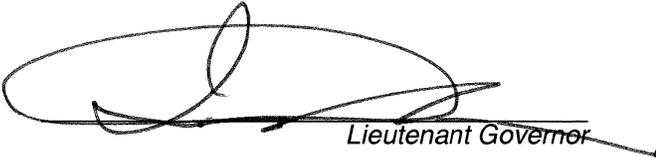


PROVINCE OF BRITISH COLUMBIA

ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No. 378 , Approved and Ordered MAY 19 2006



Lieutenant Governor

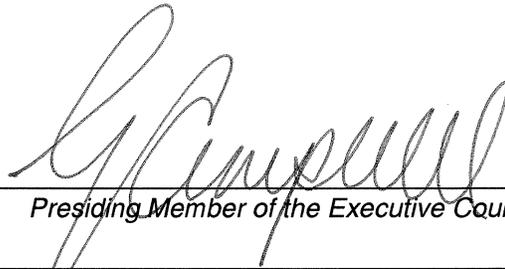
Executive Council Chambers, Victoria

On the recommendation of the undersigned, the Lieutenant Governor, by and with the advice and consent of the Executive Council, orders that

- (a) the definition of "local government" in section 1 (1) of the *Fish Protection Act*, S.B.C. 1997, c. 21, is brought into force, and
- (b) the Riparian Areas Regulation, B.C. Reg. 376/2004, is amended as set out in the attachment.



Minister of Environment and Minister Responsible for
Water Stewardship and Sustainable Communities



Presiding Member of the Executive Council

(This part is for administrative purposes only and is not part of the Order.)

Authority under which Order is made:

Act and section:- Fish Protection Act, S.B.C. 1997, c. 21, ss. 12 and 37 (2)

Other (specify):- oic 837/2004

April 26, 2006

SCHEDULE

- 1 Section 2 (b) (ii) of the Riparian Areas Regulation, B.C. Reg. 376/2004, is amended by striking out "by the Ministry of Water, Land and Air Protection;" and substituting "by the ministry;".
- 2 Section 3 (I) is repealed and the following substituted:
 - (1) This regulation applies within the geographic boundaries of the following regional districts:
 - (a) Capital;
 - (b) Central Okanagan;
 - (c) Columbia-Shuswap;
 - (d) Comox-Strathcona;
 - (e) Cowichan Valley;
 - (f) Fraser Valley;
 - (g) Greater Vancouver, other than within the boundaries of the City of Vancouver;
 - (h) Nanaimo;
 - (i) North Okanagan;
 - (j) Okanagan-Similkameen;
 - (k) Powell River;
 - (l) Squamish-Lillooet;
 - (m) Sunshine Coast;
 - (n) Thompson-Nicola.
 - (1.1) This regulation applies to the exercise, in relation to development, of local government powers under Part 26 of the Local Government Act by local governments in those parts of British Columbia described in subsection (1).
- 3 Section 4 is amended
 - (a) by repealing subsection (2) and substituting the following:**
 - (2) A local government may approve or allow development to proceed if the local government is notified by the ministry that Fisheries and Oceans Canada and the ministry have been
 - (a) notified of the development proposal, and
 - (b) provided with a copy of an assessment report, prepared by a qualified environmental professional who has carried out an assessment, that
 - (i) certifies that the qualified environmental professional is qualified to carry out the assessment,
 - (ii) certifies that the assessment methods have been followed, and

- (iii) provides the professional opinion of the qualified environmental professional that
- (A) if the development is implemented as proposed there will be no harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes in the riparian assessment area, or
 - (B) if the streamside protection and enhancement areas identified in the report are protected from the development, and the measures identified in the report as necessary to protect the integrity of those areas from the effects of the development are implemented by the developer, there will be no harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes in the riparian assessment area., and

(b) in subsection (3) by striking out "may allow development to proceed" and substituting "may approve or allow development to proceed".

- 4 The Schedule of Assessment Methods is repealed and the attached Schedule of Assessment Methods is substituted.**