



**Lasqueti Island Local Trust Committee Meeting
Minutes of Special Meeting
Community Information Meeting
Regarding
Riparian Areas Regulation and Implementation**

Date: March 14, 2015
Location: Lasqueti Island Community Hall
Main Road, Lasqueti Island, BC

Members Present: Laura Busheikin, Chair
Susan Morrison, Local Trustee
Timothy Peterson, Local Trustee

Staff Present: Marnie Eggen, Planner 2
Courtney Simpson, Island Planner
Jaylene Scheible, Recorder

Media and Others Present: Approximately thirty-two (32) members of the public

1. CALL TO ORDER

Chair Busheikin called the meeting to order at 11:31 am. She acknowledged that the meeting was being held in traditional territory of the Coast Salish First Nations.

2. APPROVAL OF AGENDA AND INTRODUCTIONS

The following additions to the agenda were presented for consideration:

- a lunch break following item 3.2

By general consent, the agenda was adopted as amended.

3. COMMUNITY INFORMATION SESSION - RIPARIAN AREAS REGULATION AND IMPLEMENTATION

3.1. Correspondence

3.1.1. Letter dated February 15, 2015 from Doug Hopwood

Received.

3.2. Presentation by Marnie Eggen, Planner 2

Planner Eggen advised that the purpose of the meeting is to present an overview of Riparian Areas and the Riparian Areas Regulation (RAR) and the work completed by the Lasqueti Local Trust Committee (LTC) to date:

- the process so far
- options for implementation considered by the LTC
- watershed mapping
- draft bylaw amendment

Planner Eggen went on to explain where and to what does the RAR apply, and when is a watercourse not a “stream” under the RAR.

Planner Eggen presented the information of the work done thus far by the LTC. She summarized the spectrum of implementation options. She noted that the assessment done by Madrone completed watershed mapping of 19 different watersheds to determine whether they possess fish habitat based on the RAR methodology. She explained a summary of methods.

Planner Eggen went on to summarize the current land use bylaws and what will change under the Draft Bylaw Amendment. She noted that the watershed mapping shows the whole watershed, and that the Draft Bylaw Amendment only affects land within 30 metres of a watercourse.

Chair Busheikin recessed the meeting for lunch at 12:15 pm and reconvened the meeting at 12:45 pm.

3.3 Questions and Answers Session

Planner Eggen addressed questions that had been received from residents thus far.

- I already have a garden within thirty (30) metres of a stream, will I need to get permission to keep gardening there?

She noted that the RAR will only apply to new commercial, residential and industrial development.

- I want to clear land to create a new garden within thirty (30) metres of a stream. Do I need to get permission for this?

It was indicated that you would need to apply for a variance and in that process a RAR assessment report conducted by a Qualified Environmental Professional would be required.

- I plan to dig a pond myself. Is this included under the RAR?

Planner Eggen advised that if the pond were connected to a RAR applicable stream it would be included under the RAR..

- Is there any way to appeal the designation of a stream as being applicable to the RAR?

It was noted that this process would require another assessment, and that the cost would have to be covered by the private land owner or the LTC depending on who was requesting the assessment. Conflicting reports would require resolution.

- Sue Kristinsson asked the trustees how they think the LTC should proceed with the implementation of RAR.

Trustee Peterson cautioned that if the LTC does not implement RAR that the Province of BC will impose a solution. He advised that the LTC take the time and consider more funding if needed to ensure that the mapping of the watersheds is accurate.

Trustee Morrison noted that the LTC made a request of \$5000 be added to the RAR budget to help continue the mapping process; the request had been approved.

Chair Busheikin cautioned against devoting too much time, energy and taxpayers money for RAR implementation. She advised that the LTC focus on the problem areas in the mapping assessment, and that if necessary and deemed effective she would support more mapping.

- David Slik thanked the LTC and the staff for being forward and open with this process and allowing for feedback from the community. He remarked that much of the wording in the draft reflects this. He noted the fish types from the assessment methods project; game fish, which are defined federally, regionally significant fish and aquatic species that are endangered or threatened.
- Dave Rogers stated that he lives on and owns property that lies in the Boat Cove watershed. He has a covenant on his property. He asked if the RAR will put the provincial government in breach of this contract.

Planner Eggen indicated that both the covenant and the RAR apply, and that the most restrictive regulations of the two would apply.

- Lisa Johnson noted that she owns property that contains the unnamed stream. She asked how much an application for a variance costs, and if this fee includes the cost of an environmental assessment by a Qualified Environmental Professional (QEP).

Planner Simpson stated that an application for a variance for residential applicants costs \$440 and for commercial or industrial applicants the cost is \$715. She noted there is an exemption list of activities within the 30 metre reserve. The fee does not include the cost of a QEP.

- Lisa Johnson asked what is considered farmland under the RAR.

Planner Simpson noted that agricultural activities that are part of a farm business or produce income are defined under the Right to Farm Act. In order for farmland to be exempt from RAR one would need to have farm status or be designated as ALR.

- Andrew Fall stated that he along with many others are happy to protect functional riparian areas for the common good. He believed that the problem lies within what was being considered riparian and who has determined this. He noted that 30 metres does not allow for precision in determining the riparian areas. He proposed that the LTC continue work to identify functional riparian areas, as this is in the

interest of the commons, not the individual, and that the cost of this reassessment should be covered by a community fund.

- John O'Halloran asked how resource extraction is covered by RAR. He asked if commercial logging and mining is covered under RAR.

Planner Simpson explained that RAR is applicable for any new development of residential, commercial or industrial projects. It does not apply to commercial logging or mining.

- John O'Halloran noted that there is less and less funding for inspections, and that it is unlikely that there will be any re-inspection of these watersheds to ensure that RAR is being implemented. The compliance would fall under bylaw enforcement, which is complaint driven.
- Richard Ayres asked why we are imposing another bylaw, and notes that we are not compliant with RAR under provincial regulations. He asked the staff and trustees what would happen if the LTC chose not to adopt RAR.

Chair Busheikin responded by saying that they do not know what would happen, though the province could refuse to approve any new bylaws.

- Sailor Johnson stated that he agreed with comments and suggestions from Andrew Fall. He stated that the definition of a stream is the problem, and that he does not know how to identify what is a stream within the designated watersheds. He cautioned that choosing to implement the process in the middle of the spectrum puts the onus on the land owners. He asked that Johnson's Lagoon be removed from the RAR map as its' wrongful designation as a riparian area will affect all property owners within that watershed. He noted that the stream flow assessment methodology was not adhered to in the assessment of Johnson's Lagoon as the stream does not flow on a continuous basis for more than 6 months a year. The assessment done by Madrone could not address this, as it was not assessed over time. He asked how Westpoint Creek was exempt from the RAR designation as he believed this was the most promising creek. He suggested that the LTC use what resources are left to accurately address streams rather than watersheds.
- Peter Johnston noted that the RAR would apply for residential logging but that logging regulations would apply for commercial operations.
- Richard Bauer stated that the north end of Lasqueti Island is contaminated by coal dust from Texada Island, and that Chilliwack is dumping PCB's, and he wondered how this is allowed or addressed under the RAR.
- Marti Wendt stated that she felt that more specific mapping is required.
- Doug Hopwood explained that Madrone was asked to cross watersheds off the list. As part of the assessment they went to the mouth of a stream to determine if there were any natural barriers. The green and purple areas on the map are areas where the assessment had determined that fish may live. The problem with this method is that another biologist may have to contradict these findings. A more accurate report of these areas according to the assessment methods used would be to state "I don't know." He cautioned that the LTC was paying Madrone to give false information. He stated that the problem with the indeterminate watersheds is that they are still

RAR applicable. He suggested that if a QEP assessment found these streams to be indeterminate, than further QEP would not need to be contradictory. He expressed that he feels that the staff asked the wrong questions of Madrone.

Planner Simpson acknowledged that RAR ties the hands of the biologists as they were being asked to take a pre-cautionary approach.

- Lisa Johnson asked the staff to present information about how the other gulf islands have implemented RAR. She wondered how the provincial government thinks they will do a better job of protecting riparian areas than her family has done for the last 60 years.
- Sue Kristinsson noted that the local dump flows into a watershed. She asked the trustees how this would be addressed under RAR.

Trustee Peterson answered that the dump is at the top of a watershed that is not under RAR. He also clarified that the dump is under the direction of the regional district.

- Andrew Fall proposed that the LTC take a cautionary approach, as the white areas on the map may be seen as areas for development. He noted that the most important part of this process is to protect riparian areas, and that the LTC should undertake the long process to provide for functional riparian areas. He suggested that a recognition of precautionary principles be written into the bylaw, and allow for process within the bylaw of the long term goal of proper mapping and assessment, which could be triggered by development requests. He summarized that these watersheds do contain areas that are RAR applicable, and that the LTC continue to refine these areas so it can be determined exactly what we as a community want to protect.
- Richard Ayres asked how one can know what areas apply according to the maps, as it is not clearly defined. He commented that we are all at risk of breaking laws when it is unclear of what the laws are or what they apply to.
- David Slik advised that one should do a risk assessment if doing anything outside of the list of exemptions. He noted that a lot has to be taken into account as a proper assessment is quite technical. He advised to use common sense or judgement when determining if a QEP is needed.
- Wayne Bright asked if the RAR would impede his plans to dig more ponds to create salmon habitat on his property. He stated that he did extensive mapping, and received approval with the Department of Fisheries and Ocean (DFO) about 15 years ago. He commented that he believes he is protected under his permits from the DFO.
- Brennan Johnson asked the staff if a variance application would have to be made for every development.

Planner Eggen responded by saying that yes; however, you could apply for one variance that includes several developments. She further noted that a development variance permit is listed on the Title of Certificate of land.

- Dave Rogers stated that under his covenant, there is a 15 foot allowance around streams. He asked why his covenant will not be grandfathered in, as it seemed like the rules were being changed after his property was purchased.
- Craig McFeely noted that there are two (2) culverts in Hadley Creek, and asked that in the event that the culverts need to be replaced does a QEP need to be done.

Planner Eggen answered that work in a stream falls under the regulations of the Water Act and not under RAR.

- Sailor Johnson stated that the system that got the LTC to the current map is flawed, as it was aiming to divide and conquer. Madrone did not complete a flow stream assessment in their report, and expressed concern that the staff has driven this flawed process. He asked if it was a concern to staff that there was no flow stream assessment undertaken.

Planner Simpson responded by stating that the staff does not have an agenda. The role of the staff is to assist the LTC in becoming compliant with RAR.

Trustee Morrison stated that the suggestions and direction from the community will inform how the LTC will move forward with the implementation of RAR.

- Doug Hopwood clarified how Johnson's Lagoon received its designation in the report and expressed his concern that it was designated RAR applicable.
- Lisa Johnson suggested that the Advisory Planning Commission needs to be utilized more within this process. Richard Ayres stated that we are all stewards of the water as we all drink the water from the land on which we live. He commented that RAR is removing and adding requirements to land that has already been purchased. It was asked who gets the fees for variance application.

Planner Simpson responds that the fees are applied to the operations of Islands Trust and that the fee only covers a portion of the cost of processing an application.

- Richard Bauer suggested a topographical map could overlay the watershed map and show streams.
- David Slik noted that it would be helpful to understand the costs of the next level of mapping.

Planner Simpson responded by saying that the approximate cost is \$4000 per watershed, but may be more for larger watersheds. She stated that it would be helpful for the community to give prioritization of watersheds for this process. The approximate cost of a QEP is \$1500-2000.

- Andrew Fall suggested that there be a way to change the map as needed from time to time within the bylaw. He suggested two different maps; a map that defines the 30 metre reserve and a map of the RAR areas. He encouraged the LTC to create the bylaw to allow the community to incrementally work towards specific mapping.

4. UPCOMING MEETINGS

The next regular meeting is scheduled for Thursday April 9, 2015 at 11:00 am at the Lasqueti Arts Centre, Main Road, Lasqueti Island, BC.

5. ADJOURNMENT

By general consent, the meeting was adjourned at 3:13 pm.

Laura Busheikin, Chair

Certified Correct:

Jaylene Scheible, Recorder