

Timing of In-Water Works, Oversight Requirements, and Measures to Avoid Harm to Fish

[Designer Options, See Notes to Designer]

NOTES TO DESIGNER:

Insert **one or more** of the following options as appropriate:

Option 1

Insert the following when timing windows for in-water work are specified by MNR, MECP, DFO, or MTO.

182.07.08.01 Timing of In-Water Works

Clause 182.07.08.01 of OPSS 182 is amended by the addition of the following:

In-water work where fish and/or fish habitat are present is permitted during times specified in Table A for each waterbody ~~and station~~ listed. The in-water work window applies to all work within the entire waterbody listed in Table A.

**Table A
Timing of In-Water Work**

Waterbody	<u>Crossing/Structure ID</u>	<u>Station</u>Location	Timing Window for When In-Water Work Can Occur
*	**	***	****

Designer Fill-ins for Table A

* Fill in each waterbody name. If a waterbody is unnamed, identify as such (e.g. “Unnamed tributary of...” or “Unnamed watercourse” etc.). provide the specific location(s) where work is permitted in the waterbody listing stations as required in the Station columns. Ensure that all waterbodies (including associated ditch lines, swales, wetlands etc.) identified as fish habitat, including indirect fish habitat, are listed.

** Fill in the Crossing ID (e.g. culvert/structure #), if applicable. If work is not associated with a specific crossing or structure, fill in the Crossing ID column with “n/a”.

*** Fill in the specific location(s) where work is permitted in the waterbody (e.g. location (i.e. Station #, Culvert #, GPS coordinates, Highways station(s) offsets from centreline Left/Right, GPS coordinates, etc.; whichever most accurately describes the location). If permission applies to the entire waterbody, fill in the Station column with “n/a”.

 Fill in with the dates that work is permitted in each waterbody according to timing windows specified by MNRE, [MECP](#), DFO or MTO as applicable. If permission varies within the same waterbody, [specify the permitted dates for each distinct location, using station numbers or other clear descriptors](#)~~include the dates that work is permitted for each separate location within the waterbody, using stations.~~

**Table A (Sample)
 Timing of In-Water Work**

<u>Waterbody</u>	<u>Station</u>	<u>Timing Window for When In-Water Work Can Occur</u>
Cold Fish Creek	14+100	July 1 to September 15
Sturgeon Creek	14+300	July 1 to September 30
Bass Creek	14+700	July 1 to March 31

<u>Waterbody</u>	<u>Crossing/Structure ID</u>	<u>Station Location</u>	<u>Timing Window for When In-Water Work Can Occur</u>
Cold Fish Bruce Creek	CV-0090-0017-9999	14+100	July 1 to September 15
Bass Pond Creek	n/a	14+325; 7.8 Rt to 14+335; 7.8 Rt	June 15 to March 31
Sturgeon Creek River	99-999/C	16+750	July 1 to September 30

Option 2

Insert the following when a Fisheries Act authorization has been obtained for the project, or where MTO has deemed it appropriate that the contractor have monitoring carried out by an [Qualified MTO](#) Fisheries Contracts Specialist.

182.07.08.05 Fisheries Specialist Services

Clause 182.07.08.05 of OPSS 182 is amended by deleting bullet d) and replacing it with the following:

- d) Be on-site to inspect and ~~confirm~~ [verify](#) the proper installation, functioning and decommissioning (as appropriate) of all temporary and permanent mitigation measures and, where applicable, any other monitoring and reporting conditions of [a permit or approval a Fisheries Act authorization, Endangered Species Act permit, or Species at Risk Act permit](#) as specified in Table B, ~~including and providing~~ [provide](#) field fit advice and necessary corrective actions for issues of non-compliance;

**Table B
 Qualified Fisheries Contracts Specialist - Oversight Requirements**

<u>Waterbody, Crossing/Structure ID, & Location</u>	<u>Mitigation Measures and Monitoring Conditions of an Authorization / Permit</u>	<u>Measures to Protect Fish and Fish Habitat</u>	<u>Minimum Frequency</u>
*	**	***	****

Designer Fill-Ins for Table B

- * Fill-in each waterbody, Crossing/Structure ID, and location where monitoring is required, using the applicable information from Table A. waterbody name and location (i.e. Township (where applicable), Station #, Culvert #, GPS coordinates, Highways station(s) Left/Right etc.)
- ** Fill-in the mitigation measures and, where applicable, monitoring conditions as specified in, the Fisheries Act authorization, Endangered Species Act permit/exemption, or Species at Risk Act permit.
- *** Fill-in the measures to protect fish and fish habitat (OPSS, tender item title, and code number).
- **** Fill-in associated monitoring frequency (i.e., Continuous, once per day, twice per week, etc.)

Table B (Sample)
Qualified Fisheries Contracts Specialist - Oversight Requirements

<u>Waterbody, Crossing/ Structure ID, & Location</u>	Mitigation Measures and Monitoring Conditions of an Authorization / Permit	Measures to Protect Fish and Fish Habitat	Minimum Frequency
<p>Sta 14+100 Cold FishBruce Creek CV-0090-0017- 9999 Sta 14+100</p>	All instream work shall be completed in the dry by isolating and dewatering the work area.	<ul style="list-style-type: none"> • OPSS 182 • OPSS 517 • SSP 517F01 • Special Provision No. 199F31 - Environmental Exemptions and Permits • OPSD 221.020 • OPSD 219.240 • OPSD 219.150 • Dewatering – Item No. ## • Temporary Flow Passage System – Item No. ## 	Daily during installation and decommissioning; Weekly monitoring otherwise.
	Capture and relocate fish in accordance with the Licence to Collect Fish for Scientific Purposes		
	Collect and submit voucher specimens as specified in the SARA Permit		
	All dewatering and temporary flow control shall be done in a manner which prevents the release of sediment.		
	The duration of soil exposure shall be limited to the minimum required to complete the work.	<ul style="list-style-type: none"> • Operational Constraint: Erosion and Sediment Control - General • OPSS 803 • OPSS 804 • SSP 804F02 • OPSS 805 • SSP 805F01 • Topsoil from Stockpiles - Item No. ## • Seed and Mulch - Item No. ## • Seed and Erosion Control Blanket - Item No. ## 	During each site visit and, at a minimum, weekly.
	The size of disturbed areas shall be limited by minimizing nonessential clearing and grading.		
	Reinstate and re-establish any portion of waterbody disturbed during construction to pre-construction condition or better.		
	Appropriate temporary erosion and sediment control measures shall be used to isolate the work area.	<ul style="list-style-type: none"> • OPSS 804 • SSP 804F02 • OPSS 805 • SSP 805F01 Special Provision No. 805F01 – Amendment to OPSS 805, November 2015 • Fibre Roll Flow Check Dams – Item No. ## • Sediment Fence Barriers – Item No. ## 	During each site visit and, at a minimum, weekly.
	Sediment and erosion control measures shall remain in place and be maintained until vegetation has take been established .		
	Fisheries habitat measures to be installed as per the contract drawings and as specified in Fisheries Act authorization and SARA permit .	<ul style="list-style-type: none"> • Special Provision No. 199F31 - Environmental Exemptions and Permits 	Daily during installation; Weekly until end of construction to ensure function.
Complete construction documentation and monitoring as specified in the Fisheries Act authorization and SARA permit .	<ul style="list-style-type: none"> • Special Provision No. 199F31 - Environmental Exemptions and Permits 	According to the schedule specified in the Fisheries Act authorization and SARA permit .	

Option 3

Insert the following where additional mitigation measures beyond those stated elsewhere in the Contract must be implemented to avoid causing harm to fish and/or fish habitat.

182.07.08 Fish Protection

Subsection 182.07.08 of OPSS 182 is amended by the addition of the following clause:

182.07.08.06 Additional Measures to Avoid Harm to Fish and/or Fish Habitat

Measures listed in Table C shall be implemented at the specified locations.

**Table C
Additional Measures to Avoid Harm to Fish and/or Fish Habitat**

<u>Waterbody, Crossing/Structure ID, & Location</u>	Type of Work	Additional Measures to Avoid Harm
*	**	***

Designer Fill-in for Table C

- * Fill in each waterbody, Crossing/Structure ID, and location where additional measures to avoid harm are required, using the applicable information from Table A~~Fill in each waterbody name and location (i.e. Station #, Culvert #, GPS coordinates, Highways station(s) Left/Right etc.).~~
- ** Fill in the type of work being carried out that may cause harm to fish.
- *** Identify additional measures that are required to avoid harm to fish that are not specified elsewhere in the Contract Documents. This Special Provision shall not be used to direct work that is specified elsewhere under separate tender items associated with in-water work.

**Table C (Sample)
Additional Measures to Avoid Harm to Fish and/or Fish Habitat**

<u>Waterbody, Crossing/Structure ID, & Location</u>	Type of Work	Additional Measures to Avoid Harm
<u>Sta 14+200 White Sueker Creek Bass Creek (14+325; 7.8 Rt to 14+335; 7.8 Rt)</u>	Aquatic Vegetation Salvage	Remove aquatic vegetation from the work area. Keep it watered or soaking in water and shaded to prevent it from drying out. Return to waterbody once the works are completed.
<u>Sta 14+700 Bass Creek Sturgeon River 99-999/C (Sta 16+750)</u>	Culvert Replacement	<u>Follow</u> Operational constraints and protection measures in the <u>MTO Fisheries</u> Best Management Practice for Like-for-Like Culvert Replacement

WARRANT: When there is in-water work, and/or; when additional measures to avoid harm to fish are required, and/or; when it is deemed appropriate that oversight monitoring is to be conducted by an ~~Qualified MTO~~ Fisheries Contracts Specialist.