

VERSION 1.0  
Valid until March 31, 2007

Rights-of-way are areas of land devoted to providing transportation corridors (e.g., highways, railways) or utilities (e.g., pipelines, power lines, water lines) that often intersect waterways. Vegetation is closely managed in these areas to prevent disruption to transportation or utilities (e.g., circuit outages, fires) and to ensure personal safety. Maintenance work involving the removal of riparian vegetation in the right-of-way corridor may negatively affect fish habitat when improperly executed.

Riparian areas are the vegetated areas adjacent to a water body and directly contribute to fish habitat by providing shade, cover and food production areas. Riparian areas are also important because they stabilize stream banks and shorelines. In order to minimize disturbance to fish habitat and prevent bank erosion, it is important to retain as much riparian vegetation as possible, especially the vegetation directly adjacent to the watercourse, in the right-of-way corridor.

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 the conditions under which it is applicable to your project and the measures to be incorporated into your right-of-way maintenance project in order to avoid negative impacts to fish habitat. You may proceed with your right-of-way maintenance project without a DFO review when you meet the following conditions:

- ▶ it involves the maintenance of vegetation in an **existing** right-of-way for a transportation or utility corridor and not construction of a new right-of-way,
- ▶ vegetative clearing techniques that allow the root system to stay intact, to help bind the soil and encourage rapid colonization of low-growing plant species, and
- ▶ you incorporate the *Measures to Protect Fish and Fish Habitat when Maintaining Rights-of-way in Riparian Areas* 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 more information on the possible options you should consider to avoid contravention of the *Fisheries Act*.

This Operational Statement does not release you from the responsibility of obtaining any other permits or approvals that may be required under municipal, provincial, territorial and federal legislation that apply 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 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.**

## Measures to Protect Fish and Fish Habitat when Maintaining Riparian Vegetation in Rights-of-way

1. While this Operational Statement does not cover the complete clearing of riparian vegetation, the removal of select plants may be necessary to meet operational and safety needs.
2. Combined maintenance activities (e.g., mowing, brushing, topping, slashing, etc.) will affect no more than one third (1/3) of the total woody vegetation, such as trees and shrubs, in the right-of-way within 30 metres of the high water mark in any given year.
3. When practicable, remove riparian vegetation in the right-of-way by hand. If machinery must be used, operate machinery on land and in a manner that minimizes disturbance to the banks of the water body.
  - 3.1. Machinery is to arrive on site in a clean condition and is to be maintained free of fluid leaks.
  - 3.2. Wash, refuel and service and store fuel and other materials for the machinery, which include hand tools, at locations away from the water to prevent any deleterious substance from entering the water body.
  - 3.3. Keep an emergency spill kit on site in case of fluid leaks or spills from machinery.
  - 3.4. Restore banks to original condition if any disturbance occurs.
4. Machinery crossing the watercourse (over and back) to bring equipment required for maintenance to the opposite side of the watercourse should be limited to a one-time event. If the stream bed and banks are highly erodible (e.g., dominated by organic materials and silts) and significant erosion and degradation is likely to occur as a result of equipment crossings, then a temporary crossing structure or other practices should be used to protect these areas. The crossing must also adhere to the following fisheries timing window (dates permitted; between June 27 and September 1, unless it is clearly established that the work schedule will not interfere with the fish species life cycles).
5. When removing a tree that is located on the bank of a water body, ensure that the root structure and stability are maintained.
6. 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 plants. All long-term storage of waste materials should be kept outside of the riparian area.
7. Vegetate any disturbed areas by planting and seeding preferably native trees, shrubs or grasses and cover such areas with mulch to prevent erosion and to help seeds germinate. If there is insufficient time in the growing season remaining for the seeds to germinate, stabilize the site (e.g., cover exposed areas with erosion control blankets to keep the soil in place and prevent erosion) and then vegetate in the following spring.

*Aussi disponible en français*

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



# NOTIFICATION FORM

Québec  
Operational Statement

VERSION 2.0  
Valid until March 31, 2007

PROPONENT INFORMATION	
NAME:	
STREET ADDRESS:	
CITY/TOWN:	PROVINCE/TERRITORY:
TEL. NO. (RESIDENCE):	TEL. NO. (WORK):
FAX NO:	EMAIL ADDRESS:
POSTAL CODE:	
CONTRACTOR INFORMATION (provide this information if a Contractor is working on behalf of the Proponent)	
NAME:	
STREET ADDRESS:	
CITY/TOWN:	PROVINCE/TERRITORY:
TEL. NO. (RESIDENCE):	TEL. NO. (WORK):
FAX NO:	EMAIL ADDRESS:
POSTAL CODE:	
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"/> Beach Creation	<input type="checkbox"/> Directional Drilling
<input type="checkbox"/> Beach Maintenance	<input type="checkbox"/> Dock Construction
<input type="checkbox"/> Beaver Dam Removal	<input type="checkbox"/> Ice Bridges
<input type="checkbox"/> Bridge Maintenance	<input type="checkbox"/> Isolated Ponds
<input type="checkbox"/> Clear-Span Bridges	<input type="checkbox"/> Log Salvage
<input type="checkbox"/> Maintenance of Riparian Vegetation in Existing Rights-of-Way	<input type="checkbox"/> Moorings
<input type="checkbox"/> Overhead Lines	<input type="checkbox"/> Punch and Bore Crossings
<input type="checkbox"/> Routine Maintenance Dredging	<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: _____ Northing: _____ Latitude: _____ 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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