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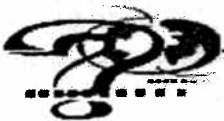
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## MANITOBA OPERATIONAL STATEMENT Habitat Management Program



### DOCK AND BOATHOUSE CONSTRUCTION

Version 1.0

Valid until March 31, 2006

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. 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.

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 the design, construction, rebuild and repair of your dock or boathouse, 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 built entirely on natural bedrock or sand bottom with a total combined footprint (for both existing and proposed cribs) of 15m<sup>2</sup> or less,
- the total surface area for the entire dock and boathouse, located below the ordinary high water mark, including both existing and proposed structures combined, does not exceed 50m<sup>2</sup>,
- it is not made of concrete or steel sheeting or any other skirting that isolates the area under the dock from the rest of the water,
- it does not require any dredging, blasting or infilling in the water body,
- the combined width for all existing and proposed shoreline improvements (docks, boathouses, 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 or Boathouse listed below.

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 (see Manitoba DFO office list) if you wish to obtain DFO's opinion 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 and federal legislation (e.g., the *Navigable Waters Protection Act*) that apply to the work being carried out in relation to this Operational Statement. Please note that permanent structures (docks or boathouses) are not allowed on waters regulated by Manitoba Hydro along the Winnipeg River. Docks must be removable types and boathouses must be built on shore above the ordinary high water mark (see definition below). Contact the Manitoba Hydro Shore Lands Permit Program for more information.

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, the Manitoba 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 this Operational Statement.

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

1. Floating, cantilever and post docks, and marine railways (on posts) for boathouse access can be installed at any time.
2. Time the installation of crib docks with a total combined footprint (total area of cribbing in contact with the bottom) of up to 15m<sup>2</sup> to prevent disruption of spawning fish, their incubating eggs and larval life stages by adhering to provincial fisheries timing windows (see the attached *Manitoba In-Water Construction Timing Windows*).
3. Construct cribs in an open faced manner and fill with large rocks that provide crevices for fish and other small organisms to use. Leave enough space between cribs (two metres or more) and locate them at least two metres from the ordinary high water mark (see definition below) to allow near shore water to circulate. The construction of boathouses above the ordinary high water mark is strongly encouraged in order to minimize impacts to fish habitat.
4. Materials (e.g., rock, logs) to build the dock should not be taken from the shoreline, from below the ordinary high water mark or from the lake or river bottom. Use clean materials that are free of dirt.
5. If rocks, stumps or logs need to be moved on the lake or river bottom or shoreline to build the dock, they are relocated to an area of similar depth adjacent to the dock and not removed altogether from the bottom or shoreline.
6. The entry of sediments from the construction site into the water body can harm fish and fish habitat. Ensure that the appropriate sediment and erosion control measures (i.e. silt fences) are in place before you start dock construction, particularly on sites with erodible soils such as sand and clay.
  1. You and/or your contractor should inspect sediment and erosion control measures regularly during the course of construction and make all necessary repairs if any damage is discovered (e.g., you see silt or sediment entering the water).
  2. Avoid doing work during wet and rainy periods.

7. Use naturally rot-resistant, untreated materials (e.g. cedar, hemlock, rocks, plastic) as supports for dock structures that will be submerged in water and preferably for structures above water. Treated lumber may contain compounds that can be released into the water and become toxic to the aquatic environment.
  1. If treated lumber is to be used for dock structures above water, it should be environmentally-friendly (see definition below).
  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 used near water.
  3. Ensure plastic barrel floats are free of chemicals inside and outside of the barrel before they are placed in water.
8. Whenever 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.
9. Operate machinery from outside of the water and in a manner that minimizes disturbance to the banks of the water body.
  1. Machinery is to arrive on site in a clean condition and is to be maintained free of fluid leaks.
  2. Wash, refuel and service machinery and store fuel and other materials for the machinery away from the water to prevent deleterious substances from entering the water.
  3. Keep an emergency spill kit on site in case of fluid leaks or spills from machinery.
10. If a concrete abutment is needed to secure your dock to land, install it entirely on land, above the ordinary high water mark. 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.
11. 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.
12. 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, stabilize the site (e.g., cover exposed areas with erosion control blankets to keep the soil in place and prevent erosion) and vegetate the following spring.
13. Maintain effective sediment and erosion control measures until complete 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*  
[http://www.dfo-mpo.gc.ca/regions/central/pub/dock-quais/index\\_e.htm](http://www.dfo-mpo.gc.ca/regions/central/pub/dock-quais/index_e.htm) (Prairies Edition)

The "Dock Primer" contains additional helpful information. It also states that all docks must be reviewed. Please note however, that projects following this Operational Statement will not need DFO review.

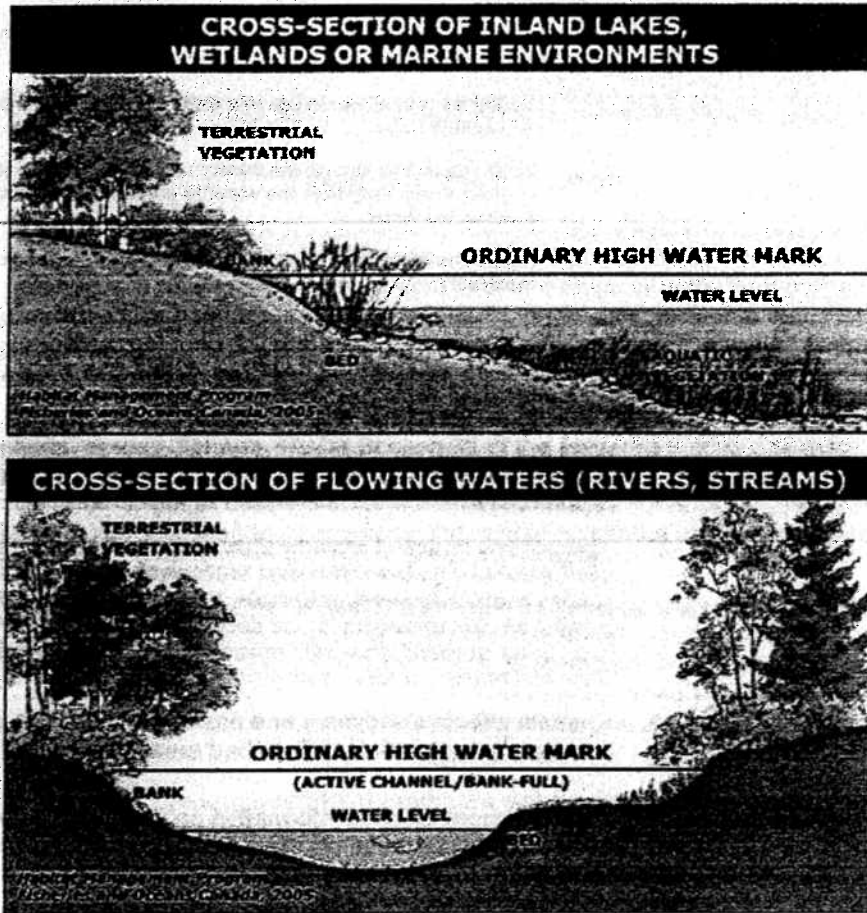
### Definitions:

**Ordinary high water mark** – 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.



*Aussi disponible en français.*

**DFO OFFICE LIST**

**TIMING WINDOWS**

**Notification Form (Adobe Acrobat Format)**



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