



## MAINTENANCE OF RIPARIAN VEGETATION IN EXISTING RIGHTS-OF-WAY

### Fisheries and Oceans Canada Pacific Region Operational Statement

#### Version 3.0

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 activities involving the removal or alteration of riparian vegetation in the right-of-way corridor may negatively affect fish habitat when improperly executed. This Operational Statement applies only to existing rights-of-way at the location where they intersect and cross a water body.

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.

Activities carried out to maintain riparian vegetation in existing rights-of-way can negatively impact fish and fish habitat by causing excessive loss of riparian vegetation, erosion and sedimentation, disturbance to the banks and the bottom of the water body from use of heavy equipment, and introduction of deleterious substances as a result of inadequate containment of spoil piles and improper maintenance of equipment.

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 be incorporated into your 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:

- the work involves the maintenance of vegetation in an **existing** active right-of-way for a transportation or utility corridor and not construction of a new right-of-way or reactivation of an old right-of-way,
- it is an existing right-of-way at the location where it intersects and crosses a water body, the right-of-way is perpendicular or near perpendicular to the water body,

- it does not include complete removal of vegetation adjacent to the water body,
- it involves the use of vegetative maintenance techniques that allow the root system to stay intact, to help bind the soil and encourage rapid colonization of low-growing plant species,
- the maintenance activities are not currently covered by an existing DFO approved management plan, an approved work practice or according to the conditions of a previous government review, 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 the 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 the Provincial *Water Regulation* notification requirements when planning to conduct maintenance of riparian vegetation in existing rights-of-ways in or around BC waters.

The activities undertaken in this Operational Statement must also comply with the *Species at Risk Act* (<http://www.speciesatrisk.gc.ca>). For general information on aquatic SARA species visit the following web site: [http://www.dfo-mpo.gc.ca/species-especes/actMeans/actMeans\\_criticalHabit\\_factsheet\\_e.asp](http://www.dfo-mpo.gc.ca/species-especes/actMeans/actMeans_criticalHabit_factsheet_e.asp) 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-heb.pac.dfo-mpo.gc.ca/decisionsupport/os/os-faq\\_e.htm](http://www-heb.pac.dfo-mpo.gc.ca/decisionsupport/os/os-faq_e.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 Maintaining Riparian Vegetation in Rights-of-way

1. While this Operational Statement does not cover the complete clearing of riparian vegetation, the alteration (e.g., topping and pruning) 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** ([http://www-heb.pac.dfo-mpo.gc.ca/decisionsupport/os/definitions\\_e.htm](http://www-heb.pac.dfo-mpo.gc.ca/decisionsupport/os/definitions_e.htm)) in any given year.
3. When practicable, alter riparian vegetation in the right-of-way by hand. If machinery must be used, operate machinery on land (above the **HWM**) 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, invasive species and noxious weeds.
  - 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 fording the watercourse to bring equipment required for maintenance to the opposite side is limited to a one-time event (over and back) and should occur only if an existing crossing at another location is not available or practical to use. A *Temporary Ford Stream Crossings Operational Statement* is also available.
  - 4.1. To exercise this option, the stream bed at the fording site must be comprised of stable gravel or bedrock and the stream banks must be low and stable.
  - 4.2. If minor rutting is likely to occur, stream bank and bed protection methods (e.g., swamp mats, pads) should be used provided they do not constrict flows or block fish passage.
  - 4.3. Grading of the stream banks for the approaches is not permitted.
  - 4.4. If the stream bed and banks are steep and highly erodible (e.g., dominated by organic materials and

silts) and erosion and degradation are likely to occur as a result of equipment fording, then a temporary crossing structure or other practice should be used to protect these areas.

- 4.5. The one-time fording should prevent disruption to sensitive fish life stages by adhering to appropriate fisheries **timing windows** ([http://www-heb.pac.dfo-mpo.gc.ca/decisionsupport/os/timing\\_e.htm](http://www-heb.pac.dfo-mpo.gc.ca/decisionsupport/os/timing_e.htm)) .
- 4.6. Fording should occur under low flow conditions and not when flows are elevated due to local rain events or seasonal flooding.
5. When altering 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 to prevent them from entering the water body. This could include covering spoil piles with biodegradable mats or tarps. All long-term storage of waste materials should be kept outside of the riparian area.
7. 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-heb.pac.dfo-mpo.gc.ca/decisionsupport/os/riparian-reveg\\_e.htm](http://www-heb.pac.dfo-mpo.gc.ca/decisionsupport/os/riparian-reveg_e.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.
  - 7.1. Maintain effective sediment and erosion control measures until re-vegetation of disturbed areas is achieved.

### 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) 666-7907  
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

Fisheries and Oceans Canada  
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200 – 401 Burrard Street  
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