

Final Report on the Implementation
of Recommendations from

STRIKING A BALANCE:

*The Challenges of Using a Professional Reliance
Model in Environmental Protection – British
Columbia’s Riparian Areas Regulation*



OMBUDSPERSON
BRITISH COLUMBIA

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INTRODUCTION

One of the key ways in which the Office of the Ombudsperson can effect change in the fair administration of government programs is by making recommendations. Our recommendations result from investigative findings of unfairness. In other words, when our investigation highlights a problem in fair administration, our recommendations aim to fix that problem. Our recommendations may involve individual remedies or systemic change, and often contain timelines by which we expect an authority to have made the change.

We monitor whether authorities are implementing the recommendations made in

our public reports. As part of this monitoring commitment, we issue periodic updates on specific reports and their recommendations.

We begin monitoring implementation once a report is released publicly. We collect information from the authority about the steps they have taken to implement the recommendations. We expect the authority to provide us with specific, relevant and verifiable information about its implementation steps – a general commitment to act is not sufficient. We then assess this information to determine whether, in our view, the recommendation is fully implemented.

STRIKING A BALANCE REPORT AND RECOMMENDATIONS

Striking a Balance: The Challenges of Using a Professional Reliance Model in Environmental Protection – British Columbia’s Riparian Areas Regulation was released by the Office of the Ombudsperson in March 2014.¹ It was the product of a comprehensive investigation into the provincial government’s administration of the former *Riparian Areas Regulation*, which was replaced by the *Riparian Areas Protection Regulation* in 2019.²

Riparian areas link water to land. They border streams, lakes, and wetlands. The blend of streambed, water, trees, shrubs and grasses in a riparian area supports fish habitat.

The *Riparian Areas Regulation* formed part of the legislative and regulatory framework which protects natural environments in B.C. Enacted in 2005, the regulation was intended to protect the areas surrounding streams, lakes and inland waters in the most populated areas of B.C. from development that would damage fish habitat. It applied to 15 regional districts in B.C. These regional districts cover about 17.5 percent of B.C.’s landmass where approximately 74 percent of the province’s population lives.³

The *Riparian Areas Regulation* and its replacement, the *Riparian Areas Protection Regulation*, are examples of a professional reliance model of environmental protection. Professional reliance is a regulatory framework in which government establishes the natural resource management outcomes to be realized and exercises oversight to ensure goals or outcomes have been met, but professionals hired by project proponents determine how those outcomes shall be reached.⁴ The use of a professional reliance model in B.C.’s natural resource sector is based on the expectation that proponent-hired professionals will apply the correct science-based methodology, produce consistent, measurable, reproducible, impartial results, and provide the best advice available for protecting the environment.

The statutory and regulatory framework for riparian areas protection in B.C. is complex. While fish are a federal responsibility, inland waterways are a provincial responsibility, and development decisions are primarily under local government jurisdiction.

¹ The original report, *Striking a Balance: The Challenges of Using a Professional Reliance Model in Environmental Protection – British Columbia’s Riparian Areas Regulation*, is available on our website at https://bcombudsperson.ca/investigative_report/striking-a-balance-the-challenges-of-using-a-professional-reliance-model-in-environmental-protection-british-columbias-riparian-areas-regulation/.

² *Riparian Areas Regulation*, BC Reg 376/2004; *Riparian Areas Protection Regulation*, BC Reg 178/2019.

³ The 2019 *Riparian Areas Protection Regulation* applies to the same 15 regional districts: *Riparian Areas Protection Regulation*, BC Reg 178/2019, s. 2(1).

⁴ Mark Haddock, Ministry of Environment and Climate Change Strategy, *Professional Reliance Review: The Final Report of the Review of Professional Reliance in Natural Resource Decision-Making*, May 2018, 6 <https://www2.gov.bc.ca/assets/gov/environment/natural-resource-policy-legislation/professional-reliance/professional_reliance_review_final_report.pdf>.

To protect riparian areas in B.C. during development, the provincial government relies on the expertise of Qualified Environmental Professionals (QEPs),⁵ hired by proponents of residential, commercial and industrial projects, to:

- assess the potential impacts of development to riparian fish habitat
- develop and prescribe in assessment reports mitigation measures that will avoid or minimize negative impacts of development on riparian areas

This means that before a development project near riparian areas can begin the proponent must hire a QEP to assess the site, determine the size of the streamside protection and enhancement area (SPEA), and prescribe protective measures for the SPEA. By complying with the required assessment procedures,⁶ QEPs and proponents will have applied due diligence in avoiding a harmful alteration, disruption or destruction of riparian fish habitat.

One of the aims of a professional reliance model is to allow government to focus its resources on providing oversight rather than conducting the assessments. In this context, that means overseeing local government, QEP and project proponent compliance with the regulatory framework.

Our 2014 investigation and report identified significant gaps between the process the

government had established when the *Riparian Areas Regulation* was enacted and the level of oversight that was actually in place, highlighting how a disconnect between commitment and action can lead to administrative unfairness.

As a result of our investigation, we made 21 findings and 25 recommendations to the Ministry of Forests, Lands and Natural Resource Operations, now known as the Ministry of Forests, Lands, Natural Resource Operations and Rural Development (the ministry). The recommendations were aimed at improving oversight, compliance, accountability and transparency to ensure the *Riparian Areas Regulation* functioned in an administratively fair manner. We made recommendations in four key areas, including:

- strengthening local government compliance
- oversight of QEPs' qualifications
- oversight of the work done by QEPs and proponents, and
- improving public information, access and complaints

The ministry accepted all but one of the recommendations in our report.

We have been monitoring the steps taken by the ministry to implement the recommendations since our report's release in 2014.

⁵ The *Riparian Areas Protection Regulation* defines who may serve as a QEP and the qualifications they must hold for the purposes of carrying out an assessment under the regulation. Not all members of each profession defined, however, will possess the necessary skills, experience and expertise to complete each of the tasks required in an assessment report. In situations in which the primary QEP of an assessment lacks the skills, experience and expertise required to assess a specific concern, a secondary QEP may become involved in the assessment and may only provide an opinion about that specific concern: *Riparian Areas Protection Regulation*, BC Reg 178/2019, s. 19(1)(iii) and 21.

⁶ Ministry of Forests, Lands, Natural Resource Operations and Rural Development, "*Riparian Areas Protection Regulation* Technical Assessment Manual," November 2019 <https://www2.gov.bc.ca/assets/gov/environment/plants-animals-and-ecosystems/fish-fish-habitat/riparian-areas-regulations/rapr_assessment_methods_manual_for_web_11.pdf>.

⁷ If these harms cannot be avoided, the developer must apply for an authorization to Fisheries and Oceans Canada (DFO). Only a *Fisheries Act* section 35(2) authorization allows exemption from the *Riparian Areas Protection Regulation*. In no other case does communication from DFO summarily exempt a project from provincial regulatory standards: *Fisheries Act*, R.S.C. 1985, c. F-14, s. 35(2)(b) or (c).

When our previous monitoring update on *Striking a Balance* was issued in June 2015, only four recommendations had been implemented. In 2019, the *Riparian Areas Regulation* was repealed and replaced by a new *Riparian Areas Protection Regulation* which addressed many of our recommendations in its provisions. As a result of this and other work, the ministry has now implemented 18 of the 25 recommendations, including the one recommendation it did not originally accept at the time of our 2014 report. We discuss these recommendations and the status of their implementation below and provide an overview of each recommendation's implementation status in the "Recommendations Summary" section at the end of this report. This report concludes our monitoring of the implementation of the recommendations from *Striking a Balance*.

While our monitoring work has concluded, many of the issues we identified remain as pressing as they were in 2014. This monitoring report highlights our analysis

of implemented recommendations and the areas where important work remains to be done. It does so within the context of the provincial government's efforts to identify and address challenges with B.C.'s professional reliance and governance model. These include the 2018 Professional Reliance Review report, the 2019 enactment of the *Professional Governance Act*, and the subsequent establishment of the Office of the Superintendent of Professional Governance, which together contribute to a renewed professional reliance framework for riparian areas protection in the province.

We are encouraged by the fact that major improvements have been made to the former *Riparian Areas Regulation* program and the broader professional reliance and governance framework since *Striking a Balance* was issued. As this report highlights, however, there is work ahead to ensure that the systemic issues we identified in our report are fully addressed.

Climate Change and Riparian Areas Protection

In the past year, many British Columbians have experienced firsthand the impacts of climate change on our natural environment. Fish habitat has been impacted by climate-change related flooding⁸ and drought,⁹ making the effective protection of riparian areas essential to the long-term survival of fish populations. We expect that professionals will be increasingly required

to understand and apply climate science when carrying out work in accordance with professional reliance schemes such as the RAPR. In this respect, we note efforts already underway by regulatory bodies to build capacity for their members to incorporate climate science into their work.¹⁰ In addition, the ongoing impacts of climate change add some urgency to the ministry's efforts to evaluate the effectiveness of the RAPR in protecting fish habitat, which we discuss later in this report.

⁸ Roshini Nair, "For B.C.'s salmon, floods represent another challenge to survival," CBC News, November 21, 2021 <<https://www.cbc.ca/news/canada/british-columbia/bc-salmon-floods-1.6256629>>.

⁹ Rochelle Baker, "Drought and climate change endangering salmon and fish habitat on Vancouver Island," Canada's National Observer, September 17, 2020 <<https://www.nationalobserver.com/2020/09/17/news/drought-and-climate-change-endangering-salmon-and-fish-habitat-vancouver-island>>.

¹⁰ See, for example, "Professional Leadership in a Changing Climate: Joint Statement," Association of BC Forest Professionals, Association of Professional Biology, BC Society of Landscape Architects, College of Applied Biology and Planning Institute of BC, <<https://www.cab-bc.org/file-download/joint-statement-climate-change>>; Engineers and Geoscientists BC, "Climate Change Action Plan" March 15, 2021, <<https://www.egbc.ca/getmedia/50e4e26b-30ad-46c8-8ca1-f06428af65dc/Engineers-and-Geoscientists-BC-Climate-Change-Action-Plan.pdf.aspx>>.

HIGHLIGHTS OF IMPLEMENTED RECOMMENDATIONS FROM *STRIKING A BALANCE*

In the nearly eight years since *Striking a Balance* was released, the ministry has implemented 18 of the 25 recommendations we made. In some of these cases, the ministry has taken steps which, while not entirely consistent with the precise wording of our recommendation, nonetheless achieve the outcome we sought in making it. In such cases, we have considered the recommendation to be “implemented by other means.”

Local Government Compliance

The ministry has implemented all three of our recommendations aimed at strengthening the ministry’s oversight of local government compliance with regulatory requirements.

The ministry conducted a review and analysis of local government compliance with the regulation and completed and published a local government compliance report that it presented to the Union of BC Municipalities in 2015 (**Recommendation 1**).¹¹ We were impressed with the report’s thoroughness,

thoughtful methodology, analysis and strategy for action to address the compliance issues identified. The report found that 46 percent of local governments were fully compliant – meaning that they had clear, well-defined bylaws, policies and processes that met the requirements of the Regulation. Another 35 percent were identified as mostly compliant but requiring further action on certain points to achieve full compliance, and 17 percent were identified as non-compliant.

The ministry continues to lack legal authority to require local governments to comply with the *Riparian Areas Protection Regulation* in how they approve development in riparian areas. Nevertheless, the ministry has taken a collaborative approach to improve local government compliance (**Recommendation 2**).¹² The measures taken by the ministry include the publication of a regulatory guidebook for local governments,¹³ and providing ongoing updates about regulatory and compliance changes.¹⁴ Further, the Regulation has been amended to clearly define the process through which local

¹¹ Ministry of Forests, Lands and Natural Resource Operations, “Review of Local Government Implementation of the *Riparian Areas Regulation*,” 14 September 2015 <http://www2.gov.bc.ca/assets/gov/environment/plants-animals-and-ecosystems/fish-fish-habitat/riparian-areas-regulations/lg_rar_implementation_compliance_report_september_14_2015_r.pdf>.

¹² The ministry has pursued greater collaboration with local governments to improve their compliance in accordance with regulatory provisions requiring local governments to cooperate with the ministry in developing monitoring and compliance strategies: *Riparian Areas Protection Regulation*, BC Reg 178/2019, s. 22.

¹³ Ministry of Forests, Lands and Natural Resource Operations, “*Riparian Areas Regulation* Guidebook for Local Governments,” 1 August 2016 <https://www2.gov.bc.ca/assets/gov/environment/plants-animals-and-ecosystems/fish-fish-habitat/riparian-areas-regulations/rar-guidebook-local-government_web_final_aug_2016.pdf>.

¹⁴ See, for example: Ministry of Forests, Lands, Natural Resource Operations and Rural Development, “Local Government Resources,” <<https://www2.gov.bc.ca/gov/content/environment/plants-animals-ecosystems/fish/aquatic-habitat-management/riparian-areas-regulation/local-government-resources>>; Ministry of Forests, Lands and Natural Resource Operations, “Riparian Areas (Protection) Regulation (RAPR) - 2019 Amendments,” Webinar Slides - Local Government Presentation (PDF), 17 October 2019 <https://www2.gov.bc.ca/assets/gov/environment/plants-animals-and-ecosystems/fish-fish-habitat/riparian-areas-regulations/rar_amendments_webinar_sep_19_lg.pdf>.

governments can vary riparian protections in specific developments (**Recommendation 3**).¹⁵ These measures are appropriate and consistent with the report the ministry prepared in response to Recommendation 1, and fully implement our recommendations.

Oversight of QEPs' Qualifications

Ensuring that QEPs who are conducting assessments under the Regulation are properly qualified and trained is a key component of a successful professional reliance model. We made four recommendations to improve the ministry's oversight of QEPs' qualifications, all of which the ministry has now implemented.

The ministry continues to confirm that primary QEPs are registered and in good standing with regulatory bodies as part of its review of assessment reports submitted by QEPs (**Recommendation 4**). The *Riparian Areas Protection Regulation* specifies who may serve as a QEP and the qualifications they must have for the purposes of carrying out an

assessment under the regulation, including the requirement that the QEP is registered and in good standing in B.C. with the appropriate regulatory body.¹⁶ Unlike its predecessor regulation, the *Riparian Areas Protection Regulation* makes primary QEPs responsible for ensuring that any secondary QEPs, who are mostly either specialized experts or junior QEPs, have the required qualifications.¹⁷

While completion of relevant training was optional when *Striking a Balance* was released, now all primary QEPs must successfully complete a three-day QEP assessment and assessment report training course provided by Vancouver Island University (VIU) Natural Resources Extension Program (**Recommendation 5**).¹⁸ Ministry staff coordinate with VIU to update the course as necessary, including providing instructor training and ensuring the course is aligned with regulatory, administrative, and technical requirements. VIU maintains publicly-available lists of individuals who have successfully completed the course, one

¹⁵ Variance protocols and methods previously existed only as guidance. *Riparian Areas Protection Regulation* section 11 addresses local government concerns by: 1) providing variance protocols with regulatory force rather than it formerly being offered as guidance only; 2) bringing into relief local governments' confusion related to the fact that all report submissions including a variance were previously assessed as non-compliant with methods; 3) providing a quantitative approach to determining allowable encroachment; and 4) providing a definition for "undue hardship." These variance protocols govern the minimum conditions according to which local governments can modify the otherwise binding requirements of the *Riparian Areas Protection Regulation*. Although the *Riparian Areas Protection Regulation* now sets the minimum compliance requirements for riparian area protection, it does not supersede any local government bylaws that are more restrictive than the *Riparian Areas Protection Regulation* in terms of the protections they require: *Riparian Areas Protection Regulation*, BC Reg 178/2019, s. 11.

¹⁶ The new legal framework of the *Professional Governance Act* currently designates and governs as "regulatory bodies" the five professional associations whose registered members ("registrants") may serve as QEPs for the purposes of carrying out assessments or parts of assessments under the *Riparian Areas Protection Regulation*. Our use of "regulatory body" and "regulatory bodies" here and elsewhere in this report reflects these professional associations' new designation as such. *Riparian Areas Protection Regulation*, BC Reg 178/2019, s. 21 as amended by O.I.C. 034, 26 January 2021; *Professional Governance Act*, S.B.C. 2018, c. 47, s. 1(1), 89(1), 90, and Schedule 1.

¹⁷ Primary QEPs are required to submit signed statements to this effect: *Riparian Areas Protection Regulation*, BC Reg 178/2019, s. 19(1)(iii) and 21.

¹⁸ *Riparian Areas Protection Regulation*, BC Reg 178/2019, s. 20; Ministry of Forests, Lands, Natural Resource Operations and Rural Development, Qualified Environmental Professional (QEP) Training Course," <<https://www2.gov.bc.ca/gov/content/environment/plants-animals-ecosystems/fish/aquatic-habitat-management/riparian-areas-regulation/qep-resources/qep-training-course>>; Ministry of Forests, Lands, Natural Resource Operations and Rural Development, "Riparian Areas (Protection) Regulation (RAPR) - 2019 Amendments," Webinar Slides - QEP Presentation (PDF), 17 October 2019, 4 <https://www2.gov.bc.ca/assets/gov/environment/plants-animals-and-ecosystems/fish-fish-habitat/riparian-areas-regulations/rar_amendments_webinar_sep_19_qep.pdf>.

for individuals who completed the course before the 2019 regulatory changes and one for those individuals who have completed it since.¹⁹ Given that completion of the course is now a regulatory requirement, we are disappointed that the ministry does not link to these lists from its own website; however, the lists maintained by VIU do implement our recommendation.

The ministry regularly updates online materials for QEPs on its webpage, including dedicated pages for QEP resources and updates regarding regulatory and administrative changes (**Recommendation 6**).²⁰ Moreover, the former *Riparian Areas Regulation* “Schedule of Assessment Methods” was replaced in 2019 with a technical assessment manual for mandatory use by QEPs in accordance with provisions of the *Riparian Areas Protection Act* and Regulation.²¹ The ministry can more efficiently update QEPs on regulatory, administrative and technical changes, as changes to assessment methods can now be made by the ministry without the previously required Order in Council.

Engineers and Geoscientists BC, the Association of BC Forest Professionals and College of Applied Biology partnered with the ministry and consulted with other regulatory bodies to produce professional practice guidelines for riparian area assessments in B.C. The guidelines, published in 2017, establish an enforceable standard of practice for conducting riparian assessments in compliance with the Regulation (**Recommendation 7**).²²

Oversight of QEPs and Proponents

We made nine recommendations to improve the ministry’s monitoring of QEP and proponent compliance with the regulatory framework, seven of which the ministry has now implemented.

The *Riparian Areas Protection Regulation* sets an expiry date of five years on approved assessment reports,²³ which implements **Recommendation 8**. Previously, reports did not expire and could not be removed from the Riparian Areas Protection Regulation Notification System (RARNS).²⁴ As we pointed

¹⁹ Vancouver Island University, Natural Resources Extension Program, “*Riparian Areas Protection Regulation* Methods,” <<https://scitech.viu.ca/natural-resource-extension/riparian-areas-regulation-methods>>.

²⁰ Ministry of Forests, Lands, Natural Resource Operations and Rural Development, “*Riparian Areas Protection Regulation* (RAPR),” <<https://www2.gov.bc.ca/gov/content/environment/plants-animals-ecosystems/fish/aquatic-habitat-management/riparian-areas-regulation>>; Ministry of Forests, Lands, Natural Resource Operations and Rural Development, “Qualified Environmental Professional (QEP) Resources,” <<https://www2.gov.bc.ca/gov/content/environment/plants-animals-ecosystems/fish/aquatic-habitat-management/riparian-areas-regulation/qep-resources>>; Ministry of Forests, Lands, Natural Resource Operations and Rural Development, “*Riparian Areas (Protection) Regulation* (RAPR) - 2019 Amendments,” Webinar Slides - QEP Presentation (PDF), 17 October 2019, 4 <https://www2.gov.bc.ca/assets/gov/environment/plants-animals-and-ecosystems/fish-fish-habitat/riparian-areas-regulations/rar_amendments_webinar_sep_19_qep.pdf>.

²¹ Ministry of Forests, Lands, Natural Resource Operations and Rural Development, “*Riparian Areas Protection Regulation* Technical Assessment Manual,” November 2019 <https://www2.gov.bc.ca/assets/gov/environment/plants-animals-and-ecosystems/fish-fish-habitat/riparian-areas-regulations/rapr_assessment_methods_manual_for_web_11.pdf>; *Riparian Areas Protection Act*, S.B.C. 1997, c. 21, s. 13(2)(d), (e), (e.1) and s. 13.1; *Riparian Areas Protection Regulation*, BC Reg 178/2019, s. 1(2), 12(b)(ii), 13, 14, 15(2), and 18(2)(g) and (h).

²² Association of Professional Engineers and Geoscientists of BC, Association of BC Forest Professionals, and College of Applied Biology, “Legislated Riparian Assessment in BC: APEGBC/ABCFFP/CAB Professional Practice Guidelines,” June 2017 <<https://www.cab-bc.org/file-download/legislated-riparian-assessments-bc-apegbcabcffpcab-professional-practice-guidelines>>.

²³ *Riparian Areas Protection Regulation*, BC Reg 178/2019, s. 7.

²⁴ The RARNS is an online platform through which QEPs submit assessment reports to the ministry. It allows authorized users to submit, search and retrieve information stored in the database; Ministry of Forests, Lands, Natural Resource Operations and Rural Development, “*Riparian Areas Regulation* (RAR) Notification System,” <<https://www2.gov.bc.ca/gov/content/environment/plants-animals-ecosystems/fish/aquatic-habitat-management/riparian-areas-regulation/qep-resources/rar-notification-system>>.

out in *Striking a Balance*, assessment reports are sometimes completed years ahead of development actually beginning. Conditions at sites may change in the time between the report being completed and development commencing. Expiry dates are therefore important to ensure that the assessment and prescribed protection measures guiding development still reflect actual site and riparian area conditions. It is also important that the relevant stakeholders are notified when a report expires, including ministry staff, Fisheries and Oceans Canada (DFO), and local governments (**Recommendation 9**). Upgrades to the RARNS will enable automatic notifications of assessment report expiry to be sent to the appropriate levels of government.²⁵

To be effective and publicly accountable, the professional reliance model requires adequate and appropriate monitoring of the work of QEPs.

Our investigation found that where the ministry had reviewed QEP assessment reports, it had identified compliance deficiencies and substantive errors. At the same time, very few of the assessment reports were being reviewed. The need to effectively address these deficiencies led us to conclude that an improved process for reviewing reports was necessary to achieve an effective and administratively fair, reasonable, publicly accountable process (**Recommendation 10**).

The ministry did not accept our recommendation and instead committed

in February 2014 to review all reports for two years and to report the results of this review.²⁶ As a satisfactory level of compliance has not yet been reached, however, the ministry has continued to review all submitted assessment reports and intends to do so until its desired compliance target is met.²⁷ The ministry reports that rejection rates for QEP assessment reports submitted to RARNS have remained high since the *Riparian Areas Protection Regulation* came into effect in November 2019. The need for head office staff in Victoria to provide increased levels of technical support has been significant as compliance targets remain out of reach. Although the ministry has done well to establish enhanced oversight and compliance mechanisms through these report reviews, the outcome has been a more time-consuming review and follow-up process. Given that the ministry continues to review all reports, we consider this recommendation to be fully implemented at this time.

In line with our recommendation that any move away from reviewing all reports be careful, considered and risk-based, the ministry plans to use a risk-based approach for comprehensive report reviews once its desired compliance target is reached. This approach will be informed by certain geographic areas and types of development that are often problematic, and species at risk/of concern. We would consider our recommendation to be implemented by other means should the ministry succeed in reaching its compliance

²⁵ With respect to the November 2019 entry into force of the *Riparian Areas Protection Regulation* provisions and the introduction of report expiry dates, the first assessment reports to expire will not be until late 2024 – changes to RARNS are being made in relation to initial report expiries in 2024: *Riparian Areas Protection Regulation*, BC Reg 178/2019, s. 7.

²⁶ Honourable Minister Steve Thomson, Office of the Minister, Ministry of Forests, Lands and Natural Resource Operations, Letter to the Office of the Ombudsperson, 14 February 2014, 1-2.

²⁷ The ministry reports that its desired compliance target is 90 percent on first submissions – meaning 90 percent of first submission reports received can be approved without changes needing to be made.

target and adopt the focused, risk-based approach to comprehensive report review that it has described to us. We would have significant concerns if, after committing significant resources to reviewing reports in the past few years, the ministry reverted to its previous approach of reviewing very few reports.

The accountability of the province's riparian areas protection program hinges on ensuring QEPs are complying with regulatory requirements and assessment methods to produce recommendations that are accurate for the site and that adequately protect riparian areas in development. We found in *Striking a Balance* that the ministry lacked sufficient processes for identifying and effectively addressing QEP non-compliance with the Regulation and assessment methods. We recommended the ministry ensure that adequate processes and resources are in place and employed to detect and follow up on QEP compliance and performance issues identified through monitoring (**Recommendation 11**). As noted above, the ministry has centralized the review of all QEP assessment reports and can thereby better detect and correct QEP compliance issues, and is establishing an audit flagging mechanism in RARNS for more effective follow-up. Regulatory changes have removed the ability of QEPs to provide opinions on development that are contrary to the Regulation, and the ministry's new ability to reject assessment reports, discussed below, is instrumental in addressing QEP

non-compliance.²⁸ We therefore consider this recommendation fully implemented.

We described in *Striking a Balance* how local governments were notified as soon as the ministry received an assessment report – meaning local governments could proceed with the development approval process regardless of the content of the report. The ministry now has regulatory authority to reject QEP assessment reports if it considers in its review that the assessment or assessment report does not comply with the requirements (**Recommendation 12**). This is a key mechanism for addressing QEP non-compliance.²⁹ QEPs no longer have the ability to ignore review corrections, but must implement them and resubmit their report for further review by the ministry. In addition, local government notification may be postponed until the ministry's review is complete.³⁰ As a result of this process, local governments can more confidently proceed with approving development knowing that the ministry has considered the report's quality and accuracy.

Site visits are a key mechanism by which the ministry can effectively monitor development projects in riparian areas to ensure QEP and proponent compliance with the Regulation. In *Striking a Balance*, we identified gaps in how the ministry identified which developments to include in a compliance site visit. We recommended the ministry develop and implement a site monitoring system to ensure that all development sites that have not yet been visited remain eligible for a site visit (**Recommendation 14**). Since our report was released, the ministry's head office staff have

²⁸ *Riparian Areas Protection Regulation*, BC Reg 178/2019, s. 10(1)(a) and 17; cf. *Riparian Areas Regulation*, BC Reg 376/2004, s. 4(2)(b)(iii).

²⁹ *Riparian Areas Protection Regulation*, BC Reg 178/2019, s. 6(2)(b).

³⁰ *Riparian Areas Protection Regulation*, BC Reg 178/2019, s. 6(2) and (3), 12, and 14.

been working collaboratively with the regions to improve field auditing protocols, maintaining records of sites that staff have been unable to visit, including these in regional lists of eligible site visits for the next five years, and integrating better field audit functionalities into RARNS. The ministry is in the process of revising its site visit framework to focus on a risk-based selection of sites for field audit. This is a reasonable approach that is consistent with the intent of our recommendation.

While the ministry is responsible for monitoring regulatory compliance, responsibility for enforcing compliance lies with local governments and the DFO. It is therefore crucial to the efficacy of the ministry's compliance efforts that the compliance information it collects is systemically organized to inform enforcement action. We recommended the ministry develop a centralized system for tracking the results of its compliance monitoring and for recording non-compliance referrals to and responses from other authorities (**Recommendation 15**). The ministry developed and implemented a system for tracking and recording non-compliance in the regions identified through site monitoring, report review, and complaints in 2015. This system allowed head office and regional staff to track QEP and proponent compliance as well as any required follow-up action. Since then, the ministry has centralized the review of all QEP assessment reports at its head office and is establishing an audit flagging mechanism in RARNS. This centralization strengthens the ministry's ability to collect, work with and provide information

about compliance issues. It better enables head office staff to flag assessment reports and files with compliance issues for further audit, to sort flagged reports, and to add documentation regarding follow-up referrals and actions.

Public Information, Access and Complaints

We made nine recommendations to improve the ministry's provision of public information, the public's ability to raise concerns and make complaints, and the ministry's tracking and public reporting of these complaints. The ministry has now implemented four of these recommendations.

The ministry has developed, published and continued to update public resources related to the Regulation, its administration, and the ministry's responsibilities on dedicated webpages (**Recommendations 17 and 18**).³¹ We acknowledge the ministry's efforts to implement our recommendations for improved publicly available information and strongly encourage it to continue to ensure this information is up-to-date, comprehensive, easily accessible, and accurate.

In addition, the ministry has revised its concerns and complaints process, added a description of how members of the public can submit concerns and complaints to the appropriate body on its webpage, and continues to assess and track complaints it receives (**Recommendations 22 and 23**).³²

³¹ Ministry of Forests, Lands, Natural Resource Operations and Rural Development, "Riparian Areas Protection Regulation (RAPR)," <<https://www2.gov.bc.ca/gov/content/environment/plants-animals-ecosystems/fish/aquatic-habitat-management/riparian-areas-regulation>>.

³² Ministry of Forests, Lands, Natural Resource Operations and Rural Development, "Citizen Resources," <<https://www2.gov.bc.ca/gov/content/environment/plants-animals-ecosystems/fish/aquatic-habitat-management/riparian-areas-regulation/citizen-resources>>; Ministry of Forests, Lands and Natural Resource Operations, "Concerns and Complaints about the Riparian Areas Regulation (RAR)," <https://www2.gov.bc.ca/assets/gov/environment/plants-animals-and-ecosystems/fish-fish-habitat/riparian-areas-regulations/rar_complaints_information_for_web_16.pdf>.

A RENEWED PROFESSIONAL RELIANCE FRAMEWORK: THE *PROFESSIONAL GOVERNANCE ACT*

The ministry's implementation of our recommendations from *Striking a Balance* has occurred within a broader review and reform of professional reliance in the natural resource sector. A review that began in October 2017 resulted in the 2018 report *Professional Reliance Review: The Final Report of the Review of Professional Reliance in Natural Resource Decision-Making*.³³

That report's recommendations in relation to the *Riparian Areas Regulation* mirrored those in *Striking a Balance*.³⁴ More broadly, the report made recommendations to strengthen the professional reliance model to ensure best practices are being followed and to improve oversight, compliance, accountability and transparency. The report's recommendations led to the enactment of the 2018 *Professional Governance Act*, which enabled the establishment of the Office of the Superintendent of Professional Governance.

The Professional Governance Act received royal assent in November 2018 and was brought into force in phases starting in the spring of 2019. Most of the Act's final outstanding provisions were brought into force on February 5, 2021.³⁵

The Act brings the bodies that regulate professionals in the natural resource sector under an overarching statutory framework. The Act establishes a new, consolidated governance framework for oversight of regulatory bodies and their professions.

The Act requires regulatory bodies to create mandatory codes of ethics for their registered members ("registrants") that include common standards of professional conduct and to make continuing education for their registrants mandatory.³⁶

A major component of the *Professional Governance Act* was the establishment of the

³³ Ministry of Environment and Climate Change Strategy, "Review of professional reliance model to ensure public interest is protected," News Release, 3 October 2017 <<https://news.gov.bc.ca/releases/2017ENV0055-001673>>; Mark Haddock, Ministry of Environment and Climate Change Strategy, *Professional Reliance Review: The Final Report of the Review of Professional Reliance in Natural Resource Decision-Making*, May 2018 <https://www2.gov.bc.ca/assets/gov/environment/natural-resource-policy-legislation/professional-reliance/professional_reliance_review_final_report.pdf>.

³⁴ Mark Haddock, Ministry of Environment and Climate Change Strategy, *Professional Reliance Review: The Final Report of the Review of Professional Reliance in Natural Resource Decision-Making*, May 2018, 122-124 <https://www2.gov.bc.ca/assets/gov/environment/natural-resource-policy-legislation/professional-reliance/professional_reliance_review_final_report.pdf>.

³⁵ Order in Council 034, 26 January 2021.

³⁶ The Act requires that such continuing education programs and other regulatory body requirements support reconciliation with Indigenous peoples in B.C.; *Professional Governance Act*, S.B.C. 2018, c. 47, s. 57.

Office of the Superintendent of Professional Governance (OSPG) in 2019.³⁷ The office is responsible for administering the Professional Governance Act and for ensuring that best practices for professional governance are implemented, including through enforcement of the Act and the office's statutory authority to impose administrative penalties.³⁸

The OSPG oversees the governance of regulatory bodies under the Act, conducts research and reviews to promote best practices and identify and respond to systemic or general professional governance matters, administers the Act and enforces it in accordance with enforcement powers conferred upon it, including the power to impose administrative penalties on registrants, and publishes information related to professional governance and deemed in the public interest.³⁹

Taken together, the ministry's implementation of our recommendations and the broader professional governance framework provided by the *Professional Governance Act* and mandate of the OSPG constitute a renewed and improved professional reliance framework for the province's riparian areas protection program.

The ministry's enhanced oversight and technical compliance mechanisms are now

further supported by *Professional Governance Act* provisions and the OSPG's work, particularly in terms of QEP compliance and professional conduct.

For instance, by establishing additional, enforceable professional competence, conduct and ongoing education requirements and standards for the registrants of regulatory bodies, the *Professional Governance Act* reinforces the professional practice guidelines developed by regulatory bodies and published in 2017 that were discussed above.

Senior ministry staff have been engaged with the OSPG and developing materials with respect to professional reliance in riparian areas protection as part of the Professional Governance Advisory Committee.⁴⁰

The new, consolidated professional reliance framework provided by the Professional Governance Act introduces enhanced professional and compliance requirements for regulatory bodies and QEPs working within the government's riparian areas protection program. Despite this renewed professional reliance framework in B.C., however, some work still remains to be done by the ministry specific to our *Striking a Balance* recommendations.

³⁷ *Professional Governance Act*, S.B.C. 2018, c. 47, s. 4, 423-435; Order in Council 250, 21 May 2019.

³⁸ *Professional Governance Act*, S.B.C. 2018, c. 47, s. 99-108.

³⁹ *Professional Governance Act*, S.B.C. 2018, c. 47, s. 18-20.

⁴⁰ *Professional Governance Act*, S.B.C. 2018, c. 47, s. 6; Office of the Superintendent of Professional Governance, "Professional Governance Advisory Committee," <<https://professionalgovernancebc.ca/about/professional-governance-advisory-committee>>.

REMAINING IMPLEMENTATION WORK

Seven recommendations from our 2014 report have not been fully implemented by the ministry although some work has been done on all of them. Three of these recommendations (**Recommendations 13, 16 and 25**) concern effective oversight of QEP and proponent compliance, including monitoring how compliance issues impact the overall effectiveness of the riparian protections in the regulation. The remaining four recommendations (**Recommendations 19, 20, and 24 and 21**) concern public information and access. Underlying the partial implementation of these recommendations are persistent challenges regarding intergovernmental cooperation and overlapping jurisdiction with respect to compliance and enforcement, as well as resourcing. Committing sufficient resources toward fully implementing these recommendations would be consistent with commitments the ministry made in the Intergovernmental Cooperation Agreement.⁴¹

Oversight of QEPs and Proponents

An effective framework for field auditing and site visits is an essential part of the ministry's responsibilities for regulatory oversight. We recommended that the ministry ensure that site visits are conducted in accordance with its

site visit framework to ensure its compliance goals are met (**Recommendation 13**). The ministry's review of its field auditing protocol found that QEP and proponent compliance issues were consistently concentrated in certain risk areas.⁴² Although it has developed an implementation strategy to transition to a new risk-based selection of sites for field audit, resources to effectively implement the plan and conduct field audits continue to be limited. Moreover, all non-essential field work was put on hold in March 2020 due to the COVID-19 pandemic.

In addition to site visits, post-development reports completed by QEPs are a key way the ministry can effectively monitor proponent compliance to ensure the protection measures prescribed by QEP assessment reports are implemented. Post-development reports are an efficient way of gathering compliance information and enabling enforcement where necessary. We found in *Striking a Balance* that the ministry did not require post-development reports to be produced and submitted, nor did it track or consistently review or respond to such reports. We recommended the ministry develop a process under the Regulation that requires post-development reports and allows the ministry to track, review and respond to these reports (**Recommendation 16**).

⁴¹ Fisheries and Oceans Canada, Ministry of Environment, and Union of British Columbia Municipalities, "Intergovernmental Cooperation Agreement Respecting the Implementation of British Columbia's *Riparian Areas Regulation*," 2008.

⁴² Ministry of Forests, Lands and Natural Resource Operations, and Madrone Environmental Services, "*Riparian Area Regulation* Compliance Audit: Qualified Environmental Professional Reports Submitted in Thompson Okanagan, South Coast and West Coast Regions," 16 February 2015; Ministry of Environment, "*Riparian Areas Regulation: A Protocol of Interaction for Responding to Non-Compliance*," November 2005 <https://www2.gov.bc.ca/assets/gov/environment/plants-animals-and-ecosystems/fish-fish-habitat/riparian-areas-regulations/rar_protocol_of_interaction.pdf>.

While the ministry continues to lack the regulatory authority to require post-development reports, it has taken steps toward implementing our recommendation. Local governments are required by the regulation to cooperate with the ministry and the DFO in relation to “monitoring and reporting on the effect of developments on riparian areas” and “the implementation of and compliance with recommendations in an assessment report.”⁴³ In accordance with these provisions, ministry staff have been working with local governments to encourage them to voluntarily implement requirements for post-development reporting as part of their bylaws, with significant success. Further, changes to RARNS mean that the ministry has seen a significant increase in the number of post-development reports received and follow-up tracking has also improved.

However, the ministry told us that local governments have been reluctant to create a process that requires additional staff time. The ministry has noted a need for greater clarity with the DFO regarding roles and responsibilities for addressing post-development issues to ensure proponent compliance with the QEP’s recommendations during and after development.

We encourage the ministry to continue working toward resolving gaps and challenges and to fully implement the above recommendations for improved QEP and proponent compliance.

We further recommended that the ministry establish a program to monitor the effectiveness of the riparian protections in the Regulation (**Recommendation 25**). The ministry engaged a consultant to produce a report that describes a plan for a potential effectiveness monitoring framework in the future.⁴⁴ However, the ministry has put further implementation of our recommendation on hold and has identified significant challenges in implementing effectiveness monitoring, including the lack of reliable baseline data. Though the ministry states that it is committed to implementing our recommendation, resolving these issues requires undertaking a multi-year project for which the ministry has indicated there are currently no resources available.

Monitoring whether the goals of the *Riparian Areas Protection Regulation* have been met – not only in relation to an individual site and development, but overall – is vital to determining the success of the program in protecting riparian areas. It is also key to the ability of the ministry and other stakeholders to remain accountable to the program’s objectives, to learn from what is and what is not working, and to make changes when necessary. We continue to strongly encourage the ministry work to develop and implement an effectiveness monitoring framework grounded in solid baseline data.

⁴³ *Riparian Areas Protection Regulation*, BC Reg 178/2019, s. 22(a)(c).

⁴⁴ Ministry of Forests, Lands and Natural Resource Operations, and EDI Environmental Dynamics, “Conceptual *Riparian Areas Regulation* Effectiveness Monitoring Framework,” February 2017.

Public Information and Access

We recommended that the ministry publish annual reports (**Recommendations 19, 20 and 24**). Our recommendations echo the value of accountability and transparency through such public reporting.⁴⁵ However, the ministry has not published an annual report since June 2015.⁴⁶ We understand that it plans to publish a report including a comparative analysis of pre- and post-*Riparian Areas Protection Regulation* compliance rates and to routinely include concerns and complaints information in annual reports moving forward.

We recommended that the ministry make assessment reports and associated mapping

publicly available through a searchable database (**Recommendation 21**). Due to unresolved privacy concerns, the ministry has put further implementation of this recommendation on hold until it can ensure the technical foundations are in place. In the meantime, the ministry emphasizes that local governments have access to RARNS and that the public should be able to obtain information through local governments. Ministry staff have been directing the public to local governments for access to reports.

We encourage the ministry to continue implementing these outstanding recommendations to strengthen public accountability and transparency.

⁴⁵ Fisheries and Oceans Canada, Ministry of Environment, and Union of British Columbia Municipalities, “Intergovernmental Cooperation Agreement Respecting the Implementation of British Columbia’s *Riparian Areas Regulation*,” 2008; Ministry of Environment, “*Riparian Areas Regulation: A Protocol of Interaction for Responding to Non-Compliance*,” November 2005 <https://www2.gov.bc.ca/assets/gov/environment/plants-animals-and-ecosystems/fish-fish-habitat/riparian-areas-regulations/rar_protocol_of_interaction.pdf>.

⁴⁶ Ministry of Forests, Lands and Natural Resource Operations, “*Riparian Areas Regulation Annual Report*,” 1 June 2015 <http://www2.gov.bc.ca/assets/gov/environment/plants-animals-and-ecosystems/fish-fish-habitat/riparian-areas-regulations/2014_annual_report_rar_final.pdf>.

CONCLUSION

As B.C.'s renewed professional reliance model continues to develop, the issues raised in *Striking a Balance* will remain relevant. After seven years, we have ended our formal recommendations-monitoring process for this report. However, we remain interested in the evolution of professional governance in the province, including the ministry's efforts to fully implement our recommendations and resolve those persistent challenges identified above. Establishing, maintaining and enforcing consistently high standards of professional conduct, monitoring and compliance will remain important. Providing ongoing public information about the ministry's work will enable better accountability and transparency. And given the jurisdictional complexities, continued intergovernmental cooperation will be essential to achieving the Regulation's habitat protection goals.

We wish to acknowledge the ongoing work by public servants in the ministry who, over the seven years of monitoring by our office, have provided information and engaged in discussions with our office

about implementation. The complexity of the riparian areas regulatory environment makes it challenging to bring about systemic change, but such change cannot occur without the efforts of dedicated public servants.

We look forward to seeing the ongoing work of the ministry, local governments, the OSPG, regulatory bodies and others who have taken on many of the issues highlighted in this report and who will continue to push them forward.

The Office of the Ombudsperson will continue to receive and investigate individual complaints from the public regarding developments in riparian areas and, where appropriate, will endeavour to resolve these complaints directly with public bodies.

Further details about our investigation and recommendations can be found on our [website](#).

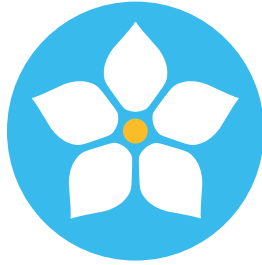
RECOMMENDATIONS SUMMARY

<p>R1</p>	<p>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><i>Fully implemented</i></p>
<p>R2</p>	<p>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><i>Implemented by other means</i></p>
<p>R3</p>	<p>The Ministry of Forests, Lands and Natural Resource Operations clarify the scope of the authority of local governments to vary streamside 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><i>Implemented by other means</i></p>
<p>R4</p>	<p>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><i>Implemented by other means</i></p>
<p>R5</p>	<p>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><i>Fully implemented</i></p>
<p>R6</p>	<p>The Ministry of Forests, Lands and Natural Resource Operations establish a process for regularly providing all individuals who conduct assessments under the <i>Riparian Areas Regulation (RAR)</i> with updates about changes to the <i>RAR</i> or its administration.</p>	<p><i>Fully implemented</i></p>
<p>R7</p>	<p>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><i>Fully implemented</i></p>

R8	The Ministry of Forests, Lands and Natural Resource Operations establish an expiry date for assessment reports.	<i>Fully implemented</i>
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.	<i>Fully implemented</i>
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.	<i>Fully implemented</i>
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.	<i>Fully implemented</i>
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.	<i>Fully implemented</i>
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.	<i>Ongoing</i>
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.	<i>Fully implemented</i>

R15	<p>The Ministry of Forests, Lands and Natural Resource Operations develop a system that:</p> <ul style="list-style-type: none"> (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 	Fully implemented
R16	<p>The Ministry of Forests, Lands and Natural Resource Operations develop a process, under section 5(a) of the <i>Riparian Areas Regulation (RAR)</i> for every development that triggers a <i>RAR</i> assessment, that:</p> <ul style="list-style-type: none"> (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 <i>RAR</i> 	Ongoing
R17	<p>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 the <i>Fish Protection Act</i> and the <i>Riparian Areas Regulation</i>.</p>	Fully implemented
R18	<p>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>	Fully implemented
R19	<p>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>	Ongoing

<p>R20</p>	<p>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>, including:</p> <ul style="list-style-type: none"> (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 <i>RAR</i>, the results of that monitoring, and measures taken to improve compliance (c) steps taken by the ministry to monitor the effectiveness of the <i>RAR</i>, the results of that monitoring, and measures taken to improve the effectiveness of the <i>RAR</i> (d) any regulatory or administrative changes affecting the <i>RAR</i> 	<p><i>Ongoing</i></p>
<p>R21</p>	<p>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><i>Ongoing</i></p>
<p>R22</p>	<p>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><i>Fully implemented</i></p>
<p>R23</p>	<p>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><i>Fully implemented</i></p>
<p>R24</p>	<p>The Ministry of Forests, Lands and Natural Resource Operations publicly report regional data about concerns and complaints on an annual basis.</p>	<p><i>Ongoing</i></p>
<p>R25</p>	<p>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><i>Ongoing</i></p>



OMBUDSPERSON

BRITISH COLUMBIA