

To Planning Committee,
City of Richmond,
6911 No. 3Rd.,
Richmond, B.C.

Dear Planning Committee..

There is no one who would deny that Steveston (Shady) Island is:

- An important part of the Richmond's environmental heritage,
- An important part of the Environmentally Sensitive Area (ESA) system
- An important part of Fraser River Salmon habitat.
- And an important part Of the Steveston community.

At its regular meeting of March 19, 2003, ACE passed the following motion:
"Whereas ACE recognizes the value of environmentally sensitive areas within our community including Shady Island, and the value of their long term protection, ACE requests that Council approach the Province to seek protection of those parts of Shady Island presently not under lease and that Council consider the options for doing this outlined in the memorandum commissioned by Lou Zivot."

"ACE's long term goal is to have the entire island preserved and that the City assume ownership of Shady Island. We ask that Council write to the Provincial Government seeking its support and help in working towards these goals with the City and ACE. We think that an effective strategy is to start with that part of the Island not under lease and signal our intentions to lease holders and expand from that point."

We enclose the following documentation provided by Ace member Lou Zivot and we hope that you will undertake our request.

Sincerely,

Gordon Kibble,

Eric Sykes,

Co-Chairs, Advisory Committee on the Environment.

M E M O R A N D U M

TO: Louis J. Zivot
FROM: Damon J. Chisholm
DATE: February 19, 2003
RE: **Protection of Shady Island in Richmond, British Columbia**

You have asked me to look at various provincial statutes in order to determine what sort of protection for the area is available, and what limitations on use of the land would be imposed.

I. BRIEF ANSWER

Under the Ecological Reserve Act, Crown land may only be reserved for what the Act describes as “ecological purposes.” The Park Act does not place any limitations on what land will qualify as park land or recreational areas, and contains a greater amount of limitations and regulations on the use of the land as compared to the Ecological Reserve Act.

The Protected Areas of British Columbia Act was enacted in June 2000. This Act’s sole purpose is to categorize and list all ecological reserves and parks enacted under the Ecological Reserve Act and the Park Act. The Protected Areas of British Columbia Act does not contain any provisions for the creation of protected land.

I have not been able to find any information on what expenses or obligations there are for the municipality under these various acts, nor have I been able to find any information on whether there have been any conditions attached to the examples of Free Crown Grants made to municipalities under s.51 of the Land Act.

II. DISCUSSION

Ecological Reserve Act, RSBC 1996 c. 103

Under the Ecological Reserve Act (the “ERA”) Crown land can be reserved for ecological purposes. These include:¹

- (a) areas suitable for scientific research and educational purposes associated with studies in productivity and other aspects of the natural environment;
- (b) areas that are representative examples of natural ecosystems in British Columbia;
- (c) areas that serve as examples of ecosystems that have been modified by human beings and offer an opportunity to study the recovery of the natural ecosystem from modification;
- (d) areas where rare or endangered native plants and animals in their natural habitat may be preserved;
- (e) areas that contain unique and rare examples of botanical, zoological or geological phenomena.

Protection & Limitations on Use

The following are some of the protections contained within the ERA, and some of the limitations placed on the use of ecological land within the ERA:

- Ecological reserves are not available for disposition unless a permit is granted by the Minister (ERA s.5)
- no person shall prospect for minerals, cut timber, allow domesticated animals to graze, camp, light fires, trap or molest animals, build roads or trails, use motorized vehicles within an ecological reserve, or remove plants, animals or materials from an ecological reserve unless authorized by special permit by the Minister (Ecological Reserve Regulations s.1 and 7)

¹ Section 2

- research or education use of an ecological reserve may be undertaken when authorized by permit, however a permit may not be issued if the use is likely to cause any significant disruption within the reserve (Reg. s.2, 3, and 4)
- no person shall introduce into an ecological reserve any plant or animal species without the permission of the administrator (Reg. s 8)
- no person shall deposit, discharge or emit sewage, waste materials, contaminants or any other substance within the boundaries of an ecological reserve (Reg. s 9)

Park Act, RSBC 1996 c. 344

Under the Park Act the Lieutenant Governor in Council may establish an area of Crown land as a park, recreational area, or nature conservancy area (s 5). For the purposes of establishing or enlarging a park or recreational area, the Minister may purchase, or otherwise acquire possession of land (s 11).

Protection & Limitations on Use

The following are some of the protections contained within the Park Act, and some of the limitations placed on the use of park or recreational land within the Park Act:

- Natural resources, other than fish and wildlife taken, hunted or killed in accordance with the *Wildlife Act* or wildlife stalked or pursued for observation or for photographic or study purposes, must not be sold, removed, destroyed, damaged, disturbed or exploited without a permit (s 9).
- private construction is restricted on park land except with a permit (s 13)
- dumping of garbage, refuse, or domestic or industrial waste through, over or on any park or recreational area is prohibited except with a permit (s 14)
- occupancy and use of park land is restricted without the use of a permit (s 16)

- no person shall cause or create any disturbances in a park or recreational area (Park and Recreational Area Regulation s 8)
- starting and maintaining a fire in a park or recreational area is prohibited unless certain provisions are complied with (s 11)
- horses or other riding animals are prohibited in park or recreational areas unless permitted by sign or otherwise authorized (s 18)
- domestic animals are restricted from park or recreational areas except as authorized (s 190)
- no person shall destroy, damage, possess, or remove any natural resource or property in a park or recreational area. No person shall deposit waste or cause waste to flow or seep into any land or water in a park or recreational area (s 32)

Protected Areas of British Columbia Act, SBC 2000, c. 17

This Act was enacted in June 2000. It's purpose is to name, categorize, and describe all ecological reserves created by the ERA and all parks created by the Park Act. There are no provisions relating to the creation of land as a protected area in British Columbia.

Land Act, [RSBC 1996] c. 245

I have checked the Free Crown Grant examples that have been made to municipalities. I have not been able to find any more information other than what you originally supplied me such as:

ORDER IN COUNCIL 32

Ministry Responsible: ENVIRONMENT, LANDS AND PARKS

Statutory Authority: Land

Free Crown Grant to the Regional District of Nanaimo for regional park purposes.

I have not been able to determine whether there have been any conditions attached to any of these grants.