



"Our Wealth is in Our Water. Let's Protect It"

April 30th, 2014

Attention Carl Isaak, Planner,

c/o Fraser Valley Regional District

RE: Riparian Areas Regulation Development Permit Areas

Please receive these comments on the proposed By-Law amendments 1258, 1259, 1260, 1261, 1262, 1263, 1264, 1265, 1266 as they relate to the Regional Districts Official Community Plans.

We appreciate the work undertaken by the Fraser Valley Regional District Staff and we hope that our comments provide useful insight to ensure the best possible legislation to manage the regions in the future.

Overall there are two key suggestions we want to make, followed by some references to specific exemptions that are suggested.

The By-Law changes continue to give broad powers to Qualified Environmental Professionals (QEPs), however these QEPs answer to the developer, not to the community, which puts the QEPs in the position of potentially having to bite the hand that feeds them. As it is afforded to the Regional Districts to exceed the standards outlined in the BC Fish Protection Act, we suggest that amendments be made so the QEPs would be employed or contracted by the Regional District and paid for as a service by developers. Additionally we suggest that all permits using QEPs should include followup inspections by the QEP to confirm that the work was done in accordance with any conditions identified.

Furthermore the By-Law changes defer to the Federal Fisheries Act, allowing development on *"notification by the Ministry of Environment that Fisheries & Oceans Canada and the Ministry have been:*

- i. notified of the development proposal; and,*
- ii. provided with a copy of an assessment report which meets the requirements of the Riparian Areas Regulation;*

or,

- b. documentation demonstrating that Fisheries & Oceans Canada has, with respect to the proposed development, authorized the "harmful alteration, disruption or destruction" of fish habitat pursuant to Section 35 of the Fisheries Act or amendments thereto"*

However following recent omnibus bill changes the Fisheries Act only protects a subset of fish that relate to commercial, recreational or aboriginal fisheries, leaving out the critical need to protect general fish habitat. Thus the legislation no longer provides sufficient protection. We suggest that the FVRD By-Laws regarding the Riparian Areas Regulation Development Permit Areas should not defer to the



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Federal Act. The FVRD has the opportunity in these amendments to maintain decision-making power at a local level to ensure that the best interest of the local environment and economy are upheld. Furthermore, there are exemptions listed through out the By-Laws that may have unintended consequences and thus we wanted to identify them for your critical review.

Exemption k reads: “installation of seasonal play or recreational equipment on existing yard/lawn areas, such as sandboxes or swing sets” How big is a sandbox? Does it include a sand track for ATVs build on the banks of a river? An exemption of this sort should have size limits.

Exemption s reads: “repair or replacement of an existing driveway, culvert or bridge; and,” These works, or at least certainly a culvert or bridge, may take place right in the waterway. These should not be exempted from a permit. Getting a permit is not onerous and allows the critical oversight necessary to avoid harm.

Exemption t reads: "the construction of a single storey, detached residential accessory building or structure which is not intended to be used for any “residential occupancy” and which has a floor area not exceeding 20 square metres (215 square feet) and where:

- i. the building or structure is located as far from the stream as possible and in the location on the parcel that minimizes impacts to riparian habitat; and,
- ii. it is not possible to construct the building, structure or deck outside the riparian assessment area.”

If this exemption is used to build a garage in a riparian area, is there a heightened risk of automotive/RV fluids entering the waterway? How much risk to waterways and aquatic life is there from fresh cement runoff from a foundation or pad poured for such a building? We suggest having a clear minimum requirement for a set-back rather than “as far from the stream as possible' to warrant an exemption for this type of development.

We thank you in advance for reviewing our comments and concern. If you have any questions of would like any clarifications or further information please do not hesitate to be in touch.

Sincerely,

Sheila Muxlow,
Director
WaterWealth Project

cc'd Ian Stephen, Natalie Jones, Larry Commodore & AJ Klein