



Proposed Changes In and About a Stream - Notice to Habitat Officer

Re: Thompson Okanagan Regional Terms and Conditions for Authorize Change under Section 39(1)(d) of the *Water Sustainability Regulation* for the construction, maintenance or removal of a pier or wharf (including docks)

Large lakes in the Okanagan are zoned for (i) Shore Spawning Kokanee, (ii) Freshwater Mussels and (iii) Foreshore Plants. Your property's shoreline is categorized in one (or more) of the following colour zones; Black, Red, Yellow, and/or No Colour. Please engage a Qualified Environmental Professional (QEP) if you need assistance determining the colour zone or interpreting the Terms and Conditions.

Please note, the current document does not provide you with the authority to proceed with your works if you applied for a new dock in a Shore Spawning Kokanee Black Zone. If you are proposing to construct a new dock in a black zone, a [Water Sustainability Act Change Approval](#) will be required.

You may proceed with your proposal in a **no-colour, yellow, or red zone, or water body not identified in the Okanagan Large Lake Foreshore Protocol**. In addition to the Provincial General Terms and Conditions, please follow the Regional Terms and Conditions outlined below based on what zone your shoreline is in. You may proceed with your proposed works when 45 days from submission has passed, or you have obtained a statement from a habitat officer on which the authorized change can proceed.

For more information please review [Okanagan Large Lakes Foreshore Protocol](#) and [Dock Design Criteria for Okanagan Large Lakes](#)

TERMS AND CONDITIONS FOR PRIVATE MOORAGE

In a no-colour, yellow, non-shore spawning red zone, or water body not identified in Okanagan Large Lake Foreshore Protocol, all the conditions listed in the Standard Dock Conditions (below) must be adhered to.

STANDARD DOCK CONDITIONS

1. Standard dock conditions must be followed for all docks. Variances are permitted in no color, yellow, or water bodies not identified in Okanagan Large Lake Foreshore Protocol provided they are assessed by a qualified professional (QP) and risks are avoided or mitigated. The QP must complete the checklist found in the Okanagan Large Lake Foreshore Protocol and submit it with the Notification Application.
2. [Regional timing window](#) for fish must be followed for all works. Variances are permitted except for Shore spawning red and black zones if they are assessed by a qualified professional and risks are avoided or mitigated.

EXCEPTION: The timing window for works involving only decking/ re-decking has been modified by the Habitat Officer. These works can occur in kokanee spawning areas between January 15 and September 30 if all works are accessed from shore, works are done above the water, and no significant vibration occurs.

3. The dock must be located to avoid areas of known fish spawning habitat and native aquatic vegetation.
4. The walkway must be no more than 1.5 m wide and must extend to a minimum depth of 0.8m at low water level.

5. The area of the dock beyond the end of the walkway (i.e., platform) must be no larger than 24m²; this includes all areas of the dock that are wider than 1.5 m, including dock “fingers”.
6. The dock platform and boat lifts must be located in deep enough water to avoid impacts from propeller wash, this includes access to and from the boat lifts.
 - a. A minimum of 0.8 meters of water depth at low water is required in no color, yellow and red non shore spawning sites.
 - b. A minimum of 1.5 meters of water depth at low water is required in a water body not identified in the Okanagan Large Lake Foreshore Protocol.
7. Floating docks must not ground and must have discontinuous floats spaced a minimum of 1m apart so that a minimum of one third of the dock is free of floats. Please note that floating docks are not permitted in Kokanee spawning red and black zones.
8. Untreated materials must be used where they will be submerged in water.
9. The use of rubber tires is not accepted.
10. If a concrete abutment is needed to secure your dock to land it must be installed entirely on your private land above the present natural boundary.
11. If your site is within a red zone for Freshwater Mussels, a mussel salvage must be completed prior to installing new piles. Relocation and monitoring protocols are outlined in the [Guidance for Freshwater Mussels in the Okanagan](#).

SHORE SPAWNING RED ZONE

In addition to the Standard Dock Conditions (above) the following conditions must be met for Shore Spawning Kokanee Red Zones

1. A Qualified Professional with expertise in kokanee biology is required to determine the spawning area. Piles are not to be placed within known or potential spawning substrates.
2. The spanning structure (gangway) over the spawning area must be constructed with light penetrating materials.
3. The dock platform and boat lifts must be located at a minimum depth of 1.5 meters at low water to avoid impacts from propeller wash, this includes access to and from the boat lifts.
4. The bottom of the dock must be at least 0.5m above the high-water mark, or the Geodetic Survey of Canada datum (if available).
5. Batter boards must follow the approved Ministry [Design Criteria](#).
6. Floating structures are not permitted.

SHORE SPAWNING BLACK ZONE

Rebuilding or repairing an existing private moorage

Repairs to grandfathered structures are permitted following the Shore Spawning Red Zone criteria above. You must follow all the conditions and processes outlined for a shore spawning red zone (above).

Constructing a new dock

If you are proposing to construct a new dock in a black zone, a [Water Sustainability Act Change Approval](#) will be required. In this case, the current document does not provide you with the authority to proceed with your work. Contact a Thompson Okanagan Habitat Officer at TORSystemsWSA@gov.bc.ca **before** proceeding in a Black Zone.

It is the proponent's responsibility to ensure their activities are in compliance with all legislation, including the *Wildlife Act* and the federal *Fisheries Act*, as well as with local government bylaws and regulations.

Important Notice: The Habitat Officer may contact you within 45 days of the time of your submission to specify additional terms and conditions specific to your project if warranted. If you do not hear back from a Habitat Officer in that time period you may proceed with the works subject to the terms and conditions. Please keep a copy of these terms and conditions onsite during construction.

If you have any questions, please contact a Thompson Okanagan Habitat Officer at TOREcosystemsWSA@gov.bc.ca

On behalf of Thompson Okanagan Habitat Officers,

Thank you.