

Update on Status of Recommendations
STRIKING A BALANCE: THE CHALLENGES OF USING A PROFESSIONAL RELIANCE MODEL IN ENVIRONMENTAL PROTECTION – BRITISH COLUMBIA’S RIPARIAN AREAS REGULATION
 Public Report No. 50 – March 2014

Recommendation	Summary of Actions Taken	Current Assessment
<p>R1: The Ministry of Forests, Lands and Natural Resource Operations review, by October 1, 2014, local government implementation of and compliance with the <i>Riparian Areas Regulation</i> and report publicly on the results of that review.</p> <p style="text-align: center;">ACCEPTED</p>	<p style="text-align: center;">March 2015</p> <p>The ministry has collected and reviewed more than 60 local government bylaws, is working on obtaining the remaining bylaws, and is continuing to analyze compliance with RAR.</p> <p style="text-align: center;">September 2014</p> <p>The ministry is compiling a list of local government contacts and has begun discussing the structure of the review with regional RAR staff.</p>	<p style="text-align: center;">TIMELINE PASSED; ONGOING</p>
<p>R2: The Ministry of Forests, Lands and Natural Resource Operations work with local governments to bring them into compliance with the <i>Riparian Areas Regulation (RAR)</i>. If the ministry is not able to achieve full compliance by local governments with the <i>RAR</i>, the ministry should, by October 1, 2015, develop a mechanism to allow the ministry to require local government compliance with the <i>RAR</i>.</p> <p style="text-align: center;">ACCEPTED</p>	<p style="text-align: center;">March 2015</p> <p>Ministry staff have met with representatives from the Union of BC Municipalities and Ministry of Culture, Sport and Community Development for preliminary discussions about compliance.</p> <p style="text-align: center;">September 2014</p> <p>The ministry is compiling a list of local government contacts and will begin work on this recommendation once R1 is implemented.</p>	<p style="text-align: center;">ONGOING</p>
<p>R3: The Ministry of Forests, Lands and Natural Resource Operations clarify the scope of the authority of local governments to vary streamside</p>	<p style="text-align: center;">March 2015</p> <p>To prevent confusion on the scope of local government authority, the ministry has removed the <i>Riparian Areas Regulation Implementation Guidebook</i> from the RAR website.</p>	<p style="text-align: center;">ONGOING</p>

<p>protection and enhancement areas in accordance with the <i>Riparian Areas Regulation</i> and, once it has done so, update the <i>Riparian Areas Regulation Implementation Guidebook</i>.</p> <p style="text-align: center;">ACCEPTED</p>	<p>The ministry is currently considering a number of amendments to the Guidebook.</p> <p style="text-align: center;">September 2014</p> <p>The ministry has confirmed that local governments have no authority to vary streamside protection and enhancement areas. The <i>Riparian Areas Regulation Implementation Guidebook</i> has not yet been updated.</p>	
<p>R4: The Ministry of Forests, Lands and Natural Resource Operations develop a reliable process for confirming that, at the time an assessment report is submitted, all qualified environmental professionals (QEPs) involved in its preparation are registered and in good standing with one of the appropriate professional associations.</p> <p style="text-align: center;">ACCEPTED</p>	<p style="text-align: center;">March 2015</p> <p>When reviewing reports, ministry staff check QEP registration through the electronic database maintained by the relevant professional association.</p> <p style="text-align: center;">September 2014</p> <p>The ministry has had initial discussions with professional associations.</p>	<p style="text-align: center;">TEMPORARILY FULLY IMPLEMENTED</p> <p>The steps taken by ministry staff implement the recommendation; however, implementation is contingent on ministry staff continuing to review all reports.</p>
<p>R5: The Ministry of Forests, Lands and Natural Resource Operations take steps to amend the <i>Riparian Areas Regulation (RAR)</i> to ensure that successful completion of a training course is mandatory for all individuals who are eligible to conduct assessments under the <i>RAR</i> and that a list of individuals who have successfully completed the course is publicly available.</p> <p style="text-align: center;">ACCEPTED</p>	<p style="text-align: center;">March 2015</p> <p>The ministry is continuing to work on the planned regulatory change.</p> <p style="text-align: center;">September 2014</p> <p>The ministry has begun discussions on the planned regulation change.</p>	<p style="text-align: center;">ONGOING</p>
<p>R6: The Ministry of Forests, Lands and Natural Resource Operations establish a process for regularly providing all individuals who conduct assessments</p>	<p style="text-align: center;">March 2015</p> <p>Ministry staff have taken training to be able to provide updates directly through the website. Currently there is no mechanism in place for providing regular updates and information to QEPs for</p>	<p style="text-align: center;">ONGOING</p>

<p>under the <i>Riparian Areas Regulation (RAR)</i> with updates about changes to the <i>RAR</i> or its administration.</p> <p style="text-align: center;">ACCEPTED</p>	<p>ongoing professional development.</p> <p style="text-align: center;">September 2014</p> <p>The ministry supports a website for the <i>RAR</i> that can be used to provide updates.</p>	
<p>R7: The Ministry of Forests, Lands and Natural Resource Operations work with professional associations to draft professional guidelines for use by individuals who conduct assessments under the <i>Riparian Areas Regulation</i> that are designed to constitute an enforceable standard of professional conduct.</p> <p style="text-align: center;">ACCEPTED</p>	<p style="text-align: center;">March 2015</p> <p>The ministry has provided funding to the working group to complete the professional practice guidelines.</p> <p style="text-align: center;">October 2014</p> <p>The professional associations have formed a working group and with the ministry have pooled funds to develop joint practice guidance for the associations' members. This work is in the initial stages.</p>	ONGOING
<p>R8: The Ministry of Forests, Lands and Natural Resource Operations establish an expiry date for assessment reports.</p> <p style="text-align: center;">ACCEPTED</p>	<p style="text-align: center;">March 2015</p> <p>The ministry has begun working on the planned regulation change.</p> <p style="text-align: center;">September 2014</p> <p>No specific update provided.</p>	ONGOING
<p>R9: The Ministry of Forests, Lands and Natural Resource Operations establish a process to ensure that ministry staff, Fisheries and Oceans Canada (DFO) and local governments, qualified environmental professionals (QEPs) and proponents involved in a project that requires an assessment report are automatically notified when that assessment report has expired.</p> <p style="text-align: center;">ACCEPTED</p>	<p style="text-align: center;">March 2015</p> <p>No specific update provided.</p> <p style="text-align: center;">September 2014</p> <p>No specific update provided.</p>	ONGOING

<p>R10: The Ministry of Forests, Lands and Natural Resource Operations review all of the <i>Riparian Areas Regulation</i> assessment reports submitted to the ministry each year.</p> <p style="text-align: center;">NOT ACCEPTED</p>	<p style="text-align: center;">March 2014</p> <p>The ministry agreed to review all reports for two years and report out on the results of this review.</p>	<p style="text-align: center;">No update required until two years of review complete.</p>
<p>R11: The Ministry of Forests, Lands and Natural Resource Operations ensure adequate processes are in place and utilized in each region to detect and follow up on concerns about non-compliance with the <i>Riparian Areas Regulation</i> by a qualified environmental professional (QEP) identified through compliance monitoring and, where necessary, to make a complaint to the QEP’s professional association.</p> <p style="text-align: center;">ACCEPTED</p>	<p style="text-align: center;">March 2015</p> <p>Ministry staff are working with the College of Applied Biology to explore opportunities to improve QEP performance.</p> <p style="text-align: center;">October 2014</p> <p>Staff are in the process of updating non-compliance reporting tracking sheets with the goal of developing a more effective and efficient format for information collection and reporting.</p>	<p style="text-align: center;">ONGOING</p>
<p>R12: The Ministry of Forests, Lands and Natural Resource Operations take steps, on or before October 1, 2014, to have the <i>Riparian Areas Regulation (RAR)</i> amended to allow the ministry to postpone notification to local governments until its reviews of assessment reports are complete and any required amendments to reports to ensure compliance with the <i>RAR</i> assessment methods have been made.</p> <p style="text-align: center;">ACCEPTED</p>	<p style="text-align: center;">March 2015</p> <p>Ministry staff are working on drafting instructions on the planned regulation change.</p> <p style="text-align: center;">September 2014</p> <p>The ministry has begun discussions on the planned regulation change.</p>	<p style="text-align: center;">TIMELINE PASSED; ONGOING</p>

<p>R13: The Ministry of Forests, Lands and Natural Resource Operations ensure all regional offices conduct a number of site visits each year that is consistent with the ministry's site visit framework, and if the goal of 90 per cent confidence that non-compliance is no greater than 10 per cent is not met, take further steps to ensure compliance.</p> <p style="text-align: center;">ACCEPTED</p>	<p style="text-align: center;">March 2015</p> <p>A company contracted by the ministry conducted a compliance audit of sites in three regions (Thompson Okanagan, South Coast, West Coast) for which a RAR report had been completed and reported the results of this audit to the ministry. The audit included 107 RAR reports from 2012 and 2013. The audit identified areas of non-compliance by both developers and QEPs and found that 63 per cent of all of the sites assessed (67 out of 107) were non-compliant. The ministry said it planned to improve compliance through regulatory changes, updating RAR training course material and providing updates to QEPs.</p> <p style="text-align: center;">October 2014</p> <p>No specific update provided.</p>	<p style="text-align: center;">ONGOING</p>
<p>R14: The Ministry of Forests, Lands and Natural Resource Operations develop a system of site monitoring that ensures all development sites that have not yet been subject to a site visit remain eligible for selection for a site visit.</p> <p style="text-align: center;">ACCEPTED</p>	<p style="text-align: center;">March 2015</p> <p>Ministry staff are keeping records of sites selected through the random selection that staff are not able to visit. Those will be included in the pool of eligible visits for the next five years.</p> <p style="text-align: center;">September 2014</p> <p>No specific update provided.</p>	<p style="text-align: center;">FULLY IMPLEMENTED</p>
<p>R15: The Ministry of Forests, Lands and Natural Resource Operations develop a system that: A) tracks, in a centralized and accessible way, the results of compliance monitoring B) records whether non-compliance is referred to another agency and, if it is, how that agency responds to the non-compliance</p> <p style="text-align: center;">ACCEPTED</p>	<p style="text-align: center;">March 2015</p> <p>Ministry staff have developed a new system to record and track non-compliance through site monitoring, report auditing and complaints. A spreadsheet allows staff to track QEP and developer compliance, and any required follow up action by the QEP, developer or proponent, local government, other agency or under other provincial legislation.</p> <p style="text-align: center;">September 2014</p> <p>No specific update provided.</p>	<p style="text-align: center;">FULLY IMPLEMENTED</p>

<p>R16: The Ministry of Forests, Lands and Natural Resource Operations develop a process, under section 5(a) of the Riparian Areas Regulation (RAR) for every development that triggers a RAR assessment, that: A) requires a post-development report be prepared by a qualified environmental professional (QEP) to show that the measures set out in the assessment report have been properly implemented B) tracks whether a local government has given initial approval to the development, whether development has started, and whether a post-development report has been submitted C) alerts the ministry when a post-development report has not been submitted within a reasonable time after development is complete D) requires the ministry to take appropriate action if no post-development report is submitted E) requires the ministry to review post-development reports that have been submitted and take appropriate action where the post-development report identifies non-compliance with the RAR</p> <p style="text-align: center;">ACCEPTED</p>	<p style="text-align: center;">March 2015</p> <p>Ministry staff are working with legislative analysts to understand the feasibility and mechanism by which post-development reports could be made a requirement of the RAR.</p> <p style="text-align: center;">September 2014</p> <p>No specific update provided.</p>	<p style="text-align: center;">ONGOING</p>
<p>R17: The Ministry of Forests, Lands and Natural Resource Operations, by June 30, 2014, update all its publicly available information to accurately reflect the ministry's responsibility for</p>	<p style="text-align: center;">November 2014</p> <p>The ministry has moved the RAR content to the new government internet platform and updated this website and RAR brochure available on the website to reflect the ministry's responsibility.</p>	<p style="text-align: center;">TIMELINE PASSED; FULLY IMPLEMENTED</p>

<p><i>the Fish Protection Act and the Riparian Areas Regulation.</i></p> <p>ACCEPTED</p>		
<p>R18: The Ministry of Forests, Lands and Natural Resource Operations review, on an annual basis, all programs it is responsible for to ensure that publicly available information is up to date and accurate.</p> <p>ACCEPTED</p>	<p>March 2015 As part of a government-wide project, all web content is being moved to a new format that is more user friendly. Part of this process includes reviewing content to ensure it is up to date and accurate.</p> <p>September 2014 No review completed yet.</p>	<p>ONGOING</p>
<p>R19: The Ministry of Forests, Lands and Natural Resource Operations report publicly on an annual basis about its administration of the <i>Riparian Areas Regulation (RAR)</i>, including reporting on the activities related to the <i>RAR</i> set out in the Intergovernmental Cooperation Agreement. The 2014 annual report be accompanied by annual reports for each of the years 2010, 2011, 2012 and 2013.</p> <p>ACCEPTED</p>	<p>March 2015 No public reporting available yet.</p> <p>September 2014 No public reporting available yet.</p>	<p>ONGOING</p>
<p>R20: Beginning in 2014, the Ministry of Forests, Lands and Natural Resource Operations, in addition to reporting on the activities set out in the Intergovernmental Cooperation Agreement, report publicly on an annual basis about its administration of the <i>Riparian Areas Regulation (RAR)</i>,</p>	<p>March 2015 No public reporting available yet.</p> <p>September 2014 No public reporting available yet.</p>	<p>ONGOING</p>

<p>including: A) the number of notifications received and the number of assessments reviewed by each region, the issues identified in those reviews and measures taken to address any issues B) steps taken by the ministry to monitor the compliance of qualified environmental professionals (QEPs), proponents and local governments with the RAR, the results of that monitoring, and measures taken to improve compliance C) steps taken by the ministry to monitor the effectiveness of the RAR, the results of that monitoring, and measures taken to improve the effectiveness of the RAR D) any regulatory or administrative changes affecting the RAR</p> <p style="text-align: center;">ACCEPTED</p>		
<p>R21: The Ministry of Forests, Lands and Natural Resource Operations work with the Ministry of Environment to make <i>Riparian Areas Regulation</i> assessment reports and their associated electronic mapping files available to the public through EcoCat or a similar publicly accessible, searchable electronic database by October 1, 2014.</p> <p style="text-align: center;">ACCEPTED</p>	<p style="text-align: center;">March 2015 Ministry staff is working on a Privacy Impact Assessment for RAR reports.</p> <p style="text-align: center;">September 2014 The ministry has begun discussions with Ministry of Environment information management staff.</p>	<p style="text-align: center;">TIMELINE PASSED; ONGOING</p>

<p>R22: The Ministry of Forests, Lands and Natural Resource Operations establish a clearly documented and accessible process that allows people to raise concerns or make complaints about the operation of the <i>Riparian Areas Regulation</i>.</p> <p>ACCEPTED</p>	<p>March 2015 The ministry has developed a draft complaints process; this process is currently undergoing internal review.</p> <p>September 2014 No specific update provided.</p>	<p>ONGOING</p>
<p>R23: The Ministry of Forests, Lands and Natural Resource Operations establish an electronic complaint tracking process that allows the ministry to accurately track, analyze and respond to concerns and complaints it receives about the <i>Riparian Areas Regulation</i>.</p> <p>ACCEPTED</p>	<p>March 2015 The ministry has developed and is in the process of finalizing an internal system for tracking and analyzing complaints. This complaint spreadsheet allows ministry staff to track who received the complaint, the applicable region and local government, the nature of the complaint and any required follow up action (including when that action was completed).</p> <p>September 2014 No specific update provided.</p>	<p>ONGOING</p>
<p>R24: The Ministry of Forests, Lands and Natural Resource Operations publicly report regional data about concerns and complaints on an annual basis.</p> <p>ACCEPTED</p>	<p>March 2015 No public reporting available yet.</p> <p>September 2014 No public reporting available yet.</p>	<p>ONGOING</p>
<p>R25: The Ministry of Forests, Lands and Natural Resource Operations take steps to implement a program of regular effectiveness monitoring in all regions subject to the <i>Riparian Areas Regulation</i>.</p> <p>ACCEPTED</p>	<p>March 2015 The ministry has begun discussions on the best way to define and monitor <i>RAR</i> effectiveness.</p> <p>September 2014 No specific update provided.</p>	<p>ONGOING</p>

