



*Riparian Areas Protection Act*

RIPARIAN AREAS  
PROTECTION REGULATION

**B.C. Reg. 178/2019**

Deposited July 19, 2019 and effective November 1, 2019

**Consolidated Regulations of British Columbia**

*This is an unofficial consolidation.*

B.C. Reg. 178/2019 (O.C. 446/2019), deposited July 19, 2019 and effective November 1, 2019, is made under the *Riparian Areas Protection Act*, S.B.C. 1997, c. 21, ss. 12 and 13.

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This consolidation includes any amendments deposited and in force as of the currency date at the bottom of each page. See the end of this regulation for any amendments deposited but not in force as of the currency date. Any amendments deposited after the currency date are listed in the B.C. Regulations Bulletins. All amendments to this regulation are listed in the *Index of B.C. Regulations*. Regulations Bulletins and the Index are available online at [www.bclaws.ca](http://www.bclaws.ca).

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*Riparian Areas Protection Act*

**RIPARIAN AREAS PROTECTION REGULATION**

**B.C. Reg. 178/2019**

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**PART 1 – DEFINITIONS AND APPLICATION**

**Division 1 – Definitions**

**Definitions**

**1** (1) In the Act and this regulation:

“**development**” includes the following:

- (a) the addition, removal or alteration of soil, vegetation or a building or other structure;
- (b) without limiting paragraph (a), the addition, removal or alteration of works and services described in section 506 (1) [*subdivision serving requirements*] of the *Local Government Act*;
- (c) subdivision as defined in section 455 [*definitions in relation to Part 14*] of the *Local Government Act*;

“**natural features, functions and conditions**” includes the following:

- (a) large organic debris that falls in or around streams, including logs, snags and root wads;
- (b) areas for channel migration, including active floodplains;
- (c) side channels, intermittent streams, seasonally wetted contiguous areas and floodplains;
- (d) the multi-canopied forest and ground cover adjacent to streams that
  - (i) moderate water temperatures,
  - (ii) provide a source of food, nutrients and organic matter to streams,
  - (iii) establish root matrices that stabilize soils and stream banks, thereby minimizing erosion, or
  - (iv) buffer streams from sedimentation and pollution in surface runoff;
- (e) a natural source of stream bed substrates;
- (f) permeable surfaces that permit infiltration to moderate water volume, timing and velocity and maintain sustained water flows in streams, especially during low flow periods.

(2) In this regulation:

“**Act**” means the *Riparian Areas Protection Act*;

“**active floodplain**”, in relation to a stream, means land that is

- (a) adjacent to the stream,
- (b) inundated by the 1 in 5 year return period flow of the stream, and

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- (c) capable of supporting plant species that are typical of inundated or saturated soil conditions and distinct from plant species on freely drained upland sites adjacent to the land;

**“allowable footprint”** has the meaning given to it in section 11 (3) [*undue hardship*];

**“area of human disturbance”** means an area that is subject to enduring disturbance as a result of human occupation or activity and includes, without limitation,

- (a) footprints of buildings and other structures,
- (b) areas where soil or vegetation has been added, removed or altered, and
- (c) without limiting paragraphs (a) and (b), the following areas:
  - (i) areas modified for agricultural use, including, without limitation, for crops, pasture, range, hayfields and normal farm practices;
  - (ii) areas that are or have been used for resource extraction and have not been restored to their natural conditions;
  - (iii) areas occupied by invasive plant species to an extent that precludes the unassisted reestablishment of native plant species;

**“assessment”** means an assessment under section 12 [*assessments*];

**“assessment report”** means a report under section 14 [*assessment reports*];

**“detailed assessment”** means an assessment referred to in section 13 (b) [*simple and detailed assessments*];

**“developable area”**, in relation to a site, means the area of the site other than

- (a) the streamside protection and enhancement area, and
- (b) the naturally and legally restricted areas of the site;

**“fish habitat”** means water frequented by fish and any other areas on which fish depend directly or indirectly to carry out their life processes, including spawning grounds and nursery, rearing, food supply and migration areas;

**“footprint”**, in relation to a building or other structure, means the area covered by

- (a) the structure, or
- (b) a projection from the structure, whether or not the projection is in contact with the ground;

**“legally restricted area”**, in relation to a site, means the area of the site that is unavailable for development because of restrictions imposed or rights granted under an enactment, including, without limitation, easements, rights of way, setback requirements and restrictive covenants;

**“local trust area”** has the same meaning as in section 1 of the *Islands Trust Act*;

**“local trust committee”** has the same meaning as in section 1 of the *Islands Trust Act*;

**“measure”** has the meaning given to it in section 16 (b) [*recommended measures*];

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- “**naturally restricted area**”, in relation to a site, means the area of the site that is unavailable for development because of natural features that preclude development;
- “**normal farm practice**” has the same meaning as in section 1 of the *Farm Practices Protection (Right to Farm) Act*;
- “**parcel**” means a lot, block or other area in which land is held or into which land is subdivided;
- “**planning and land use area**”,
- (a) in relation to a local government other than a local trust committee, means the area over which the local government has authority under section 456 [*area of authority for municipalities and regional districts*] of the *Local Government Act*;
  - (b) in relation to a local trust committee, means the local trust area or other part of the trust area in respect of which the local trust committee is a local trust committee;
- “**primary qualified environmental professional**” has the meaning given to it in section 20 [*primary qualified environmental professionals*];
- “**protected fish**” means all life stages of
- (a) salmonids,
  - (b) game fish, and
  - (c) fish that are listed in Schedule 1, 2 or 3 of the *Species at Risk Act* (Canada);
- “**qualified environmental professional**” has the meaning given to it in section 21 [*qualified environmental professionals*];
- “**ravine**” means a narrow, steep-sided valley that is typically eroded by running water and has a slope grade greater than 3:1;
- “**riparian assessment area**” means the area around a stream that is determined in accordance with section 8 [*riparian assessment area*];
- “**riparian development**” means a development to which this regulation applies under section 3 [*application to developments*];
- “**riparian protection standard**” has the meaning given to it in section 10 [*riparian protection standard*];
- “**simple assessment**” means an assessment referred to in section 13 (a);
- “**site**”, in relation to a proposed development, means
- (a) the parcel on which the development is proposed to occur, or
  - (b) if the development is proposed to occur on a strata lot, the strata lot;
- “**strata lot**” has the same meaning as in section 1 (1) of the *Strata Property Act*;
- “**stream**” means
- (a) a watercourse or body of water, whether or not usually containing water, and

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(b) any of the following that is connected by surface flow to a watercourse or body of water referred to in paragraph (a):

- (i) a ditch, whether or not usually containing water;
- (ii) a spring, whether or not usually containing water;
- (iii) a wetland;

“**stream boundary**”, in relation to a stream, means whichever of the following is farther from the centre of the stream:

- (a) the visible high water mark of a stream where the presence and action of the water are so common and usual, and so long continued in all ordinary years, as to mark on the soil of the bed of the stream a character distinct from that of its banks, in vegetation, as well as in the nature of the soil itself;
- (b) the boundary of the active floodplain, if any, of the stream;

“**streamside protection and enhancement area**” has the meaning given to it in section 9 [*streamside protection and enhancement area*];

“**streamside vegetation**”, in relation to a stream, means

- (a) riparian vegetation, and
- (b) upland vegetation that exerts an influence on the stream;

“**subdivision**” has the same meaning as in section 455 [*definitions in relation to Part 14*] of the *Local Government Act*;

“**technical manual**” means a manual published under section 13.1 (1) [*technical manuals*] of the Act;

“**top of a ravine bank**” means the first significant break in a ravine slope where

- (a) the grade beyond the break is less than 3:1 for a minimum distance of 15 m measured perpendicularly from the break, and
- (b) the break does not include a bench within the ravine that could be developed;

“**trust area**” has the same meaning as in section 1 of the *Islands Trust Act*;

“**undue hardship**” has the meaning given to it in section 11;

“**wetland**” means land that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal conditions does support, plant species that are typical of inundated or saturated soil conditions, including swamps, marshes, bogs, fens, estuaries and similar areas that are not part of the active floodplain of a stream.

## Division 2 – Application

### Application to local governments

- 2 (1) Subject to subsection (2), this regulation applies in relation to a local government in the geographic boundaries of

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- (a) the trust area, or
  - (b) any of the following regional districts:
    - Capital Regional District
    - Columbia Shuswap Regional District
    - Comox Valley Regional District
    - Cowichan Valley Regional District
    - Fraser Valley Regional District
    - Metro Vancouver Regional District, other than within the boundaries of the City of Vancouver
    - qathet Regional District
    - Regional District of Central Okanagan
    - Regional District of Nanaimo
    - Regional District of North Okanagan
    - Regional District of Okanagan-Similkameen
    - Squamish-Lillooet Regional District
    - Strathcona Regional District
    - Sunshine Coast Regional District
    - Thompson-Nicola Regional District.
- (2) This regulation does not apply in relation to a local government that is complying with section 12 (4) (b) [*alternative to complying with provincial directives on streamside protection*] of the Act instead of the directive set out in section 4 of this regulation.

**Application to developments**

- 3**
- (1) Subject to this section, this regulation applies in relation to a development if
    - (a) the development is a residential, commercial or industrial development,
    - (b) the development is proposed to occur in a riparian assessment area of a stream that provides fish habitat to protected fish, and
    - (c) a local government has the power under Part 14 [*Planning and Land Use Management*] of the *Local Government Act* to regulate, prohibit or impose requirements in relation to the development.
  - (2) This regulation does not apply in relation to a development if the local government has received from the developer a copy of an authorization issued under section 35 (2) (b) or (c) [*serious harm to fish – exception*] of the *Fisheries Act* (Canada) for the development.
  - (3) This regulation does not apply in relation to a development that consists only of
    - (a) repairs or other non-structural alterations or additions to a building or other structure, if the structure

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- (i) will remain on its existing foundation and within its existing footprint, and
  - (ii) is not damaged or destroyed to the extent described in section 532 (1) [*repair or reconstruction if damage or destruction  $\geq$  75% of value above foundation*] of the *Local Government Act*, or
- (b) the maintenance of an area of human disturbance, other than a building or other structure, if the area is not extended and the type of disturbance is not changed.

**PART 2 – DIRECTIVE TO LOCAL GOVERNMENTS****Directive to local governments**

- 4** (1) This section is a directive under section 12 (1) [*provincial directives on streamside protection*] of the Act.
- (2) A local government must have in force zoning or land use bylaws that ensure that a riparian development is subject to one of the following schemes:
- (a) an approval-based scheme that prohibits the development from proceeding unless the local government approves the development in accordance with section 5;
  - (b) a rules-based scheme that prohibits the development from proceeding unless
    - (i) the local government has received an assessment report under section 6 [*administration of assessment reports by minister*] in relation to the development that has not expired under section 7 [*expiration of assessment reports*], and
    - (ii) the development proceeds as proposed in the assessment report and complies with any measures recommended in the assessment report.

**Requirements for riparian development approval**

- 5** A local government must not approve a riparian development to proceed unless the local government
- (a) has received an assessment report under section 6 in relation to the development that has not expired under section 7, and
  - (b) imposes as a condition of the approval that the development proceed as proposed in the assessment report and comply with any measures recommended in the assessment report.

**Administration of assessment reports by minister**

- 6** (1) A qualified environmental professional may submit an assessment report to the minister in the manner and form required by the minister.
- (2) On receiving an assessment report under subsection (1), the minister may

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- (a) provide a copy of the report to a local government, or
  - (b) reject the report in accordance with subsection (3).
- (3) The minister may reject an assessment report under subsection (2) (b) if the minister considers that
- (a) the assessment that is the subject of the report was not carried out in accordance with section 12 [assessments], or
  - (b) the report was not prepared in accordance with section 14 [assessment reports] or is not complete.
- (4) For certainty, nothing in this section requires the minister to review a report that the minister does not reject.

**Expiration of assessment reports**

- 7 An assessment report received by a local government expires on the date that is 5 years after the date on which a copy of the report was provided under section 6 (2) (a) to the local government.

**PART 3 – RIPARIAN PROTECTION****Division 1 – Riparian Areas****Riparian assessment area**

- 8 (1) Subject to subsection (2), the riparian assessment area for a stream consists of a 30 m strip on each side of the stream, measured from the stream boundary.
- (2) If a stream is in a ravine, the riparian assessment area for the stream consists of the following areas, as applicable:
- (a) if the ravine is less than 60 m wide, a strip on each side of the stream that is measured from the stream boundary to a point that is 30 m beyond the top of the ravine bank;
  - (b) if the ravine is 60 or more metres wide, a strip on each side of the stream that is measured from the stream boundary to a point that is 10 m beyond the top of the ravine bank.

**Streamside protection and enhancement area**

- 9 (1) The streamside protection and enhancement area for a stream is the portion of the riparian assessment area for the stream that
- (a) includes the land, adjacent to the stream boundary, that
    - (i) links aquatic to terrestrial ecosystems, and
    - (ii) is capable of supporting streamside vegetation, and
  - (b) in the case of a simple assessment, extends far enough upland from the stream that development outside the streamside protection and

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enhancement area will not result in any harmful alteration, disruption or destruction of natural features, functions and conditions in the area referred to in paragraph (a) that support the life processes of protected fish.

- (2) Without limiting subsection (1) (a) (ii), an area of human disturbance must be considered to be capable of supporting streamside vegetation if the area would be capable of supporting streamside vegetation were the area in a natural condition.

**Division 2 – Riparian Protection Standard****Riparian protection standard**

- 10** (1) Subject to subsections (2) to (4), a proposed development meets the riparian protection standard if the development
- (a) will not occur in the streamside protection and enhancement area, and
  - (b) in the case of a detailed assessment, will not result in any harmful alteration, disruption or destruction of natural features, functions and conditions in the streamside protection and enhancement area that support the life processes of protected fish.
- (2) Subject to subsections (3) and (4), a proposed development on a site that is subject to undue hardship meets the riparian protection standard if
- (a) the development
    - (i) will not occur in the streamside protection and enhancement area, other than in a part of that area that is already an area of human disturbance,
    - (ii) will be situated and otherwise designed so as to minimize any encroachment into the streamside protection and enhancement area, and
    - (iii) in the case of a detailed assessment, will not result in any harmful alteration, disruption or destruction of natural features, functions and conditions in the streamside protection and enhancement area that support the life processes of protected fish, and
  - (b) the areas of human disturbance on the site after the development is complete will not exceed the allowable footprint for the site.
- (3) Subsections (1) and (2) (a) do not require
- (a) a building or other structure that exists before the development occurs to be removed, if the structure will remain on its existing foundation and within its existing footprint, or
  - (b) any other area of human disturbance that exists before the development occurs to be returned or allowed to return to a natural condition, if the area will not be extended and the type of the disturbance will not be changed.
- (4) A proposed development that involves a subdivision of a parcel or strata lot does not meet the riparian protection standard if the subdivision would create

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- (a) a parcel that has a developable area that is less than the allowable footprint for that parcel, or
- (b) a strata lot that has a developable area that is less than the allowable footprint for that strata lot.

**Undue hardship**

- 11** (1) In this section, “**variance**” means any of the following:
- (a) a variance that a board of variance may order to be permitted under section 542 [*board powers on application*] of the *Local Government Act*;
  - (b) a variance that a local government may permit under section 498 [*development variance permits*] of the *Local Government Act*;
  - (c) an amendment to a zoning bylaw.
- (2) A site is subject to undue hardship for the purposes of this regulation if
- (a) the site was created by subdivision in accordance with the laws in force in British Columbia at the time the site was created,
  - (b) the developer has sought and received a decision on every variance that would reduce the legally restricted area of the site, and
  - (c) the developable area of the site is less than the allowable footprint for the site.
- (3) The allowable footprint for a site subject to undue hardship is the following:
- (a) if the area of human disturbance on the site is less than or equal to 70% of the area of the site, the allowable footprint is 30% of the area of the site;
  - (b) if the area of human disturbance on the site is greater than 70% of the area of the site, the allowable footprint is 40%.

**PART 4 – ASSESSMENTS AND ASSESSMENT REPORTS****Division 1 – Assessments****Assessments**

- 12** An assessment of a proposed development for the purposes of this regulation must be carried out
- (a) by one or more qualified environmental professionals, and
  - (b) in accordance with
    - (i) section 13, and
    - (ii) the technical manuals.

**Simple and detailed assessments**

- 13** An assessment must determine the streamside protection and enhancement area for a stream, in accordance with the technical manuals, using one of the following methods:

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- (a) a method based on measurement from the stream boundary or, if the stream is in a ravine, from the top of the ravine bank;
- (b) a method based on the location of natural features, functions and conditions that support the life processes of protected fish.

**Division 2 – Assessment Reports****Assessment reports**

- 14** An assessment report must be prepared
- (a) by or under the direction of a primary qualified environmental professional, and
  - (b) in accordance with
    - (i) sections 15 to 19, and
    - (ii) the technical manuals.

**Description of assessment**

- 15** (1) An assessment report must include
- (a) a description of the assessment activities carried out, and
  - (b) a description of the results of the assessment.
- (2) A description under subsection (1) (b) must identify, in accordance with the technical manuals,
- (a) the riparian assessment area,
  - (b) the streamside protection and enhancement area, and
  - (c) in the case of a detailed assessment, any potential hazards posed by the proposed development to natural features, functions or conditions in the streamside protection and enhancement area that support the life processes of protected fish.

**Recommended measures**

- 16** For each potential hazard identified under section 15 (2) (c), if applicable, an assessment report must
- (a) explain how the design of the proposed development will avoid the hazard, or
  - (b) recommend measures to be taken to avoid the hazard.

**Opinion on development**

- 17** An assessment report must set out the opinion of the primary qualified environmental professional by or under whose direction the report was prepared as to
- (a) whether the site of the proposed development is subject to undue hardship, and

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- (b) whether the proposed development will meet the riparian protection standard if the development proceeds as proposed in the report and complies with the measures, if any, recommended in the report.

**Supporting information**

- 18** (1) In this section, “**contact details**”, in relation to a person, means the street address, mailing address, telephone number and, if any, email address of the person.
- (2) Subject to subsection (3), an assessment report must include the following information:
- (a) the legal name and contact details of the primary qualified environmental professional by or under whose direction the report was prepared;
  - (b) the legal name and contact details of every other qualified environmental professional who participated in carrying out the report;
  - (c) the following information about each individual named under paragraph (a) or (b):
    - (i) the profession of the individual under section 21 (2) (a) [*qualified environmental professionals*];
    - (ii) the professional association under section 21 (2) (b) for that profession and the number by which the individual is identified by that professional association;
    - (iii) if the individual carried out functions in relation to the assessment or report as the employee of a company, the legal name of the company;
    - (iv) with respect to the primary qualified environmental professional, whether the individual has taken and achieved a passing grade on a course of study referred to in section 20 (b) [*primary qualified environmental professionals*];
  - (d) the legal name and contact details of the proponent of the proposed development;
  - (e) the following information about the proposed development:
    - (i) whether the development is a residential, commercial or industrial development;
    - (ii) whether the development is a new development or a change to an existing development;
    - (iii) the location of the development, set out as a street address, legal description and longitude and latitude;
    - (iv) the names of the local governments in whose planning and land use areas the development is proposed to occur;
    - (v) the code for the watershed in which the development is proposed to occur;

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- (vi) for each riparian assessment area in which development is proposed to occur,
    - (A) the official name of the affected stream or, if there is not an official name, a legal description of that stream, and
    - (B) the length of the affected portion of the affected stream;
  - (vii) the proposed start and completion dates for the development;
  - (f) final and complete design drawings for the proposed development;
  - (g) a clear and legible plan of the site of the proposed development that shows all of the following in accordance with the technical manuals:
    - (i) the riparian assessment area;
    - (ii) the streamside protection and enhancement area;
    - (iii) in the case of a detailed assessment, the areas in which natural features, functions and conditions that support the life processes of protected fish occur;
    - (iv) an outline of the proposed development and any existing areas of human disturbance on the site;
  - (h) in the case of a detailed assessment, an orthophoto labelled as required by the technical manuals;
  - (i) a plan to monitor the development, during construction, for the purposes of ensuring that the development is proceeding as proposed in the report and in accordance with any measures recommended in the report.
- (3) The following provisions do not apply in relation to a development that consists only in the subdivision of a parcel or strata lot:
- (a) subsection (2) (e) (ii) and (vii);
  - (b) subsection (2) (i).

**Signed statements**

- 19** (1) An assessment report must include the following statements:
- (a) a statement of the primary qualified environmental professional by or under whose direction the report was prepared that
    - (i) the professional is qualified under section 20 to serve as a primary qualified environmental professional in relation to the assessment and report,
    - (ii) if the professional prepared part of the report, the professional is qualified under section 21 (2) to serve as a qualified environmental professional in relation to that part,
    - (iii) each other qualified environmental professional, if any, who carried out a part of the assessment is qualified under section 21 (2) to serve as a qualified environmental professional in relation to that part,

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Part 4 – Assessments and Assessment Reports

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- (iv) the assessment was carried out in accordance with section 12 [*assessments*], and
  - (v) the report was prepared in accordance with section 14 [*assessment reports*] and is complete;
- (b) a statement of each other qualified environmental professional, if any, who carried out a part of the assessment that
- (i) the professional is qualified under section 21 (2) to serve as a qualified environmental professional in relation to that part,
  - (ii) the assessment as it relates to that part was carried out in accordance with section 12, and
  - (iii) the report as it relates to that part was prepared in accordance with section 14 and is complete;
- (c) if the developer is an individual, a statement of the developer that the developer has read the report;
- (d) if the developer is a corporation, a statement of an individual who is a director or officer of the corporation that the individual has read the report.
- (2) A statement under subsection (1) must be signed by the person required to make the statement.

### Division 3 – Qualified Environmental Professionals

#### Primary qualified environmental professionals

- 20** An individual may serve as a primary qualified environmental professional for the purposes of this regulation if the individual
- (a) is a qualified environmental professional, and
  - (b) has completed and achieved a passing grade on a course of study, approved by the minister, relating to assessments and assessment reports.

#### Qualified environmental professionals

- 21** (1) In this section:
- “**agrologist**” has the same meaning as in the *Agrologists Act*;
- “**applied science technologist or technician**” means a person who holds a certificate of registration under the *Applied Science Technologists and Technicians Act*;
- “**professional biologist**” has the same meaning as in the *College of Applied Biology Act*;
- “**professional engineer**” has the same meaning as in the *Engineers and Geoscientists Act*;
- “**professional forester**” has the same meaning as in the *Foresters Act*;

“**professional geoscientist**” has the same meaning as in the *Engineers and Geoscientists Act*;

“**registered forest technologist**” has the same meaning as in the *Foresters Act*.

- (2) An individual may serve as a qualified environmental professional for the purposes of carrying out part of an assessment under this regulation if
- (a) the individual is one of the following professionals:
    - (i) an agrologist;
    - (ii) an applied technologist or technician;
    - (iii) a professional biologist;
    - (iv) a professional engineer;
    - (v) a professional forester;
    - (vi) a professional geoscientist;
    - (vii) a registered forest technologist,
  - (b) the individual is registered and in good standing in British Columbia with the appropriate professional association constituted under an Act for the individual’s profession, and
  - (c) when carrying out that part of the assessment, the individual is acting
    - (i) within the individual’s area of expertise,
    - (ii) within the scope of professional practice for the individual’s profession, and
    - (iii) under the code of ethics of the appropriate professional association and is subject to disciplinary action by that professional association.

## PART 5 – GENERAL

### Strategies for monitoring, education and enforcement

- 22** A local government must cooperate with the minister, and the federal Minister of Fisheries and Oceans, in developing strategies in relation to
- (a) monitoring and reporting on the effect of developments on riparian areas,
  - (b) public education respecting the protection of riparian areas, and
  - (c) the implementation of and compliance with recommendations in an assessment report.

### Transition – former regulations

- 23** (1) In this section:
- “**2001 regulation**” means the Streamside Protection Regulation, B.C. Reg. 10/2001;
- “**2004 regulation**” means the Riparian Areas Regulation, B.C. Reg. 376/2004.

## RIPARIAN AREAS PROTECTION REGULATION

Part 5 – General

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- (2) This regulation does not apply in relation to a development that is proposed to occur in a riparian assessment area for a stream if
- (a) a streamside protection and enhancement area was established for the relevant portion of the stream in accordance with the 2001 regulation, and
  - (b) any amendments to that streamside protection and enhancement area meet the following requirements:
    - (i) in the case of amendments made on or after March 31, 2005 and before November 1, 2019, the resulting streamside protection and enhancement area was determined in accordance with the 2004 regulation;
    - (ii) in the case of amendments made on or after November 1, 2019, the resulting streamside protection and enhancement area is determined in accordance with this regulation.

**Transition – extensive repairs or reconstruction of non-conforming structures**

- 24** (1) In this section:

“**eligible structure**” means a building or other structure damaged or destroyed to the extent described in section 532 (1) [*repair or reconstruction if damage or destruction  $\geq$  75% of value above foundation*] of the *Local Government Act*;

“**former regulation**” means the Riparian Areas Regulation, B.C. Reg. 376/2004.

- (2) Despite section 3 [*application to developments*], this regulation does not apply in relation to a development that consists only of the repair or reconstruction of an eligible structure if
- (a) the structure will remain on its existing foundation, and
  - (b) a development permit or development variance permit described in section 3 (2) of the former regulation is issued for the repair or reconstruction before November 1, 2019.