

This Operational Statement addresses beach creation projects that involve a **small waterfront recreation area, located entirely above the high water mark**. Although fish habitat occurs throughout a water system, it is the riparian habitat that is most sensitive to beach development. Riparian vegetation occurs adjacent to the water body and directly contributes to fish habitat by providing shade, cover and food production areas. It is important to design your beach to meet your needs while also protecting riparian areas.

Fisheries and Oceans Canada (DFO) is responsible for protecting fish and fish habitat across Canada. Under Section 35 of 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 measures to incorporate into the design, construction and maintenance of your beach project, in order to avoid negative impacts to fish habitat. You may proceed with this beach creation project adjacent to **freshwater lakes, rivers and streams** without a DFO review when you meet the following conditions:

- ▶ the proposed beach, associated structures and materials are placed above the high water mark, and
- ▶ you incorporate the *Measures to Protect Fish and Fish Habitat when Creating a Beach* 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 a 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 respect all municipal, provincial, territorial or federal legislation that applies to the work being carried out in relation to this Operational Statement. If you have questions regarding this Operational Statement, please contact DFO by telephone at (418) 775-0726 or by email at [Habitat-qc@dfo-mpo.gc.ca](mailto:Habitat-qc@dfo-mpo.gc.ca).

We ask that you notify DFO, preferably 10 working days before starting your work by filling out and sending the attached notification form to: Fisheries and Oceans Canada, 850 route de la Mer, C.P. 1000, Mont-Joli, Québec, G5H 3Z4; Fax: (418) 775-0658. This information is requested in order to evaluate the effectiveness of the work carried out in relation to this Operational Statement.

**This Operational Statement applies to the province of Québec.**

Aussi disponible en français.

### Measures to Protect Fish and Fish Habitat when Creating a Beach

1. It is preferable to build the beach where sand, pebble or small gravel substrates already exist and in a flat, gently sloping area to prevent the beach material from drifting into the water.
2. Do not take materials (i.e., rocks, logs) from the shoreline, from below the high water mark or from any water body to build the beach.
3. Install effective sediment and erosion control measures before starting work to prevent sediment from entering the water body. Inspect them regularly during the course of construction to ensure they are functioning properly. Make all necessary repairs if any damage is discovered.
4. Leave a vegetated strip or construct a small berm or edging out of rocks or wood between the beach and the high water mark to prevent beach sand from entering into the water.
5. Use naturally rot-resistant untreated materials (e.g. cedar, hemlock, driftwood, rocks, plastic) to build beach structures where possible. Treated lumber may contain compounds that can be released into the water and become toxic to the aquatic environment.
  - 5.1. If treated lumber is used for beach structures it should be fish-friendly and only used for structures above water.
  - 5.2. Cut, seal and stain all lumber away from the water using only fish-friendly stains. All sealed and stained lumber should be completely dry before used near water.
6. Operate machinery on land (above the high water mark) and in a manner that minimizes disturbance to the banks of the water body.
  - 6.1. Machinery is to arrive on site in a clean condition and is to be maintained free of fluid leaks.
  - 6.2. Wash, refuel and service machinery and store fuel and other materials for the machinery away from the water to prevent any deleterious substances from entering the water.
  - 6.3. Keep emergency spill kit on site in case of fluid leaks or spills from machinery.
  - 6.4. Restore banks to original condition if any disturbance occurs.
7. While this Operational Statement does not cover the clearing of riparian vegetation, the removal of select plants may be necessary to accommodate the beach. This removal should be kept to a minimum.
8. Stabilize any waste materials removed from the work site, above the high water mark, to prevent them from entering the water body. This could include covering stockpiles with biodegradable mats or tarps or planting stockpiles with grass or shrubs.
9. Vegetate any disturbed areas by planting and seeding preferably native trees, shrubs or grasses and cover such areas with mulch to prevent soil erosion and to help seeds germinate. If there is insufficient time in the growing season remaining for the seeds to germinate, 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.



# NOTIFICATION FORM

VERSION 2.0  
Valid until March 31, 2007

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	<input type="checkbox"/> Culvert Maintenance	<input type="checkbox"/> Maintenance of Riparian Vegetation in Existing Rights-of-Way	
<input type="checkbox"/> Beach Creation	<input type="checkbox"/> Directional Drilling	<input type="checkbox"/> Moorings	
<input type="checkbox"/> Beach Maintenance	<input type="checkbox"/> Dock Construction	<input type="checkbox"/> Overhead Lines	
<input type="checkbox"/> Beaver Dam Removal	<input type="checkbox"/> Ice Bridges	<input type="checkbox"/> Punch and Bore Crossings	
<input type="checkbox"/> Bridge Maintenance	<input type="checkbox"/> Isolated Ponds	<input type="checkbox"/> Routine Maintenance Dredging	
<input type="checkbox"/> Clear-Span Bridges	<input type="checkbox"/> Log Salvage	<input type="checkbox"/> Underwater Cables	
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"/> Lake (8 hectares or greater)	<input type="checkbox"/> Estuary		
<input type="checkbox"/> Pond or wetland (pond is less than 8 hectares)			
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	
		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):	

We ask that you notify DFO, preferably 10 working days before starting your work, by filling out and sending in, by mail or by fax, this notification form to: Fisheries and Oceans Canada, 850 Route de la Mer, P.O. Box 1000, Mont-Joli, Québec G5H 3Z4; Fax : (418) 775-0658. 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*.

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