

20.4 DPA I – Foreshore and Riparian Areas Protection

Category

In accordance with Section 488.1 of the *LGA*, the Regional District establishes objectives for the protection of the natural environment, its ecosystems and biological diversity. Also, in conformance with the objectives of the provincial *Fish Protection Act*, the ACRD wishes to ensure sufficient water for fish, to protect and restore fish habitat, and to improve riparian protection and enhancement. These areas are designated as DPA I, generally as shown on Map No. 3.

DPA I areas include all lands within 30 metres, measured horizontally in both upland and foreshore directions, from the natural boundary of major streams, including Sproat Lake, and within 15 metres of minor streams. Setbacks will be calculated as follows:

- a) for a river or major stream, a 30 metre strip on both sides (upland and foreshore) of the natural boundary of the stream;
- b) for a minor stream, a 15 metre strip on both sides of the stream measured from the natural boundary;
- c) for a ravine less than 60 metres wide, a strip on both sides of the stream measured from the natural boundary to a point that is 30 metres beyond the top of the ravine bank; and
- d) for a ravine 60 metres wide or greater, a strip on both sides of the stream measured from the natural boundary to a point that is 10 metres beyond the top of the ravine bank.

For purposes of clarity, the above descriptions should be relied upon rather than the foreshore and riparian areas shown on Map No. 3. The latter is intended as a visual aid only to help locate these areas.

Within the Sproat Lake OCP area, “major streams” include Sproat Lake, Great Central Lake, Boot Lagoon, Taylor River, Alberni Inlet, Ash River, Stamp River, Somass River, Sproat River and Two Rivers. “Minor streams” include but are not limited to Somers Lake, Patterson Lake, Turtle Lake, Ward Lake, Devil’s Den Lake, McCoy Lake, Shuhum Creek, Ward Creek, Bookhout Creek, Clutesi Creek, Friesen Creek, Heath Creek, Demens Creek, Nook Creek, Fossli Creek, St. Andrew Creek, St. Dennis Creek, all other named and unnamed creeks, lakes and wetlands.

The community recognizes that a stream – whether located within lands designated for resource use, agricultural use or residential or rural use – is a continuous entity and should be protected along its entire length.

Justification

The natural environment is a significant feature of the ACRD area. It includes wet aquatic ecosystems that consist of and surround water features such as streams, lakes, ponds, wetlands and in many cases, ditches. Some of these ecosystems may only be wet during the winter

months, drying up in the summer. The geography and vegetation that surrounds, protects and interacts with the aquatic environment is called the foreshore and riparian area.

Together, the water feature (foreshore) and the riparian area form aquatic ecosystems which are critical for the survival of fish, fish supportive processes and which are important to maintain biodiversity and essential for many species. Unnecessarily disturbing these sensitive and important aquatic environments may harm their vitality and the ecological services they provide and can have downstream consequences on fish habitat.

Aquatic ecosystems are also critical for the survival of wildlife and form necessary travel corridors between habitats. Water is an important part of maintaining biodiversity and is essential for many species. Many rare species are associated with aquatic environments.

Aquatic ecosystems are natural water purifiers and pollution filtration systems. Healthy aquatic ecosystems have a capacity to retain stormwater runoff, maintain water quality by reducing levels of sediment, nutrients and contaminants in outflow water, to slow water flow and to prevent erosion.

DPA I designation is used to ensure that the ecological values of sensitive riparian and wetland habitats have been considered prior to development, and that measures will be taken to limit or avoid damage to these ecosystems.

The objectives of having these Development Permit requirements include:

- a) Planning and guiding new development in a manner that preserves and protects fish and fish supportive processes, fish habitat and sensitive aquatic ecosystems;
- b) Protecting, restoring and enhancing fish and fish supportive processes, fish habitat and sensitive aquatic ecosystems in a relatively natural state while supporting adjacent land uses;
- c) Meeting the objectives of the *Fish Protection Act*; and
- d) Protecting water quality and quantity.

Guidelines

The following guidelines apply:

- i. Unless otherwise exempt under 20.3, prior to undertaking any development on the lands within this DPA, the owner of the lands must apply to the ACRD for a Development Permit, and must include the following information with the application:
 - An assessment report that has been prepared by a Qualified Environmental Professional, with demonstrated experience regarding the subject matter. The assessment report will identify how the proposed development will affect aquatic resources, and recommend measures to reduce or mitigate any negative impacts, such as the:
 - i. Appropriate siting of buildings, structures, landscaping and placement of fill, moorage facilities, roads, driveways, parking areas, trails, paths, and utilities;

- ii. Retention or restoration of native vegetation and soils;
 - iii. Removal of invasive species;
 - iv. Designation of buffer areas to protect environmentally sensitive features or habitat;
 - v. Specification of any activities that may occur within the buffer areas; and
 - vi. Must state that the proposal is suitable for the area intended for development.
- i. Development or alteration should be planned to avoid intrusion into DPA I areas and to minimize the impact of any activity on these areas.
- ii. Protective measures such as the planting or retention of trees or vegetation may be required to preserve, protect, restore or enhance streams, fish habitat or riparian areas.
- iii. In the absence of a report from a QEP, a minimum vegetated buffer of 30 metres between the natural boundary and any building or structure should be preserved on major streams free from development, and 15 metres on minor streams or streams.
- iv. The total amount of impervious cover on property adjacent to a stream should minimize impact on the receiving aquatic environment. Consideration should be given to reducing impervious cover through reduction in building footprint and paved areas, exceeding the minimum riparian setback where feasible, and use of on-site infiltration.
- v. The construction of a small accessory building such as a gazebo, garden shed or play house may be permitted if all the following apply:
 - a) The building is located within an existing landscaped area;
 - b) No native trees are removed;
 - c) The building is located a minimum of 15 metres from the natural boundary of a minor stream or 30 metres from the natural boundary of a major stream; and
 - d) The total area of the structure is not more than 9.2 m².
- vi. The construction of a private, commercial and group moorage facility are permitted in DPA I subject to the following conditions:
 - a) Refer to the Ministry of Forests, Lands and Natural Resource Operations *Provincial Crown Land Use Operational Policy: Private Moorage* for general permission for private moorage facilities.
 - b) Commercial moorage facilities must be designed and constructed in compliance with the applicable best management practices of the province.
 - c) Refer to the Ministry of Forests, Lands and Natural Resource Operations *Provincial Crown Land Use Operational Policy: Residential* for specific permission for group moorage facilities.
 - d) New docks and ramps shall be allowed only for water-dependent uses or for public access, and only permitted when the applicant has demonstrated that a specific need exists to support the intended water-dependent use.
 - e) Docks shall not extend over marshes or other productive foreshore areas, including critical areas such as fish habitats.
 - f) Boat launch ramps are discouraged and will only be considered if they can be located on stable, non-erosional banks where a minimum amount of

substrate disturbance or stabilization is necessary.

- g) Structures in contact with the water shall be constructed of stable materials, including finishes and preservatives that will not degrade water quality.
- h) All docks shall be constructed so that they do not rest on the bottom of the foreshore at low water levels.
- i) Any styrofoam, plastic foams or other non-biodegradable materials used in construction of floats and docks shall be well contained to prevent escape into the natural environment.
- j) Preference is given to the placement of mooring buoys and floats instead of docks.
- k) No more than one dock shall be located on any single residential lot.
- l) Placement of docks must remain sensitive to views, impacts on neighbours, and orientation to neighbouring docks.
- a) Keep the dock and land beneath the dock safe, clean and sanitary condition.
- b) The consideration of the issuance of a Development Permit by the ACRD in no way exempts the property owner from obtaining all necessary permits and approvals from provincial and federal agencies.