

## BRIEFING NOTE FOR INFORMATION

**DATE:** March 23, 2023

**PREPARED FOR:** Honorable Nathan Cullen, Minister of Water, Land and Resource Stewardship  
Fin Donnelly, Parliamentary Secretary for Watershed Restoration

**ISSUE:** Water Elements of Permitting and Authorizations for Housing Riparian Area Program.

### KEY POINTS:

- The Ministry of Water, Land, and Resource Stewardship (WLRS) is the lead ministry responsible for ensuring that the collective management of aquatic values results in healthy ecosystems and the sustainable management of the species which rely on them.
- The Ministry is responsible for the recently announced Housing Action Task Force (HATF) on permitting. The HATF is assessing the volume, type, and complexity of applications that are housing-related, with the goal of accelerating decisions, and addressing systemic issues that cause duplication, timeline delays, and backlogs. This work includes the water elements of permitting and authorizations.
- The Ministry is responsible for the Riparian Areas Protection Regulation (RAPR), which housing development adjacent to waterways must comply with. Several actions are underway to resolve the issue of lengthy turn-around times and a backlog for adjudications.
- The RAPR supports development while also ensuring legal requirements are met.

### BACKGROUND:

Riparian areas are the zones of moisture-loving vegetation that surround wetlands, lakes, streams, and rivers. They form a transition zone between aquatic and dryer, upland habitats. Riparian areas are often more biologically productive than the adjoining upland and are a critical component of the province's biodiversity. In addition, healthy riparian areas support a range of urban needs including:

- Maintaining stream banks reduced sediment loads that impact municipal water processing.
- Storing floodwater and slowing down water flows, which reduces flood risk and flash floods.
- Recharging groundwater.
- Sequestering carbon.
- Protecting streams from the sun, reducing evaporation and drought risk.

There are several regulatory tools that relate to water that affect development. Three of the primary tools associated with riparian and fish habitat protection include:

- RAPR is a requirement for development (residential, commercial, and industrial) that is within 30 meters of fish habitat. It applies to 15 local governments and municipalities across British Columbia (BC). RAPR is implemented through local government bylaws, assessment costs are borne by the developer, adjudication is conducted by BC specialists, and Qualified Environmental Professionals (QEPs) are engaged to ensure legal requirements are met.
- Permitting under the Water Sustainability Act (WSA) is required for any activities in and around water, including the use or storage of water. Permits often have timing window restrictions in order to conserve and protect fish/salmon values.

- In 2019 the Fish and Fish Habitat Protection Provisions of the Federal *Fisheries Act* came into force, specifically, subsection 35(1) which prohibits work that results in the harmful alteration, disruption, or destruction of fish habitat without a federal permit.

## **DISCUSSION:**

### **RAPR:**

- Economic benefits of RAPR to municipalities and developers include visually appealing and desirable waterfront which creates higher property values/taxes, reductions in flood hazard and property damage, and lower stormwater management costs.
- The RAPR conserves the remaining pockets of riparian ecosystems within highly disturbed urban landscapes. These remnants are critical to meeting biodiversity targets, species at risk recovery, drinking water quality, and salmon recovery.
- In 2019 there was an annual submission rate of approximately 300 RAPR submissions, handled by 2 expert staff. In 2020 report submissions grew to 650 and continues to climb. The volume increase is partially due to housing growth, densification, and flood/fire event recovery.
- The timeline for reviews reached 6-8 months, which is unacceptable despite being similar to local government's review process timelines. The Ministry is taking significant steps to improve the wait time and better achieve the objectives of riparian protection. Actions include:
  - Hiring six additional expert staff for reviews, policy and process streamlining.
  - Shifting additional staff resources to focus on the backlog.
  - Education of QEPs and accountability by professional associations. Currently only 40% of submissions are approvable. The program expects QEPs to achieve 90%.
  - Drafting regulatory and policy changes to streamline processes.

### **Water Sustainability Act (WSA):**

Section 11 for work 'in and about a stream'.

- As with RAPR, increased volume and complexity has increased turn-around-time for reviews. To support improvement in WSA Section 11 reviews, this Ministry is:
  - Including WSA within the HATF scope of work, to resolve systemic issues.
  - Increasing provincial consistency through expert habitat biologists available to advise the Ministry of Forests permitting teams on complex files.
  - Working with DFO to streamline their reviews when required.

### **Federal Fisheries Act:**

- With the reintroduction of habitat protection requirements, development has had to adjust to new requirements and federal involvement. To find efficiencies, this Ministry has:
  - Ongoing work with DFO to improve provincial consistency in reviews by federal staff.
  - Continuous improvement in the Provincial RAPR and WSA tools to sustain DFO's support for them as equivalent to federal approvals, while still achieving BC's development interests.

## **NEXT STEPS:**

- The HATF will continue to work through the collective permitting issues.
- With the addition of new staff, RAPR should start demonstrating significant reductions in the backlog by June 2023.

**Attachment:** Attachment 1 RAPR February 2022 Dashboard



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**REVIEWED BY:**

	Initials	Date
DM	LH	March 27, 2023
ADM	JM	March 23, 2023
Program Dir/Mgr.	JD	March 22, 2023

# RAPR DASHBOARD

REPORT OUT

February 2023 Update

## Assessment Tracking

February 1<sup>st</sup> – February 15<sup>th</sup>

25 hrs overtime and  
BLITZ Day #1

**373**

Assessments  
Pending Review



**31 NEW**  
Assessments  
Received



**33**  
Actioned



**371**  
Assessments  
Pending Review

February 15<sup>th</sup> – February 28<sup>th</sup>

No overtime and BLITZ  
Day #2

**371**

Assessments  
Pending Review



**21 NEW**  
Assessments  
Received



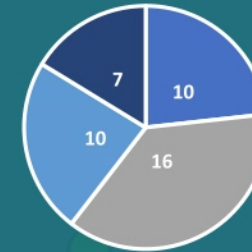
**54**  
Actioned



**338**  
Assessments  
Pending Review

### BLITZ DAY #1 SUMMARY

Date: Feb 15<sup>th</sup>  
6 staff participated  
43 files started  
33 actioned



Under Review

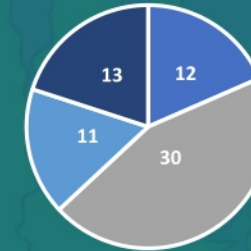
Approved

Rejected

Voided

### BLITZ DAY #2 SUMMARY

Date: Feb 24<sup>th</sup>  
11 staff participated  
66 files started  
54 actioned



Under Review

Approved

Rejected

Voided

## Staffing

Offers accepted on all 6 positions. New staff will be starting in March.

## Policy/Standards/Guidelines

Technical manual to provide direction to Qualified Professionals **IN PROGRESS**  
Regulation update **TARGETED TO START IN MARCH**

## Data Management

Filing system for assessments **COMPLETED**  
Compiling baseline data statistics for existing RAPR assessments **COMPLETED**  
Developing an automatic tracking and filing systems **IN PROGRESS**  
Reporting to Provincial Housing Team **IN PROGRESS**

## Other

Electronic permit submission system updates **IN PROGRESS**

Professional compliance action **IN PROGRESS**

Onboarding boot camp for team **IN PROGRESS**

Local Government Compliance **IN PROGRESS**

