



File: 280-20
Reference: 214030

Riparian Areas Regulation Representative
Local Government

April 7, 2015

Re: Request for information on Riparian Areas Regulation (RAR) Implementation

Dear Regional District / Local Government Representative:

As you are likely aware, the Ministry of Forests, Lands, and Natural Resource Operations (FLNR) is in the process of responding to the report prepared by the Office of the BC Ombudsperson, *'Striking a Balance: The Challenges of Using a Professional Reliance Model in Environmental Protection - British Columbia's Riparian Areas Regulation 2014'*. The Ombudsperson's report makes a number of recommendations pertaining to the implementation and delivery of the Riparian Areas Regulation (RAR). The minister has accepted all of the report's recommendations save one, and FLNR has been working since the report's release on their implementation.

The first two recommendations made by the Ombudsperson focus on local government implementation of RAR:

R1: The Ministry of Forests, Lands and Natural Resource Operations review, by October 1, 2014, local government implementation of and compliance with the Riparian Areas Regulation and report publicly on the results of that review.

R2: The Ministry of Forests, Lands and Natural Resource Operations work with local governments to bring them into compliance with the Riparian Areas Regulation. If the ministry is not able to achieve full compliance by local governments with the RAR, the ministry should, by October 1, 2015, develop a mechanism to require local government compliance with the RAR.

In response to recommendation 1, FLNR engaged in a program of outreach in fall 2014 / winter 2015 to gather information from local governments on their implementation of the RAR. A letter was sent to local governments requesting this information on October 23, 2014.

To date, the ministry has received information from the majority of local governments subject to the RAR. Our records indicate we have not received information from your jurisdiction.

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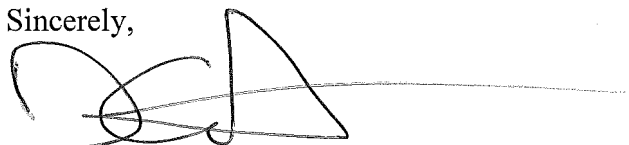
The ministry recognizes firstly that some time has passed since the original request for information and secondly that local governments are constrained in resources to respond to such requests. To that end, the ministry wishes to extend a final invitation to all local governments that have not responded to the October 2014 request to provide their information before the ministry's report on implementation and compliance is completed. The information requested pertains to legislative and policy tools put in place to implement the RAR.

Incorporating information from your community will allow for the most comprehensive evaluation of the implementation of the program and afford your jurisdiction the opportunity to highlight the steps you are taking to ensure fish habitat protection. The following reiterates the information requested in our letter of October 23. Please submit the following to Andrew Appleton (Andrew.Appleton@gov.bc.ca) by **April 24, 2015**:

- A description of planning policies (e.g., Official Community Plans, development permit areas), regulatory tools (e.g., zoning bylaws), policy and procedure documents for staff evaluating development proposals in riparian areas, and other tools used to implement riparian protection for industrial, commercial and residential development (and their ancillary activities) in riparian areas;
- If not included in riparian protection bylaws, provide specific bylaws addressing soil removal and deposit, tree protection and management, and landscaping, as well as any mitigation tools that might apply to riparian areas;
- A description of the status of riparian protection tools either draft or adopted; and if draft, provide the expected implementation timeframe; and
- Descriptions of riparian area policies and procedures to:
 - i. evaluate development proposals once notification of an assessment report has been received;
 - ii. incorporate recommendations and measures provided by qualified environmental professionals into development permits;
 - iii. ensure submission of a post-development report; and
 - iv. follow-up on non-compliance issues identified in post-development reports.

The ministry looks forward to working with your local governments to support and promote your efforts in protecting habitat, and to implementing the BC Ombudsperson's recommendations. Should you have any questions or concerns please contact Andrew Appleton at Andrew.Appleton@gov.bc.ca.

Sincerely,



Chris Ritchie
Manager, Fish and Wildlife Recovery Implementation
Resource Management Objectives Branch