

APPENDIX B – DFO OPERATIONAL STATEMENTS



BRIDGE MAINTENANCE

Fisheries and Oceans Canada
Manitoba Operational Statement

Version 3.0

Bridge maintenance is undertaken to extend the life of the structure and to ensure that it functions as designed, thus ensuring public safety. This Operational Statement applies only to: deck sweeping and washing to remove traction material (e.g., sand and salt residue), cleaning of all bridge components (substructure, superstructure and deck), the removal and application of protective coatings, deck wearing surface replacement, the removal of debris to protect piers and abutments, and structural repairs.

Bridge maintenance activities have the potential to negatively impact fish and fish habitat by introducing sand, sediments, deck surface materials such as concrete and asphalt, and other deleterious substances (e.g., salt, paint, solvents, oil and grease) into watercourses. Removal of woody debris and riparian vegetation may alter natural habitat features and flows that exist in the watercourse. Operation of machinery may impact habitat on the banks and bed, and result in erosion and sedimentation. Placement of rock to stabilize structures may alter natural habitat and flows, and block fish passage.

Fisheries and Oceans Canada (DFO) is responsible for protecting fish and fish habitat across Canada. Under the *Fisheries Act* no one may carry out a work or undertaking that will cause the harmful alteration, disruption or destruction (HADD) of fish habitat unless it has been authorized by DFO. By following the conditions and measures set out below you will be in compliance with subsection 35(1) of the *Fisheries Act*.

The purpose of this Operational Statement is to describe the conditions under which it is applicable to your project and the measures to incorporate into your project in order to avoid negative impacts to fish habitat. You may proceed with your bridge maintenance project without a DFO review when you meet the following conditions:

- the work does not include realigning the watercourse or replacing the existing bridge,
- the work does not involve new dredging, placing fill (e.g., filling scour pools) or excavating the bed or bank of the watercourse below the ordinary high water mark (HWM) (see definition below),
- explosives are not used to remove debris, including ice build-up,
- the withdrawal of any water will not result in reduction in the wetted width of a stream, and will not exceed 10% of the instantaneous flow, in order to maintain existing fish habitat, and

- you incorporate the *Measures to Protect Fish and Fish Habitat when Maintaining a Bridge* listed below in this Operational Statement.

If you cannot meet all of the conditions listed above and cannot incorporate all of the measures listed below then your project may result in a violation of subsection 35(1) of the *Fisheries Act* and you could be subject to enforcement action. In this case, you should contact the DFO office in your area if you wish to obtain DFO's opinion on the possible options you should consider to avoid contravention of the *Fisheries Act*.

You are required to respect all municipal, provincial or federal legislation that applies to the work being carried out in relation to this Operational Statement. The activities undertaken in this Operational Statement must also comply with the *Species at Risk Act* (www.sararegistry.gc.ca). If you have questions regarding this Operational Statement, please contact the DFO office in your area (see Manitoba DFO office list).

We ask that you notify DFO, preferably 10 working days before starting your work by filling out and sending the Manitoba Operational Statement notification form (www.dfo-mpo.gc.ca/regions/central/habitat/os-ao/prov-terr/index_e.htm) to the DFO office in your area. This information is requested in order to evaluate the effectiveness of the work carried out in relation to this Operational Statement.

Measures to Protect Fish and Fish Habitat when Maintaining a Bridge

1. Deck Sweeping

- 1.1. Adequately seal drains and open joints before sweeping to prevent material from falling into the watercourse.
- 1.2. Clean and remove debris and sediment from drainage devices and dispose of the material in a way that will prevent it from entering the watercourse.

2. Deck Washing

- 2.1. Sweep decks, including curbs, sidewalks, medians and drainage devices to remove as much material as practical before washing.
- 2.2. Adequately seal drains and open joints before washing to prevent sediment-laden wash-water from entering the watercourse.

- 2.3. Direct wash-water past the ends of the bridge deck to a vegetated area to remove suspended solids, dissipate velocity and prevent sediment and other deleterious substances from entering the watercourse. If this cannot be achieved, use silt fences or other sediment and erosion control measures to prevent wash-water from entering the watercourse.
- 2.4. When extracting water from a watercourse, ensure the intakes of pumping hoses are equipped with an appropriate device to avoid entraining and impinging fish. Guidelines to determine the appropriate mesh size for intake screens may be obtained from DFO (*Freshwater Intake End-of-Pipe Fish Screen Guideline* (1995), available at www.dfo-mpo.gc.ca/Library/223669.pdf).
- 2.5. Where possible, avoid using small streams as a source for water.

3. Removal and Application of Protective Coatings

- 3.1. Remove paint or protective coatings in a manner that prevents any paints, paint flakes, primers, blasting abrasives, rust, solvents, degreasers or other waste material from entering the watercourse.
- 3.2. Use measures such as barges or shrouding to trap and prevent blasting abrasives, protective coatings, rust and grease from entering the watercourse.
- 3.3. Contain paint flakes, abrasives, and other waste materials for safe disposal.
- 3.4. Store, mix and transfer paints and solvents on land and not on the bridge to prevent these materials from entering the watercourse in the event of a spill.
- 3.5. Do not clean equipment in the watercourse or where the wash-water can enter the watercourse.

4. Removal of Debris (e.g., including woody debris, garbage and ice build-up)

- 4.1. Unless the debris accumulation is an immediate threat to the integrity of the piers and abutments, time debris removal to avoid disruption to sensitive fish life stages by adhering to appropriate fisheries timing windows (see the *Manitoba In-Water Construction Timing Windows*), with the exception of ice build-up removal.
- 4.2. Limit the removal of material to that which is necessary to protect piers and abutments.
- 4.3. Remove debris by hand or with machinery operating from shore or a floating barge.
- 4.4. Emergency debris removal using hand tools or machinery (e.g., backhoe) can be carried out at any time of year. Emergencies include situations where carrying out the project immediately is in the interest of preventing damage to property or the environment, or is in the interest of public health or safety. DFO is to be notified immediately. **You should follow all other measures to the greatest extent possible.**
- 4.5. A separate Operational Statement exists for the removal of beaver dams and associated debris, and it applies to dams that are not directly connected or immediately adjacent to the bridge structure.

5. Structural Repairs and Reinforcements

- 5.1. Use barges or shrouding to trap and prevent concrete and other bridge materials from entering the watercourse.

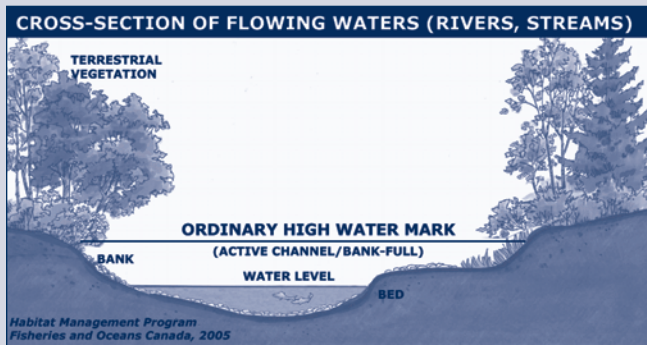
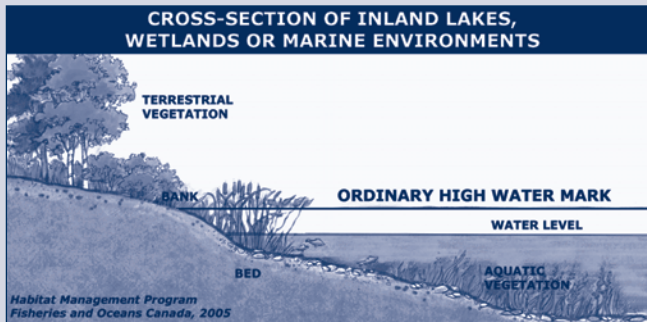
- 5.2. If replacement rock reinforcement/armouring is required to stabilize eroding areas around bridge structures (e.g., abutments and/or wing walls), the following measures should be incorporated:

- 5.2.1 Place appropriately-sized, clean rocks into the eroding area.
- 5.2.2 Do not obtain rocks from below the HWM of any water body.
- 5.2.3 Avoid the use of rock that is acid-generating. Also avoid the use of rock that fractures and breaks down quickly when exposed to the elements.
- 5.2.4 Install rock at a similar slope to maintain a uniform stream bank and natural stream alignment.
- 5.2.5 Ensure rock does not interfere with fish passage or constrict the channel width.
- 5.2.6 If any in-water work is involved, adhere to fisheries timing windows, as outlined in Measure 4.1 above.

- 6. If working from land, install effective sediment and erosion control measures before starting work to prevent the entry of sediment into the watercourse. Inspect them regularly during the course of construction and make all necessary repairs if any damage occurs.
- 7. While this Operational Statement does not cover the clearing of riparian vegetation, the removal of select plants may be required. This removal should be kept to a minimum and limited to the right-of-way of the bridge.
- 8. Operate machinery on land (from outside of the water) or on the water (i.e., from a barge or vessel) in a manner that minimizes disturbance to the banks or bed of the watercourse.
 - 8.1. Machinery is to arrive on site in a clean condition and is to be maintained free of fluid leaks.
 - 8.2. Wash, refuel and service machinery and store fuel and other materials for the machinery away from the water to prevent any deleterious substance from entering the water.
 - 8.3. Keep an emergency spill kit on site in case of fluid leaks or spills from machinery.
 - 8.4. Restore banks to original condition if any disturbance occurs.
- 9. Stabilize any waste materials removed from the work site to prevent them from entering the watercourse. This could include covering spoil piles with biodegradable mats or tarps or planting them with grass or shrubs.
- 10. Vegetate any disturbed areas by planting and seeding preferably with native trees, shrubs or grasses and cover such areas with mulch to prevent erosion and to help seeds germinate. If there is insufficient time remaining in the growing season, the site should be stabilized (e.g., cover exposed areas with erosion control blankets to keep the soil in place and prevent erosion) and vegetated the following spring.
 - 10.1. Maintain effective sediment and erosion control measures until re-vegetation of disturbed areas is achieved.

Definition:

Ordinary high water mark (HWM) – The usual or average level to which a body of water rises at its highest point and remains for sufficient time so as to change the characteristics of the land. In flowing waters (rivers, 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 so as to leave a mark on the land and where the natural vegetation changes from predominately aquatic vegetation to terrestrial vegetation (excepting water tolerant species). For reservoirs this refers to normal high operating levels (Full Supply Level).



Winnipeg Office

Fisheries and Oceans Canada
 Freshwater Institute
 501 University Crescent
 Winnipeg, Manitoba
 R3T 2N6
 Tel: (204) 983-5163
 Fax: (204) 984-2402

Dauphin Office

Fisheries and Oceans Canada
 101-1st Avenue N.W.
 Dauphin, Manitoba
 R7N 1G8
 Tel: (204) 622-4060
 Fax: (204) 622-4066

Aussi disponible en français

http://www.dfo-mpo.gc.ca/oceans-habitat/habitat/modernizing-moderniser/epmp-pmpe/index_f.asp



CULVERT MAINTENANCE

Fisheries and Oceans Canada
Manitoba Operational Statement

Version 3.0

Culvert maintenance is undertaken to extend the life of the structure and to ensure that it functions as designed, thus ensuring public safety and safe fish passage. Culvert maintenance includes the removal of accumulated debris (e.g., logs, boulders, garbage, ice build-up) that prevents the efficient passage of water and fish through the structure. Culvert maintenance may also include the reinforcement of eroding inlets and outlets, but does not include the replacement of damaged or destroyed bevel ends. Culverts requiring regular maintenance should be considered for future remediation via redesign or reinstallation.

Culvert maintenance activities can affect fish and fish habitat by the removal of woody debris that is important for cover and food production, by causing flooding and excessive stream scouring if blockages are removed too quickly, excessive erosion and sedimentation from the use of equipment along the stream bank, and disruption of critical fish life stages. Replacement of eroded rock armouring can alter flows and fish movement patterns if done excessively.

Fisheries and Oceans Canada (DFO) is responsible for protecting fish and fish habitat across Canada. Under the *Fisheries Act* no one may carry out a work or undertaking that will cause the harmful alteration, disruption or destruction (HADD) of fish habitat unless it has been authorized by DFO. By following the conditions and measures set out below you will be in compliance with subsection 35(1) of the *Fisheries Act*.

The purpose of this Operational Statement is to describe the conditions under which it is applicable to your project and the measures to incorporate into your project in order to avoid negative impacts to fish habitat. You may proceed with your culvert maintenance project without a DFO review when you meet the following conditions:

- the work does not include realigning the watercourse, installing a culvert liner or support struts, replacing damaged or destroyed bevels ends, or extending/replacing the existing culvert,
- explosives are not used to remove debris,
- the work does not include any dredging, infilling (e.g., filling scour pools) or excavation of the channel upstream or downstream of the culvert, and
- you incorporate the *Measures to Protect Fish and Fish Habitat when Maintaining Culverts* listed below in this Operational Statement.

If you cannot meet all of the conditions listed above and cannot incorporate all of the measures listed below then your project may result in a violation of subsection 35(1) of the *Fisheries Act* and you could be subject to enforcement action. In this case, you should contact the DFO office in your area if you wish to

obtain DFO's opinion on the possible options you should consider to avoid contravention of the *Fisheries Act*.

You are required to respect all municipal, provincial or federal legislation that applies to the work being carried out in relation to this Operational Statement. The activities undertaken in this Operational Statement must also comply with the *Species at Risk Act* (www.sararegistry.gc.ca). If you have questions regarding this Operational Statement, please contact the DFO office in your area (see Manitoba DFO office list).

We ask that you notify DFO, preferably 10 working days before starting your work by filling out and sending the Manitoba Operational Statement notification form (www.dfo-mpo.gc.ca/regions/central/habitat/os-eo/prov-terr/index_e.htm) to the DFO office in your area. This information is requested in order to evaluate the effectiveness of the work carried out in relation to this Operational Statement.

Measures to Protect Fish and Fish Habitat when Maintaining Culverts

1. Use existing trails, roads, or cut lines wherever possible to avoid disturbance to the riparian vegetation.
2. While this Operational Statement does not cover the clearing of riparian vegetation, the removal of select plants may be required. This removal should be kept to a minimum.
3. Unless accumulated material (i.e., branches, stumps, other woody materials, garbage, ice build-up, etc.) is preventing the passage of water and/or fish through the structure, time material and debris removal to prevent disruption to sensitive fish life stages by adhering to appropriate fisheries timing windows (see the *Manitoba In-Water Construction Timing Windows*). Any proposal to conduct such work under ice-covered conditions, with the exception of ice build-up removal, requires prior review by DFO.
4. Emergency debris removal using hand tools or machinery (e.g., backhoe) can be carried out at any time of year. Emergencies include situations where carrying out the project immediately is in the interest of preventing damage to property or the environment, or is in the interest of public health or safety. DFO is to be notified immediately. **You should follow all other measures to the greatest extent possible.**
5. Install effective sediment and erosion control measures before starting work to prevent sediment from entering the watercourse. Inspect them regularly during the course of

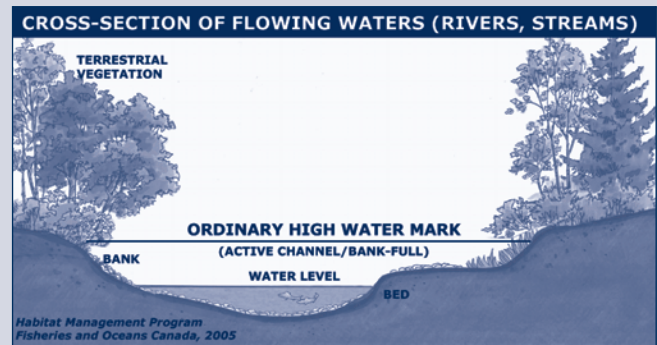
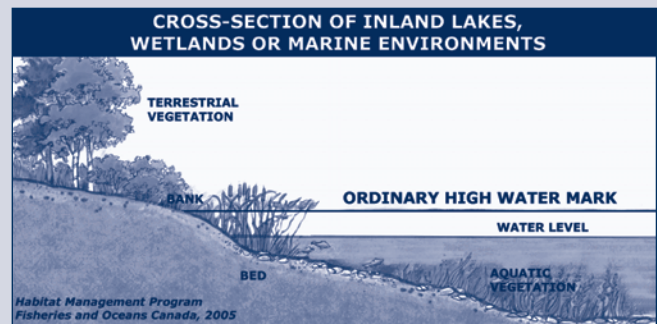
construction and make all necessary repairs if any damage occurs.

6. Limit the removal of accumulated material (i.e., branches, stumps, other woody materials, garbage, etc.) to the area within the culvert, immediately upstream of the culvert and to that which is necessary to maintain culvert function and fish passage.
7. Remove accumulated material and debris slowly to allow clean water to pass, to prevent downstream flooding and reduce the amount of sediment-laden water going downstream. Gradual dewatering will also reduce the potential for stranding fish in upstream areas.
 - 7.1. A separate Operational Statement exists for the removal of beaver dams and associated debris and it applies to dams that are not directly connected or immediately adjacent to the culvert structure.
8. Operate machinery on land (from outside of the water) and in a manner that minimizes disturbance to the banks of the watercourse.
 - 8.1. Machinery is to arrive on site in a clean condition and is to be maintained free of fluid leaks.
 - 8.2. Wash, refuel and service machinery and store fuel and other materials for the machinery away from the water to prevent any deleterious substance from entering the water.
 - 8.3. Keep an emergency spill kit on site in case of fluid leaks or spills from machinery.
 - 8.4. Restore banks to original condition if any disturbance occurs.
9. If replacement rock reinforcement/armouring is required to stabilize eroding inlets and outlets, the following measures should be incorporated:
 - 9.1. Place appropriately-sized, clean rocks into the eroding area.
 - 9.2. Do not obtain rocks from below the ordinary high water mark (see definition below) of any water body.
 - 9.3. Avoid the use of rock that is acid-generating. Also avoid the use of rock that fractures and breaks down quickly when exposed to the elements.
 - 9.4. Install rock at a similar slope to maintain a uniform stream bank and natural stream alignment.
 - 9.5. Ensure rock does not interfere with fish passage or constrict the channel width.
 - 9.6. If any in-water work is involved, adhere to fisheries timing windows, as outlined in Measure 3 above.
10. Stabilize any waste materials removed from the work site to prevent them from entering the watercourse. This could include covering spoil piles with biodegradable mats or tarps or planting them with grass or shrubs.
11. Vegetate any disturbed areas by planting and seeding preferably with native trees, shrubs or grasses and cover such areas with mulch to prevent erosion and to help seeds germinate. If there is insufficient time remaining in the growing season, the site should be stabilized (e.g., cover exposed areas with erosion control blankets to keep the soil in place and prevent erosion) and vegetated the following spring.
 - 11.1. Maintain effective sediment and erosion control

measures until re-vegetation of the disturbed areas is achieved.

Definition:

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 so as to change the characteristics of the land. In flowing waters (rivers, 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 so as to leave a mark on the land and where the natural vegetation changes from predominately aquatic vegetation to terrestrial vegetation (excepting water tolerant species). For reservoirs this refers to normal high operating levels (Full Supply Level).



FISHERIES AND OCEANS CANADA OFFICES IN MANITOBA

Winnipeg Office

Fisheries and Oceans Canada
Freshwater Institute
501 University Crescent
Winnipeg, Manitoba
R3T 2N6
Tel: (204) 983-5163
Fax: (204) 984-2402

Dauphin Office

Fisheries and Oceans Canada
101-1st Avenue N.W.
Dauphin, Manitoba
R7N 1G8
Tel: (204) 622-4060
Fax: (204) 622-4066

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MAINTENANCE OF RIPARIAN VEGETATION IN EXISTING RIGHTS-OF-WAY

Fisheries and Oceans Canada
Manitoba Operational Statement

Version 3.0

Rights-of-way are areas of land devoted to providing transportation corridors (e.g., highways, railways) or utilities (e.g., pipelines, power lines, water lines) that often intersect waterways. Vegetation is closely managed in these areas to prevent disruption to transportation or utilities (e.g., circuit outages, fires) and to ensure personal safety. Maintenance activities include mowing, brushing, topping and slashing of terrestrial vegetation. This Operational Statement applies only to existing rights-of-way at the location where they intersect and cross a water body.

Riparian areas are the vegetated areas adjacent to a water body and directly contribute to fish habitat by providing shade, cover and food production areas. Riparian areas are also important because they stabilize stream banks and shorelines. In order to minimize disturbance to fish habitat and prevent bank erosion, it is important to retain as much riparian vegetation as possible, especially the vegetation directly adjacent to the watercourse, in the right-of-way corridor.

Activities carried out to maintain riparian vegetation in existing rights-of-way can negatively impact fish and fish habitat by causing excessive loss of riparian vegetation, erosion and sedimentation, disturbance to the banks and the bottom of the water body from use of heavy equipment, and introduction of deleterious substances as a result of inadequate containment of spoil piles and improper maintenance of equipment.

Fisheries and Oceans Canada (DFO) is responsible for protecting fish and fish habitat across Canada. Under the *Fisheries Act* no one may carry out a work or undertaking that will cause the harmful alteration, disruption or destruction (HADD) of fish habitat unless it has been authorized by DFO. By following the conditions and measures set out below you will be in compliance with subsection 35(1) of the *Fisheries Act*.

The purpose of this Operational Statement is to describe the conditions under which it is applicable to your project and the measures to be incorporated into your project in order to avoid negative impacts to fish habitat. You may proceed with your right-of-way maintenance project without a DFO review when you meet the following conditions:

- the work involves the maintenance of vegetation in an **existing** right-of-way for a transportation or utility corridor and not construction of a new right-of-way,
- it is an existing right-of-way at the location where it intersects and crosses a water body,
- it involves the use of vegetative maintenance techniques that allow the root system to stay intact, to help bind the soil and encourage rapid colonization of low-growing plant species, and
- you incorporate the *Measures to Protect Fish and Fish Habitat when Maintaining Riparian Vegetation in Rights-of-Way* listed below in this Operational Statement.

If you cannot meet all of the conditions listed above and cannot incorporate all of the measures listed below then your project may result in a violation of subsection 35(1) of the *Fisheries Act* and you could be subject to enforcement action. In this case, you should contact the DFO office in your area if you wish to obtain DFO's opinion on the possible options you should consider to avoid contravention of the *Fisheries Act*.

You are required to respect all municipal, provincial or federal legislation that applies to the work being carried out in relation to this Operational Statement. The activities undertaken in this Operational Statement must also comply with the *Species at Risk Act* (www.sararegistry.gc.ca). If you have questions regarding this Operational Statement, please contact the DFO office in your area area (see Manitoba DFO office list).

We ask that you notify DFO, preferably 10 working days before starting your work by filling out and sending the Manitoba Operational Statement notification form (www.dfo-mpo.gc.ca/regions/central/habitat/os-ao/prov-terr/index_e.htm) to the DFO office in your area. This information is requested in order to evaluate the effectiveness of the work carried out in relation to this Operational Statement.

Measures to Protect Fish and Fish Habitat when Maintaining Riparian Vegetation in Rights-of-way

1. While this Operational Statement does not cover the complete clearing of riparian vegetation, the alteration (e.g., topping and pruning) of select plants may be necessary to meet operational and safety needs.
2. Combined maintenance activities (e.g., mowing, brushing, topping, slashing, etc.) will affect no more than one third (1/3) of the total woody vegetation, such as trees and shrubs, in the right-of-way within 30 metres of the ordinary high water mark (see definition below) in any given year.
3. When practicable, alter riparian vegetation in the right-of-way by hand. If machinery must be used, operate machinery on land and in a manner that minimizes disturbance to the banks of the water body.
 - 3.1. Machinery is to arrive on site in a clean condition and is to be maintained free of fluid leaks.
 - 3.2. Wash, refuel and service machinery and store fuel and other materials for the machinery, which include hand

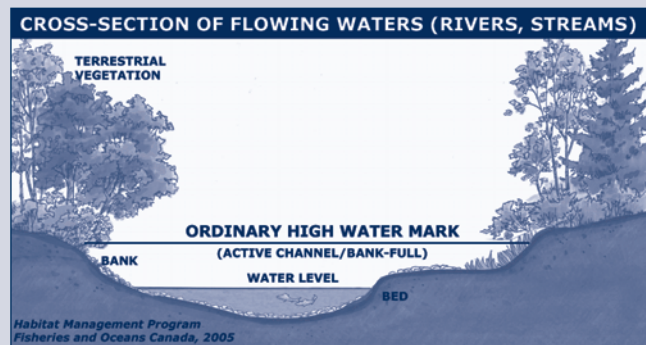
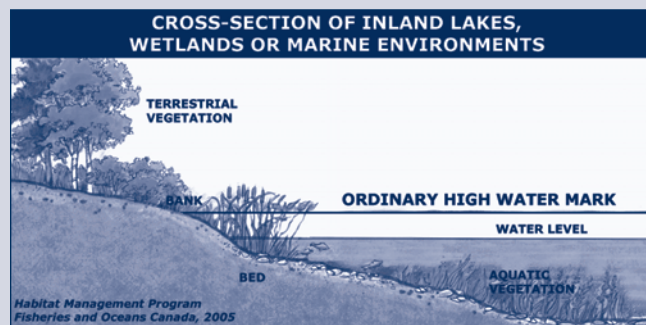
tools, at locations away from the water to prevent any deleterious substance from entering the water body.

- 3.3. Keep an emergency spill kit on site in case of fluid leaks or spills from machinery.
 - 3.4. Restore banks to original condition if any disturbance occurs.
4. Machinery fording the watercourse to bring equipment required for maintenance to the opposite side is limited to a one-time event (over and back) and should occur only if an existing crossing at another location is not available or practical to use. A *Temporary Stream Crossing Operational Statement* is also available.
- 4.1. If minor rutting is likely to occur, stream bank and bed protection methods (e.g., swamp mats, pads) should be used provided they do not constrict flows or block fish passage.
 - 4.2. Grading of the stream banks for the approaches should not occur.
 - 4.3. If the stream bed and banks are steep and highly erodible (e.g., dominated by organic materials and silts) and erosion and degradation are likely to occur as a result of equipment fording, then a temporary crossing structure or other practice should be used to protect these areas.
 - 4.4. The one-time fording should prevent disruption to sensitive fish life stages by adhering to appropriate fisheries timing windows (see the *Manitoba In-Water Construction Timing Windows*).
 - 4.5. Fording should occur under low flow conditions and not when flows are elevated due to local rain events or seasonal flooding.
5. When altering a tree that is located on the bank of a water body, ensure that the root structure and stability are maintained.
6. Stabilize any waste materials removed from the work site to prevent them from entering the water body. This could include covering spoil piles with biodegradable mats or tarps. All long-term storage of waste materials should be kept outside of the riparian area.
7. In order to prevent erosion and to help seeds germinate, vegetate any disturbed areas by planting and seeding preferably with native trees, shrubs or grasses and cover such areas with mulch. If there is insufficient time remaining in the growing season, the site should be stabilized (e.g., cover exposed areas with erosion control blankets to keep the soil in place and prevent erosion) and vegetated the following spring.
- 7.1. Maintain effective sediment and erosion control measures until re-vegetation of disturbed areas is achieved.

Definition:

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 so as to change the characteristics of the land. In flowing waters (rivers, 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 so as to leave a mark on the land and where the natural vegetation changes from predominately aquatic vegetation to terrestrial vegetation (excepting water tolerant species). For reservoirs this refers to normal high operating levels (Full Supply Level).



FISHERIES AND OCEANS CANADA OFFICES IN MANITOBA

Winnipeg Office

Fisheries and Oceans Canada
Freshwater Institute
501 University Crescent
Winnipeg, Manitoba
R3T 2N6
Tel: (204) 983-5163
Fax: (204) 984-2402

Dauphin Office

Fisheries and Oceans Canada
101-1st Avenue N.W.
Dauphin, Manitoba
R7N 1G8
Tel: (204) 622-4060
Fax: (204) 622-4066

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