

## **Appendix B**

- 1.DFO Dock and Boathouse Construction In Freshwater Systems Operational Statement
- 2.Standards and Best Practices for Instream Works for a Wharf, Pier, Dock, Boathouse and Mooring



## DOCK AND BOATHOUSE CONSTRUCTION IN FRESHWATER SYSTEMS

Fisheries and Oceans Canada  
Pacific Region Operational Statement

Version 3.0

Docks and boathouses are common features on the shorelines of lakes and rivers in Canada and are an important part of the recreational use of our waterways. This Operational Statement applies to docks which consist of floating platforms or those supported by pipes, poles or cantilever arms. The shoreline area in front of your cottage or waterfront property is also important habitat for a variety of aquatic organisms, including fish. Fish lay their eggs, feed and hide from predators in these shoreline areas.

Building a dock or boathouse along your waterfront can impact this important habitat by covering spawning habitat, removing rocks and logs that provide shelter, causing erosion and sedimentation from bank disturbance, introducing deleterious substances if improper building materials are used and disrupting sensitive fish life stages.

Fisheries and Oceans Canada (DFO) is responsible for protecting fish and fish habitat across Canada. Under the *Fisheries Act* no one may carry out a work or undertaking that will cause the harmful alteration, disruption or destruction (HADD) of fish habitat unless it has been authorized by DFO. By following the conditions and measures set out below you will be in compliance with subsection 35(1) of the *Fisheries Act*.

The purpose of this Operational Statement is to describe the conditions under which it is applicable to your project and the measures to incorporate into your project in order to avoid negative impacts to fish habitat. You may proceed with your dock or boathouse project without DFO review when you meet the following conditions:

- it is a new, repair or rebuild of a floating, cantilever or post dock or boathouse, with a total combined footprint no greater than 24 m<sup>2</sup> (258 ft<sup>2</sup>),
- it does not occur over or adjacent to a location involving known fish spawning habitat,
- it does not require any dredging, blasting or infilling in the water body, and
- you incorporate the *Measures to Protect Fish and Fish Habitat when Building your Dock* listed below in this Operational Statement.

If you cannot meet all of the conditions listed above and cannot incorporate all of the measures listed below then your project may result in a violation of subsection 35(1) of the *Fisheries Act* and you could be subject to enforcement action. In this case, you should contact the DFO office in your area if you wish to obtain DFO's opinion on the possible options you should consider to avoid contravention of the *Fisheries Act*.

**You are required to comply with all municipal, provincial, territorial and/or federal legislation that applies to the work being carried out in relation to this Operational Statement.** In British Columbia, please contact the Water Stewardship Division, Ministry of Environment ([http://www.env.gov.bc.ca/wsd/water\\_rights/licence\\_application/section9/index.html](http://www.env.gov.bc.ca/wsd/water_rights/licence_application/section9/index.html)) for information on the Provincial *Water Regulation* notification requirements when planning to conduct dock and boathouse construction in or around BC waters.

The activities undertaken in this Operational Statement must also comply with the *Species at Risk Act*. For general information on aquatic SARA species visit the following web site: <http://www.dfo-mpo.gc.ca/species-especes/regions/Pac/pacific-index-eng.htm> and/or contact DFO by email at: [SARA@pac.dfo-mpo.gc.ca](mailto:SARA@pac.dfo-mpo.gc.ca)

If you have questions regarding this Operational Statement, please refer to the list of **Frequently Asked Questions** (<http://www.pac.dfo-mpo.gc.ca/habitat/os-eo/faq-eng.htm>) or contact DFO Regional Headquarters at 1-866-845-6776.

Please notify DFO 10 working days before starting your work by filling out and sending the Pacific Region Operational Statement **notification form** directly to DFO Regional Headquarters. This information is requested in order to evaluate the effectiveness of the work carried out in relation to this Operational Statement. It is recommended that you keep a copy of the Operational Statement at the work site to demonstrate to Habitat and Fishery Officer staff that the conditions and measures, as outlined in the OS, are being followed.

### Area of Application

This Operational Statement applies to the province of British Columbia and Yukon Territory freshwater systems only.

### Measures to Protect Fish and Fish Habitat when Building your Dock and Boathouse

1. Use existing trails, roads, or cut lines wherever possible to avoid disturbance to the riparian vegetation (i.e., vegetation that occurs adjacent to the watercourse).
2. While this Operational Statement does not cover the clearing of riparian vegetation, the removal of select plants

may be necessary to access the construction site. This removal should be kept to a minimum.

3. Avoid construction or placement of your dock or boathouse in areas of known fish spawning habitat.
4. Where multiple docks are proposed, ensure that there is a minimum of 50 meters (164 ft) of undisturbed shoreline between docks or other in-water structures.
5. The construction of boathouses above the **high water mark** (HWM) (<http://www.pac.dfo-mpo.gc.ca/habitat/Glossary-glossaire-eng.htm#HWM>) is strongly encouraged in order to minimize impacts to fish habitat.
6. Locate your dock to avoid aquatic vegetation. Minimize disturbance to the lakebed and surrounding aquatic vegetation by positioning the dock in water deep enough to avoid grounding of the dock and/or impacts by prop wash.
7. Do not take materials (e.g., rock, logs) to build the dock from the shoreline, from below the **HWM** or from any water body.
8. If rocks, stumps or logs need to be moved on the lake or river bottom or shoreline to build the dock, they should be relocated to an area of similar depth and not removed altogether from the bottom or shoreline.
9. Install effective sediment and erosion control measures before starting work to prevent the entry of sediment into the watercourse. Inspect them regularly during the course of construction and make all necessary repairs if any damage occurs.
  - 9.1. Avoid doing work during wet and rainy periods.
10. Use untreated materials (e.g. cedar, tamarack, hemlock, rocks, plastic, etc.) as supports for dock structures that will be submerged in water. Treated lumber may contain compounds that can be released into the water and become toxic to the aquatic environment.
  - 10.1. Use only treated lumber that is environmentally-friendly (see definition below) for dock structures that are above water.
  - 10.2. Cut, seal and stain all lumber away from the water using only environmentally-friendly stains (see definition below). All sealed and stained lumber should be completely dry before being used near water.
  - 10.3. Ensure plastic barrel floats are free of chemicals inside and outside of the barrel before they are placed in water.
  - 10.4. Avoid the use of rubber tires as they are known to release compounds that are toxic to fish.
11. Wherever possible, construct the dock either from a barge or float on the water or through the ice instead of using machinery from the bank of the water body.
12. Operate machinery on land (above the **HWM**) and in a manner that minimizes disturbance to the banks of the water body.
  - 12.1. Machinery is to arrive on site in a clean condition and is to be maintained free of fluid leaks, invasive species and noxious weeds.

- 12.2. Wash, refuel and service machinery and store fuel and other materials for the machinery away from the water to prevent any deleterious substance from entering the water.
  - 12.3. Keep an emergency spill kit on site in case of fluid leaks or spills from machinery.
  - 12.4. Restore banks to original condition if any disturbance occurs.
13. If a concrete abutment is needed to secure your dock to land install it entirely on land, above the **HWM**. The concrete is to be pre-cast and cured away from the water before use to prevent seepage of potentially toxic substances into the water body.
  14. Prevent deleterious substances such as uncured concrete, grout, paint, sediment and preservatives from entering the water body or storm drains.
  15. Vegetate any disturbed areas by planting and seeding with native trees, shrubs or grasses and cover such areas with mulch to prevent erosion and to help seeds germinate. All seeding and/or planting trees should follow the DFO guidance on **Riparian Revegetation** (<http://www.pac.dfo-mpo.gc.ca/habitat/reveg/index-eng.htm>). If there is insufficient time remaining in the growing season, the site should be stabilized (e.g., cover exposed areas with erosion control blankets to keep the soil in place and prevent erosion) and vegetated the following spring.
    - 15.1. Maintain effective sediment and erosion control measures until re-vegetation of disturbed areas is achieved.

#### Definitions:

**Environmentally-friendly lumber and stains** – Chemical wood preservatives used in Canada are regulated by the Pest Management Regulatory Agency, Health Canada. Approved preservatives used most commonly in lumber are Alkaline Copper Quaternary (ACQ) and Copper Azole (CA). Creosote treated wood should not be used in or near water. Ask your local building supply outlet for further information on available products or check the Wood Preservation Canada Website at <http://www.woodpreservation.ca/>.

## DFO REGIONAL HEADQUARTERS

Fisheries & Oceans Canada  
Regional Habitat Manager  
200-401 Burrard Street  
Vancouver, BC V6C 3S4.  
Toll Free: 1-866-845-6776  
Fax: (604) 666-0417  
Email: [dfo\\_epmp@pac.dfo-mpo.gc.ca](mailto:dfo_epmp@pac.dfo-mpo.gc.ca)

*Aussi disponible en français*

[http://www.dfo-mpo.gc.ca/oceans-habitat/habitat/modernizing-moderniser/epmp-pmpe/index\\_f.asp](http://www.dfo-mpo.gc.ca/oceans-habitat/habitat/modernizing-moderniser/epmp-pmpe/index_f.asp)

DFO/2007-1283

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# NOTIFICATION FORM

## Fisheries and Oceans Canada Pacific Region Operational Statement

Version 3.1

### PROPONENT INFORMATION

NAME: STREET ADDRESS:  
CITY/TOWN: PROVINCE/TERRITORY: POSTAL CODE:  
TEL. NO. (RESIDENCE): TEL. NO. (WORK):  
FAX NO: EMAIL ADDRESS:

### CONTRACTOR INFORMATION (provide this information if a Contractor is working on behalf of the Proponent)

NAME: STREET ADDRESS:  
CITY/TOWN: PROVINCE/TERRITORY: POSTAL CODE:  
TEL. NO. (RESIDENCE): TEL. NO. (WORK):  
FAX NO: EMAIL ADDRESS:

### PROJECT INFORMATION

#### Select Operational Statements that are being used (check all applicable boxes):

- |  |  |  |
|--|--|--|
| <input type="checkbox"/> Aquatic Vegetation Removal in Lakes                       | <input type="checkbox"/> Ice and Snow Fill Bridges                                       | <input type="checkbox"/> Routine Maintenance Dredging for Navigation |
| <input type="checkbox"/> Bridge Maintenance  | <input type="checkbox"/> Isolated Pond Construction                                      | <input type="checkbox"/> Small Moorings                              |
| <input type="checkbox"/> Culvert Maintenance                                       | <input type="checkbox"/> Maintenance of Riparian Vegetation<br>in Existing Rights-of-Way | <input type="checkbox"/> Small Clear-Span Bridges                    |
| <input type="checkbox"/> Directional Drilling                                      | <input type="checkbox"/> Overhead Line Construction                                      | <input type="checkbox"/> Temporary Ford Crossings                    |
| <input type="checkbox"/> Dock and Boathouse Construction<br>in Fresh Water Systems | <input type="checkbox"/> Public Beach Maintenance  | <input type="checkbox"/> Underwater Cables in Fresh Water Systems    |
| <input type="checkbox"/> Dry Open-Cut Crossings                                    | <input type="checkbox"/> Punch and Bore Crossings  |  |

#### Select the type of water body or watercourse at or near your project:

- |   |  |   |
|---|--|---|
| <input type="checkbox"/> River, Stream, Creek         | <input type="checkbox"/> Marine (Ocean or Sea) | <input type="checkbox"/> Pond or wetland (pond is less than 8 hectares) |
| <input type="checkbox"/> Lake (8 hectares or greater) | <input type="checkbox"/> Estuary               |   |

### PROJECT LOCATION (S) (fill out this section if the project location is different from Proponent Information; append multiple project locations on an additional sheet if necessary)

Name of water body or watercourse	Coordinates of the Project (UTM co-ordinate or Degrees, Minutes, Seconds), if available	
Nearest Town to site	Easting: Latitude:	Northing: Longitude:
Legal Description (Plan, Block, Lot, Concession, Township, Section, Range)	Directions to Access the Project Site (i.e., Route or highway number, etc.)	
Proposed Start Date (YYYY/MM/DD):	Proposed Completion Date (YYYY/MM/DD):	

Please notify DFO, preferably 10 working days before starting your work, by filling out and sending in, by mail, email or by fax, this notification form to the DFO Regional Headquarters. This information is requested in order to evaluate the effectiveness of the work carried out in relation to the Operational Statement.

I, \_\_\_\_\_ (print name) certify that the information given on this form is, to the best of my knowledge, correct and complete.

Signature \_\_\_\_\_ Date \_\_\_\_\_

**Note:** If you cannot meet all of the conditions and cannot incorporate all of the measures in the Operational Statement then your project may result in a violation of Subsection 35(1) of the *Fisheries Act* and you could be subject to enforcement action. In this case, you should contact the DFO office in your area if you wish to obtain DFO's opinion on the possible options you should consider to avoid contravention of the *Fisheries Act*.

Information about the above-noted proposed work or undertaking is collected by DFO under the authority of the *Fisheries Act* for the purpose of administering the fish habitat protection provisions of the *Fisheries Act*. Personal information will be protected under the provisions of the *Privacy Act* and will be stored in the Personal Information Bank DFO-SCI-605. Under the *Privacy Act*, individuals have a right to, and on request shall be given access to, any personal information about them contained in a personal information bank. Instructions for obtaining personal information are contained in the Government of Canada's Info Source publications available at [www.infosource.gc.ca](http://www.infosource.gc.ca) or in Government of Canada offices. Information other than "personal" information may be accessible or protected as required by the provisions of the *Access to Information Act*.

This Notification Form (Version 3.1) may be updated as required by Fisheries and Oceans Canada. It is your responsibility to use the most recent version. Please refer to the Operational Statements web site at [http://www.dfo-mpo.gc.ca/oceans-habitat/habitat/modernizing-moderniser/epmp-pmpe/index\\_e.asp](http://www.dfo-mpo.gc.ca/oceans-habitat/habitat/modernizing-moderniser/epmp-pmpe/index_e.asp) to ensure that a more recent version has not been released.

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## DFO REGIONAL HEADQUARTERS

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Toll Free: 1-866-845-6776  
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