

LETTER OF UNDERSTANDING

on

TRANSPORT CANADA HARBOURS DOCK DIVESTITURE

within the

ISLANDS TRUST AREA

BETWEEN

Harbours and Ports Branch

Department of Transport Canada,
Government of Canada ("TCHP")
AND **Islands Trust Council** ("The
Islands Trust")

PREAMBLE

WHEREAS Transport Canada Harbours and Ports ("TCHP") Branch will be divesting its regional/local ports in accordance with the National Marine Policy announced on December 14, 1995.

AND WHEREAS the Islands Trust Council wish to ensure that community interests and any proposed land-use changes are addressed through local trust committees.

NOW THEREFORE the principles established in this letter of understanding shall form the basis for interagency cooperation during Transport Canada's regional port divestiture program within the Trust Area.

BACKGROUND

1. The TCHP Branch is to eliminate its responsibility and costs associated with the operation and maintenance of all regional/local ports.
2. Regional/local ports will be transferred to other federal departments, the provincial government, local governments, community organizations, private interests and other groups. Any sites that are not acquired by an organization or the public through the divestiture process may be closed and eventually removed.
3. Transfers to other federal departments, the provincial government, local government, or community groups will occur under the terms negotiated between the TCHP Branch Divestiture Team and the new entity.
4. The TCHP Branch does not have fee simple tenure of its properties at most sites. Rather, the sites are transferred to the TCHP Branch by the BC Lands Branch of the Ministry of Environment, Lands and Parks via an administrative instrument that includes a retrocession clause. The TCHP Branch will work with the BC Lands Branch in transferring a site to another organization.

5. Any fee simple properties owned by the TCHP Branch shall be divested at market value, unless formal approval is received from the appropriate authorities to do otherwise.

COOPERATION

6. The Islands Trust may assist the TCHP Branch in identifying parties that may be interested in acquiring a TCHP Branch divestiture site and transferring a site to such party.
7. The Islands Trust and the TCHP Branch shall work together in organizing public meetings on a site-by-site basis prior to the completion of a divestiture, as applicable.
8. The existing protocols between BC Lands and the Islands Trust are recognized and will be utilized by the TCHP Branch in proposing the transfer of a dock to another organization.
9. The TCHP Branch will give notice to the Islands Trust before a TCHP Branch dock is to be removed or closed.
10. The TCHP Branch will give notice to the Islands Trust of any short term closures of the TCHP Branch docks.
11. The primary persons responsible for administering this agreement are: the Executive Director of the Islands Trust; and the Regional Manager of the Divestiture of Harbours and Ports Harbours Branch, Department of Transport Canada.
12. The parties agree that this letter of understanding may be amended any time by mutual consent or cancelled upon 90 days notice of either party.
13. The letter of understanding will be reviewed annually upon notice of by the Executive Director or at any time as requested by either party.