



1.0 About this code of practice

This code of practice outlines Fisheries and Oceans Canada's (DFO) national best practices for the maintenance and repair of existing in-water structures (in freshwater and [marine environments](#)) associated with harbours, marinas, ports and boat launches.

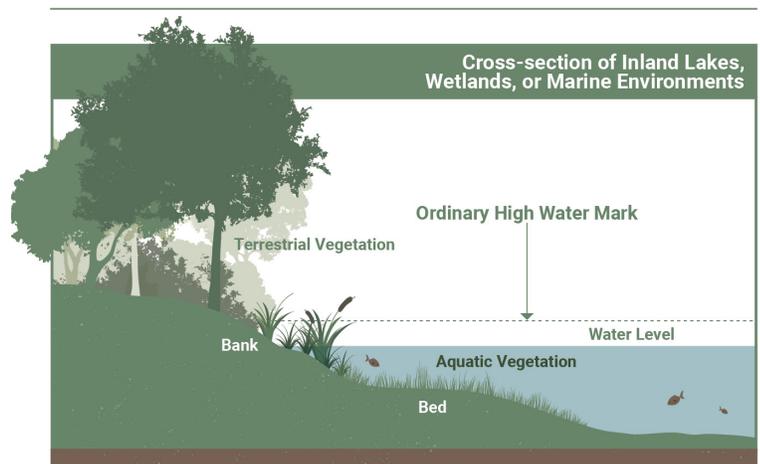
These structures are common features on the Canadian aquatic landscape, and they are integral to the use of its waterways. For the purposes of this code of practice, in-water structures include, but are not limited to:

- piers
- wharves
- groynes
- docks
- boat launch ramps/slipways
- ferry terminals
- breakwaters
- moorings
- boundary/safety booms
- impoundments

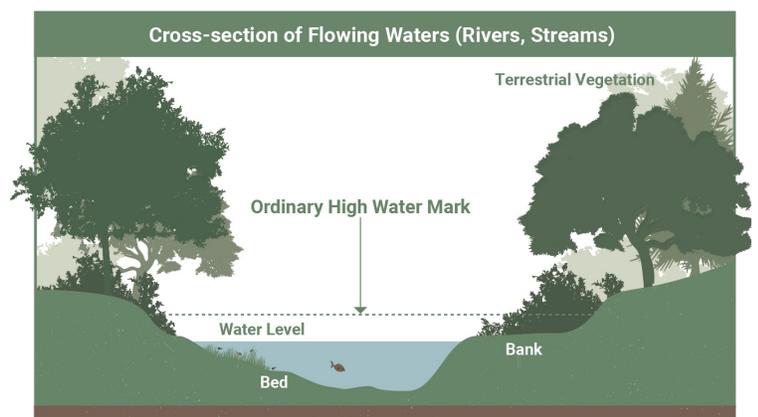
There are two categories of maintenance and repair activities. These can include, but are not limited to activities that take place:

1. above the [ordinary high water mark](#)
 - o maintenance and repair of:
 - decking
 - wheel guards
 - fender piles
 - beams
 - cross bracing
 - ladders
 - bollards
 - cleats
2. below the ordinary high water mark
 - o maintenance and repair of:
 - floating wharves
 - wharves with chains and anchor blocks
 - wharves with pipes
 - piles or H-piles

Ordinary High Water Mark



Ordinary High Water Mark





- wave breaks
- moorings
- breakwaters
- berlin wall encapsulating an existing structure (for example, timber crib, timber pile)
- sheet steel piles encapsulating an existing structure
- repositioning of existing armour stone for breakwaters
- concrete facing of existing cribs
- resurfacing, pad replacement, cleaning, and rock protection of existing boat launches and ramps

You can protect fish and fish habitat during the maintenance and repair of in-water structures by following the measures listed below. When implemented correctly, these measures can manage the risk of harmful impacts associated with the maintenance and repair activities, which can include:

- disturbance to watercourse or water body bed and banks
- release of sediments or other [deleterious substances](#)
- changes to aquatic habitat

The purpose of this code of practice is to describe the conditions under which it can be applied to your project and the measures you are required to implement in order to prevent harmful impacts to fish and fish habitat and comply with the [Fisheries Act](#) and the [Species at Risk Act](#). If you cannot meet all the conditions and implement all the applicable measures listed below, your project may result in a violation of the *Fisheries Act* and the *Species at Risk Act* and you could be subject to enforcement action.

DFO is responsible for the conservation and protection of fish and fish habitat across Canada. Under the *Fisheries Act*, no one may carry out works, undertakings and activities in or near water that result in the [harmful alteration, disruption or destruction of fish habitat](#), or the death of fish, unless it has been authorized by DFO. Prohibitions in the [Aquatic Invasive Species Regulations](#) must also be followed unless authorized under federal or provincial law. DFO's approval under the *Species at Risk Act* is also required if an activity affects an [aquatic species at risk](#), any part of its critical habitat or the residences of its individuals.

If you are uncertain about whether this code of practice is applicable to your project, consult a [qualified environmental professional](#). You may need to use [other codes of practice](#) or submit a [request for project review](#). For any remaining questions, please contact the [Fish and Fish Habitat Protection Program office](#) in your area. It is your responsibility to comply with the *Fisheries Act* and the *Species at Risk Act*.

It is your [duty to notify](#) DFO if you have caused, or are about to cause, the unauthorized death of fish by means other than fishing, or the harmful alteration, disruption or destruction of fish habitat. Such notifications should be directed to the Fish and Fish Habitat Protection Program office found in your area.

This code of practice does not remove nor replace the obligation to comply with the requirements of any other federal, territorial, provincial or municipal regulatory agency including guidance about species and habitats managed by these jurisdictions.

We strongly recommend that you notify Indigenous communities that may be affected by the project prior to starting the project.



A project review by DFO is not needed when the:

- project activities meet the description in [section 1](#) and the conditions in [section 2](#)
- measures to protect fish and fish habitat set out in [section 3](#) of this code of practice are applied

[Request a project review](#) if your project does not meet all of these requirements.

2.0 Conditions

The following conditions describe when this code of practice can be applied:

- you determine if there are aquatic species at risk within the [affected area](#) by consulting our [aquatic species at risk map](#), and you confirm that the work will not take place within the:
 - entire distribution area, including critical habitat or residences, of any molluscs listed under schedule 1 of the *Species at Risk Act*
 - critical habitat or residences of any other aquatic species at risk
- the work does not include:
 - use of explosives
 - pile driving using impact hammer
 - placing fill, excavating or grading, or dredging
- pile installation is completed using a vibratory hammer or drilling methods
- you ensure that there is no permanent increase in the original design footprint below the ordinary high water mark
- you implement the measures in section 3 to protect fish and fish habitat when carrying out the works, undertakings and activities

As a condition of this code of practice, please submit a notification 10 working days before starting work. Notifications will inform the continuous improvement of the codes of practice over time.

[Submit a notification](#)

You can also submit using this [PDF version of the form](#) (50 KB). In the event you need to use the PDF form instead, you must:

1. download it to your computer
2. use PDF software to open it (such as, Adobe Reader or Foxit PDF)
3. fill out and save the form
4. email the completed form to your regional DFO office

For more information: [How to download and open a PDF form](#).



3.0 Measures to protect fish and fish habitat

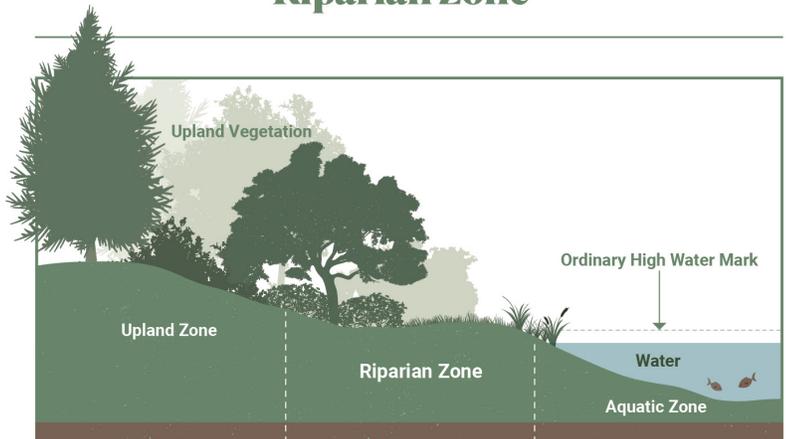
3.1 Protection of fish

- Carry out the project in accordance with [timing windows](#).
 - Limit the duration of in-water works, undertakings and activities.

3.2 Protection of the riparian zone

- Use existing trails, roads, access points or cut lines.
- Limit vegetation removal, pruning and grubbing to the area required for accessing the project site.
- Reinststate stream banks and slopes of the affected riparian zone.
- Re-vegetate the affected [riparian zone](#) with native species suitable for the project site.

Riparian Zone



3.3 Protection of aquatic habitat

- Ensure that equipment and machinery are clean and free of [aquatic invasive species](#) prior to arriving on the project site.
- Limit disturbance of fish habitat features (for example, aquatic plants, rocks, woody material) to the area required to carry out the project.
 - Operate machinery on land, from wharf, barges or on ice during all phases of the project.
 - Limit operation of vehicles and machinery to the area required to carry out the project.

3.4 Protection of fish and fish habitat from sediment

- Manage sediment laden water flowing onto or through the site during all phases of the project.
 - Install erosion and sediment controls prior to beginning the project.
 - Develop and implement an erosion and sediment control plan for all phases of the project.
 - » Regularly observe the watercourse or water body for signs of suspended sediment during all phases of the project and take corrective action when and where required.
 - » Inspect the erosion and sediment controls regularly during all phases of the project.
 - Repair the sediment controls during all phases of the project.
 - » Operate machinery on land in stable areas.
 - » Use biodegradable materials for erosion and sediment control whenever possible.
 - » Remove all non-biodegradable erosion and sediment controls once the site has been stabilized.
 - » Use only clean materials.



- Keep the erosion and sediment controls in place until all disturbed ground has been stabilized and suspended sediments have settled.

3.5 Protection of fish and fish habitat from other deleterious substances

3.5.1 Develop a prevention plan

- Develop a plan to prevent deleterious substances from entering a watercourse or water body.
 - Maintain all machinery on site in a clean condition and free of fluid leaks.
 - Wash, refuel and service machinery in such a way as to prevent any deleterious substances from entering watercourse or water body.
 - Store fuel and other materials for the machinery in such a way as to prevent any deleterious substance from entering a watercourse or water body.
 - Plan activities near water such that materials (for example, paint, primers, sand blasting abrasives, rust, solvents, degreasers, grout, poured concrete, foam or other chemicals) do not enter a watercourse or water body.
 - Ensure that building material used in a watercourse or water body has been handled and treated in a manner that prevents the release or leaching of deleterious substances into a watercourse or water body.
 - Dispose of all waste materials on land in a designated area away from the ordinary high water mark of any watercourse or water body.

3.5.2 Implement a response plan

- Implement a response plan immediately in the event of a spill of a deleterious substance (including sediment).
 - Stop all works, undertakings and activities.
 - [Report spill](#) immediately when a deleterious substance enters a watercourse or water body.
 - Contain water with deleterious substances.
 - Clean up and dispose of water contaminated with deleterious substances.
 - Use an emergency spill kit.

3.6 Underwater noise

If pile or sheet pile driving is required, use vibratory hammer or drilling methods. The following mitigation measures are applicable in the marine environment:

- Define an exclusion zone, of at least 500 m from the source of the noise, in which no whales, dolphins, or porpoises should be present during the work generating underwater noise.
- Ensure that an observer is present on site for the full duration of the work generating under water noise.
- Monitor for marine mammals for at least 30 minutes prior to the start of pile installation.
- Only begin work if there are no whales, dolphins, or porpoises in the exclusion zone.
- Begin generating underwater noise very gradually to allow whales, dolphins, or porpoises that may be



present in the exclusion zone, but not visible, to leave the area.

- Stop the work if whales, dolphins, or porpoises are present in the exclusion zone.

4.0 Glossary

Affected area: The area within which all of the proposed project impacts are likely to occur either directly (meaning, project footprint) or indirectly (for example, downstream or other surrounding areas).

Aquatic invasive species: Fish, invertebrate or plant species that have been introduced into a new aquatic environment, outside of their natural range.

Aquatic species at risk: Any aquatic species listed under Schedule 1 of the *Species at Risk Act* as endangered, threatened, or extirpated.

Deleterious substance: Any substance that, if added to any water, would degrade, alter or form part of a process of degradation/alteration of the quality of that water so that it is rendered or possibly rendered deleterious to fish, fish habitat, or to the human use of fish that frequent that water. For example: fuel, lubricants, paint, primers, rust, solvents, degreasers, antifreeze, uncured concrete, foam, creosote, chlorinated water, herbicides, etc.

Harmful alteration, disruption or destruction of fish habitat – Policy Interpretation: Any temporary or permanent change to fish habitat that directly or indirectly impairs the habitat's capacity to support one or more life processes of fish.

Marine environment: Comprises all ocean, coastal waters, and estuaries, including intertidal zones and salt water marshes, and extending, in the case of watercourses, up to the freshwater limit.

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 to change the characteristics of the land. In flowing waters (for example, rivers and 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 leaving a mark on the land. It's where the natural vegetation changes from mostly aquatic vegetation to terrestrial vegetation (excepting water tolerant species). For reservoirs this refers to normal high operating levels (meaning, full supply level).

Qualified environmental professional: A person experienced in identifying and analyzing risks to fish and fish habitat generated from various works, undertakings or activities conducted in or near water, and implementing management measures to avoid and mitigate those risks. They possess a post-secondary degree or diploma in biological, geophysical or environmental sciences and are referred to as:

- applied scientists
- aquatic biologists
- environmental consultants
- fisheries biologists
- fisheries technicians
- fluvial geomorphologists
- natural resource consultants



Riparian zone: Area located between a watercourse or water body's ordinary high water mark and upland area. The width of the riparian zone may be further defined by provincial, territorial or municipal regulations or guidelines.