

LETTER OF UNDERSTANDING
between
THE DEPARTMENT OF FISHERIES AND OCEANS
and
THE ISLANDS TRUST COUNCIL
concerning
THE PROTECTION OF ENVIRONMENTALLY SENSITIVE AREAS
THROUGH THE INTEGRATION OF MAPPED INFORMATION
AND POLICY DEVELOPMENT AND LAND USE PLANNING

This Letter of Understanding is directed toward the use of mapped information for mutual purposes, it is anticipated that the implementation of broader guidelines, criteria and standards for use of habitat areas will be the subject of a second Letter of Understanding on the protection of marine areas generally.

1.0 PURPOSES

- 1.1 To protect aquatic and fish habitats, riparian corridors and environmentally sensitive areas within the Islands Trust Area.
- 1.2 To promote cooperation and communication between the Department of Fisheries and Oceans and the Islands Trust Council for environmental conservation, with particular concern for the retention of vegetation around habitat areas in the Islands Trust Area.
- 1.3 To promote the effective use of resources through the sharing of information, technical support, a resource database and mutually acceptable guidelines, criteria and standards for achieving common goals.
- 1.4 To improve referral mechanisms for land use planning and regulation and assessment of development proposals.

2.0 PRINCIPLES

Both parties acknowledge the respective legislative mandate of the other party and agree to the following:

- 2.1 The object of the Islands Trust which is set out in Section 3 of the *Islands Trust Act* establishes the need to preserve and protect the Islands Trust Area and its unique amenities and environment for the benefit of the residents of the Islands Trust Area and of the Province generally.
- 2.2 The mandate of the Department of Fisheries and Oceans is to protect fish habitat defined as those parts of the environment "on which fish depend, directly or indirectly, in order to carry out their life processes" .

2.3 Nothing in this Agreement alters the legislatively mandated roles, responsibilities and duties of any of the parties.

3.0 INFORMATION BASE

3.1 The Department of Fisheries and Oceans will provide the Islands Trust Council with a biophysical information database that identifies environmentally sensitive areas, on a mutually agreed upon schedule for islands within the Trust Area..

3.2 The schedule for producing the biophysical mapping on an island by island basis shall be reviewed annually to ensure maximal coordination with the planning priorities chart of the Islands Trust Council.

3.3 The draft data will be reviewed for accuracy by the appropriate staff and committees of the parties, and may be forwarded, with the consent of all parties, to individuals or non -governmental organizations who are believed to have information or knowledge to contribute.

3.4 The Islands Trust Council will use the information base for policy development.

3.5 The Islands Trust Council will encourage local trust committees to utilize the information in making land use policy and regulatory decisions.

3.6 The Islands Trust Council agrees to update the cadastral portion of the information database annually, using a procedure mutually agreed to by all parties. The Department of Fisheries and Oceans shall transfer any new fisheries sensitive data into the resource information database. The information database may be expanded to include additional information and environmentally sensitive areas data received from other agencies when other parties are added to this Agreement.

3.7 If a development proposal contains land which appears to have the qualities of an environmental sensitive area, but which has not been so classified on the information base, the Islands Trust Council will refer the proposal to the other parties for consideration and possible reclassification.

4.0 CONSULTATION PROCESS

4.1 The parties will develop a mutually acceptable methodology regarding mapping sensitive and foreshore areas for use in developing land use policies and reviewing proposals.

4.2 The information will be available to the Islands Trust Council when making decisions that may impact on fish and fish habitat.

- 4.3. While reviewing proposals, the parties may require, from the proponent, additional information to assist them in reaching a decision on the development.
- 4.4 The Department of Fisheries and Oceans agrees, subject to availability of resources, to contribute the necessary support to provide Islands Trust staff and the public with their expertise in habitat protection as it pertains to development issues and to assist in the success of this new process.
- 4.5 Either party may request a meeting to discuss outstanding concerns before either party must render a decision. Such a meeting will occur within ten working days or other time period as may be mutually agreed to by the parties. The meeting will be arranged with other persons as mutually agreed.

5.0 TERMS

- 5.1 The key persons responsible for the administration of this Letter of Understanding are the Executive Director of the Islands Trust and the Area Chief, Habitat Management South Coast District of the Department of Fisheries and Oceans or their designates.
- 5.2 The parties agree that this Letter of Understanding may be amended at any time by mutual consent and may be terminated at any time by either party upon 90 days notice.
- 5.3 On an annual basis, the Executive Director of the Islands Trust and the Area Chief Habitat Management South Coast District of the Department of Fisheries and Oceans will meet to review the implementation of this agreement at the request of the Executive Director of the Islands Trust.
- 5.4 The Agreement is not limited to the above signatories and may include other agencies as agreed to by the original signatories.
- 5.5 The Islands Trust agrees to make available the information and maps resulting from this agreement.
- 5.6 The environmentally sensitive areas identification information provided by the Department of Fisheries and Oceans under this agreement is valued at \$50,000.00.