



CLIFF 255820

MAY 28 2020

Joe Saysell, Chair
Friends of the Cowichan
PO Box 169
Lake Cowichan, British Columbia
V0R 2G0

Dear Joe Saysell:

Thank you for your letter of April 30, 2020, to Minister Donaldson, regarding Riparian Areas Regulation and land clearing close to a tributary of Stanley Creek, near the Town of Lake Cowichan. I have been asked to reply on his behalf.

The Riparian Areas Regulation was recently reviewed to strengthen the protection of riparian areas. The revised legislation is now called the Riparian Areas Protection Regulation (RAPR) and came into force on November 1, 2019. Local governments are still responsible for enforcement of the RAPR, the Town of Lake Cowichan in this case.

Regarding vegetation clearing near a spring on property (PID 002-103-109), this was first brought to our attention on November 14, 2019, which initiated a field inspection on November 15, 2019, by Compliance and Enforcement officers. They investigated if there was an infraction of the *Water Sustainability Act* because any work below the high-water mark of a stream required the submission of a Notification of Authorized Changes (for minor works) or an application for a Change Approval (for major works). They did not observe any work below the high-water mark of the stream and, therefore, no infractions of the *Water Sustainability Act* were indicated. Compliance and Enforcement officers noted that effective mitigation measures were taken to protect Stanley Creek from exposed soils and sedimentation. The developers and their environmental consultant were present during the inspection.

A report for PID 002-103-109 was submitted to the Province on November 16, 2019, under the new RAPR. It was reviewed by RAPR staff but was not approved as it did not meet the assessment and reporting requirements of the legislation. Measures to protect riparian areas were included in the report, but the required development and construction details were missing. The report also identified the spring that you mentioned but did not identify

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connections to Stanley Creek or how the development adjacent to the spring would comply with the RAPR.

To date, a revised RAPR assessment report has not been submitted for the property. Without an accepted RAPR assessment report, the property cannot be subdivided and there should be no clearing of vegetation or other work within the 30-metre Riparian Assessment Area of any stream or other waterbody on the property.

Thank you again for your letter regarding Stanley Creek and the fish resources of the Cowichan River. If you require further information, please contact Ron Diederichs, Section Head, Ecosystems by email at Ron.Diederichs@gov.bc.ca or by phone at 250 739-8360.

Your truly,



Sharon Hadway
Regional Executive Director
West Coast Natural Resource Region

pc: Honourable Doug Donaldson, Minister of Forests, Lands, Natural Resource Operations and Rural Development
John Allan, Deputy Minister of Forests, Lands, Natural Resource Operations and Rural Development
Jim Norlock, Compliance and Enforcement Supervisor, West Coast Natural Resource Region
Joseph A. Fernandez, Chief Administrative Officer, Town of Lake Cowichan
jfernandez@lakecowichan.ca
Alistair MacGregor, MP alistair.macgregor@parl.gc.ca
Bernadette Jordan, Minister of Fisheries, Oceans and the Canadian Coast Guard
min@dfm-mpo.gc.ca
Sonia Furstenuau, MLA sonia.furstenau.mla@leg.bc.ca
Cowichan Lake and River Stewardship Society clrss.information@gmail.com
Cowichan Watershed Board info@cowichanwatershedboard.ca
Ron Diederichs, Section Head, Ecosystems, West Coast Natural Resource Region