

LETTER OF UNDERSTANDING

on

DEPARTMENT OF FISHERIES AND OCEANS DOCK DIVESTITURE

Within the

ISLANDS TRUST AREA

BETWEEN

Small Craft Harbours Branch

The Department of Fisheries and Oceans, Government of Canada ("SCHB")

AND

Islands Trust Council ("The Islands Trust")

PREAMBLE

WHEREAS the Small Craft Harbours Branch will be divesting its recreational Small Craft Harbours in accordance with the Spring 1995 Federal Budget.

AND WHEREAS the Islands Trust Council wishes 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 the Department of Fisheries and Oceans (DFO) Dock Divestiture program within the Trust Area.

BACKGROUND

1. SCHB is to eliminate all DFO responsibility and costs associated with the operation and repair of recreational harbours.
2. The divestiture process involves offering the sites identified for divestiture to other federal departments, the provincial government, local government, community groups and then the public via tender process, in that order of priority. Any sites that are not acquired by an organization or public through the divestiture process shall be barricaded and finally removed.
3. Transfers to other federal departments, the provincial government, local government, or community groups may be at nominal value if such site remains open for use of the public. SCHB must obtain approval from SCHB National Headquarters in Ottawa prior to transferring a site to another organization.
4. The SCHB does not have fee simple tenure of its properties at most sites. Rather, the sites are transferred to SCHB by the BC Lands Branch of the Ministry of Environment,

Lands and Parks via an administrative instrument that includes a retrocession clause. SCHB will work with BC Lands Branch in transferring a site to another organization.

5. Any fee simple properties owned by SCHB 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 SCHB in identifying parties that may be interested in acquiring a SCHB divestiture site and transferring a site to such party.
7. The Islands Trust and SCHB 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 SCHB in proposing the transfer of a dock to another organization.
9. SCHB will give notice to the Islands Trust before a DFO dock is to be removed or closed.
10. SCHB will give notice to the Islands Trust of any short term closures of DFO docks.
11. The primary persons responsible for administering this agreement are: the Executive Director of the Islands Trust; and the Regional Director of the Small Craft Harbours Branch, Department of Fisheries and Oceans.
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.