shíshálh Nation

shíshálh Nation Best Management Practices for Marine Docks

Our *swiya* (land, waters, world) has been significantly impacted by dock moorages. The *shíshálh* Nation Best Management Practices (BMPs) for marine docks (including wharfs, piers, floats and moorages) within the *shíshálh* Nation *swiya* is a compilation of requirements from Fisheries and Oceans Canada and the Resource Management Department of the *shíshálh* Nation. The BMPs are intended to help minimize and mitigate impacts to marine foreshore and nearshore habitats and resources by promoting responsible and appropriate development. The BMPs are also intended to ensure proponents follow measures and designs that conform to Sections 34 through 37 of the Federal Fisheries Act, and protect cultural and heritage resources within the *shíshálh* Nation *swiya*.

1. Wherever possible, proponents are encouraged to develop dock facilities that can facilitate numerous upland owners. In pursuing multi-owner/use facilities the footprint on the sub/inter tidal habitats is minimized. These types of facilities also help to alleviate potential cumulative impacts from high density, individual dock infrastructures.

2. Access to sub/intertidal resources cannot be impeded or restricted by any dock/float structure. This ensures access for the harvest of marine resources for food, social and ceremonial purposes.

3. No critical habitats can be impacted within the immediate vicinity of the proposed dock. Critical habitats are defined as:

   "habitat that is important for: (a) sustaining a subsistence, commercial, or recreational fishery, or (b) any species at risk (e.g., terrestrial or aquatic Provincial red- and blue-listed species, those designated by the Committee on the Status of Endangered Wildlife in Canada, or those SARA-listed species), or (c) because of its relative rareness, productivity, or sensitivity (e.g. eelgrass meadows, kelp forests, foreshore salt marsh vegetation, herring spawning habitat, and potential forage fish spawning beach habitat)".

   A Registered Professional Biologist (RPBio) may be required to provide an assessment and opinion on the risks of any dock/float structures on critical habitat(s).

4. Design of a Dock or Boathouse should not include components that block the free movement of water along the shoreline. Crib foundations or solid core structures made of cement or steel sheeting should be avoided as these types of structures result in large areas of vegetation removal and erosion in Riparian areas.

5. When designing dock/float structures, the bottom of all floats must be a minimum of 1.5 meters above the seabed during the lowest water level or tide.

6. Dock/float structure and the vessel to be moored at the structure are not to come to rest on the lake bottom during the lowest water period of the year.

   The minimum depth is required to ensure bottom flora and fauna are not adversely impacted by shading and/or propeller wash from moored vessels.

7. Access ramps or walkways should be a minimum of 1.0 meters above the highest high water mark of the tide and a maximum width of 1.2 meters. Docks should not exceed a maximum width of 1.5 metres. In situations where this is not physically possible, design variations supported by the appropriate Qualified Professionals, including a Registered Professional Biologist (RPBio), should be provided.

8. All improvements should be a minimum of 5.0 meters from the side property line (6.0 meters if adjacent to a dedicated public beach access or park) and at least 10 meters from any existing dock or structures, consistent with Federal requirements under Transport Canada's *Navigable Waters Protection Act*.

9. Decking materials must allow for a minimum of 43% open space allowing for light penetration to the water surface. Various materials shaped in the form of grids, grates, and lattices to allow for light passage may be used.

10. Docks should be aligned in a north-south direction to the maximum extent that is practicable.

11. Steel is the preferred material, although concrete, treated or recycled timber piles are acceptable. Detailed information on treated wood options can be obtained online from the Fisheries and Oceans Canada website (*Guidelines to Protect Fish and Fish Habitat from Treated Wood Used in the Aquatic Environment in the Pacific Region*).

12. Construction must never include the use of native beach materials (boulders, cobble, gravel, sand, logs).

13. Access to the beach for construction purposes is to be from the adjacent upland property wherever possible. Where upland access is not possible and the use of heavy equipment is required to access the dock location, the advice of a Qualified Professional or Fisheries and Oceans Canada should be obtained.

14. Access or construction along the beachfront also requires at least 45 days advance notification sent to the *shíshálh* Nation and its Rights and Title Department (604.740.5600; lilxmit@sechletnation.net) in order to ensure cultural sites are not impacted or disturbed. A Preliminary Field Reconnaissance (PFR) for archaeology may be required. A PFR is a field survey to assess the archaeological resource potential of the area, and to identify the need and appropriate scope of further studies, and is to be performed by a Qualified Professional Archaeologist.

15. Filling, dredging, or blasting at or below the High Water Mark is not supported by the *shíshálh* Nation. Un-authorized filling, dredging and blasting noted by the *shíshálh* Nation will be reported to Fisheries and Oceans Enforcement and the BC Conservation Service.

16. Works along the upland/water interface must be conducted when the site is not wetted by the tide. All work is to be conducted in a manner that does not result in the deposit of toxic or deleterious substances (sediment, un-cured concrete, fuel, lubricants, paints, stains) into waters frequented by fish. This includes refueling of machinery and washing of buckets and hand tools.

17. Applications for Docks that exceed 20 square meters, or such other dimensions as may trigger a review under the *Fisheries Act* from time to time, must contact Fisheries and Oceans Canada and submit a Request for Review or other required documents to ensure proposed activities, and the scheduling of those activities, complies with Fisheries and Oceans Canada requirements including the fisheries works window.

18. The upland design of the dock including anchor points should not disturb the riparian area except at the immediate footprint. An effort should be made to maximize riparian cover adjacent to the dock to reduce erosion and exposure to the foreshore.

19. Pile driving is the preferred method of pile installation. All pile driving must meet current Fisheries and Oceans regulations.

20. The use of Styrofoam to keep docks afloat is prohibited for new construction and repairs. Styrofoam floats on existing docks that are showing evidence of breakdown should be replaced using an alternative material.

21. Docks must be constructed in accordance with requirements under Navigation Protection Act as may be amended or replaced from time to time.

22. Marine foreshore construction activities should take place between June 1 and February 15 of any calendar year.