BRITISH COLUMBIA

MINISTRY OF ENVIRONMENT,

Environment & Lands Cariboo Region

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Your File:
Our File: 34000-00
Fish- Policy and Procedures

February 24, 2000

Attention: District Managers; Ray Zimmerman

Dear Sirs:

Re: Local Area Agreements:

Based on the comments I received back on the draft LAA, I have modified some parts of the document. Reference to stepped pools and cascades have been removed due to the many possible conditions that can exist relative to those features. I believe the existing section on barriers to fish passage is adequate. Responses to the other identified issues are as follows:

1st **Order streams**: Consistent with the concept of a category 1 LAA, Cariboo Region MOE fisheries staff have determined that use of stream order is suitable as the primary factor in determining streams with low risk of fish presence and low consequence of damage if fish are present.

Over time experience gained from systematic watershed-based inventories will serve to better determine criteria defining streams with low probability of fish presence. It is possible that reaches within some higher order streams do not contain fish.

2. **Provision of annual map updates to MOF/MELP showing stream classifications**: It is important that a consolidated map of stream classifications be compiled and updated for the region. Digital information respecting stream classifications must be compiled by licensees in the preparation of their FDPs. Submission of that digital layer to government for the purpose of updating the consolidated map appears to be the most expedient and least cost method of proceeding.

Please consider this revised package. Licensees interested in pursuing an LAA based on the attached process should contact the District Manager in their area of operation. District Managers who are interested in proceeding further should then contact me.

DFO has not made any regional representation in the process to this point.

Sincerely,

A. Robin Hoffos
A/Section Head; Habitat Protection

Cariboo Forest Region, Local Area Agreement for Category 1 Streams

Acceptable Classification/Fish Inventory Process for Streams with Suspected Low Probability of Fish Presence

Introduction

This Local Area Agreement (LAA) is an agreement among stakeholders (the Ministry of Environment Lands and Parks, the Ministry of Forests, and forest licensee) regarding an acceptable method for identifying certain small streams as fish bearing or non-fish bearing.

Information used as the basis of this agreement includes the physical attributes of the streams pertinent to fish habitat, drainage connectivity, and knowledge of fish distribution.

The Forest Practices Code applies more stringent constraints to forest practices in and adjacent to fish streams in recognition of their higher aquatic values compared to streams without fish. Application of these constraints was intended only for streams where fish are actually present at some time of the year. This agreement, through risk management, is intended to reduce the expense and time of conducting the detailed fish surveys needed to prove fish absence where the risk and consequence of error is low (see Category 1 streams as defined in the LAA Provincial Framework document).

Competence

Use of this LAA requires a reasonable knowledge of downstream fish distribution. User competence in stream classification and application of Fish Stream Identification (FSID) Guidebook procedures and terms is essential to the appropriate function of this agreement.

Application

Although not required, it is recommended that this procedure be applied on a systematic watershed or sub-basin basis wherein fish presence/absence is determined for the drainage area.

1. This LAA, **including the attached flow chart,** will be applied as an acceptable inventory in accordance with the Fish Stream Identification Guidebook (1998) regarding methods of identifying a stream as fish bearing or non-fish bearing.
2. This LAA will apply to participating licensees within the Cariboo Forest Region.
3. Users of this LAA commit to:
    - implement the procedures in a step-wise and systematic fashion using both the text and flow chart for guidance.

- develop and retain digital and paper editions of a consolidated map (which may become part of a aggregated Forest District map) indicating the known classification and method of classification for streams within their area of operations, including locations of identified fish passage barriers. Licensees will provide MOF and MELP with a 1:20,000 or finer (1:10,000) TRIM map annually, showing updated stream classifications.

4. Any party finding an error in the classification of streams or stream reaches determined under this LAA will advise the other affected parties of the error in a timely manner.
5. This LAA will be assessed for efficiency prior to December 31, 2000 and may be replaced or modified as necessary after consultation with those involved or due to changes in legislation and/or regulations that give direction to this LAA.
6. It remains the responsibility of licensees to ensure that fish and fish habitat as defined by the Canada *Fisheries Act* are protected from direct or indirect adverse effects of licensee activities.
7. All signatories acknowledge that the FPC *Timber Harvesting Practices Regulation 6* remains in effect, notwithstanding this local area agreement.

Definitions:

1. Barrier to fish passage

A barrier to fish passage is a permanent topographic feature which results in no passable connection for fish between a reach and potential or documented fish bearing waters. Examples of such barriers are:

a) Falls: A vertical drop of >1.5 m over bedrock. If salmon may use the stream, then a vertical drop of > 2.5m over bedrock is required. This is a barrier to upstream fish movement only.

b) Discontinuities: Locations where there is a discontinuous channel for > 5 meters or the stream flows into a wetland with no outlet. No channel is visible and **no overland flow or ponding** connects the reach to fish bearing waters **at any time of the year.** There is **no subterranean channel** connection to fish bearing waters. This is barrier to both upstream and downstream fish movement.

The location of each barrier should be marked on a 1:20,000 or 1:10,000 TRIM map base, and with a brief written rationale, should be provided to MELP/MOF. The District Manager or DEO can then make the barrier "known" if appropriate, and the barriers can be added to fish inventory maps.

If there is uncertainty whether a feature constitutes a barrier to fish passage, have it assessed by a qualified fisheries biologist or assume that passage is possible.

2. Fish

The definition of fish includes those species of fish described under the FPC Operational Planning Regulation definition of "fish stream".

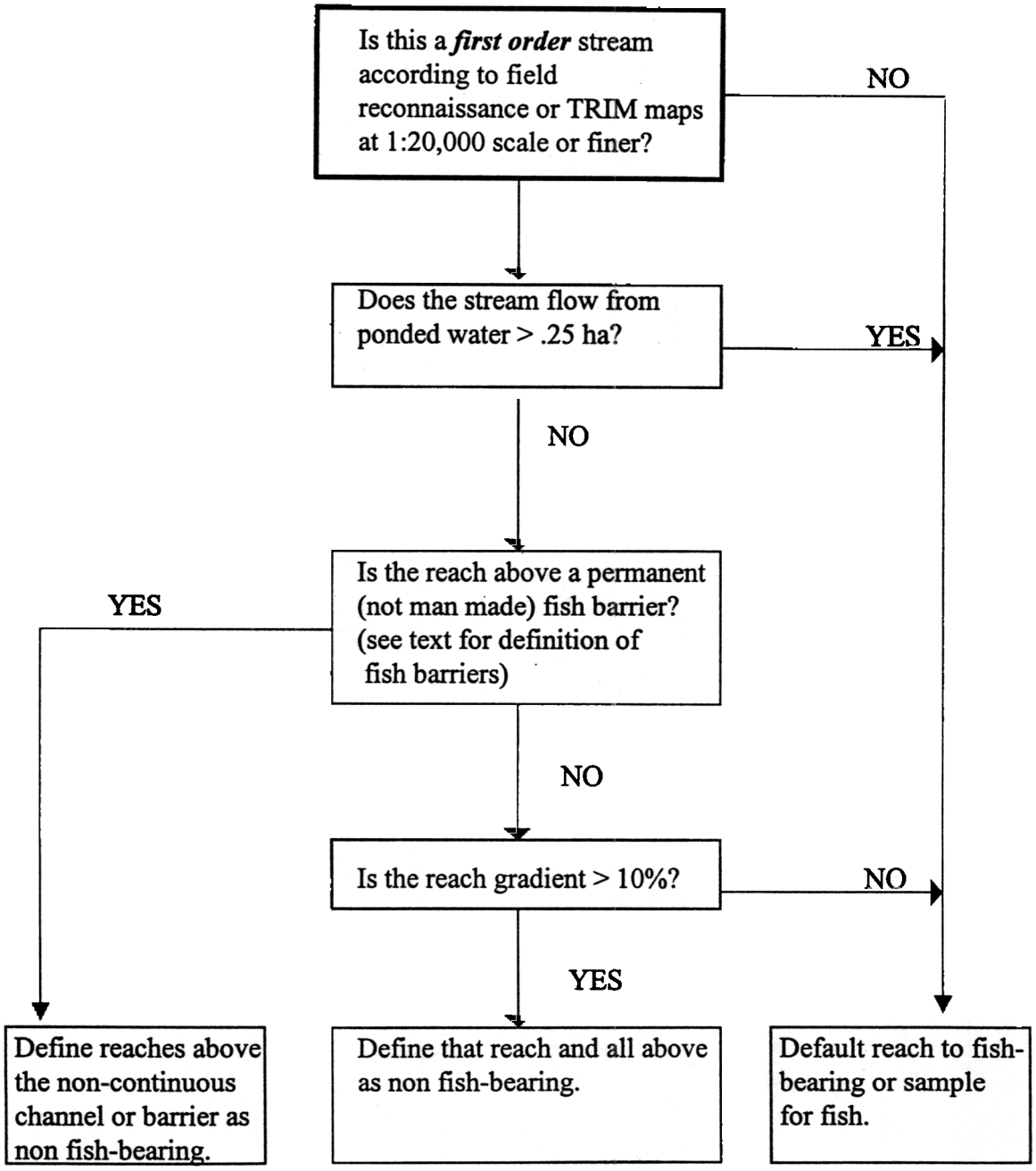
3. First Order Stream

"First order streams are headwater streams that have no tributaries." (Fish Habitat Assessment Procedures, 1996).

Additional District Specific Inventory Priorities and Commitments

Signatories to this agreement:

District Manager, MOF
Habitat Protection Section Head, MELP
Licensee Representative
Regional DFO representative (at DFO option)

Acceptable Fish Inventory Process for Streams with Low Probability of Fish Presence

Note: Proceed through this chart in a step-wise fashion.