

Appendix A

shíshálh Nation Best Management Practices for moorage facilities

The *shíshálh* Nation has title and rights to the Halfmoon Bay area, and this title includes the foreshore. The *shíshálh* Nation also has various Aboriginal rights, such as the right to harvest shellfish, which requires access to a healthy marine environment. The Nation has emphasized their concerns regarding the impact of private moorages on their rights on numerous occasions and is opposed to the continued proliferation of docks within their territory. The *shíshálh* Nation requires their Operational Best Management Practices (BMP) to be put in place for all private and group moorages. The *shíshálh* BMP for marine docks within the *shíshálh* Nation territory is a compilation of requirements from Fisheries and Oceans Canada and the Resource Management Department of the *shíshálh* Nation. The BMP's are intended to help minimize impacts to marine foreshore resources within the *shíshálh* Nation territory by promoting responsible and appropriate development.

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/intertidal habitats is minimized. These types of facilities also help to alleviate potential cumulative impacts from high density individual dock infrastructures within the *shíshálh* Nation territory.
2. Access to sub/intertidal resources cannot be impeded or restricted from any dock/float structure within the *shíshálh* Nation territory. This is to ensure access for the harvest of marine resources for food, and for social and ceremonial purposes.
3. The *shíshálh* Nation requires assurance that no critical habitats such as eelgrass meadows will be impacted within the immediate vicinity of the proposed dock. Docks/floats must not to be installed over eelgrass, kelp fields, or salt marsh vegetation.
4. Eelgrass meadow protection is a high priority for the *shíshálh* Nation and if a meadow exists near the proposed structure the *shíshálh* Nation expects the proponent to identify and delineate the meadow, and provide a plan for the protection of the meadow. This includes the immediate area surrounding the new pilings and anchors.
5. The bottom of all floats must be a minimum of 1.0 m above the sea bed during the lowest water level or tide. Dock/float height above lowest water level will need to be increased if deep draft vessels are to be moored at the dock/float. The dock/float structure and the vessel to be moored at the structure are not to come to rest on the intertidal sea bed during the lowest tide or lowest water period of the year.
6. Access ramps or walkways should be a minimum of 1.0 metre above the highest high water mark of the tide and a maximum width of 1.5 metres.
7. Docks/floats are to be constructed to allow light penetration under the structure. North/South

dock alignments are encouraged whenever possible to allow light penetration.

8. Light penetration is important and can be facilitated by spacing the decking surface of the dock and minimizing the width of the structure.
9. Grating incorporated into ramps, walkways, or floats will increase light and reduce shading of the bottom. When grating is impractical, deck planking measuring 15-cm (6in) and spaced at least 2.5-cm (1 in) should be used to allow light penetration.
10. Concrete, steel, treated, or recycled timber piles are acceptable although the *shíshálh* Nation prefers to support steel. Detailed information on treated wood options can be obtained on-line 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*).
11. Construction must never include the use of native beach materials (boulders, cobble, gravel, sand, logs).
12. Access to the beach for construction purposes is to be from the adjacent upland property wherever possible. Use of heavy equipment required to work on the beach or access is required along the beach requires advice of a Professional Biologist and DFO to ensure that fish habitat, including riparian, intertidal salt marsh, or in-water vegetation, is not adversely affected during construction. Access or construction along beach front also requires notification sent to the *shíshálh* Nation and its Rights and Title Department in order to ensure cultural sites are not impacted or disturbed.
13. Filling, dredging, or blasting 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 Enforcement Officers immediately.
14. 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. These activities may result in the Harmful Alteration, Disruption or Destruction (HADD) of fish habitat and will be reported to Fisheries Enforcement.
15. The *shíshálh* Nation supports the DFO works window for marine foreshore. Construction activities should take place between June 1 and February 15 of any calendar year.
16. Terrestrial riparian vegetation and intertidal salt marsh must not be harmfully affected by access or construction. The *shíshálh* Nation encourages proponents to seek the advice of a Professional Biologist if vegetation will be affected in any way by your proposed works.
17. 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 helping reduce erosion and exposure to the foreshore.