Development Permit Application

Referral Form – RDCK File DP2508Hn

Date: October 28, 2026

You are requested to comment on the attached DEVELOPMENT PERMIT for potential effect on your agency's interests. We would appreciate your response WITHIN 30 DAYS (PRIOR TO NOVEMBER 28, 2026). If no response is received within that time, it will be assumed that your agency's interests are unaffected.

LEGAL DESCRIPTION & GENERAL LOCATION:
260 Wilson Creek Road, Rosebery, Electoral Area 'H'
LOT B DISTRICT LOT 4877 KOOTENAY DISTRICT PLAN EPP30385 (PID: 029-139-716)

PRESENT USE AND PURPOSE OF PERMIT REQUESTED:
The subject property is located in the rural area of Rosebery on the south side of Wilson Creek and north of East Wilson Creek Road. The primary residence has been constructed within the Watercourse Development Permit (WDP) Area and other disturbance (garden, chicken coop, placement of accessory structures) has also occurred within WDP Area.

This WDP application has been submitted to determine the required restoration/mitigation to offset the disturbance that has occurred within the WDP Area.

Approximately 144 square metres of land within the WDP Area has been impacted by the unauthorized construction on the subject property. The Riparian Area Assessment Report prepared by Masse Environmental proposes restoration and offsetting activities that aims to protect an additional 1077 square metre area of native forest habitat.

Staff Note: *Although this WDP application was submitted in August 2025, it was put on hold until the Board of Directors made a decision on the related Site-Specific Floodplain Exemption (SSFE) Application (F2603Hn) to authorize the primary residence to remain in its present location. On October 22, 2026 the Board resolved to approve the SSFE Application.*

AREA OF PROPERTY AFFECTED	ALR STATUS	ZONING	OCP
0.9 ha (2.25 acres)	n/a	n/a	Rural Residential (R3) in Official Community Plan Bylaw No. 1967, 2009

APPLICANT: Masse Environmental Ltd.

Please provide your response via email.

If your agency's interests are 'Unaffected' no further information is necessary. In all other cases, we would appreciate receiving additional information to substantiate your position and, if necessary, outline any conditions related to your position. Please note any legislation or official government policy which would affect our consideration of this permit.

☒ MINISTRY OF TRANSPORTATION AND INFRASTRUCTURE	REGIONAL DISTRICT OF CENTRAL KOOTENAY
☒ HABITAT BRANCH	DIRECTORS FOR:
☒ FRONTCOUNTER BC	☐ A ☐ B ☐ C ☐ D ☐ E ☐ F ☐ G ☒ H ☐ I ☐ J ☐ K
☒ ARCHAEOLOGY BRANCH	ALTERNATIVE DIRECTORS FOR:
☐ AGRICULTURAL LAND COMMISSION	☐ A ☐ B ☐ C ☐ D ☐ E ☐ F ☐ G ☐ H ☐ I ☐ J ☐ K
☐ REGIONAL AGROLOGIST	☐ APHC AREA
☐ ENERGY & MINES	☒ RDCK FIRE SERVICES
☐ MUNICIPAL AFFAIRS & HOUSING	☒ RDCK EMERGENCY SERVICES
☒ INTERIOR HEALTH, HBE TEAM	☒ RDCK BUILDING SERVICES
☐ SCHOOL DISTRICT NO.	☐ RDCK UTILITY SERVICES
	☐ RDCK RESOURCE RECOVERY

Nelson Office: Box 590, 202 Lakeside Drive, Nelson, BC. V1L 5R4
Phone: 250.352.6665 | Toll Free: 1.800.268.7325 (BC) | Email: info@rdck.ca | Fax: 250.352.9300

☐ WATER SYSTEM OR IRRIGATION DISTRICT ☒ UTILITIES (FORTIS, BC HYDRO, NELSON HYDRO, COLUMBIA POWER)	☐ RDCK REGIONAL PARKS

The personal information on this form is being collected pursuant to *Regional District of Central Kootenay Planning Procedures and Fees Bylaw No. 2457, 2015* for the purpose of determining whether the application will affect the interests of other agencies or adjacent property owners. The collection, use and disclosure of personal information are subject to the provisions of FIPPA. Any submissions made are considered a public record for the purposes of this application. Only personal contact information will be removed. If you have any questions about the collection of your personal information, contact the Regional District Privacy Officer at 250.352.6665 (toll free 1.800.268.7325), info@rdck.bc.ca, or RDCK Privacy Officer, Box 590, 202 Lakeside Drive, Nelson, BC V1L 5R4.

RDCK Map



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Nelson, BC V1L 5R4
Phone: 1-800-268-7325 www.rdck.bc.ca
maps@rdck.bc.ca

Legend

- Electoral Areas
- RDCK Streets
- Cadastre - Property Lines

Map Scale:

1:18,056

Date: February 19, 2025

The mapping information shown are approximate representations and should only be used for reference purposes. The Regional District of Central Kootenay is not responsible for any errors or ommissions on this map.

RDCK Map



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Legend

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Map Scale:

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Legend

- Electoral Areas
- RDCK Streets
- Cadastre - Property Lines

Map Scale:

1:4,514

Date: February 19, 2025

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20 Meter Contours

- 20 meter
- 100 meter

Legend

- Electoral Areas
- RDCK Streets
- Cadastre - Property Lines

Map Scale:

1:2,257

Date: February 19, 2025

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RDCK Map



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Development Permit Areas

- Environmentally Sensitive Residential Cluster
- Industrial
- Watercourse

Legend

- Lakes and Rivers
- Streams and Shorelines
- Electoral Areas
- RDCK Streets
- Cadastre - Property Lines

Map Scale:

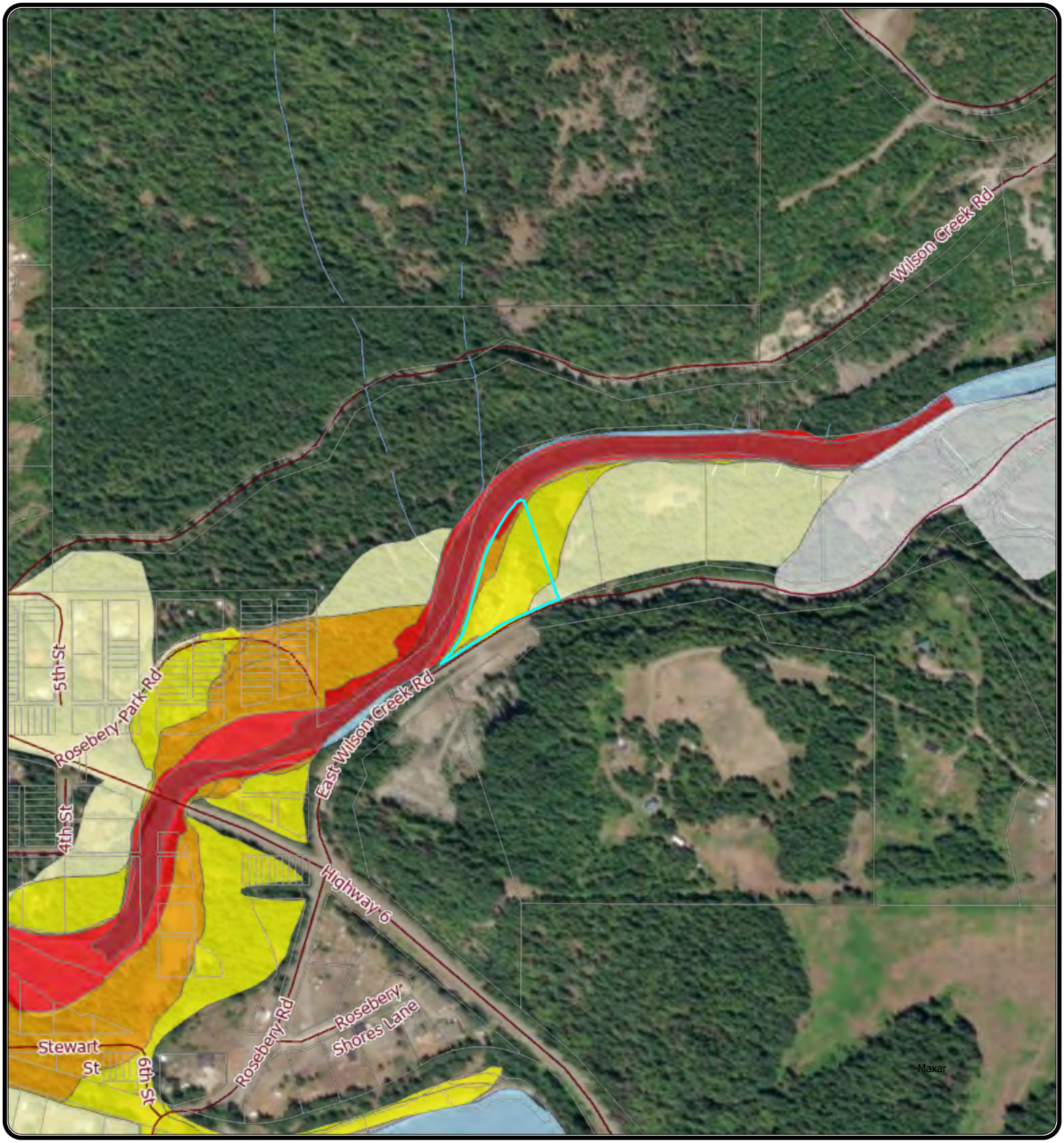
1:4,514

N W E S

Date: February 19, 2025

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RDCK Map



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Steep Creek Hazard Rating - 2020 Composite

- Very High
- High
- Moderate
- Low

Legend

- Very Low
- Not Studied
- Lakes and Rivers
- Streams and Shorelines
- Electoral Areas
- RDCK Streets
- Cadastre - Property Lines

Map Scale:

1:9,028

Date: February 19, 2025

The mapping information shown are approximate representations and should only be used for reference purposes. The Regional District of Central Kootenay is not responsible for any errors or ommissions on this map.

260 East Wilson Creek Road, Rosebery, BC

Riparian Assessment V1.0



Prepared for:

Darrell Steenhoff and Audrey Steenhoff

260 East Wilson Creek Rd.

Rosebery, BC

June 30, 2025

Prepared by:
Masse Environmental Consultants
812 Vernon Street
Nelson, BC, V1L 4G4

Project Number 2024-1183

Riparian Assessment Report Revision History

Name	Date	Version
Lisa Pavelich P.Ag.	June 30, 2025	1.0

Disclosure Statement

This report has been prepared by Heather Shaw B.I.T., B.Sc. and reviewed by Sylvie Masse, MSc, RPBio.

I, Sylvie Masse, hereby certify that:

a) I am a qualified environmental professional (QEP), as defined in the Riparian Areas Regulation made under the Fish Protection Act;
b) I am qualified to carry out this part of the assessment of the development proposal made by the developer;
c) I have carried out my assessment of the development proposal, and my assessment is set out in this Assessment Report; and
d) In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Protection Regulation.

This report has been prepared by a QEP who has not acted for, or as an agent(s) of the RDCK and was at the expense of the property owner.

LIMITATIONS

This report has been prepared by the authors solely for the clients, Darrell and Audrey Steenhoff. The content reflects the authors' professional judgment based on the information available at the time of preparation. Any use, reliance, or decisions made by third parties based on this report are solely at their own risk. The authors assume no liability for any damages, losses, or consequences arising from actions or decisions taken by third parties in reliance on this report. A record copy of this report is maintained at Masse Environmental and is considered the official version, superseding any copies or reproductions of the report.

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1 INTRODUCTION

Masse Environmental Consultants Ltd. was retained by Darrell and Audrey Steenhoff (Owners) to conduct a riparian assessment on their property at 260 East Wilson Creek Road, New Denver, B.C. (LOT B DISTRICT LOT 4877 KOOTENAY DISTRICT PLAN EPP30385, PID: 029-139-716). The assessment is required in response to a Civil Claim filed by the Regional District of Central Kootenay (RDCK; dated September 5, 2024) pertaining to the encroachment into the Watercourse Development Permit Area (WDP) of Wilson Creek as defined in the RDCK, Electoral Area H, Official Community Plan Bylaw No. 1967, 2009 ("OCP") as the area within 30 m of the high water mark (HWM) of a watercourse.

The Civil Claim states that the Defendants "constructed a house, and undertook land alteration, including removal of vegetation and trees, on the Property that is within a development permit area and the floodplain for Wilson Creek, and without building, plumbing and occupancy permits…". The RDCK required the Defendants, Darrell and Audrey Steenhoff, to "submit an assessment report prepared in accordance with the Riparian Areas Protection Regulations, BC Reg 178/2019, and which provides an opinion that a lesser setback will not negatively affect the function of the watercourse/Wilson Creek or riparian area and that the criteria listed in the Riparian Areas Protection Regulation has been fulfilled."

A site visit was completed on May 14th, 2025 by Sylvie Masse, MSc, R.P.Bio. and Heather Shaw B.I.T., B.Sc. to conduct a riparian assessment on the Property. The assessment evaluates the current condition of the 30 m WDP Area (RDCK Area H), calculates a Streamside Protection and Enhancement Area (SPEA) setback following the methodology of the Riparian Area Protection Regulation (RAPR; BC 2019), identifies potential environmental impacts from the development, and provides recommendations to mitigate for the alteration of the riparian area. It is based on the following regulatory framework and best management practices documents:

- Electoral Area 'H' Comprehensive Land Use Bylaw 2435, 2016
- RDCK Floodplain Management Bylaw No. 2080, 2009
- British Columbia Riparian Areas Protection Regulation
- British Columbia Water Sustainability Act
- British Columbia Wildlife Act
- Federal Migratory Birds Convention Act
- Develop with Care. Environmental Guidelines for Urban and Rural Land Development in British Columbia
- On the Living Edge: Your Handbook for Waterfront Living

2 PROJECT OVERVIEW

2.1 Site Description

2.1.1 Location

The subject Property is located ~ 6 km northeast of the Village of New Denver, BC, along the southern bank of Wilson Creek and ~ 1.3 km upstream of the confluence with Slocan Lake. The Property is ~ 2.3 acres in size, has a southwest aspect and is slightly sloped downhill towards the bank of Wilson Creek. It is bordered by private property to the east and East-Wilson Creek Road to the south. Wilson Creek wraps around the northern and western Property boundary, and Rosebery Provincial Park is located directly across on the opposite bank (Figure 1).

2.1.2 Existing Development

Existing development within the 30 m WDP Area consists of:

- a primary residential structure; except the garage, and walking trail to Wilson Creek (Photo 1-3).
- a semi-permanent residential structure (Photo 4).
- a portion of a temporary residential structure (Photo 4).
- a garden and chicken coop (Photo 5).
- large berm between garden area and Wilson Creek (Photo 6).
- fill material associated with construction of the residential structures.
- a portion of the driveway and parking area (Photo 1).
- buried water lines and power lines (septic is outside of the 30 m WDP Area).
- old access trail to Wilson Creek.

The Property was purchased by the Steenhoff's in August of 2013, and most of the residential development has occurred since then (Photo 7 and 8). At the time of the purchase, a substantial portion of the property had previously been cleared. Aerial photos indicate that the clearing occurred prior to 1966 and that the property remained in a similar condition up to 2013 (Photo 9 and Photo 10).

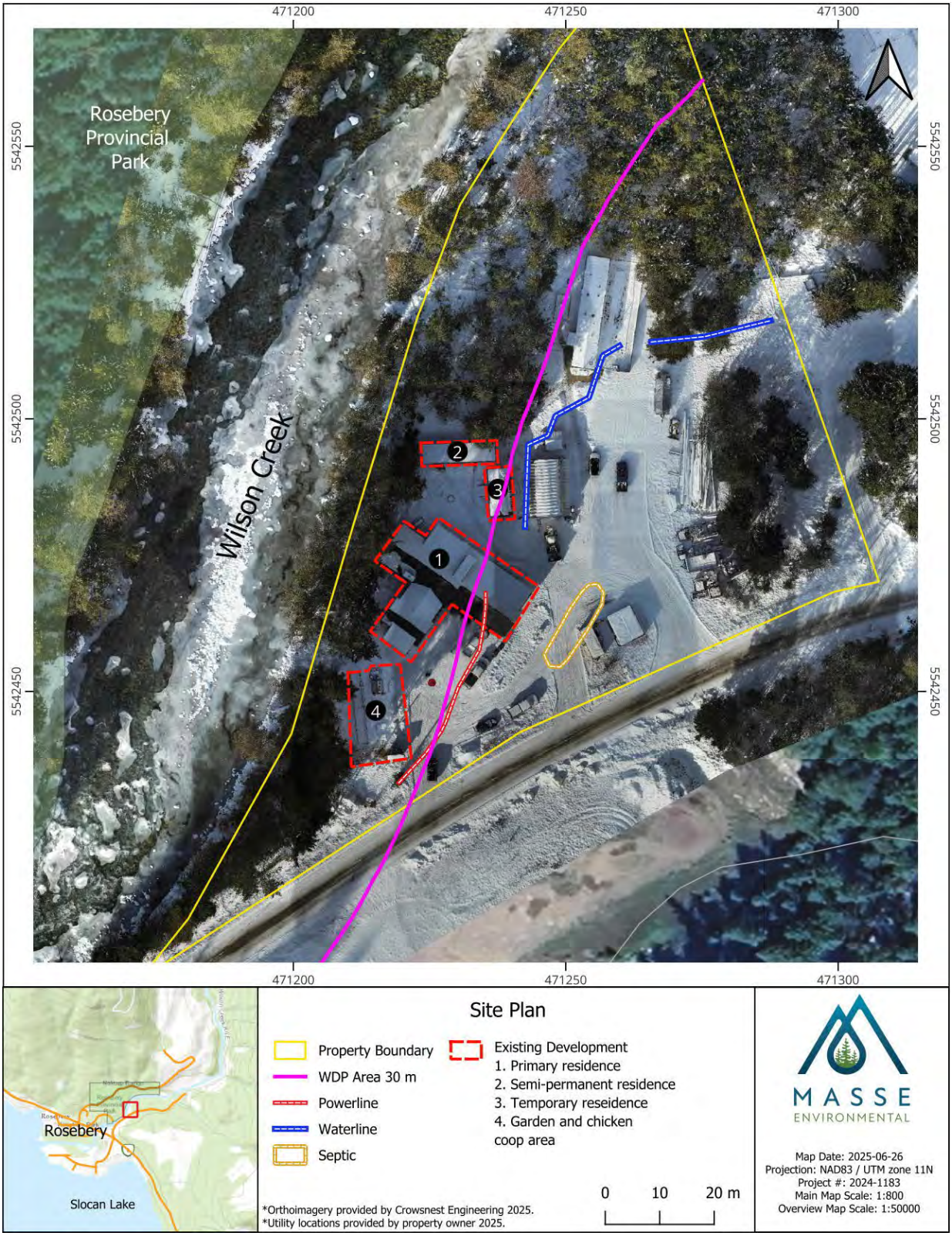


Figure 1. Location of Subject Property.



Photo 1. Primary residence and portions of powerline, garden and parking within the 30m WDP area (May 14, 2025).



Photo 2. Primary residence front porch and above grade fill (May 14, 2025).



Photo 3. Walking trail from primary residence to Wilson Creek (May 14, 2025).



Photo 4. Semi-permanent residential structure in foreground and temporary residential structure in background (May 14, 2025).



Photo 5. Garden and chicken coop (May 14, 2025).



Photo 6. Large berm between garden area and Wilson Creek (May 14, 2025).



Photo 7. Current aerial view of the Property (RDCK web mapping). Date unknown.



Photo 8. Aerial view of Property depicting extent of disturbance area and house under construction (RDCK web mapping). Date unknown.



Photo 9. Historical aerial photo taken in 1966 showing the Property already devoid of vegetation.



Photo 10. Historical aerial photo taken in 1997 showing the Property with similar area devoid of vegetation.

2.1.3 Watercourses and Aquatic Habitat

Wilson Creek is a 5th order stream that originates in the Goat Range of the Selkirk Mountains and has a mainstem length of ~38.8 km before entering Slocan Lake. It is the largest tributary to Slocan Lake and accounts for approximately a third of the lakes drainage area. Wilson Creek has been identified as ecologically important, providing important spawning habitat for salmonids and supporting biological diversity (Galena Env. 2011). Fish species reported in Wilson Creek include bull trout (Salvelinus confluentus), Kokanee (Oncorhynchus nerka), mountain whitefish (Prosopium williamsoni), rainbow trout (O. mykiss), sculpin (Cottus sp.), and Westslope cutthroat trout (O. clarkii lewisi).

The reach of Wilson Creek adjacent to the Property has an average width of 35 m, a gradient of 1.3%, and cascade-pool morphology. Large boulders and cobbles make up the primary substrate and functioning large woody debris (LWD) was not observed (Photo 11 and 12).



Photo 11. Upstream view of Wilson Creek taken from the natural boundary (May 14, 2025).



Photo 12. Downstream view of Wilson Creek taken from the natural boundary (May 14, 2025).

2.1.4 Vegetation

The Property is within the West Kootenay Interior Cedar – Hemlock dry, warm (ICHdw1) biogeoclimatic subzone. This subzone typically ranges in elevation from 600-1225 m and is characterized by moist warm springs; hot to very hot dry summers; and mild dry winters with a moderately shallow snowpack. This subzone is highly productive with a great variety of tree species (MacKillop and Ehman 2016).

The undisturbed riparian vegetation located along the western boundary and northern portion of the Property (Photo 13 to 16) consists of a young mixed forest with some mature trees. Tree species include Western redcedar (Thuja plicata), Western hemlock (Tsuga heterophylla), white pine (Pinus monticola), black cottonwood (Populus. trichocarpa) and paper birch (Betula papyrifera). Shrubs include mountain alder (Alnus incana), snowberry (Symphoricarpos albus), Douglas maple (Acer glabrum), Oregon grape, (Berberis aquifolium), baldhip rose (Rosa gymnocarpa), soopolallie (Shepherdia canadensis), black huckleberry and saskatoon (Amelanchier alnifolia). The understory is an assemblage of prince's pine, queen's cup, twinflower, falsebox, rattlesnake plantain (Goodyera oblongifolia) and bracken fern (Pteridium aquilinum). Large amounts of haircap moss (Polytrichum sp.) and red stem feather moss (Pleurozium schreberi) cover the forest floor.



Photo 13. View of riparian vegetation between Wilson Creek and primary residence (May 14, 2025).



Photo 14. Riparian vegetation highlighting mature trees along Wilson creek (May 14, 2025).



Photo 15. Riparian vegetation highlighting productive understory (May 14, 2025).



Photo 16. Overhanging riparian vegetation (May 14, 2025).

2.1.5 Wildlife

The riparian area on the Property provides habitat for many species, such as browse, cover, perching, nesting and a dense coverage of black huckleberry provides food for bears. No significant wildlife observations were made during the site visit, however many species are likely to occur or migrate through. Wildlife reported within a 1 km radius of the Property include northern alligator lizard (Elgaria coerulea), elk (Cervus elaphus), little brown myotis (Myotis lucifugus) and grey wolf (Canis lupus) (BC iMap 2025). Other mammals likely to occur include American black bear (Ursus americanus), elk, white-tailed deer (Odocoileus virginianus), bobcat (Lynx rufus), cougar (Puma concolor) and coyote (Canis latrans). Small mammals and bats are expected to frequent the Property.

Reptiles and amphibian's endemic to the area may also occur including chorus frogs (Pseudacris regilla), Columbia spotted frogs (Rana luteiventris), Coeur d'Alene salamanders (Plethodon idahoensis), garter snakes (Thamnophis sp.), Northern alligator lizards (Elgaria coerulea), long-toed salamanders (Ambystoma macrodactylum), and Western toads (Anaxyrus boreas) (BCCDC, 2025).

Birds that have been documented near the Property include the Yellow-rumped Warbler (Setophaga coronata), Pine Siskin (Spinus pinus), Hermit Thrush (Catharus guttatus) and Dark-eyed Junco (Junco hyemalis) (eBird 2025). Several wildlife snags (<3 m in height) and mature cottonwood trees were observed within the SPEA (Photo 17 and 18). These habitat features are currently functioning as an integral part of the riparian area providing habitat and roosting opportunities for wildlife.



Photo 17. Wildlife tree within the SPEA (May 14, 2025).



Photo 18. Wildlife trees within SPEA (May 14, 2025).

2.1.5.1 Species at Risk

Species at risk information pertinent to the Property was obtained through the following online databases:

1. The BC Conservation Data Center (BCCDC) occurrence data and critical habitat for Federally listed species were queried within iMap tool (BC 2025) using a 1 km buffer around the Property.
2. Habitat Wizard, Wilson Creek (BC Habitat Wizard 2025).
3. Public databases iNaturalist, Global Biodiversity Information Facility (GBIF) and eBird were queried using a 1 km buffer around the Property.
4. The BCSEE database (BCCDC 2025) was queried for species and ecosystems at risk (S1, S2, S3; Blue or Red; Endangered, Threatened, or Special Concern) using the 'Area of Interest' tool and filtered for likelihood of occurrence on the Property according to known distributions, available habitat, and species-habitat relationships. The query results are presented in Appendix 2.

Based on these queries, fourteen species at risk were identified as having potential to occur in and around the Property (Table 1). Many of these species are wide ranging or have broad habitat requirements and may transiently use the area, however; no critical habitat, dens, or nests for species at risk were identified during the site visit.

Table 1. Species at Risk that have potential to occur in and around the Property.

English Name	Scientific Name	BC List	COSEWIC	SARA
Coeur d'Alene Salamander	Plethodon idahoensis	Blue	SC	SC
Western Toad	Anaxyrus boreas	Yellow	SC	SC
Western Screech-Owl, macfarlanei subspecies	Megascops kennicottii macfarlanei	Blue	T	T
Lewis's Woodpecker	Melanerpes lewis	Blue	T	T
Williamson's Sapsucker	Sphyrapicus thyroideus	Blue	E	E
Barn Swallow	Hirundo rustica	Yellow	SC	T
Westslope Cutthroat Trout	Oncorhynchus clarkii lewisi	Blue	SC	SC
Bull Trout	Salvelinus confluentus	Blue	SC	
Grizzly Bear	Ursus arctos	Blue	SC	SC
Caribou (Southern Mountain Population)	Rangifer tarandus (pop.1)	Red	E	E
Little Brown Myotis	Myotis lucifugus	Blue	E	E
Yuma Myotis	Myotis yumanensis	Blue		
Townsend's Big-eared Bat	Corynorhinus townsendii	Blue		
Western Skink	Plestiodon skiltonianus	Blue	SC	SC

1 BC Conservation Status (CDC): Red = extirpated, endangered, or threatened. Blue = special concern. Yellow = secure. 2COSEWIC/SARA: Endangered (E) = Facing imminent extirpation or extinction. Threatened (T) = Likely to become endangered. Special concern (SC) = May become a threatened or an endangered. Species listed on Schedule 1, SARA are legally protected

2.1.6 Invasive Species

Central Kootenay Invasive Species Society (CKISS) manages invasive species regionally using a prioritized approach. The management strategy for a specific species is based on a number of factors including the phase of invasion and the potential impacts of the species (CKISS 2023). The Property is located within the Slocan Invasive Plant Management Area and the priority species list can be found at https://ckiss.ca/species/invasive-plant-prioriy-lists/.

Invasive plant species observed during field surveys include spotted knapweed (Centaurea stoebe), hawkweed (Hieracium sp.) and mullein (Verbascum Thapsus). These species are classified as priority 3 "Strategic Control" as they are widespread species that are beyond landscape-level control and/or have relatively low impact (CKISS 2025).

2.1.7 Archeological Resources

A review of archaeological resources on this property is outside the scope of this report. However, Archaeological Chance Find Procedures are provided in Appendix 1 for guidance on which protocols to follow in the event of a chance archaeological find, to ensure that archaeological sites are documented and protected as required for compliance with the BC Heritage Conservation Act.

2.2 Streamside Protection and Enhancement Area (SPEA)

A detailed assessment of the subject property was conducted to calculate the Streamside Protection and Enhancement Area (SPEA) setbacks as per BC 2019. The SPEA determination for Wilson Creek was based on an average channel width of 35 m, an average gradient of 1.3% and a cascade pool morphology resulting in a zone of sensitivity (ZOS) for large woody debris (LWD)and litter fall of 15 m; and a shade ZOS that ranges from 7.5 to 23.5 m. Methods of the detailed assessment are outlined in Appendix 2 and illustrated in Appendix 3. Therefore, within the subject property the SPEA setback ranges from 15.0 to 23.5 m measured from the HWM of Wilson Creek (Table 2). All the unauthorised development within the 30 m WDP area has occurred in a portion of the property where the SPEA is 15 m (Appendix 3).

Table 2. Results of detailed RAPR assessment for Wilson Creek.

Feature Type	SPVT[1]	Zones of Sensitivity			SPEA[3]
		LWD[2]	Litter fall	Shade	
creek	TR	15 m	15 m	7.5 – 23.5 m	15 – 23.5 m

[1] SPVT: site potential vegetation type (TR-tree)

[2] LWD- large woody debris

[3] SPEA- streamside protection and enhancement area

2.3 Proposed Development

At the time of the assessment no new development activities are proposed as works have already been completed. The landowner is seeking approval to retain the unauthorized existing developments described in Section 2.1.2.

3 IMPACT ASSESSMENT

The impact assessment relates to the amount of disturbance from the unauthorized works constructed within the SPEA including development and vegetation removal. The extent of vegetation removal associated with the unauthorised development is uncertain as the property was historically cleared and based on historical imagery most of the vegetation removal within the SPEA appears to have occurred decades ago. The impacts from encroachment, however, are assessed based on the site potential to support vegetation and not necessarily site conditions prior to the development (BC 2019). For example, establishing a permanent structure within the SPEA would remove the potential for future riparian vegetation reestablishment.

The total encroachment of the existing development within the SPEA is approximately 144 m^2 based on the overall footprint of the infrastructure (Appendix 4). The unauthorized construction of the primary residence, semi permanent residence and garden area have resulted in the following impacts:

- Loss of 95 m^2 of potential riparian vegetation due to encroachment of the primary residence and footprint of associated fill material (Photo 19 Photo 20).
- Loss of 27 m^2 of potential riparian vegetation due to encroachment of the semi-permanent structure and surrounding footprint (Photo 22).
- Loss of 22 m^2 of potential riparian vegetation due to encroachment of the garden area and chicken coop (Photo 22).

Impacts of the loss of permanent or temporary vegetation with in the SPEA include:

- Reduction of potential suitable wildlife habitat (i.e. potential nesting and perch habitat), and nutrient cycling from loss of vegetation potential.
- Change in cover habitat from natural forest to exposed ground and anthropogenic structures.
- Increased risk of invasive weed introduction due to exposed soils from construction.

Mitigation measures to help protect the integrity of the SPEA are described in Sections 4 and 5.



Photo 19. Back of primary residence with a portion of building and fill encroaching into SPEA (May 14, 2025).



Photo 20. Covered patio at back of primary residence and fill encroaching into SPEA (May 14, 2025).



Photo 21. Portion of semi permanent residence encroaching into SPEA (May 14, 2025).



Photo 22. Portion of garden area encroaching into SPEA (May 14, 2025).

4 MEASURES TO PROTECT THE INTEGRITY OF THE SPEA

This section provides measures to protect the integrity of the remaining undisturbed habitat within the SPEA (Section 2.2).

4.1 Danger Trees

No danger trees were observed; however, professional assessment of danger trees is outside the scope of this report and should be conducted by a certified Danger Tree Assessor. Due to the proximity of permanent structures to the forest, there is the potential for danger trees to be present within the SPEA in the future. Any proposed danger tree removal should be assessed by a certified arborist. Trees felled within the SPEA should be left as coarse woody debris and should be replaced according to the provincial tree replacement criteria. Where possible, danger trees should be topped rather than felled.

4.2 Windthrow

Clearing of trees likely occurred historically, dating back to at least the 1960s, and the existing development is unlikely to have increased the potential for windthrow to affect the SPEA. The presence of permanent structures may increase the risks associated with windthrow and danger trees, which could result in further removal of trees within the SPEA to protect the structures. A formal assessment of windthrow risk is beyond the scope of this report and any such assessment should be conducted by a Registered Professional Forester (RPF). Trees felled within the SPEA should be left as coarse woody debris and should be replaced according to the provincial tree replacement criteria (BC 2019). Trees with wildlife attributes (cavities, peeling bark), should be left standing where they do not pose a threat to structures.

4.3 Slope Stability

The property is flat and no signs of slope instability were observed on the property that would affect the integrity of the SPEA. A geotechnical assessment of the Property was completed by Crowsnest Engineering and results and recommendations are provided in Ellis 2025.

4.4 Protection of Trees and Vegetation in the SPEA

The Property in the vicinity of the development was historically cleared and is already developed therefore limited options for the protection of the SPEA are present at that location. The following protection measures should be taken to minimize further impacts to existing and potential trees and vegetation within the SPEA:

- Avoid removal of any vegetation within the SPEA.

- Protect existing tree roots along the SPEA boundary.
- Plant native vegetation in areas that have been impacted to improve the resilience of existing and potential vegetation (Table 3).
- Any future developments on the property should consider clearly identifying limits of disturbance along the SPEA boundary to prevent impacts to trees and their roots within the SPEA. This should include: no trenching through the root zone, no paving around trees, no changes to ground level around trees, no parking under trees, and no concrete washout or other pollutants around trees (BC 2019).

4.5 Encroachment

Protection measures to minimize effects of the encroachment within the SPEA include:

- Avoid any new developments or additional disturbance within the SPEA.
- Restrict human use to existing trails, and minimize noise, bank disturbance and vegetation trampling (BC 2019).

4.6 Erosion and Sediment Control

Erosion and sediment risk is considered minimal due to the coarse and compacted nature of the soils on the Property, the level topography, and riparian vegetation. There is a minor risk of erosion present on the banked footprint of the primary residence above Wilson Creek within the SPEA (Photo 23). The following mitigation measures should be implemented to reduce the risk of sediment input:

- Stabilize the embankment by planting native vegetation such as shrubs, forbs or grasses.
- Monitor erosion after heavy rain event If there are signs of erosion install more permanent bank protection measures to avoid future issues.
- Revegetate all exposed soils within the SPEA as much as possible with native plants and seeds (Table 3 and Table 4).



Photo 23. Banked footprint of Primary residence (May 14, 2025).

4.7 Stormwater Management

The development of the property has resulted in impervious areas. The following mitigation measures will help decrease stormwater impacts to the SPEA:

- Design roof rainwater collection systems that direct rainwater into suitable landscape features which can absorb and utilize runoff.
- Do not use the vegetated area within the SPEA to filter sediment laden water.
- Stormwater management infrastructure should not be located in the SPEA and any discharges to streams will require meeting the Water Sustainability Act and any other applicable legislation.

4.8 Floodplain Concerns

No floodplain concerns were noted with respect to the SPEA. The highwater mark observed during the site visit is consistent with the active floodplain of Wilson Creek (areas that are flooded once in five years on average). A post construction floodplain hazard assessment was completed by Crowsnest Engineering as part of the Civil Claim requirements and encroachment into the 30 m floodplain setback from Wilson Creek (RDCK 2019). Results and recommendations are provided in Ellis 2025 and include relocation of the semi-permanent and temporary structures that are located within the 30 m floodplain setback, and development of a comprehensive emergency response plan.

4.9 Invasive Plant Management

Invasive species were observed in areas the have been disturbed. Land use activities can potentially increase prevalence of these invasive plant species which can out-compete native riparian vegetation,

causing damage to habitat and ecosystem function. The following mitigation measures are recommended to reduce further establishment and spread of invasive plant species into the SPEA:

- Monitor existing invasive plants to ensure they do not spread further into the SPEA.
- Hand pull invasive plants, where possible.
- Any equipment used for mitigation activities should be thoroughly washed and inspected before entering the site to prevent the import of new invasive plant seeds and root fragments.
- All exposed soils should be re-vegetated immediately following restoration activities.

5 PROPOSED MITIGATION PLAN

Mitigation for impacts of the development within the SPEA are based on the hierarchy of mitigation options outlined in RDCK 2024 to achieve a no net loss of habitat. This is achieved by applying the following mitigation options: 1. Avoidance of environmental impacts; 2. Minimizing unavoidable impacts; 3. On-site restoration; and 4. Offsetting impacts that cannot be minimized.

In the case of the Steenhoff's, development has already occurred, of which 144 m^2 was estimated to encroach into the SPEA. Avoidance and minimizing is therefore not possible in this portion of the property. On-site restoration around the primary residence and garden areas is also not ideal due to the compacted and coarse nature of the nonnative fill material and large berm present at the west end of the property effectively isolating the garden area from the functional riparian area of Wilson Creek.

The proposed mitigation to offset the impacts of the encroachment aligns with recommendations made by Crowsnest Engineering to remove the semi-permanent residential structure outside of the 30 m floodplain setback (Ellis 2025). To be consistent with this recommendation, we recommend that the SPEA be extended along the 30 m floodplain setback, which also aligns with the 30 m WDP Area, from the semi-permanent structure footprint north and restoring native riparian vegetation in the footprint of the structure. This would restore a 104 m^2 area and protect a 973 m^2 area of existing native forest habitat from future development (Photo 24 and 25), for a total mitigation area of 1077 m^2. The proposed mitigation plan is illustrated in Appendix 5 and summarized below.

- Remove semi-permanent residence outside of the SPEA/floodplain setback area.
- Decompact and amend soils in this location as required to support plant establishment.
- Plant a mix of native trees and shrubs to restore riparian vegetation in the footprint of the semi-permanent residence. A list of recommended plant species is provided in Table 3.

  - Replanting of riparian vegetation near buildings should adhere to principles of rural residential fire protection (for more information see the FireSmart Homeowner's Manual MFLNRO N.D.).
- Seed exposed soil areas with the recommended riparian seed mix (Table 4).
- Extend the SPEA to align with the 30 m WDP Area/floodplain setback area at the north end of the property, starting in the location of the semi-permanent residence and following the treeline north. A portion of the extended SPEA will be modified to allow existing use around the northern most dwelling (Appendix 5).
- Adhere to measures to protect the integrity of the SPEA (Section 4) throughout the existing and extended SPEA areas.



Photo 24. Proposed forest to be protected by extended SPEA.



Photo 25. Proposed forest to be protect by extended SPEA.

Table 3. Recommended plant list.

Common Name	Latin name
Trees	
Black cottonwood	Pseudotsuga menziesii
Paper birch	Betula payrifera
Western red cedar	Thuja plicata
Tall Shrubs	
Black twinberry	Lonicera involucrata
Blue elderberry	Sambucus cerulea
Douglas maple	Acer glabrum
Nootka rose	Rosa nutkana
Mountain alder	Alnus incana
Mountain ash	Sorbus americana
Red osier dogwood	Cornus stolonifera
Saskatoon	Amelanchier alnifolia
Low shrubs	
Common snowberry	Symphoricarpos albus
Oregon grape	Berberis aquifolium
Soopolallie	Shepherdia canadensis
Oregon boxleaf (falsebox)	Paxistima myrsinites

Table 4. Recommended seed mix blend for riparian habitat.

Native Riparian Blend 1	% weight	% by species
Slender wheatgrass	25.0%	18%
Streambank wheatgrass	25.0%	18%
Fringed brome grass	24.7%	9%
Northern wheatgrass	20.0%	14%
Sheep fescue	3.0 %	10%
Tufted hairgrass	1.0 %	11%
Fowl bluegrass	1.0 %	9%
Yarrow	0.3%	3%

6 CONCLUSION

The riparian area assessment conducted within the 30 m WDP Area in accordance with the Riparian Areas Protection Regulation determined that the appropriate setback for the subject property, the SPEA, ranges from 15.0 to 23.5 m measured from the HWM of Wilson Creek. A portion of the development was found to encroach into the SPEA totalling an approximate area of 144 m^2 potentially affecting the functioning of the riparian area by reducing nutrient cycling, large woody debris input and fish and wildlife habitat. To offset the ecological impacts caused by the land development a mitigation plan is proposed. The plan includes restoration and offsetting activities that aim to protect an additional 1077 m^2 area of native forest habitat by relocating the semi-permanent residential structure and extending the SPEA at the north end of the property to 30 m.

Sincerely,

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APPENDIX 1. ARCHAEOLOGICAL CHANCE FIND PROCEDURES

Archaeological Chance Finds Management Procedures
Kootenay Boundary Region

In 2024, the Province of British Columbia has collected data on more than 62,000 recoded archaeological sites (with more being added to the provincial inventory every year). Archaeological sites are protected by provincial legislation under the *Heritage Conservation Act* (HCA), which specifies that an individual (or corporation) must not "damage, excavate, dig in or alter, or remove any heritage object" from a heritage site, except in accordance with a Permit issued by the Minister". The HCA confers automatic protection upon all heritage sites that pre-date AD 1846, regardless of whether they are recorded in the Provincial Heritage Register, and regardless of whether they are located on Crown land or private property. Certain sites, including human burials and rock art sites are automatically protected regardless of their age.

It's important to note that all heritage sites, regardless of their condition, are protected under the HCA and does not distinguish between "intact" (*i.e.*, those sites which are in a pristine, or in an undisturbed state) and "disturbed" (*i.e.*, those sites which have been subject to alteration, permitted or otherwise). The following information has been provided to assist you with recognizing the archaeological site types most identified and most easily recognizable to non-professionals within the KBR.

Common Archaeological Site Types in BC and the Kootenay Boundary Region (KBR)

Most archaeological site types in BC are related to habitation areas, resource exploitation, tool making or repair, rock art, and ceremonial or ritual activities, such as burials. Preservation of organic materials is extremely poor in many places, because of acidic soil and previous forest fire history, and usually only small amounts of bone, antler, and wooden tools are found outside of coastal or other continuously wet areas, such as the edge of dammed water ways.

Lithic or Stone Tools

A "lithic" is the result of a human intentionally striking or otherwise modifying a rock, usually in the pursuit of tool manufacture or repair. These tools or "flakes" look different from naturally occurring rocks in the same area and tend to be small, angular, or pointed rather than smooth, and can look like they have been broken in an intended way or appear to resemble arrow heads or spear points. Most often the material is of a certain type or grade that may appear different than others in the same area, and the pieces found may have semicircular rings or bumps, which occur when rock is hit in a very particular way (Figure 1).



Figure 1: Examples of lithic or stone artifacts found in the KBR

Lithic sites are the most common site types identified in BC and are often all that is left of cultural activities that took place over hundreds or thousands of years ago. These artifact types can provide a wealth of information, including dates and the species being utilized, if studied in their original location and with the use of modern technology (such as radiocarbon dating adjacent organic material or blood residue analysis on the artifact itself).

Lithics can occur separately or in combination with other site types and tend to be located on specific landforms including knolls, eskers, ridges, rocky outcrops, relatively flat spots (terraces or riverbanks), areas used as travel corridors, quarries, hunting lookouts, or camping and village

locations. Lithic sites may contain thousands of years of information in the top metre of soil with many artifacts having eroded and exposed on the surface.

Cultural Depressions and Tipi Rings

Cultural depressions are the indentations left on the ground, usually in the form of pit-houses and cache (storage) pits. Where the cache pits are relatively small and often identified in relation to trails and travel corridors, pit-houses, and specific hunting areas, pit-houses, tend to be in "clusters" on more level and open terrace features where there is relatively easy access to a potable water source.

Pithouses were occupied in both summer and winter (Figure 2). These sub-terranean dwellings are identified in all areas of the KBR, except in the area farther east of Kootenay Lake and to the BC-Alberta border and northward to around the Columbia Lake area and where tipi rings reflect a more nomadic occupation.



Figure 2: Example of a Winter Pit-house

Pithouses are most often circular depressions that vary in depth and circumference, but almost always have a ridge or berm around the outer edge and charcoal or fire altered rock, representing a hearth, in the bottom. Tipi rings are circular outlines of transported rocks (Figure 3) that would have been used to weigh the structure and hide ends at the bottom.



Figure 3: Tipi Ring Made of Transported Rock

Rock Art Sites

"Rock art" refers to pictures or symbols that indicate a direction or geographic area. Petroglyphs are pictures made by cutting or hitting/pecking rock repeatedly, while pictographs are painted using a combination of ground red ochre mineral with a base such as egg white. Many of the rock art sites in the KBR are pictographs that are found on rock faces along waterways, but they can also be found elsewhere, indicating an area of cultural and spiritual significance. Referred to most often as panels, rock art can form a singular picture (Figure 4) or be part of a multi-image panel.



Figure 4: Example of a Pictograph Found in the KBR

Human Remains

In BC, "modern" human remains, and their designated areas of land (cemeteries and other recorded areas) are protected under the *Cremation, Interment and Funeral Services Act*, while older human remains, both archaeological and historical in age and regardless of ethnicity, are protected under the HCA:

> **12.1** (2) Except as authorized by a permit issued under section 12.2 or 12.4 or an order issued under section 12.3, a person must not do any of the following:
>
> (b)damage, desecrate or alter a burial place that has historical or archaeological value or remove human remains or any heritage object from a burial place that has historical or archaeological value;

Pre-modern burial sites are any places where the body (or bodies) of an expired human has been placed or otherwise left. Burials consists of the partial or intact remains of at least one individual but may also contain whole or part of multiple individuals. In the KBR the burial types that are most likely to be identified are subsurface burials where bodies are placed in a foetal position along or facing a water body – sometimes these are then covered with piles of rock or "cairns" placed on top (Figure 5), mounded earth burials, cave or rock shelter burials, or those found along the edge of talus slopes.



Figure 5: Example of a Rock Cairn Burial

If you see bones which you know to be or suspect to be human, such as large bones that you do not recognise as animal remains, you should treat the area as a burial site by first securing the area and then immediately contacting the Archaeology Branch. The Archaeology Branch will then notify the Coroner's Office, the local policing authority, and may also arrange for a qualified anthropologist or archaeologist to provide an assessment of the remains should the Coroner's Office determine they are of archaeological significance.

If the remains are positively identified as archaeological in nature, the Archaeology Branch will work with the affected First Nations to arrange for their respectful handling in a culturally appropriate manner. Generally, if remains are still buried and are under no immediate threat of further disturbance, they will not be excavated or removed, however, if they have been partially or completely removed, the Archaeology Branch will facilitate the removal and reburial.

Guidance for Chance Finds Management

The HCA applies equally on private and Crown lands. Finding archaeological remains within the property or project boundaries does not mean that you will be automatically prohibited from continuing, rather it means that specific processes must be followed to ensure that the resource is handled in an appropriate manner. Please following these steps should you identify archaeological resources immediately:

1. If suspected archaeological materials or features are encountered, stop work in the immediate vicinity of the find and secure the area (rope or fence off, cover any larger holes, etc.).
2. Do not undertake further work that could disturb the find, including moving any soil from the adjacent or surrounding area of the site, including the removed materials.
3. Do not collect the artifacts on the surface as their distribution pattern may be important; and
4. Contact the Archaeology Branch for further direction.

Based on the nature of the incident, it may be determined that there are no further concerns and activities may continue, or further assessment or mitigation may be required. However, if an archaeological site is confirmed, coordinated discussions between the Archaeology Branch, the proponent, the provincial ministry who authorized the work, and all First Nations identified as having asserted the area as theirs. Once a consensus has been reached, the appropriate management option will be chosen and under direction from the Archaeology Branch, one or more of the following could happen:

- Avoidance through partial maintenance activity redesign or relocation. This results in minimal impact to the archaeological site and is the preferred option from a cultural resource management perspective. It is usually the least expensive option from a maintenance activity perspective as well.
- If human remains are identified and are determined to be forensic (*i.e.*, not archaeological), the local policing authority and Office of the Coroner will be contacted by the Archaeology Branch on your behalf.
- Application of temporary and/or permanent site protection measures as approved by the Archaeology Branch (e.g., fencing off the site, capping with soil) could be determined as the best option. An archaeological impact assessment to identify site boundaries and archaeological monitoring to verify the effectiveness of protective measures may be required.
- Archaeological mitigation, consisting of controlled excavations of the site; or
- Archaeological monitoring under a site alteration permit during construction by a professional archaeologist may be considered necessary.

APPENDIX 2. DETAILED RIPARIAN AREA ASSESSMENT FORM

Detailed Riparian Area Assessment

Project Name:	2024- 1183 WDP Steenhoff	Completed by:	HS/SM	Date:	14-May-25

Fish Bearing	**Y**	N	
Permanent (>6 mth)/ Non Permanent (<6mth)	**Y**	N	
Stream Break Length (min 100m)	Description: 100 m continuous		
Reach ID #'s			
Stream Morphology	RP	**CP**	SP
Stream Boundary ID'd	RAA (TOB or TORB) ID'd		
Barriers	None identified		

Channel Width (Bankfull)

Starting Point		Width (m)	H/L	Gradient
0919	NB1	34		
0920	NB2	34		
0921	NB3	34		
0922	NB4	34		
0923	NB5	34		
0924	NB6	35		
0925	NB7	35		
0926	NB8	36		
0927	NB9	36		
0928	NB10	37		
0929	NB11	38		
Total (minus H/L)		35		
Mean		35		1.3
Notes				

Site Potential Vegetation Type (SPVT)

Low ground Cover (i.e. grass/hurb)	LC
Deciduous or coniferous Shrub	SH
Deciduous or coniferous Tree (default)	**TR**
Polygons (15m Rad/20% rule) **N**	Y (see notes)

ZONES OF SENSITIVITY

Large Woody Debris (LWD)

Channel type	SPVT		
	LC	**SH**	**TR**
Riffle-pool	3 x channeld width		
	max 5m	max 20m	max 30
Cascade-pool	**2 x channel width**		
	max 5m	max 10m	**mn 10 mx 15**
Step-pool	1 x channel width		
	max 5m	max 10m	10m
Lakes and Wetlands (L/W)	5m	5m	15m

Litter Fall and Insect Drop

SPVT	ZOS	Min	Max	L/W
LC	5m	5m	5m	5m
SH	2x width	5m	15m	10m
TR	**3 x width**	10m	**15m**	15m

Shade

SPVT	Streams	L/W
LC	n/a	n/a
SH	2 x width max 5m	5 m
TR	**3 x width max 30m**	30 m

Determining The SPEA (max ZOS)

Feature/Channel type	Shade	Max ZOS or OCP reg	SPEA
Cascade pool	7.5-23.5	15	15

Site Plan Checklist

Stream Boundary Identified	x
RAA defined	x
SPEA and measures defined	x
Photos Taken	x
Undue Hardship Identified	n/a
SPEA marked on the ground	mapped

Notes: Stream morphology was determined as CP. Dominant substrate consisted of boulders and large cobbles, with no functional large woody debris.

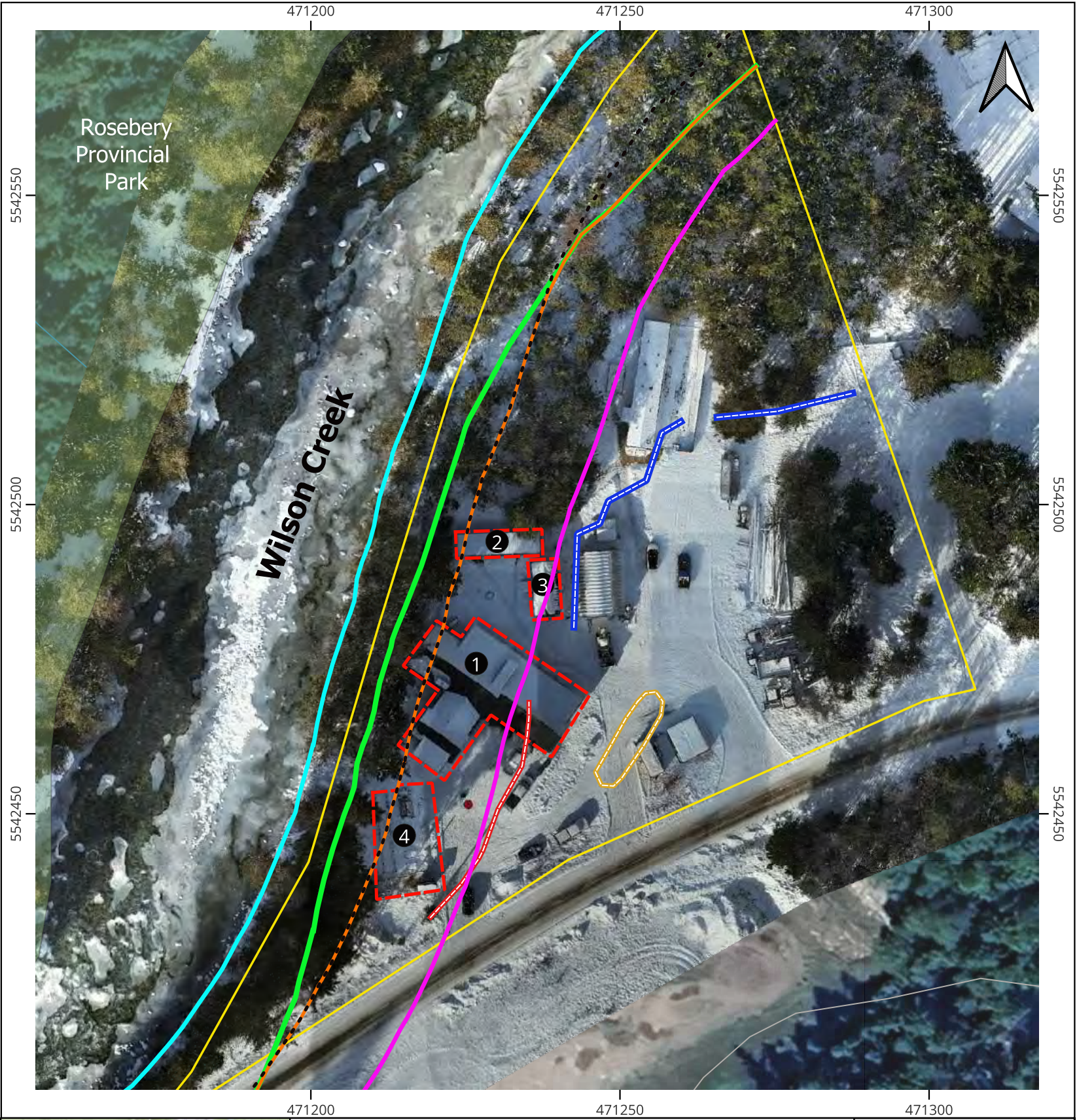
Stream gradient wasdetermined with a transit and rod over a distance of 100 m.

SPEA determined to be 15 m along the developed area and increased further north to 23.5 m.

Species and Vegetation notes			
	Species		**Notes**
Tree Species	Cw		**See report for Wildlife.**
	Hw		
	Act		
	Ep		
	Pw		
Shrubs	ALNUSINC	VACCMEN	
	ACERGLA	AMELALN	
	MAHOAQU		
	ROSAGYM		
	SHERCAN		
	SYMPALB		
Herbs	CHIUMB		
	GOODOBL		
	CITTUNI		
	PAXIMIR		
	PTYER		
Grasses/Mosses	haircap		
	pipe cleaner		
	red stem		
Invasives	knapweed	hawkweed	
	vetch	dandelions	
	mullen		
Wildlife			

Measures		
	Has the measure been assessed	
Danger Trees in the SPEA	Y	Small snags present. Not assessed.
Windthrow	Y	Not assessed.
Slope Stablility	Y	Assessed by Crowsnest Engineering.
Tree Protection in the SPEA	Y	Area outside SPEA historically cleared.
Preventing Enchroachment into the SPEA	Y	Area outside SPEA historically cleared.
Sediment and Erosion Control during Construction	Y	Some exposed soils present.
Stormwater Management	Y	Recommendations provided in report.
Floodplain Concerns	Y	Assessed by Crowsnest Engineering.

APPENDIX 3. STREAMSIDE PROTECTION AND ENHANCEMENT AREA (SPEA) MAP





Streamside Protection and Enhancement Area

- Property Boundary
- Natural Boundary
- WDP Area 30m
- SPEA 15 - 23.5 m
- Shade ZOS 7 - 23.5 m
- LWD, Literfall and Insect Drop 15 m
- Structures
- Waterline
- Powerline
- Septic

0 10 20 m

*Orthoimagery provided by Crowsnest Engineering 2025.
*Utility locations provided by property owner 2025.

MASSE ENVIRONMENTAL

Map Date: 2025-06-26
Projection: NAD83 / UTM zone 11N
Project #: 2024-1183
Main Map Scale: 1:800
Overview Map Scale: 1:50000

APPENDIX 4. IMPACT ASSESSMENT ENCROACHMENT MAP





Impact Assessment

- Property Boundary
- WDP Area 30m
- SPEA 15 - 23.5 m
- Structures
- Septic
- Waterline
- Powerline
- Areas of Encroachment
  - 95 m² - Primary residence
  - 27 m² - Semi-permanaet residence
  - 22 m² - Garden and chicken coop

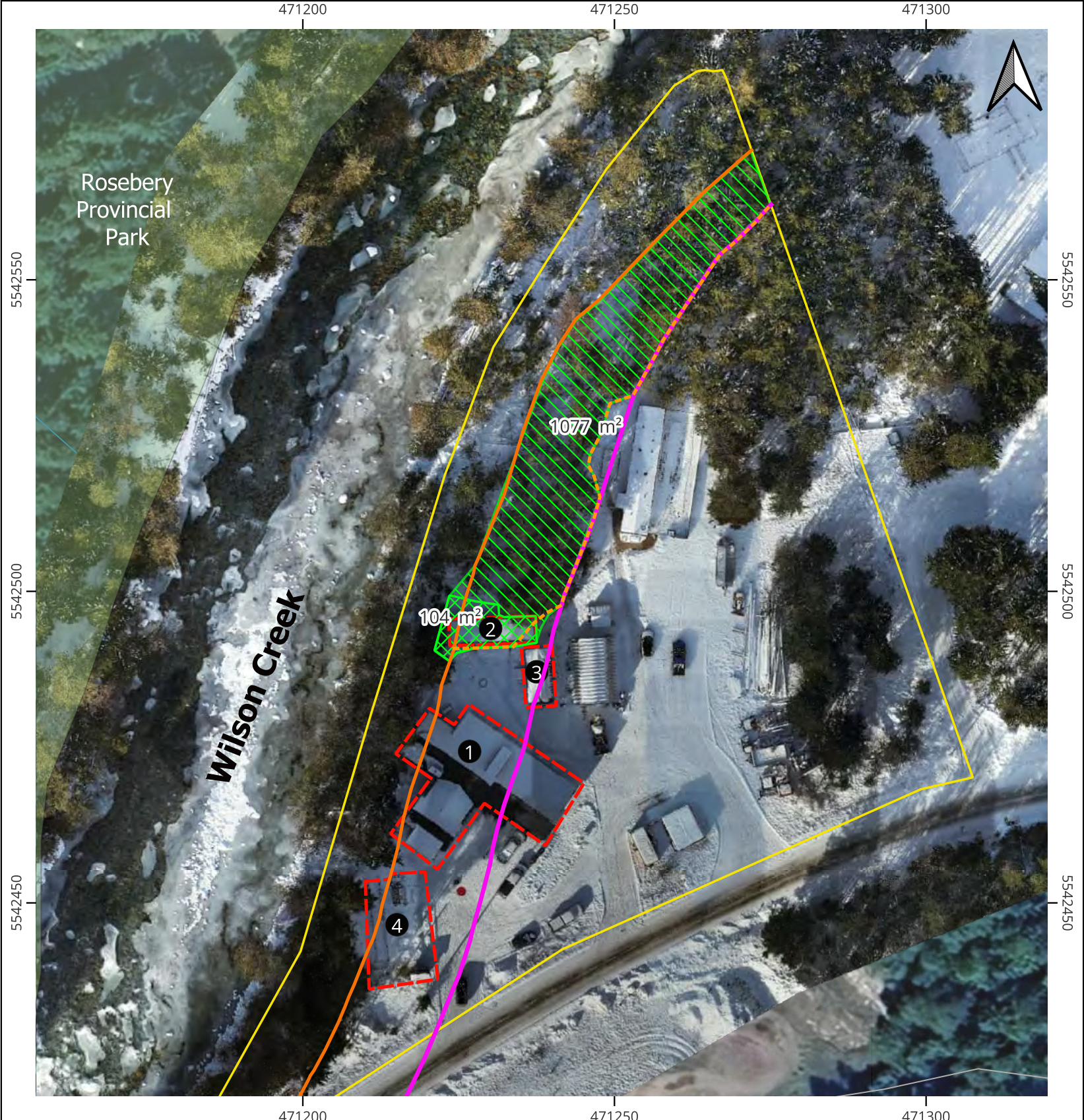
0 5 10 m

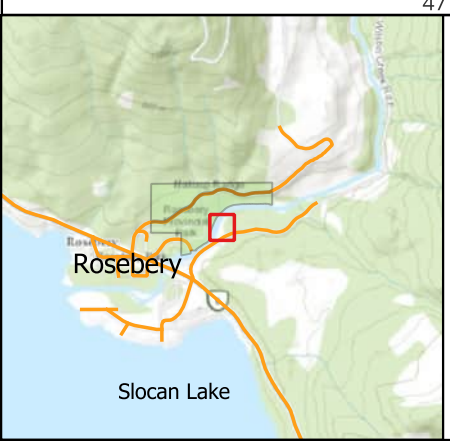
*Orthoimagery provided by Crowsnest Engineering 2025.
*Utility locations provided by property owner 2025.

MASSE ENVIRONMENTAL

Map Date: 2025-06-24
Projection: NAD83 / UTM zone 11N
Project #: 2024-1183
Main Map Scale: 1:400
Overview Map Scale: 1:50000

APPENDIX 5. PROPOSED MITIGATION PLAN





Proposed Mitigation Plan

- Property Boundary
- Structures
- WDP Area 30m
- SPEA 15 - 23.5 m
- Expanded SPEA
- Mitigation Area
- Restoration Area

0 10 20 m

*Orthoimagery provided by Crowsnest Engineering 2025.
*Utility locations provided by property owner 2025.

MASSE ENVIRONMENTAL

Map Date: 2025-07-01
Projection: NAD83 / UTM zone 11N
Project #: 2024-1183
Main Map Scale: 1:800
Overview Map Scale: 1:50000

19.0 DEVELOPMENT PERMIT AREAS

Background

The OCP may designate Development Permit Areas under the authority of local government legislation. Unless otherwise specified, a development permit must be approved by the Regional Board prior to any development or subdivision of land within a designated Development Permit Area.

Development Permit Areas allow for implementation of special guidelines for the protection of the natural environment, protection from hazardous conditions, for revitalization of designated areas, or to guide the form and character of development within the Slocan Lake North Plan area.

Where land is subject to more than one Development Permit Area designation, a single development permit is required. The application will be subject to the requirements of all applicable Development Permit Areas, and any development permit issued will be in accordance with the guidelines of all such Areas.

Development Permit Area #1: Watercourse Development Permit (WDP) Area

Category

The WDP area is designated under Section 488(1) (a) of the *Local Government Act* and applicable provisions of the *Community Charter* for the protection of the natural environment, its ecosystems, and biological diversity.

Area

The WDP area is comprised of:

1. Riparian assessment areas (Figure 1) for fish and wildlife habitat and drinking water, which include all watercourses and adjacent land:
    a. within 30 metres of the high water mark of a watercourse;
    b. within 30 metres of the top of the ravine bank in the case of a ravine less than 60 metres wide; and
    c. within 10 metres of the top of the ravine bank in the case of a wider ravine that link aquatic to terrestrial ecosystems and includes both existing and potential riparian vegetation and existing and potential upland vegetation that exerts an influence on the watercourse.

"high water mark" means the visible high water mark of a watercourse where the presence and action of the water are so common and usual, and so long continued in all ordinary

years, as to mark on the soil of the bed of the watercourse a character distinct from that of its banks in vegetation as well as in the nature of the soil itself, and includes the active floodplain;

"top of ravine bank" means the first significant break in a ravine slope where the break occurs such that the grade beyond the break is latter than 3:1 for a minimum distance of 15 metres measured perpendicularly from the break and the break does not include a bench within the ravine that could be developed;

"watercourse" includes any of the following: a watercourse, intermittent or not; a pond, lake, river, creek or brook, and a ditch, spring or wetland that is connected by surface flow to a watercourse.

Justification

The primary objective of this Development Permit Area designation is to regulate development activities in watercourses and their riparian areas so as to protect aquatic habitat; and to conserve, enhance, and where necessary, restore watercourses and their riparian areas.

The impact of development on watercourses can be minimized by carefully examining the proposed development and taking appropriate measures in relation to the environmentally sensitive riparian areas land.

Determining whether development falls within the WDP Area

To confirm whether a proposed development is within land identified as a riparian assessment area in the WDP area for which a Development Permit application is required, the following applies:

Any area located within 30 metres of the high water mark of a watercourse; within 30 metres of the top of the ravine bank in the case of a ravine less than 60 metres wide; and within 10 metres of the top of the ravine bank in the case of a wider ravine that link aquatic to terrestrial ecosystems and includes both existing and potential riparian vegetation and existing and potential upland vegetation that exerts an influence on the watercourse;

Unless the proposed development or alteration of land is clearly outside the riparian assessment area the location of the development shall be determined accurately by survey in relation to the WDP Area to determine whether a development permit application is required.

Guidelines

A Development Permit is required, except where specified under the exemptions section, for development or land alteration on land identified as a riparian assessment area within the WDP Area. Where not exempt, development requiring a development permit includes any of the following associated with or resulting from residential, commercial or industrial

activities or ancillary activities to the extent that they are subject to local government powers under Local government legislation the:

a. removal, alteration, disruption or destruction of vegetation;
b. disturbance of soils;
c. construction or erection of buildings and structures;
d. creation of non-structural impervious or semi-impervious surfaces;
e. flood protection works;
f. construction of roads, trails, docks, wharves and bridges;
g. provision and maintenance of sewer and water services;
h. development of drainage systems;
i. development of utility corridors;
j. subdivision as defined in section 455 of the *Local Government Act*.

Development shall be in accordance with the following guidelines:

1. All development proposals subject to this permit will be assessed by a Qualified Environmental Practitioner (QEP) in accordance with the Riparian Areas Regulation established by the Provincial and/or Federal governments as used elsewhere in the Province;
2. A WDP shall not be issued prior to the RDCK ensuring that a QEP has submitted a report certifying that they are qualified to carry out the assessment, that the assessment methods have been followed, and provides in their professional opinion that a lesser setback will not negatively affect the functioning of a watercourse or riparian area and that the criteria listed in the Riparian Areas Regulation has been fulfilled, and;
3. The Riparian Areas Regulation implemented through the WDP does not supersede other Federal, Provincial and or local government requirements, including that of other development permit areas, building permits, flood covenants, Federal or Provincial authorization. Land subject to more than one development permit area designation must ensure consistency with the guidelines of each development permit area, to provide comprehensive stewardship of both fish and wildlife habitat.

Exemptions

The WDP area does not apply to the following:

1. existing construction, alteration, addition, repair, demolition and maintenance of farm buildings;

2. existing institutional development containing no residential, commercial or industrial aspect;
3. reconstruction, renovation or repair of a permanent structure if the structure remains on its existing foundation. Only if the existing foundation is moved or extended in to a riparian assessment area would a WDP be required; and
4. an area where the applicant can demonstrate that the conditions of the WDP Area have already been satisfied or a development permit for the same area has already been issued in the past and the conditions in the development permit have all been met, or the conditions addressed in the previous development permit will not b affected.

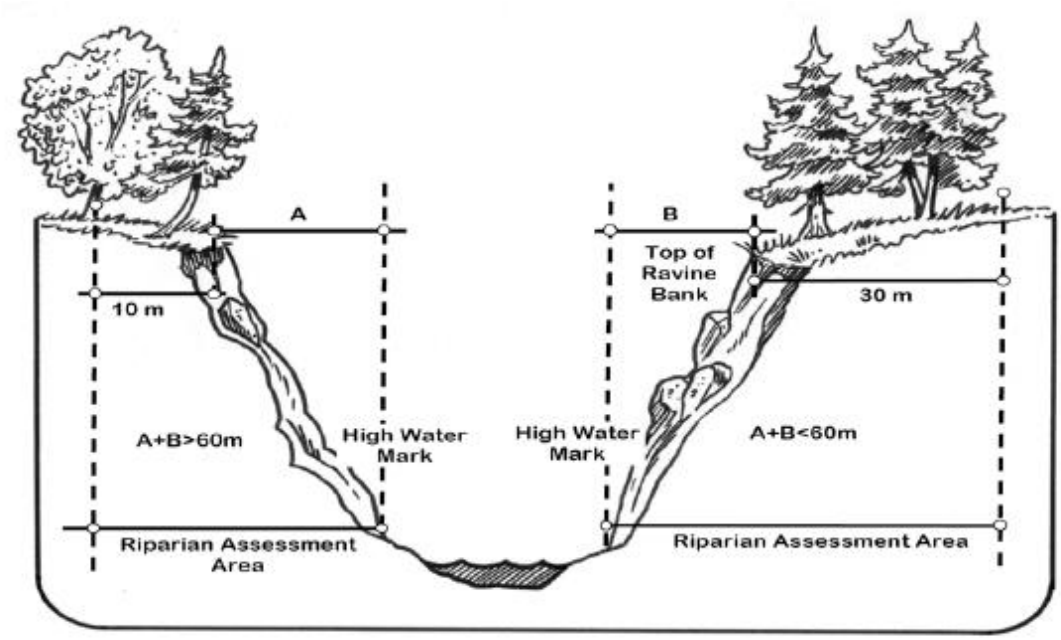


FIGURE 1: RIPARIAN ASSESSMENT AREA: means the area within 30 m of the high water mark of a watercourse; within 30 m of the top of the ravine bank in the case of a ravine less than 60 m wide; and within 10 m of the top of the ravine bank in the case of a wider ravine that link aquatic to terrestrial ecosystems and includes both existing and potential riparian vegetation and existing and potential upland vegetation that exerts an influence on the watercourse. Applies only to residential, commercial and industrial designations.

Source: British Columbia Ministry of Environment, *Riparian Areas Regulation Implementation Guidebook, March 2005*