DOCK AND BOATHOUSE CONSTRUCTION

Fisheries and Oceans Canada
Manitoba 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, wooden cribs 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:

- you are not working within West Hawk Lake, which is subject to provincial management consideration,
- it is a new, repair or rebuild of a floating, cantilever or post dock or boathouse,
- it is a new, repair or rebuild of an open-faced crib dock or boathouse built entirely on natural bedrock or sand bottom with a total combined footprint (for both existing and proposed cribs) of 15 square metres (161 ft^2) or less,
- the total surface area for the entire dock and boathouse, which occurs in a location below the ordinary high water mark (HWM) (see definition below), including both existing and proposed structures combined, does not exceed 50m^2 (538 ft^2), unless the structure is built entirely over natural bedrock or sand bottom (not supporting aquatic vegetation),
- it is not made of concrete or steel sheeting or any other skirting that isolates the inside of the crib from the rest of water,
- it does not require any dredging, blasting or infilling in the water body,
- the combined width for all existing and proposed shoreline works on land and in water (docks, boathouses and beaches) is less than 25% of the property's riparian area width (shoreline frontage width), and
- you incorporate the *Measures to Protect Fish and Fish Habitat when Building your Dock and Boathouse* 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 respect all municipal, provincial or federal legislation that applies to the work being carried out in relation to this Operational Statement. The activities undertaken in this Operational Statement must also comply with the *Species at Risk Act* (**www.sararegistry.gc.ca**). If you have questions regarding this Operational Statement, please contact the DFO office in your area (see Manitoba DFO office list).

We ask that you notify DFO, preferably 10 working days before starting your work by filling out and sending the Manitoba Operational Statement notification form (**www.dfo-mpo.gc.ca/regions/central/habitat/os-eo/prov-terr/index_e.htm**) to the DFO office in your area. This information is requested in order to evaluate the effectiveness of the work carried out in relation to this Operational Statement.

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. The construction of boathouses above the HWM is strongly encouraged in order to minimize impacts to fish habitat.

4. Floating, cantilever and post docks, and marine railways on posts for boathouse access, can be installed at any time.

5. Time the installation of crib docks to prevent disruption of sensitive fish life stages by adhering to appropriate fisheries

timing windows (see the Manitoba In-Water Construction Timing Windows).

6. Construct cribs in an open-faced manner and fill with large rocks that provide crevices for fish and other small organisms. Leave enough space between cribs (two metres) and locate them at least two metres from the HWM to allow near shore water to circulate.

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.

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 (from outside of the water) 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.
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.

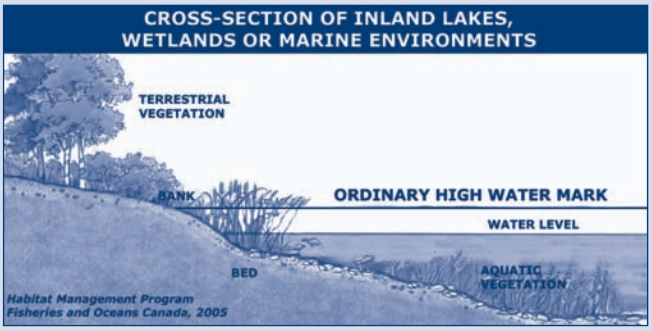
15. Vegetate any disturbed areas by planting and seeding preferably with native trees, shrubs or grasses and cover such areas with mulch to prevent erosion and to help seeds germinate. If there is insufficient time remaining in the growing season, the site should be stabilized (e.g., cover exposed areas with erosion control blankets to keep the soil in place and prevent erosion) and vegetated the following spring.

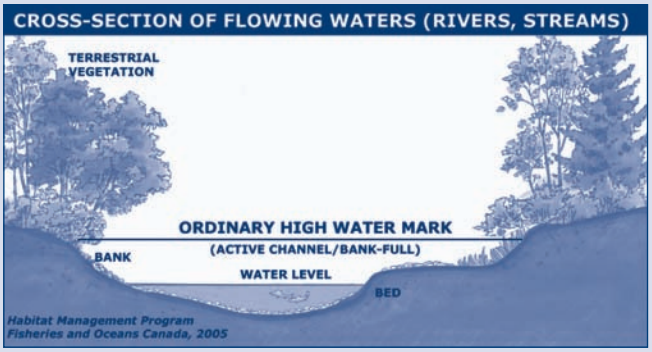
15.1. Maintain effective sediment and erosion control measures until re-vegetation of disturbed areas is achieved.

If you would like more detailed information on fish-friendly dock construction and maintenance practices to help you plan your project, please refer to the following document: *The Dock Primer - A Cottager's Guide to Waterfront-Friendly Docks* **www.dfo-mpo.gc.ca/regions/central/pub/index_e.htm** (Prairies Edition).

Definitions:

Ordinary high water mark (HWM) – The usual or average level to which a body of water rises at its highest point and remains for sufficient time so as to change the characteristics of the land. In flowing waters (rivers, streams) this refers to the "active channel/ bank-full level" which is often the 1:2 year flood flow return level. In inland lakes, wetlands or marine environments it refers to those parts of the water body bed and banks that are frequently flooded by water so as to leave a mark on the land and where the natural vegetation changes from predominately aquatic vegetation to terrestrial vegetation (excepting water tolerant species). For reservoirs this refers to normal high operating levels (Full Supply Level).





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.

FISHERIES AND OCEANS CANADA OFFICES IN MANITOBA

Winnipeg Office
Fisheries and Oceans Canada
Freshwater Institute
501 University Crescent
Winnipeg, Manitoba
R3T 2N6
Tel: (204) 983-5163
Fax: (204) 984-2402

Dauphin Office
Fisheries and Oceans Canada
101-1st Avenue N.W.
Dauphin, Manitoba
R7N 1G8
Tel: (204) 622-4060
Fax: (204) 622-4066

Aussi disponible en français

http://www.dfo-mpo.gc.ca/oceans-habitat/habitat/modernizing-moderniser/epmp-pmpe/index_f.asp

DFO/2007-1329

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TIMING WINDOWS

Fisheries and Oceans Canada
Manitoba Operational Statement

Version 3.0

MANITOBA IN-WATER CONSTRUCTION TIMING WINDOWS FOR THE PROTECTION OF FISH AND FISH HABITAT

Restricted activity timing windows have been identified for Manitoba lakes, rivers and streams to protect fish during spawning and incubation periods when spawning fish, eggs and fry are vulnerable to disturbance or sediment. During these periods, no in-water or shoreline work is allowed except under site- or project-specific review and with the implementation of protective measures. Restricted activity periods are determined on a case by case basis according to the species of fish in the water body, whether those fish spawn in the spring, summer or fall, and whether the water body is located in Northern or Southern Manitoba.

Timing windows are just one of many measures used to protect fish and fish habitat when carrying out a work or undertaking in or around water. Be sure to follow all of the measures outlined in the Operational Statements to avoid negative impacts to fish habitat.

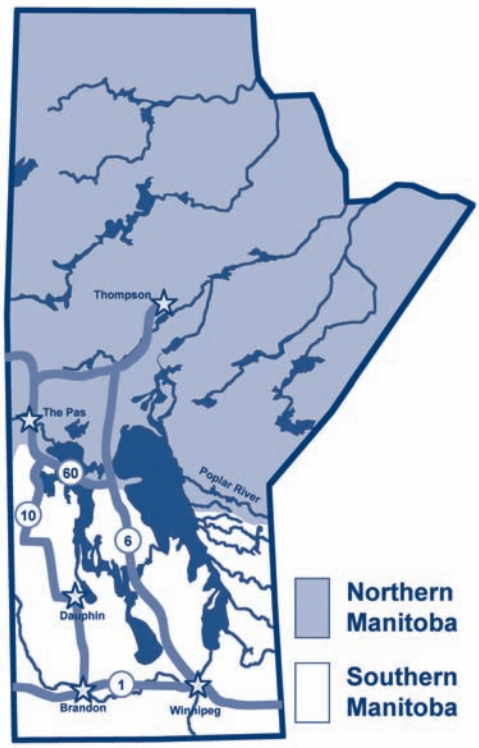

Figure 1:
Northern and Southern Manitoba boundaries for spawning timing windows.

How To Determine Timing Windows

1. Determine the fish species living in the water body where you wish to do work. Consult the Province of Manitoba Angling Map (available from the Government of Manitoba map sales) which details the fish present in most Manitoba lakes and streams, or contact your local Fisheries and Oceans Canada (DFO) office. Pictures of most of these fish species can be found in the Manitoba Angler's Guide (sport fishing regulations).

2. Determine if the fish living in the water body spawn in the spring, summer, or fall according to Table 1. You can have one, two or all three fish spawning types in one water body. In Manitoba, essentially all lakes and streams contain one or more of the spring spawning fish listed, however far fewer contain summer or fall spawning fish.

3. Determine if the water body is located in Northern or Southern Manitoba according to Figure 1.

4. Use Table 2 to determine the in-water work timing restrictions according to the location of a water body (North or South) and the type of fish found within (spring, summer or fall spawners). During these periods no in-water work (below the ordinary high water mark) is to occur without site- or project-specific review by DFO.

Table 1:
Common spring, summer and fall spawning fish.

Spring Spawning Fish	Summer Spawning Fish	Fall Spawning Fish
▸ Northern Pike	▸ Channel Catfish	▸ Brook Trout
▸ Walleye, Sauger	▸ Lake Sturgeon	▸ Lake Trout
▸ Yellow Perch	▸ Goldeye, Mooneye	▸ Arctic Char
▸ Suckers	▸ White Bass	▸ Lake Whitefish
▸ Smallmouth Bass	▸ Freshwater Drum	
▸ Arctic Grayling	▸ Carmine Shiner*	

Table 2:
Timing Windows when no in-water work is to occur in order to protect spawning fish and developing eggs and fry.

	Spring Spawning Fish	Summer Spawning Fish	Fall Spawning Fish
Northern Manitoba	April 15 – June 30	May 15 – July 15	September 1 – May 1
Southern Manitoba	April 1 – June 15	May 1 - June 30*	September 15 – April 30

* Carmine Shiner – This is a Species At Risk found only in Southern Manitoba in the Whitemouth River and its tributaries, the Bird River and its tributaries and the Pinawa Channel. This fish spawns from May15 to July 15 and this extended summer spawning timing window should be applied to those water bodies where it is found.

FISHERIES AND OCEANS CANADA OFFICES IN MANITOBA

Aussi disponible en français

http://www.dfo-mpo.gc.ca/oceans-habitat/habitat/modernizing-moderniser/epmp-pmpe/index_f.asp

Winnipeg Office
Fisheries and Oceans Canada
Freshwater Institute
501 University Crescent
Winnipeg, Manitoba
R3T 2N6
Tel: (204) 983-5163
Fax: (204) 984-2402

Dauphin Office
Fisheries and Oceans Canada
101-1st Avenue N.W.
Dauphin, Manitoba
R7N 1G8
Tel: (204) 622-4060
Fax: (204) 622-4066

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Fisheries and Oceans Canada | Pêches et Océans Canada

NOTIFICATION FORM

Fisheries and Oceans Canada
Manitoba Operational Statement

Version 3.0

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):

- ❒ Aquatic Vegetation Removal
- ❒ Beach Creation for Residential Use
- ❒ Beaver Dam Removal
- ❒ Bridge Maintenance
- ❒ Clear-Span Bridges
- ❒ Culvert Maintenance
- ❒ Dock and Boathouse Construction
- ❒ High-Pressure Directional Drilling
- ❒ Ice Bridges and Snow Fills
- ❒ Isolated Pond Construction
- ❒ Isolated or Dry Open-cut Stream Crossings
- ❒ Maintenance of Riparian Vegetation in Existing Rights-of-Way
- ❒ Moorings
- ❒ Overhead Line Construction
- ❒ Public Beach Maintenance
- ❒ Punch & Bore Crossings
- ❒ Routine Maintenance Dredging
- ❒ Submerged Log Salvage
- ❒ Temporary Stream Crossing
- ❒ Underwater Cables

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

- ❒ River, Stream, Creek
- ❒ Lake (8 hectares or greater)
- ❒ Pond or wetland (pond is less than 8 hectares)
- ❒ Marine (Ocean or Sea)
- ❒ 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 Easting: Northing: Latitude: Longitude:
Legal Description (Quarter-Section-Township-Range, Meridian, Plan, Block, Lot)	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 the DFO office in your area. 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** 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*.

Canada

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Winnipeg Office
Fisheries and Oceans Canada
Freshwater Institute
501 University Crescent
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R3T 2N6
Tel: (204) 983-5163
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