1.0 About this code of practice

This code of practice outlines Fisheries and Oceans Canada's (DFO) national best practices for fording a watercourse.

Temporary fords are used for short term seasonal access by construction vehicles to the other side of a watercourse when an existing crossing is not available or practical to use.

For the purposes of this code of practice, temporary fords include:

- a one-time crossing (over and back) in flowing waters
- multiple crossings when a streambed is seasonally dry

You can protect fish and fish habitat during the construction of temporary fords by following the measures listed below. When implemented correctly, these measures can manage the risk of harmful impacts associated with the construction of temporary fords, which can include:

- disturbance of watercourse or water body bed and banks
- release of sediments or other deleterious substances
- fish injury and mortality

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 remains 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 regarding species and habitats managed by these jurisdictions.

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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 required 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*
  - the critical habitat or residences of any other aquatic species at risk
- fords in flowing waters are conducted on shallow watercourses with stable beds (for example, bedrock or coarse rock) and low sloping banks and approaches
- the work does not include:
  - realignment of the watercourse, dredging, grading, excavating or placing fill on the bed or banks of the watercourse
  - installation of a temporary culvert
- you implement the measures in section 3 to protect fish and fish habitat when carrying out your ford crossing

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.

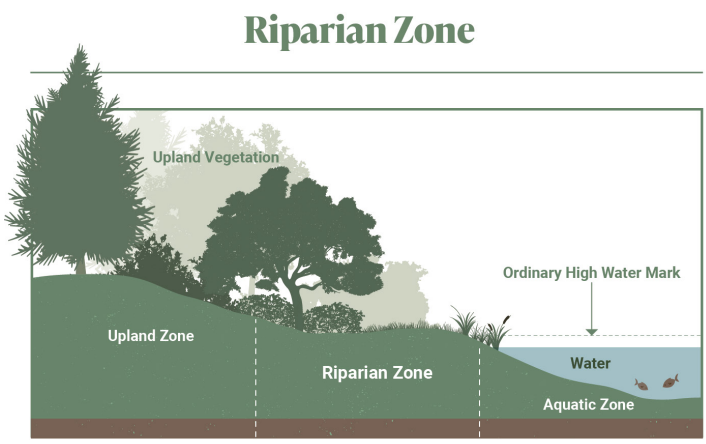
Submit a notification

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.

3.2 Protection of the riparian zone

- Limit vegetation removal, pruning and grubbing to the area required for accessing the project site.
- Use existing trails, roads, access points or cut lines.
    - Construct roads, access points and approaches perpendicular to the watercourse if a new access point is required to reach the watercourse.
    - Use methods to reduce soil compaction (for example, swamp mats, pads).
- Reinstate stream banks and slopes of the affected riparian zone.
- Re-vegetate the affected riparian zone with native species suitable for the project site.

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.
    - Locate temporary crossing site where the watercourse is straight, banks are stable and where approaches have low slopes.
    - Operate vehicles and machinery in a manner that minimizes disturbance to the watercourse bed and banks.

3.4 Protection of fish and fish habitat from sediment

- Regularly observe the watercourse or water body for signs of suspended sediment during fording and take corrective action when and where required.
- Conduct one-time fords in flowing waters during periods of low flow.
- Stabilize approaches with non-erodible materials such as brush mats, corduroy or clean stone.
- Do not skid or drag anything across ford.

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 a watercourse or water body.
- Store fuel and other materials for the machinery in such a way as to prevent any deleterious substances from entering a 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.

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 water, would degrade, alter or form part of a process of degradation/alteration to 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 - 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.

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).

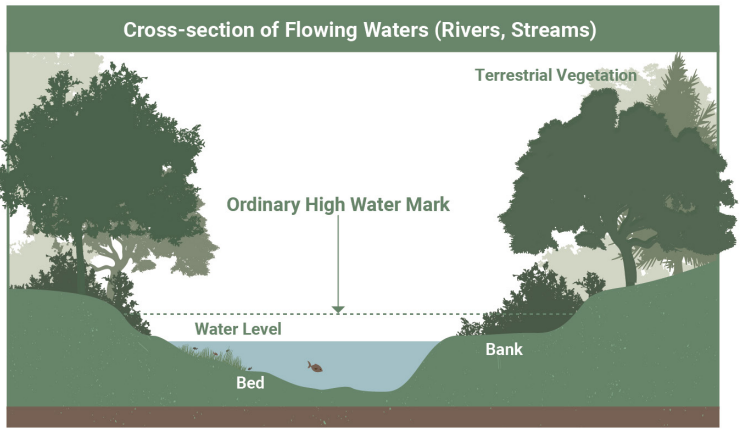
Qualified environmental professional: A person experienced in identifying and analyzing risks to fish and fish habitat generated from various works, undertakings or activities conducted in or near water, and implementing management measures to avoid and mitigate those risks. They possess a post-secondary 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 vegetation: Occurs adjacent to the water body and directly contributes to fish habitat by providing shade, cover and areas for spawning and food production.

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.

Ordinary High Water Mark



Ordinary High Water Mark