

Exploring Changes to
**Riparian Areas Protection Regulation
and Riparian Area Protection Act**

Natural Resource Permitting Improvements



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The background of the slide is a photograph of several salmon swimming underwater. The fish are silvery with hints of orange and pink, particularly around their eyes and fins. They are moving from the bottom left towards the top right of the frame. The water is a murky, greenish-brown color, and the lighting is somewhat dim, creating a naturalistic underwater scene.

Outline

- What is a riparian area
- Overview of the legislation
 - Riparian Area Protection Act (RAPA)
 - Riparian Area Protection Regulation (RAPR)
- Framework of riparian legislation
- Where the RAPR applies
- Current legislation and its challenges
- Key goals
- Exploring changes to RAPA and RAPR

Riparian Areas

Definition:

- Riparian areas are the vegetated zones next to streams, rivers, lakes, and wetlands.

Importance:

- Provide critical habitat for fish and wildlife
- Help maintain water quality by filtering runoff
- Stabilize streambanks and reduce erosion
- Support biodiversity and ecological connectivity



Overview

Riparian Area Protection Act (RAPA):

- BC legislation aimed at safeguarding riparian areas during development
- Ensures local governments consider riparian protection in land use decisions through the enactment of bylaws that ensure that residential, commercial and industrial development adheres to the Riparian Area Protection Regulation

Riparian Area Protection Regulation (RAPR):

- Regulation under RAPA that guides how development near riparian areas must proceed
- Requires Qualified Environmental Professionals (QEPs) to assess potential impacts and submit assessment reports to the Province
- Applies to development within 30 meters of a stream, lake or wetland in specific BC regions

Framework of Riparian Legislation



1. Development Proposal

A landowner/developer proposes a project (residential, commercial or industrial) within 30m of stream, lake or wetland. Local Government bylaws trigger a RAPR requirement for Development Permit.

2. Assessment by a QEP

(Qualified Environmental Professional):

A **qualified environmental professional (QEP)** assesses the site to determine appropriate protection measures for the riparian area.

3. SPEA Identified

(Streamside Protection Enhancement Area)

The QEP identifies a **stream protection enhancement area (SPEA)**, a setback zone where development is restricted to protect riparian function.

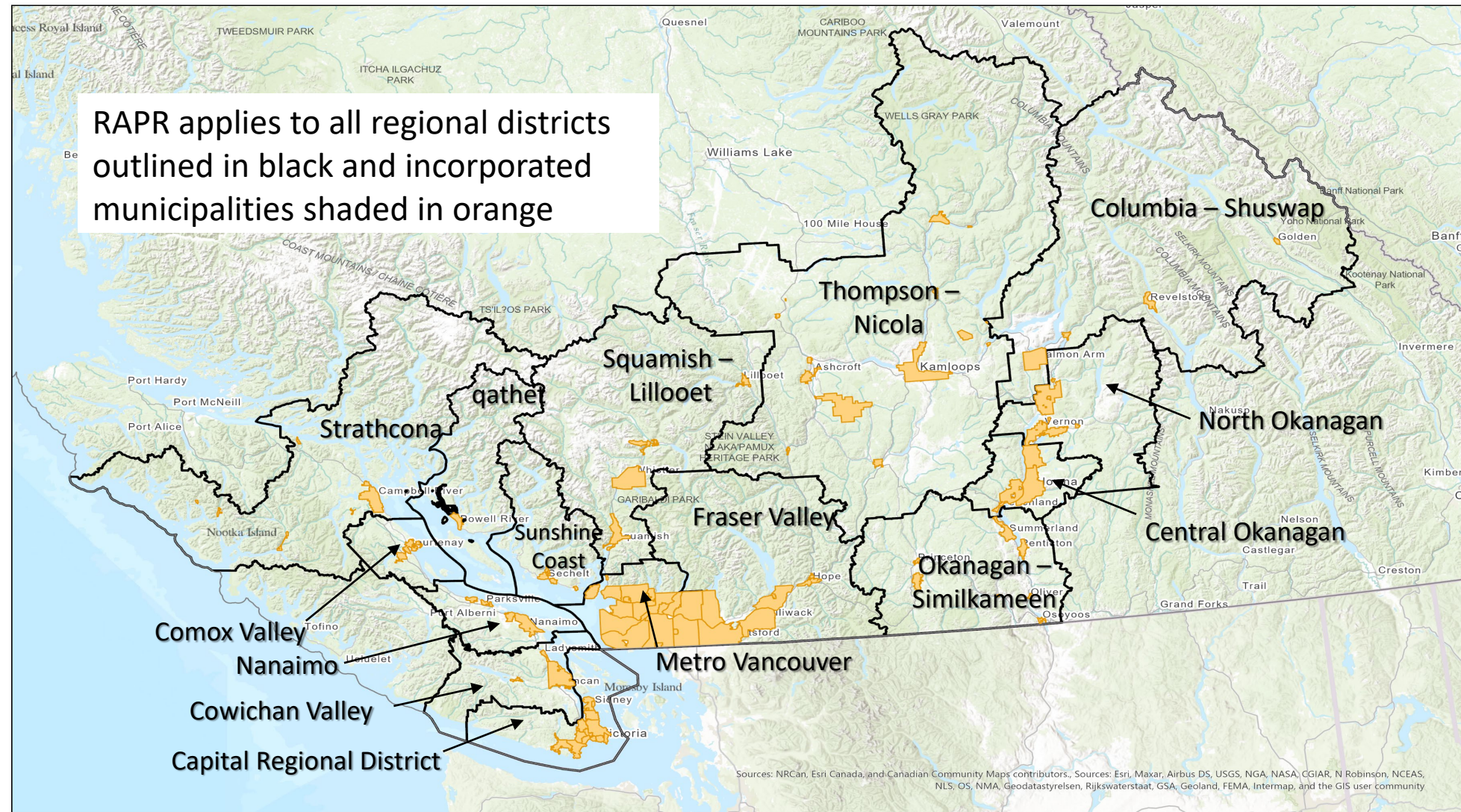
4. Report Submission

The QEP submits a **riparian assessment report** to the province, confirming compliance with the regulation.

5. Approval

The local government receives Provincial confirmation that the project meets the RAPR, then proceeds with development approvals based on the assessment.

Where RAPR Applies:



Current RAPR Legislation:

Section 3 – Application to Developments

- Applies to residential, commercial, or industrial developments in riparian assessment areas where local governments have regulatory authority

Exemptions include:

- Projects already authorized by Fisheries and Oceans Canada
- Repairs or non-structural alterations within existing footprint
- Maintenance of disturbed areas without expansion/change in disturbance

Section 10 – Riparian Protection Standard

- Developments must **avoid the SPEA** and prevent harm to fish habitat
- If hardship exists:
 - Encroachment into SPEA must be minimized
 - Must remain within allowable footprint
- Existing structures and disturbed areas can remain if not expanded
- Subdivisions creating undersized lots **do not meet** the protection standard

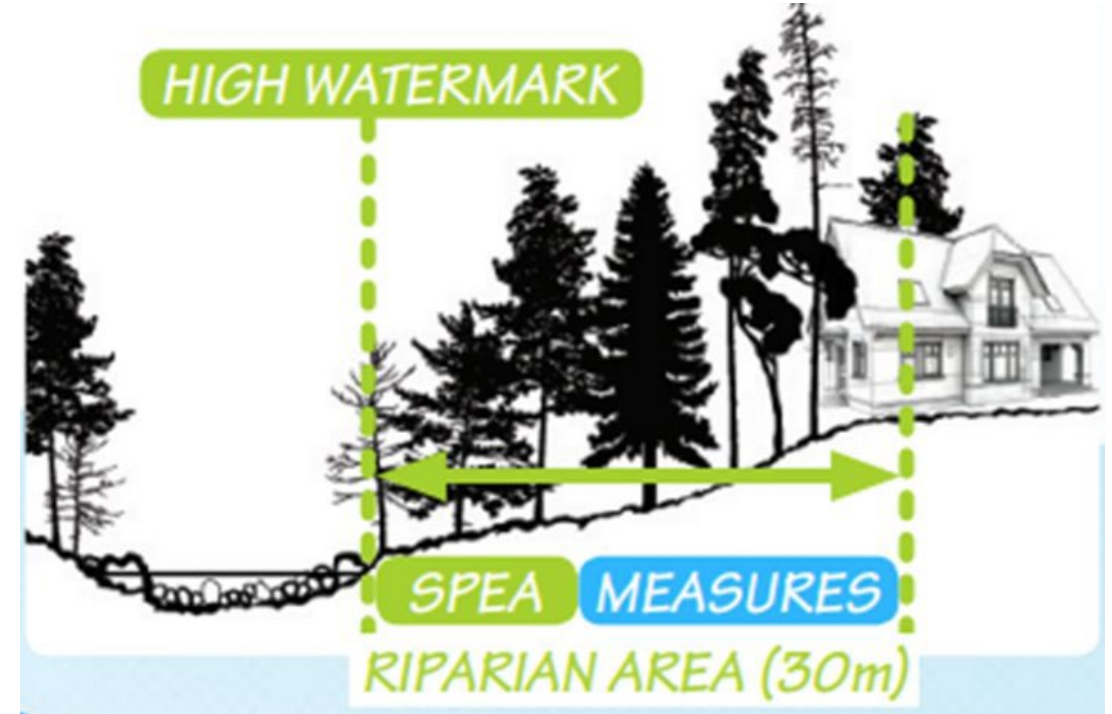
Challenges with Legislation

Minimal Flexibility: No development in the SPEA

- Strict no development line leaves no flexibility
- Misalignment with intersecting legislation
- Does not allow for risk-based permitting with appropriate mitigative conditions

Unclear expectations

- Unclear or missing definitions
- Inconsistent interpretations
- Delays in permitting timelines



Key Goals of Proposed Amendments:

1. Introduce Flexibility for Low-Risk Activities in Protected Areas (SPEAs)

Amend RAPR Section 10 to allow specific low-risk activities, such as building fences or formalizing trail access, within SPEAs, with mitigative conditions.

- Aligns with risk-based approaches used in related environmental legislation and promotes practical stewardship.

2. Expand Exemptions for Low-Impact Activities

Revise RAPR Section 3 to broaden exemptions for clearly defined, low-risk activities.

- Enables landowners to undertake minor works (e.g., structural repairs, invasive species removal) without requiring provincial review, reducing delays and expediting permitting processes.

3. Clarify and Strengthen Legal Definitions

Amend and expand the definitions in the RAPA and RAPR to enhance clarity and consistency.

- Supports more consistent interpretation, implementation, and enforcement across jurisdictions.

Introduce **Flexibility** for Low-Risk Activities in Protected SPEAs (RAPR Section 10)

Allow Waterfront Access Structures (e.g., stairs or trails)

Installing small-scale access routes—**like stairs or trails**—will require a RAPR submission **and be allowed in the SPEA**, as long as:

- The development follows provincial conditions to minimize riparian area impact

This supports **safe access while reducing erosion** and protecting sensitive vegetation.

Introduce **Flexibility** for Low-Risk Activities in Protected Areas (SPEAs) (RAPR Section 10)

Allow Fences in SPEA

Installing **fences near streams** will require a RAPR submission **and be allowed in the SPEA**, as long as:

- The design follows provincial conditions to protect riparian habitat

This helps define **property boundaries while supporting habitat connectivity** and ecosystem health.

Introduce **Flexibility** for Low-Risk Activities in Protected Areas (SPEAs) (RAPR Section 10)

Allow Natural Erosion Control Measures

Installing erosion control near streams, **with the goal of stabilizing steep slopes**, will require a RAPR submission **and be allowed in the SPEA**, as long as:

- The design follows provincial conditions to protect riparian habitat

This supports **long-term bank stability** while protecting and enhancing riparian habitat.

Introduce **Flexibility** for Low-Risk Activities in Protected Areas (SPEAs) (RAPR Section 10)

Allow for Flexibility for Rebuilding After Natural Disasters (e.g., Wildfires)

Allowing homeowners to **rebuild what was lost** after wildfires or other disasters will require a RAPR submission **and be allowed in the SPEA**, as long as:

- The development follows provincial conditions to minimize riparian area impact
- The structure that was lost was a **legal structure**
- Rebuilding occurs within the **original building footprint**
- **Riparian restoration** is carried out as part of the rebuild process

This supports swift but **responsible recovery**, avoiding new or compounded impacts to riparian habitat.

Expand Exemptions for Low-Impact Activities (RAPR Section 3)

Allow Minor Repairs Without RAPR Review

Small repairs to buildings and structures near streams—like **replacing rotting deck boards or posts**—**won't require a RAPR submission** as long as:

- The structure isn't being expanded
- There are **no major changes** to its design or footprint
- Repairs **meet conditions** identified in regulation

This change helps homeowners **maintain safety and usability** of existing structures without provincial review.

Expand Exemptions for Low-Impact Activities (RAPR Section 3)

Exempt Riparian Restoration Projects

Restoration of **fish habitat**—like planting native vegetation, removing invasive species, or improving streambanks—**won't require a RAPR submission**, as long as:

- Restoration **meets conditions** identified in regulation

This helps support community stewardship and **healthy ecosystems**.

Expand Exemptions for Low-Impact Activities (RAPR Section 3)

Allow Dangerous Tree Removal

Removal of trees that pose an immediate safety risk—like those **damaged, dying, or leaning dangerously near homes or trails**—**won't require a RAPR submission**, as long as:

- The tree(s) has been assessed as a “Dangerous Tree” by a qualified professional holding a [Wildlife Danger Tree Assessor Certificate \(WDTAC\)](#) or [Tree Risk Assessment Qualification \(TRAQ\)](#)
- The tree(s) is removed by qualified professionals (e.g., certified arborists)
- Removal **meets conditions** identified in regulation

This promotes **safe and proactive land management** while protecting nearby habitat.

Expand Exemptions for Low-Impact Activities (RAPR Section 3)

Support Removal of Invasive Species

Removing invasive plants from riparian zones—through hand-pulling or mechanical methods—**won't require a RAPR submission**, as long as:

- The invasive plant(s) is listed by the Invasive Species Council of BC
- Herbicides and pesticides are **not used** as a removal method
- Removal **meets conditions** identified in regulation

This supports **habitat restoration and protects local biodiversity**.

Expand Exemptions for Low-Impact Activities (RAPR Section 3)

Exempt Projects with Existing Environmental Reviews

Projects that have already completed a federal or provincial environmental assessment—**such as industrial projects or major developments**—won't require a RAPR submission, as long as:

- The project has obtained a **federal or provincial environmental assessment approval**
- Federal and/or provincial review has included **riparian considerations**

This avoids **duplication, reduces costs, and ensures environmental protection** through existing review processes.

Expand Exemptions for Low-Impact Activities (RAPR Section 3)

Exempt Cleanup of Contaminated Sites

Cleanup of polluted sites near streams - **won't require a RAPR submission**, as long as:

- Cleanup activities comply with the [Contaminated Sites Regulation \(CSR\)](#) of the [Environmental Management Act \(EMA\)](#)
- Cleanup **meets conditions** identified in regulation

This helps ensure timely cleanup while **protecting water and riparian areas**.

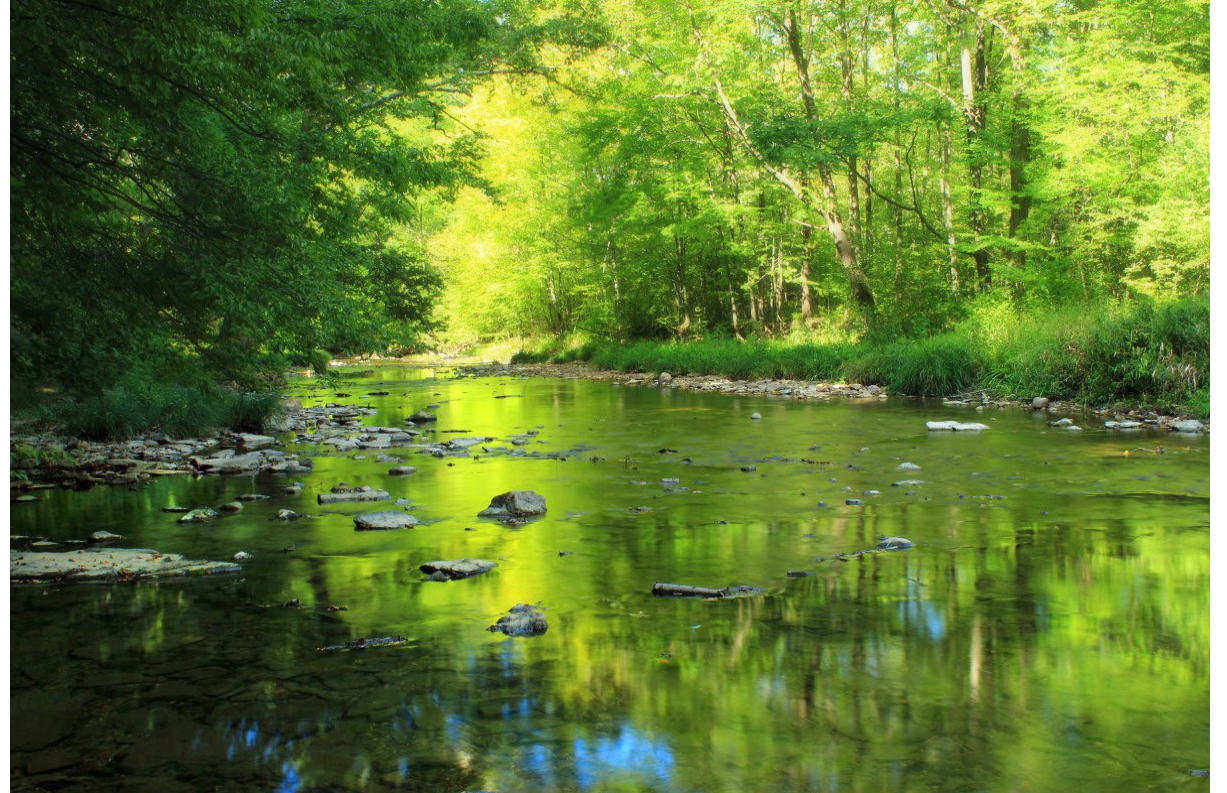
Clarify and Strengthen Legal Definitions

Definitions that require clarity:

- RAPA: Serious Harm to Fish
- RAPR:
 - Naturally Restricted Area
 - Protected Fish
 - Undue Hardship
 - Allowable Footprint
 - Qualified Environmental Professional

Definitions that are needed:

- RAPR:
 - Ditch
 - Surface Flow of a Stream
 - Riparian Restoration
 - Institutional Development
 - Invasive Species



**Please complete the survey to
share your thoughts on these
possible changes**

Thank you.



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