

UNION OF BRITISH COLUMBIA MUNICIPALITIES ASSESSMENT OF THE RIPARIAN AREAS REGULATION IMPLEMENTATION STATUS

The Union of British Columbia Municipalities (UBCM) has been actively monitoring the status of the Riparian Areas Regulation (RAR) as well as the state of local government readiness to implement the regulation on June 30th, 2005. The following reflects UBCM's understanding of the progress made to date on the implementation work plan for the RAR.

Pilot Projects

Three pilot projects have been completed for Chilliwack, the District of Campbell River, and the Thompson-Nicola Regional District. The results have been both posted on the Ministry of Environment's website and incorporated into the guidebook.

Co-operation Agreement

The RAR Project Committee has completed a final draft version of a protocol agreement between UBCM, the Ministry of Environment, and the Department of Fisheries and Oceans (DFO). The protocol agreement defines the roles and responsibilities of the parties in the implementation and ongoing delivery of the RAR. The final draft version of the agreement has been submitted to senior government levels for vetting and approval. The draft protocol agreement will be submitted to the UBCM membership at the September UBCM Convention for consideration.

Monitoring and Enforcement

A workshop on the RAR monitoring strategy was held with local government participation at the end of March. The Ministry of Environment is working out the next steps for completion of the strategy which will involve further involvement of local government participants. It is unknown when the completed monitoring and enforcement strategy will be ready for distribution to affected local governments.

Notification

The notification system for posting RAR Assessment Reports by Qualified Environmental Professionals (QEPs) has been developed, along with the personal identification numbers for QEPs. UBCM has been assisting in determining the correct local government contacts for receipt of the notifications. Specifically, UBCM has requested that each affected local government notify UBCM of one email address that can be used for receipt of local government notifications. To date, UBCM has received two (2) email addresses. The RAR notification system's proper functioning is dependent upon local governments providing these email addresses.

Guidebook

The RAR guidebook has been completed and posted on the Ministry of Environment website for local government reference. The web-based guidebook is envisioned as a "living and breathing" document that will undergo revisions once local governments have had an opportunity to implement the RAR and constructive feedback is received from all party to the regulation's implementation.

Training

The Ministry of Environment concluded a licensing agreement with Malaspina College to develop a curriculum and deliver a three day RAR training course for QEPs. The senior agencies have had a select number of staff take a pilot of the training course. The first training course was originally scheduled for March 21st, but occurred on May 4th, 2005. The training course has been made available province-wide (Victoria, Nanaimo, Campbell River, Kelowna, Kamloops, North Vancouver and Surrey).

Several local government staff have also taken the QEP training course in order to develop a firmer understanding of the RAR. However, as of May 18th, Malaspina-University College delayed the delivery of all further RAR training sessions “until such time as the assessment methodology has been finalized by the Ministry of Water, Land and Air Protection (now the Ministry of Environment) and that agreement in principle is made between that ministry and the Department of Fisheries and Oceans Canada.”¹

The nature and timeframe for the training of local government staff in their roles and the roles of other government partners in the RAR implementation has also not been determined. The Ministry of Environment has requested and received suggestions from UBCM on the best forum and content focus for the training, and the Ministry of Environment and UBCM have had general discussions on the undertaking of regional workshops. The Ministry of Environment has provided training to their regional staff, and DFO has delivered information packages to their Area staff.

Assessment Methodology

The Ministry of Environment and DFO have been engaged in ongoing meetings and discussions in an attempt to finalize the assessment methodology. It is unknown at this time when the senior agencies will agree on an assessment methodology. The anticipated changes in the assessment methodology will require a change in the regulation, and all changes to the regulations will have to be approved by Cabinet.

Web Page

The Ministry of Environment has updated the RAR website with the following informational pieces: the letter from former Minister Bill Barisoff outlining the new RAR implementation process and schedule; the ministerial order granting a time extension to those communities that were unable to proceed with the implementation on March 31st; the notification system; the implementation guidebook; a schedule and locales for QEP training; and the results of the three pilot projects.

Liability Review

A list of liability questions have been referred to a private firm specializing in municipal affairs, with joint cost sharing between the Ministry of Environment and UBCM. It was anticipated that an outline of the review would be made available by early May, and then by May 20th. However, the law firm has acknowledged that it had underestimated the amount of research and analysis required for the review. It is unknown when the final legal opinion will be made available to UBCM for distribution to affected local governments.

¹ Malaspina-University College, *Riparian Areas Regulation Training Notification*, May 18th, <http://www.mala.ca/faep/fisheries/courses/rardelay.pdf>