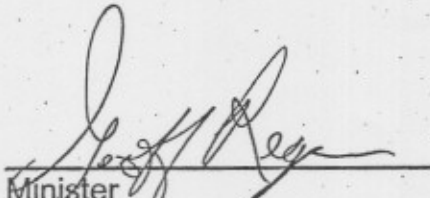


MEMORANDUM OF UNDERSTANDING  
RESPECTING THE IMPLEMENTATION OF CANADA'S OCEANS STRATEGY ON  
THE PACIFIC COAST OF CANADA

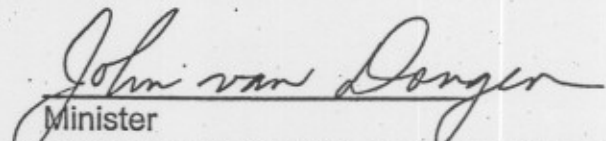
The attached Memorandum of Understanding respecting the implementation of Canada's Oceans Strategy on the Pacific Coast of Canada was signed on this date on behalf of the Government of Canada and the Government of British Columbia (the "Parties").

September 18, 2004.

FOR CANADA:

  
Minister  
Department of Fisheries and Oceans

FOR BRITISH COLUMBIA:

  
Minister  
Ministry of Agriculture, Food and Fisheries

## WHEREAS:

- A. Canada's Oceans Strategy is the national policy statement released by Canada in July 2002 that sets out a policy framework and strategic direction for the management of estuarine, coastal and marine ecosystems pursuant to the *Oceans Act*, which authorizes the Minister of Fisheries and Oceans to lead and facilitate the development and implementation of a national strategy for the management of estuarine, coastal and marine ecosystems.
- B. Canada and British Columbia are actively cooperating in the implementation of Canada's Oceans Strategy through the Oceans Task Group of the Canadian Council of Fisheries and Aquaculture Ministers ("CCFAM"), and the Pacific Council of Fisheries and Aquaculture Ministers ("PCFAM").
- C. British Columbia has placed a priority on marine protected areas, coastal and marine planning, information management, state of the oceans reporting systems, sustainable aquaculture development, and responsible offshore oil and gas development.
- D. Canada has placed a priority on a marine protected areas framework, on coastal and oceans management planning, and sustainable ocean industries.

**NOW THEREFORE** Canada and British Columbia (the "Parties") have reached the following understanding:

### 1.0 PURPOSE

- 1.1 The purpose of this Memorandum of Understanding is to provide for further collaboration among the Parties to advance the implementation of specific activities and objectives identified in Canada's Oceans Strategy aimed at "Understanding and Protecting the Marine Environment" and "Supporting Sustainable Economic Opportunities" on the Pacific coast of Canada.

### 2.0 IMPLEMENTATION

- 2.1 The Parties agree to develop subsidiary memoranda of understanding or agreements on the following:
  - (a) a marine protected areas framework for the Pacific coast that will aim for the coordinated establishment of marine protected areas. Development of this subsidiary memorandum of understanding will be led by the Department of Fisheries and Oceans and the Ministry of Sustainable Resources Management in cooperation with Environment Canada, Parks Canada, and Natural Resources Canada. It will outline appropriate mechanisms, processes and structures to coordinate the review and establishment of new marine protected areas, and will include an assessment of existing federal and provincial marine protected areas;
  - (b) the roles and responsibilities of the Parties in coastal planning and integrated oceans management planning and a method by which they will collaborate in undertaking their respective responsibilities. Development of this subsidiary memorandum of understanding will be led by the Department of Fisheries and Oceans and the Ministry of Sustainable Resource Management in cooperation with Environment Canada, Parks Canada, and Natural Resources Canada, and will ensure both federal and provincial planning and management processes adequately consider sustainable development and the involvement of First Nations;

- (c) the cooperative development of an integrated ocean information management system to support science based decision-making and sustainable development. Development of this subsidiary memorandum of understanding or agreement will be led by the Department of Fisheries and Oceans and the Ministry of Sustainable Resource Management. It will address information requirements, information standards, warehousing and access to information by government and non-government users;
- (d) The cooperative development of indicators for oceans management, state of the environment and sustainability reports, including environmental, social and economic indicators for the Pacific coast of Canada. Development of this subsidiary memorandum of understanding will be led by the Department of Fisheries and Oceans and the Ministry of Water, Land and Air Protection in cooperation with Environment Canada, Parks Canada, and Natural Resources Canada and may involve collaboration relating to information exchange and integration of indicators respecting the health of the marine environment and associated ecosystems, social, cultural and economic aspects that play a role in sustainable coastal development;
- (e) the streamlining and harmonization of federal and provincial regulatory decision-making processes for shellfish and finfish aquaculture. Development of this subsidiary memorandum of understanding or agreement will be led by the Department of Fisheries and Oceans and the Ministry of Agriculture, Food and Fisheries with LWBC;
- (f) the establishment of a process to facilitate gathering and sharing of information, including scientific or technical, related to offshore oil and gas resources. Development of this subsidiary memorandum of understanding or agreement will be led by the Department of Natural Resources and the British Columbia Offshore Oil and Gas Team in cooperation with the Department of Fisheries and Oceans, Environment Canada, Parks Canada; and
- (g) other matters that may be identified for future collaboration and negotiation.

2.2 The Parties intend that the lead federal and provincial departments, ministries and agencies identified in section 2.1 will engage and coordinate the participation of other federal and provincial departments, ministries and agencies in the development of the subsidiary memoranda of understanding or agreements, as required.

2.3 The Parties also intend that all of the subsidiary memoranda of understanding or agreements referred to in section 2.1 will address the need to undertake consultations with relevant federal and provincial departments, ministries and agencies, First Nations, local governments, local communities and interest groups, as may be required in order to develop and implement the provisions of those memoranda of understanding or agreements.

2.4 The Parties and implementing departments and agencies will make every effort to conclude the subsidiary memoranda of understanding referred or agreements to in section 2.1 within twelve months of the date of this Memorandum of Understanding.

### 3.0 EFFECT AND INTERPRETATION

3.1 This Memorandum of Understanding is an expression of the mutual intentions of the Parties and is not legally binding on them or enforceable against them.

- 3.2 This Memorandum of Understanding may be amended through the mutual, written consent of the Parties. When amendment is for the addition of new subsidiary memoranda of understanding or agreements, the amendment may include the addition of new implementing departments and agencies.
- 3.3 Nothing in this Memorandum of Understanding will be construed to be prejudicial to the interests of the Parties concerning ownership or jurisdiction of coastal and marine areas and the seabed.

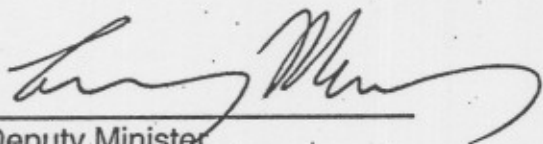
#### 4.0 PROCESS MANAGEMENT

- 4.1 For the purposes of management oversight, the British Columbia Minister of Agriculture, Food and Fisheries and the Federal Minister of Fisheries and Oceans are designated as the ministerial champions for this Memorandum of Understanding.
- 4.2 The implementing federal and provincial departments, ministries and agencies (Annex 1) will meet regularly (at least four times per year) to review progress, provide necessary direction, ensure coordination and harmonization of initiatives, and resolve issues or concerns.
- 4.3 Regular progress reports on the negotiation and implementation of the agreements or memoranda of understanding referred to in section 1.1 will be prepared and submitted to the PCFAM.

Annex 1: Mandate and Commitment of Implementing Federal and Provincial Departments, Ministries and Agencies

The undersigned representatives of federal and provincial departments, ministries and agencies commit to implementation of the Memorandum of Understanding Respecting the Implementation of Canada's Oceans Strategy on the Pacific coast of Canada, dated, August 2004.

1. The Department of Fisheries and Oceans is the lead federal agency responsible for the implementation of the *Oceans Act* and Canada's Oceans Strategy in collaboration with other federal departments and agencies, with provincial and territorial governments, and all other affected parties. The Department of Fisheries and Oceans is also responsible for the implementation of the *Fisheries Act*.



Deputy Minister  
Department of Fisheries and Oceans

- 2: The Parks Canada Agency, in accordance with the *Canada National Marine Conservation Areas Act*, is responsible for establishment of national marine conservation areas and national marine conservation area reserves on the Pacific coast of Canada, in cooperation with the Department of Fisheries and Oceans, other federal departments and agencies, and with provinces and territories.



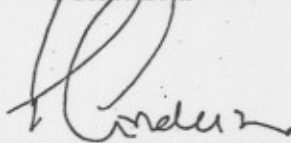
Chief Executive Officer  
Parks Canada Agency

3. The Department of Environment is the lead federal agency responsible for the implementation of the *Canada Wildlife Act*, the *Migratory Birds Convention Act*, and the *Species at Risk Act* respecting wildlife and wildlife habitat, for the administration and enforcement of the *Canadian Environmental Protection Act*, and the pollution provisions of the *Fisheries Act*, and for meteorology.



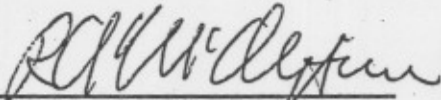
Deputy Minister  
Department of Environment

4. The Department of Natural Resources is the federal agency with responsibility for regulation of oil and gas resources in relation to frontier lands in offshore British Columbia.



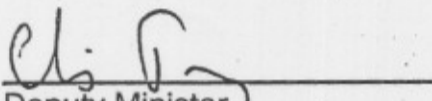
Deputy Minister  
Department of Natural Resources

5. The Ministry of Agriculture, Food and Fisheries is the lead provincial agency responsible for aquaculture and marine fisheries and it has a mandate to foster a competitive, economically viable and environmentally responsible aquaculture and fisheries industry in the Province of British Columbia.



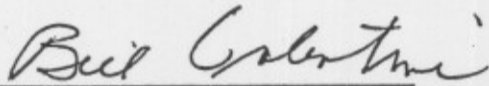
Deputy Minister  
Ministry of Agriculture, Food and Fisheries

6. The Ministry of Sustainable Resource Management is the lead provincial agency responsible for planning, policies and resource information in support of the sustainable economic development of Crown land, water and resources in the Province of British Columbia.



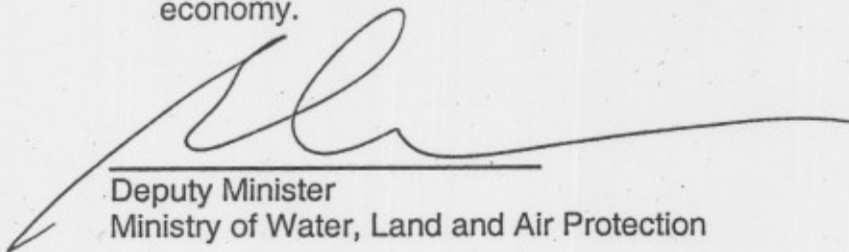
Deputy Minister  
Ministry of Sustainable Resource  
Management

7. The Minister of Sustainable Resource Management has delegated certain powers to Land and Water British Columbia Inc ("LWBC") to make dispositions of provincial Crown land, foreshore and aquatic land under the *Land Act*.



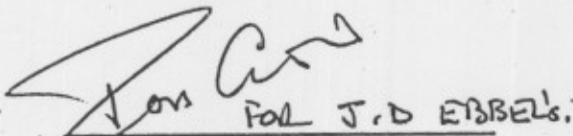
President and Chief Executive Officer  
Land and Water British Columbia Inc.

8. The Ministry of Water, Land and Air Protection is the lead provincial agency responsible for providing: environmental stewardship and protection of water, land, and air quality; environmental monitoring and reporting; and parks and protected areas management in a manner that contributes to a sustainable environment, healthy communities, recreational opportunities, and a strong, vibrant provincial economy.



Deputy Minister  
Ministry of Water, Land and Air Protection

9. The Ministry of Energy and Mines (through the British Columbia Offshore Oil and Gas Team) is the lead provincial agency with responsibility for the development of offshore oil and gas resources in relation to frontier lands in offshore British Columbia.



FOR J.D. EBBEL'S

Deputy Minister  
British Columbia Offshore Oil and Gas  
Team