Native Women's Association of Canada

L'Association des femmes autochtones du Canada

PARTNERSHIP DFO

Shoreline Stabilization: A Proposed Class in the Prescribed Works and Waters Regulation

07 To promote fish-friendly, shoreline stabilization approaches that can be considered at the planning and design stages of a project

Fisheries and Oceans Canada | Pêches et Océans Canada

Introduction:

Fisheries and Oceans Canada (DFO) is seeking public input on the categories of works being considered for inclusion under the Prescribed Works and Waters Regulation. The information in the brief below provides a summary of how Shoreline Stabilization works and will be included in the PWWR. This new class is intended to promote fish-friendly shoreline stabilization approaches that can be considered at the planning and design stages of a project.

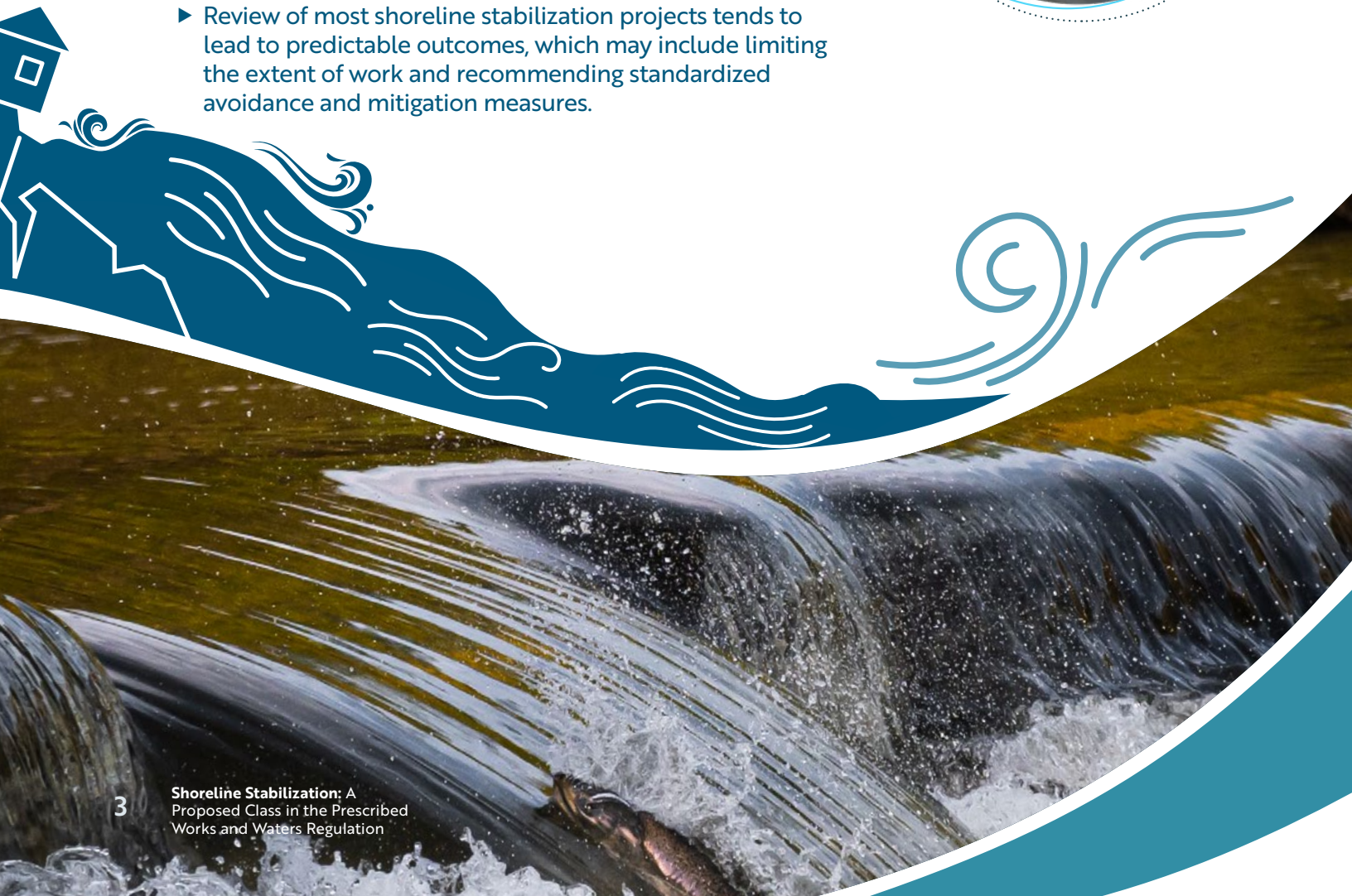
What is shoreline stabilization?

Shoreline stabilization refers to a variety of works designed to prevent, or reduce, erosion of shorelines.

Why establish a shoreline stabilization class?

Currently, AHR projects that have the potential to cause death of fish and/or harmful alteration, disruption, or destruction, are subjected to the same rigorous review process of all other projects.

- The DFO spends a considerable amount of time and resources reviewing routine projects, such as shoreline stabilization. This is because the DFO must review projects that may cause death of fish and/or result in the harmful alteration, disruption, or destruction of fish habitats.
- Death of fish and harmful alteration, disruption, or destruction of fish habitats are prohibited under the Fisheries Act. However, a project proponent may receive Fisheries Act authorization from the DFO, under special circumstances.
- Review of most shoreline stabilization projects tends to lead to predictable outcomes, which may include limiting the extent of work and recommending standardized avoidance and mitigation measures.



What is the DFO doing?

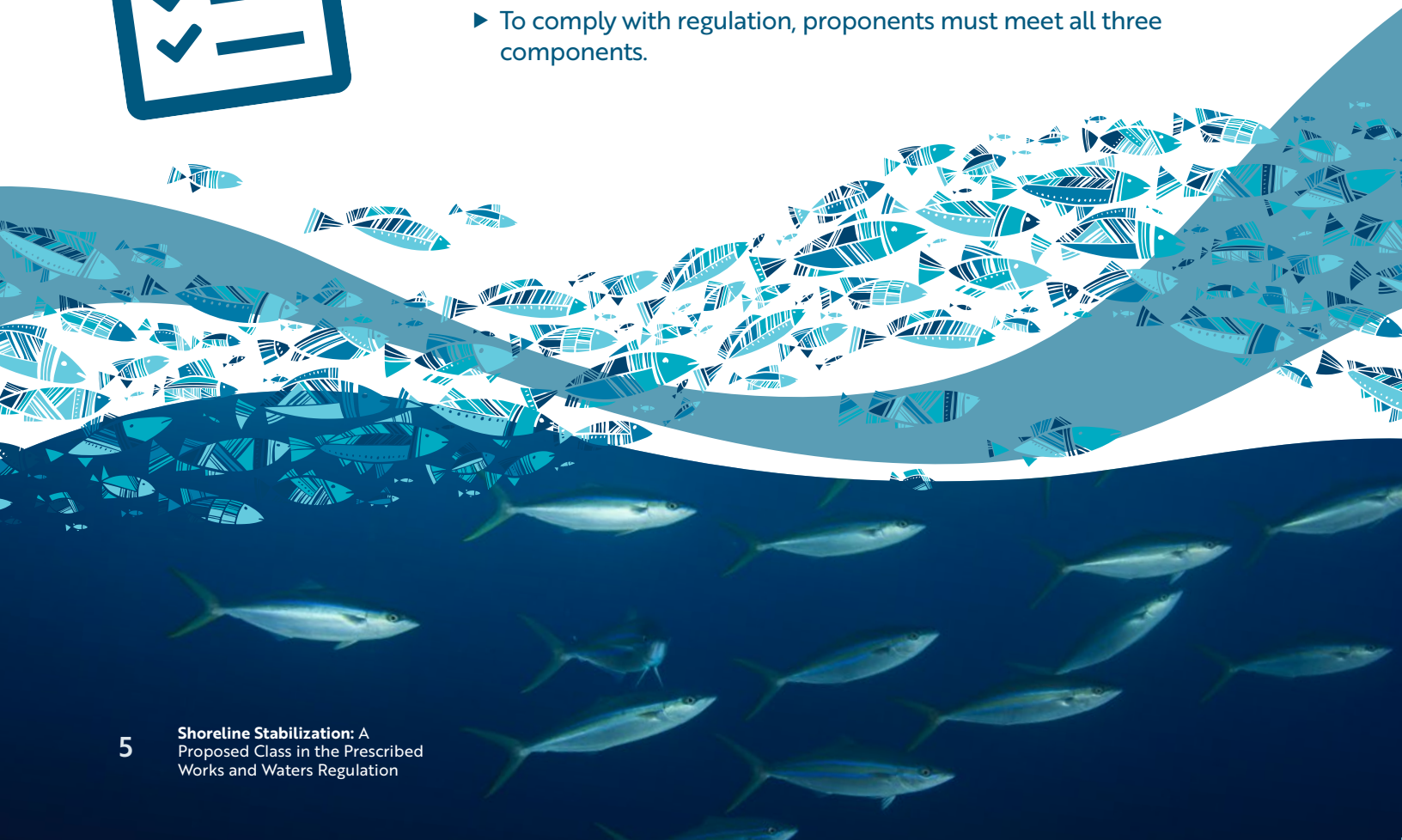
- To improve current processes, the DFO proposes to prescribe best management practices for project design and standardized measures for avoiding, and mitigating, impacts of fish and fish habitats into a PWWR measure.
- If project proponents apply practices and measures listed in the regulation, they can proceed with their projects without a need for a site-specific review by the DFO.
- The details to be prescribed in regulation will be guided by best management practices, applied by other provinces and territories in Canada, as well as other countries or international governing agencies. Details of the regulation will be guided by input received during the engagement process.

How will a shoreline stabilization regulation improve the current project review process?

- Establishing a shoreline stabilization class will enable proponents to incorporate best management practices at the project planning and design stages.
- Proponents that comply with the regulation can proceed with their projects without seeking a site-specific review from the DFO.
- Observing regulations inspires the adoption and development of fish-friendly shoreline stabilization designs.

How is the regulation structured?

- Each class in the regulation will be defined by three components: Project, conditions, and waterbodies.
- To comply with regulation, proponents must meet all three components.

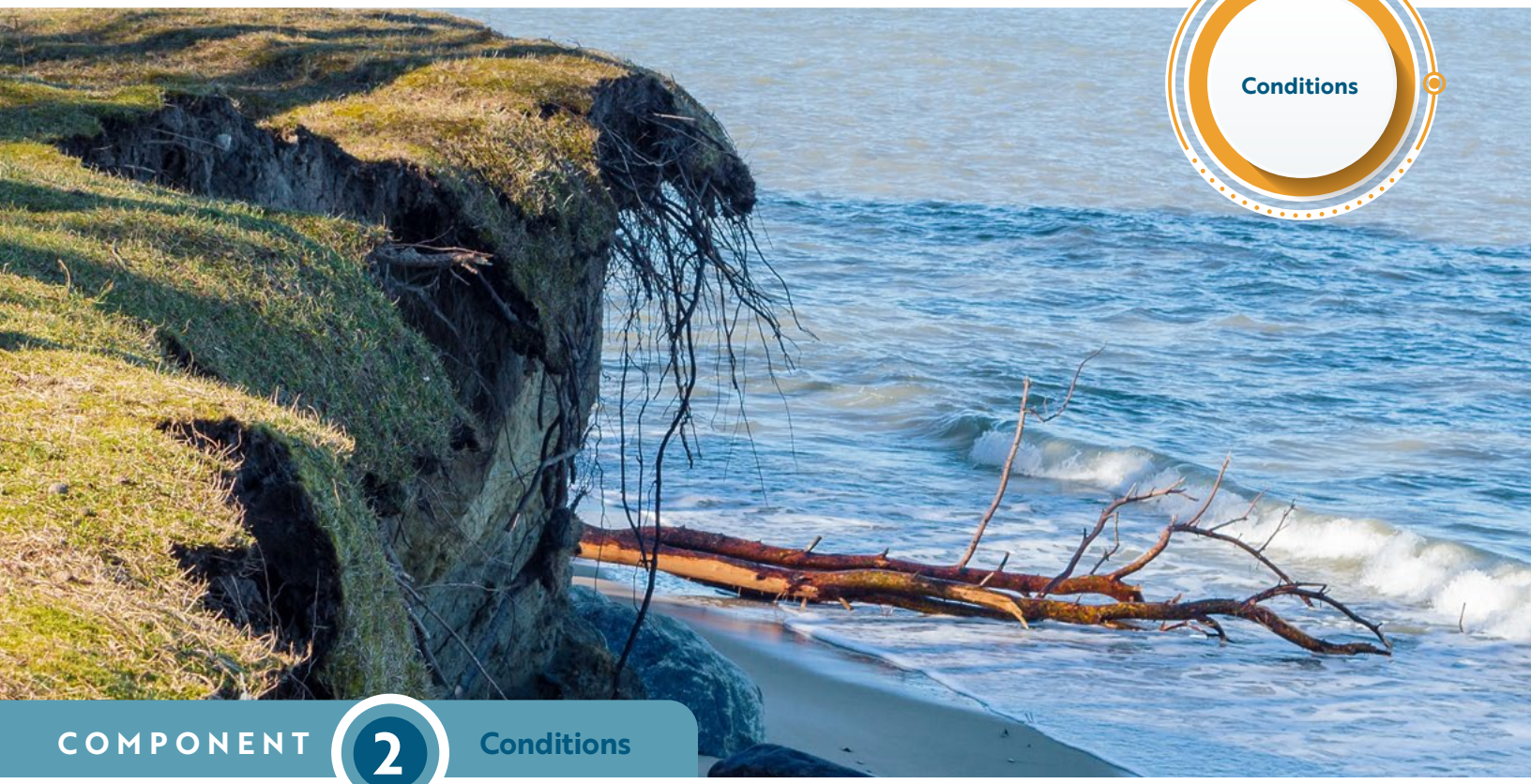


COMPONENT 1 Project Design

- This component includes description of the works, undertakings, and/or activities to be included in the class.
- Descriptions in this component strives to use clear, unambiguous indicators and thresholds.
- The proposed shoreline stabilization class is limited to the placement of fill below the ordinary high-water mark, to remediate ongoing shoreline erosion, in addition to where fill material meets design criteria set out in Table 1.

Table 1:
Indicators and thresholds criteria for proposed shoreline stabilization class.

	INDICATOR:	THRESHOLD:
1	MATERIALS:	Vegetative planting, bioengineering, or rip rap.
2	ENCROACHMENT LIMIT:	The toe of the structure does not encroach more than two metres below the Ordinary High-Water Mark (OHWM).
3	EXTENT:	Does not extend more than 100 metres along the shoreline.
4	SLOPE:	Results in a shoreline slope no steeper than 1:2 (rise: run), or 50 percent grade.



Conditions

COMPONENT 2 Conditions

- The regulation intends to prescribe mandatory conditions to be followed to remain compliant with the class. Standard conditions are expected to include the submission of before and after project notifications [pre- and post-project notifications], and the application of relevant avoidance and mitigation measures set out in Table 2.

Table 2:
Proposed submissions for projects under the shoreline stabilization class.

1 PRE-PROJECT NOTIFICATIONS:	• Contact information. • Proposed plan. • Photographs of the proposed work area.
2 POST-PROJECT NOTIFICATIONS:	• Summary of project implementation. • Photographs of the completed work.
3 MEASURES TO REDUCE IMPACTS ON FISH:	• Works comply with established in-water timing windows for resident fish species. • Appropriate fish screening and fish salvage techniques are applied in cases where dewatering is required.
4 MEASURES TO REDUCE IMPACTS ON FISH HABITAT:	• Sediment and erosion control measures applied. • Disturbed fish habitats are restored (e.g., shorelines replanted, bed and banks restored, waste materials and temporary structures removed). • Exposed soils are stabilized.

COMPONENT 3 Waterbodies

- The regulation will specify waterbodies where the class may or may not apply.
- The proposed shoreline stabilization class will apply to all fish-bearing waters in Canada, except areas listed in Table 3.

Table 3:
Categories of waterbodies.

1	• Streams fewer than five meters in width.
2	• Critical habitat, or residences, of endangered or threatened aquatic species at risk.
3	• Critical habitat, as identified in a stock-recovery plan.
4	• Federally recognized, ecologically significant areas.

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The **DFO's** engagement on proposed **shoreline stabilization**, as a class under the PWWR, closed on July 1, 2022. However, opportunities exist to collaborate with, and/or provide feedback to, the DFO on matters related to **shoreline stabilization**.

For more information on the addition of **shoreline stabilization**, as a class under the PWWR, please visit the **DFO's Talk Fish Habitat engagement portal** at: **talkfishhabitat.ca.**

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