	Gold River	2004-02-13	1
<input type="radio"/> 2423455	Will Smith	ECO Homes Ltd.	Elk River	2004-05-03	3
<input type="radio"/> 3146789	Lucy Van Pelt	Sanford & Son	Cold Creek	2005-06-21	6
<input checked="" type="radio"/> 3511234	Jane Gold	Cliff Dawkins	Unnamed Stream #33	2005-07-17	2

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↑ Top



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- [RAR Home](#)
- [Assessment Search](#)
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**Search**

**Assessment Details**

Assessment # : 2034231      Stream Name : Gold Stream  
Creation Date : 2004-02-13      Region : Vancouver Island  
Last Modified: 2005-03-16      Latitude : 48' 125"  
Legal Description: Gold Stream      Longitude : 123' 21"

**Developer Details**

Name : Wallis Construction      Email : contact@wallis.ca  
Address : 123 Elk St. Victoria BC      Phone : 250-920-0123

**QEP Details**

Role	Name	Company	Address	Email	Phone
P	Bob Jones	EnvTech	55 Broad St. Victoria BC	bjones@envtech	250-920-1111
S	Jim Smith	EnvTech	55 Broad St. Victoria BC	jsmith@envtech	250-920-1111

**Attachments**

#	Name	Size	Date	Download
1	goldstream01.pdf	263k	2004-02-13	<a href="#">download</a>
2	goldstream02.pdf	55k	2005-03-14	<a href="#">download</a>


RAR - Version 1.0      COPYRIGHT    DISCLAIMER    PRIVACY    ACCESSIBILITY

# MOE-RAR Website

## ➤ MOE – RAR

- [http://www.env.gov.bc.ca/habitat/fish\\_protection\\_act/riparian/riparian\\_areas.html](http://www.env.gov.bc.ca/habitat/fish_protection_act/riparian/riparian_areas.html)

# MOE-RAR Website



The screenshot shows a web browser window displaying the MOE-RAR website. The browser's address bar is empty, and the window title is not visible. The website has a dark blue header with the text "Ministry Home" and "Government of British Columbia". Below the header is a navigation menu with links for "Home", "What's New", "Biodiversity Publications", "Site Map", "Contact", and "Frequently Asked Questions". The main content area is titled "Welcome to the Riparian Areas Regulation Website" and features a green tree icon. The page is organized into two columns: a left sidebar with a "Contents" section listing various documents and links, and a right column with introductory text and a "Purpose" section.

• Ministry Home • Government of British Columbia

**Environmental Stewardship Division** Ministry of Environment


Home What's New Biodiversity Publications Site Map Contact Frequently Asked Questions

**Contents**

- [Fish Protection Act](#)
- [FAQ \(PDF 196KB\)](#)
- [Riparian Areas Regulation \(PDF 150KB\)](#)
- [Local Government Training Course](#)
- [RAR training course](#)
- [Notification System](#)
- [Notification System - User Guide \(PDF 800KB\)](#)
- [Assessment Report Guidelines \(PDF 43KB\)](#)
- [Forms - Word Templates](#)
- [Maps and Tables](#)
- [Implementation Guidebook \(PDF 4.14MB\)](#)
- [Pilot Studies](#)
- [Local Government Liability Legal Opinion](#)
- [Protocol of Interaction \(PDF 114KB\)](#)
- [The Assessment Methods \(under review\) \(PDF 749KB\)](#)
- For More Information [Email](#)

## Welcome to the Riparian Areas Regulation Website

Protecting riparian fish habitat, while facilitating urban development that exhibits high standards of environmental stewardship, is a priority for the Government of British Columbia. Good quality urban streamside habitat is essential for ensuring healthy fish populations.



An alternate model for urban riparian management has been developed that satisfies the statutory obligations of the federal Fisheries Act, provides certainty and flexibility to urban land owners and developers, and is not dependent on local, provincial and federal government resources.

Many local governments have shown strong leadership in managing riparian areas. To reinforce this work, the Province is providing a consistent approach to addressing the potential impact of residential, commercial, and industrial activities on riparian fish habitat.

In developing this new regulation, the Ministry of Water, Land and Air Protection has worked in collaboration with the Union of British Columbia Municipalities and the Department of Fisheries and Oceans.

The Riparian Areas Regulation (RAR), enacted under Section 12 of the Fish Protection Act in July 2004, calls on local governments by March 31, 2005 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. Some local governments are ready to use the RAR, some are not. An [extension order](#) has been issued for those local governments needing extra time

## Purpose

# Web Site

- Description of the RAR model
- Extension Orders
- Protocol Agreement-review for signing
- Fish Protection Act
- FAQs
- Regulation
- QEP & Local Government Training
- Notification System Link (MyID)

# Web Site cont.

- Assessment Reporting Guidelines
- Implementation Guidebook
- Pilots
- Assessment Methods
- Legal review of liability
- Liability response
- E-mail for queries
- [http://www.env.gov.bc.ca/habitat/fish\\_protection\\_act/riparian/riparian\\_areas.html](http://www.env.gov.bc.ca/habitat/fish_protection_act/riparian/riparian_areas.html)

# Riparian Area Regulations

Thank You

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