



Terms and Conditions for Construction and Maintenance of Licensed Works

This intent of this document is to provide terms and conditions to water licence holders to ensure construction and maintenance of infrastructure is planned, designed and implemented with regard for fish, wildlife, and habitat protection.

Construction activities associated with the installation or maintenance of licenced infrastructure can impact fish and wildlife habitat through the deposit of materials, like sediment, that are deleterious to fish and fish habitats. Proper construction and maintenance of licensed infrastructure can also help minimize impacts to terrestrial species or habitats associated with riparian areas.

You may proceed with the proposed construction or maintenance but must also comply with the following terms and conditions:

1. Any work associated with the proposed changes in and about a stream must not cause stream channel instability or introduce sedimentation into the stream in such a quantity to cause a significant adverse impact to the aquatic ecosystem of the stream.
2. During work onsite, erosion and sediment control materials must be available onsite at all times and must be installed if sedimentation is likely to occur into the stream. A contingency plan must be developed outlining the measures to be taken by workers when carrying out any work to control erosion and sediment.
3. Any soil removed must be placed in a location that ensures that sediment or debris does not enter the stream.
4. Within a work area, water that contains sediment must be pumped to a vegetated area away from the stream where it can seep into the ground, or to a settling pond that is sufficiently far from the stream to allow sediment to settle out before the water returns to the stream.
5. The disturbance of stream bank vegetation must not occur or mitigated if it does occur.
6. Work must be conducted on, and equipment located and operated from, dry land (no water present) and the worksite must be isolated from flowing water.
7. Any equipment used in conducting work must be in good mechanical condition (i.e. not leaking fuels, lubricants, anti-freeze, fluids, etc) and, when operating in proximity to the wetted perimeter of a stream, the operator must prevent introduction of any sediment, debris or contaminants (e.g., hydrocarbons, silt) into the stream in such a quantity to cause a significant adverse impact to the aquatic ecosystem.
8. All stream flow must be maintained in the stream channel upstream and downstream of the worksite at all times.
9. When work requires de-watering or isolation of the worksite in the stream, a permit for the salvage of fish and wildlife must be obtained prior to commencing work. All required salvage permits must be obtained from FrontCounter BC : <http://www.frontcounterbc.gov.bc.ca/>. Any salvage must be carried out by a qualified environmental professional (such as an R.P.Bio)
10. Following de-watering or isolation of the worksite, stream flow must be returned to the de-watered or isolated area within the stream in a manner so as to avoid a single sudden rush or erosion of the stream channel and sediment delivery to the stream.
11. The stream channel width must not change as a result of the work.
12. Any materials, such as riprap or gabion rock, placed within the stream must be clean and not contain substances that could be harmful to fish, wildlife or habitat (e.g acid generating rock, fine erodible materials or treated wood products).
13. Any areas disturbed as part of the work must be restored as close as possible to their pre-disturbance condition. Any soil exposed at the worksite must be promptly re-vegetated.
14. Subject to section 15 and 16 below, the work must be completed during the "least risk" timing window for the stream in respect of which the changes are proposed. The applicable "least risk" timing window (by

region and/or by stream) are specified in the following links (see below) and are designed to protect fish, wildlife or habitat known or suspected to be present in the stream. To determine the "least risk" timing window, please select the relevant region from the map:

<http://www.frontcounterbc.ca/pdf/RegionMap.pdf> and then determine the applicable "least risk" timing window: <https://www2.gov.bc.ca/gov/content/environment/air-land-water/water/water-licensing-rights/working-around-water/regional-terms-conditions-timing-windows> for that region and for the stream where the proposed changes will be made. For projects proposed to take place outside these timing windows, please see section 15 and 16 below.

15. In addition to the "least risk" timing windows specified in section 14 above, work may be carried out during the following times provided these requirements are met when the changes are carried out:
 - i. If the stream channel is naturally dry (no flow) or frozen to the bottom at the worksite and the instream work / activity associated with the proposed change will not adversely impact fish, wildlife or habitat (e.g. not result in any substance, sediment, debris or other material entering or leaching into the stream that would adversely affect fish, wildlife or their habitat),
 - ii. In the construction of a winter crossing, the stream channel is frozen to the bottom at the worksite and related work does not adversely impact the stream channel (including stream bed and banks), or fish, wildlife or habitat, or impede their passage (in both directions) in the stream.
16. If your work is proposed outside of the "least risk" timing window (as described in section 14 above), you must retain a qualified environmental professional (such as an R.P. Bio.). The professional will be responsible for providing a written technical rationale that assesses and addresses the risks of the proposed changes in and about a stream, including proposing site specific mitigation (e.g. an Erosion Control Plan that identifies contingency measures and emergency procedures related to the proposal) and onsite monitoring of their implementation. In proceeding outside the "least risk" timing window in accordance with recommendations by your qualified environmental professional, you must comply with any measures specified by that professional to prevent impacts on the stream channel (including stream bed and banks) or fish, wildlife or their habitat.

In summary, you must meet the terms and conditions described above, as well as any additional terms and conditions specified by the Water Manager or Habitat Officer if any were specified.

Also, for assistance to the public, the Province has developed clear guidance/practices, also referred to as best management practices, for working around water. This information, if followed, will help ensure that your project will have minimal impacts on the environment (including related fish, wildlife and habitats) in the stream and stream channel.

Follow the links and website directions (see below) to review the provincial guidance/practices provided for your proposed works. Please be advised that these documents may contain information which may be the subject of change due to amendments to the federal *Fisheries Act* and/or to related processes by Fisheries and Oceans Canada (DFO). Current up-to-date information on DFO process and legislation can be found at: <http://www.dfo-mpo.gc.ca/pnw-ppe/index-eng.html>

Final Note: It is the responsibility of persons intending to carry out construction and maintenance of licenced works:

. To comply with federal, provincial and municipal enactments, including but not limited to the *Fisheries Act* (Canada), *Wildlife Act* (BC) or the *Navigation Protection Act* (Canada), as well as local government bylaws and regulations, as may be applicable to proposed works or activities;

. In cases of demonstrated non-compliance with legal requirements, compliance and enforcement actions may subsequently be undertaken by the Ministry where circumstances warrant.