



May 23, 2006

Richard Taylor, Executive Director
Union of BC Municipalities
Suite 60 10551 Shellbridge Way
Richmond BC V6X 2W9

Dear Richard:

The Ministry of Environment (MOE) and Fisheries and Oceans Canada (DFO) have worked collaboratively over the past three years on the development and refinement of the Riparian Areas Regulation (RAR) Assessment Methods. In July 2005, agreement in principle was reached. MOE and DFO are developing a document to provide the scientific rationale for the agreed methodology. This document is nearing completion and will be available for distribution soon.

Training in this agreed methodology has been delivered by Malaspina College to Qualified Environmental Professionals (QEPs). Further courses are being scheduled by the College. The methodology as delivered in this training course is to be used by QEPs in conducting assessments of proposed development in riparian assessment areas for the purpose of complying with the RAR.

Proposed revisions to the RAR to address particular local government concerns, as well as refinements to the Assessment Methods based on the agreement in principal, have now been passed by cabinet and are accessible on the MOE RAR website.

The RAR relies on QEPs, conducting RAR assessments to the standard required by the Assessment Methods, to determine the Streamside Protection and Enhancement Area (SPEA) and associated measures required to avoid an impact to riparian fish habitat. It is the intent of DFO and MOE to enter into a cooperation agreement that will state that a proponent who has fully implemented the recommendations certified by a Qualified Environmental Professional who has correctly and fully followed the RAR Assessment Methods and measures has exercised all due diligence in preventing the harmful alteration, disruption and destruction of fish habitat due to the removal of riparian vegetation.

In recognition that this is a new process and assessment system, both MOE and DFO are currently reviewing each RAR submission to the notification system to ensure they comply with the RAR Assessment Methods and the project does not result in a HADD. Any problems identified with assessment reports will be communicated to both the QEP and the

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applicable Local Government within 10 working days of receiving the notification. MOE and DFO review of reports will continue in the coming months until the agencies are confident with that the quality of reports being received from QEPs meets the requirements of the RAR and the Assessment Methods. The agencies will notify Local Governments when they are no longer reviewing each of the QEP reports and after that time selective review of QEP reports will continue as part of the overall compliance monitoring plan for the RAR.

The RAR is intended to provide certainty and flexibility to those seeking to develop near watercourses and will not be dependent on provincial and federal government resources for inventory and project review, unless a *Fisheries Act* authorization or letter of advice is required.

Both agencies intend to enter a formal agreement with the Union of BC Municipalities and are committed to the collaborative development, completion, and implementation of the RAR in partnership with the Union of British Columbia Municipalities and applicable local governments.



Rod Davis, Director
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Greg Savard, Acting Regional Director
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