

REGIONAL DISTRICT OF NANAIMO

P O L I C Y

SUBJECT:	<i>Riparian Areas Regulation Stream Declaration</i>	POLICY NO: B1.12 CROSS REF.:
EFFECTIVE DATE:	September 26, 2006	APPROVED BY: Board
REVISION DATE:		PAGE: 1 of 3

PURPOSE

To provide a consistent process to determine the presence or absence of Streams subject to the Riparian Areas Regulation (RAR) when handling property-related inquiries and development applications, and to ensure that property owners and developers are aware of their responsibilities with respect to the Riparian Areas Regulation.

POLICY

1. The property declaration form attached as Attachment No. 1 shall be completed by the property owner(s) or authorized agent(s) when applying for a building permit, and as necessary to determine whether or not a Development Permit is required, to ensure compliance with the Riparian Areas Regulation.
2. Where the property owner(s) or authorized agent(s) indicates that there is a water feature on a property, and the development, including land alteration and/or vegetation removal, may be within 30.0 metres of a watercourse, staff shall:
 - i. require the applicant to hire a Qualified Environmental Professional to determine whether the water feature is subject to the RAR, or
 - ii. make the determination that a water feature(s) is (are) not subject to the RAR where the situation is clear; however, where any uncertainty exists the applicant shall be required to hire a Qualified Environmental Professional to make the determination.
3. Where the property owner(s) or authorized agent(s) indicates that there is (are) no water feature(s) on a property that may be within 30.0 metres of any development, including land alteration and/or vegetation removal, staff shall:
 - i. review mapping resources and air photographs for any indication of the presence of a watercourse;
 - ii. check for a water feature during any site visits or inspections of the property; and
 - iii. require the applicant to hire a Qualified Environmental Professional to make a determination as to whether the watercourse is subject to the RAR where a water feature is suspected to exist.
 - iv. where no water feature exists within 30.0 metres of a development, consider exempting the proposed development from requiring a Development Permit, according to the requirements of the applicable development permit area;

4. If a proposed development as defined in the *Riparian Areas Regulation* is found to be within the Riparian Assessment Area as defined in the *Riparian Areas Regulation*, the applicant shall be required to hire a Qualified Environmental Professional to conduct an assessment pursuant to the *Riparian Areas Regulation* and applicable development permit area.

Riparian Areas Regulation Stream Declaration Policy - Attachment No. 1



**Riparian Areas Regulation
Property Declaration Form**

Page 1 of 1

Property Subject Legal Description: _____

Subject Property Address: _____

I (we) acknowledge that the province of British Columbia enacted the *Riparian Areas Regulation* to protect the critical features, functions, and conditions required to sustain fish habitat. Furthermore, this legislation prohibits the Regional District of Nanaimo from approving or allowing a development to proceed adjacent to a watercourse until it has received notice that a report prepared by a Qualified Environmental Professional has been received by the Ministry of Environment.

I (we) understand that a water feature includes any of the following:

- a) any watercourse, whether it usually contains water or not;
- b) any pond, lake, river, creek, or brook; and/or,
- c) any ditch, culvert, spring, or wetland.

I (we) declare that (*please check the one that applies*):

- A. there are no water features located on the subject property, or
- B. there are water features located on the subject property.

I (we) declare that all proposed development including land alteration, vegetation removal, construction and / or building (*please check the one that applies*):

- A. is greater than 30.0 metres from a water feature, or
- B. is less than 30.0 metres from that water feature.

I (we) acknowledge that I (we) are familiar with the property and area, and have inspected the property and immediate area for the existence of any water features prior to signing this form.

Property owner/agent signature(s): 1 _____ 2 _____

Print Name(s): 1 _____ 2 _____

Mailing Address: _____ Postal Code: _____ Phone: _____

Witnessed By: _____ Date: _____