

LETTER OF UNDERSTANDING

on

FERRY SERVICE IN THE ISLANDS TRUST AREA

BETWEEN:

**BRITISH COLUMBIA
FERRY CORPORATION**

AND:

ISLANDS TRUST

September 16, 1994

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on
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BETWEEN:

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AND:

THE ISLANDS TRUST

1.0 PURPOSE

- 1.1 The purpose of this agreement is to foster an ongoing consultative process between Islands Trust and BC Ferries to coordinate their respective roles within the Trust Area relative to the land use implications of ferry services in accordance with the Protocol Agreement on ferry services in the Trust Area between the BC Ferry Corporation and the Islands Trust.

2.0 PRINCIPLE

- 2.1 This agreement acknowledges mutual respect for each agency's policies and areas of jurisdiction.
- 2.2 This agreement is consistent with the mandate of each agency, and conforms with and is subject to the *Islands Trust Act* and the *British Columbia Ferry Corporation Act*.

3.0 MANDATE AND ADMINISTRATIVE RESPONSIBILITIES

- 3.1 BC Ferries is responsible for satisfying its customers' needs for safe, efficient, effective and reliable ferry transportation services. As a publicly-owned Crown Corporation, BC Ferries facilitates economic and social development within the Province.

3.2 The Islands Trust through the following corporate entities is responsible for:

Trust Council - making recommendations to the Lieutenant Governor in Council respecting the acquisition, use and disposition by the Crown in right of the Province of land situated within the trust area, establishing general policies to carry out the object of the Trust, ensuring proposed local planning activities comply with the Trust object and policy statement;

Trust Fund Board - acquiring and holding land in perpetuity to protect significant environmental sites and features; and

Local Trust Committees - providing local land use planning and regulation and responding to the concerns of island resident and property owners.

4.0 OBJECTIVE

Specific objectives of this agreement are to:

- 4.1 Provide an efficient decision making process that is reasonable and fair.
- 4.2 Coordinate the inter-agency processes by which information is communicated and decisions are made.
- 4.3 Endorse a process for resolving disagreements on decisions.

5.0 DECISION MAKING

The following guidelines are endorsed for routine consultation between BC Ferries and Islands Trust on matters of mutual concern:

- 5.1 An annual meeting between senior officials shall be held at the beginning of the fiscal year to discuss initiatives, agency directions and items of mutual concern.
- 5.2 When planning activities are intended, early consultation will be initiated and terms of reference shall be exchanged.
- 5.3 Where proposed changes to the Islands Trust Policy Statement affect BC Ferries, a letter of intent with a description of the change will be referred to BC Ferries.
- 5.4 Input on ferry related issues shall be communicated from a local trust

committee through Islands Trust planning staff to B.C. Ferries' Manager, Planning and Research.

6.0 COORDINATION OF AGENCY PROCESSES

6.1 Major Review of Community Plan

- a. Terms of reference and boundary proposal for the Official Community Plan (OCP) are referred to the BC Ferries' Manager, Planning and Research at least 20 working days before the scheduled public hearing.
- b. Manager, Planning and Research or designate returns comments within 20 working days, regarding concerns, information, or research conducted by BC Ferries that would assist the OCP process.
- c. Should there be mutual agreement that a major community concern has developed over an issue involving BC Ferries in a community planning process, a BC Ferries designate will, whenever possible, work with the Trust to address such issues.
- d. First draft plan, with maps; and subsequently the final draft plan, maps, special projects, and appendices will be sent to BC Ferries for comments pertaining to the mandate of BC Ferries. At each stage, comments are due within 20 working days.
- e. Ten days prior to advertising a Public Hearing, the OCP bylaw together with a brief description of changes to the final draft will be sent to BC Ferries for comment. Comments should be received within the ten days prior to advertising the Public Hearing. Where there are outstanding concerns not satisfactorily addressed by the final OCP, BC Ferries will request a meeting as provided for in Section 7.0 of this agreement be held within 20 days.
- f. A certified copy of the adopted bylaw will be sent to the BC Ferries' Manager, Planning and Research.

6.2 Amendments to Regulating Bylaws

- a. After first reading and at least 20 working days prior to advertising for public hearing, bylaws affecting BC Ferries are referred to the BC Ferries' Manager, Planning and Research for comment.

- b. When BC Ferries has a major concern over a proposed bylaw amendment, at least 10 days prior to advertising for Public Hearing, staff will consult directly to determine how concerns may be addressed.
- c. Comments received from BC Ferries related to its mandate will be read out at Public Hearing.
- d. A certified copy of the adopted bylaw will be sent to the BC Ferries' Manager, Planning and Research.

6.3 Ferry Planning Initiatives

- a. BC Ferries will advise the Islands Trust upon the commencement of new planning initiatives within the Trust Area, provide progress reports when appropriate and provide a final report upon completion. The type of planning initiatives covered will include:
 - strategic planning initiatives including major changes in service, ships and terminals;
 - public consultation process; and
 - market research studies

7.0 RESOLUTION OF DISAGREEMENTS

- 7.1 Either BC Ferries or Islands Trust may request a meeting to discuss outstanding concerns not satisfactorily addressed by a decision.
- 7.2 Any meeting mutually agreed upon will address the reasons and rationale for the decision and will be concluded within ten working days or other time period as may be mutually agreed to by the parties.
- 7.3 The meeting will be arranged with the planning staff where possible, or with BC Ferries' management and Islands Trust Trustees and staff if necessary.
- 7.4 Where the above process is not successful and both BC Ferries and Islands Trust have demonstrated that all efforts have been made to resolve the issue, a further period of 20 working days shall be allotted prior to publication of, or public action on, the decision. This period will afford both parties the option of initiating ministerial discussion of the issue.

8.0 TERMS OF AGREEMENT

- 8.1 From time to time the Executive Director of the Islands Trust and BC Ferries' General Manager may amend this agreement upon mutual agreement.
- 8.2 This agreement will be reviewed by both parties every three years from the effective date, or upon 30 days written notice by either Islands Trust or BC Ferries.
- 8.3 It is recognized that both parties will provide reasonable effort within the limits of their resources to implement this agreement on the basis that:
- upon proper notification and follow-up, either agency may assume a non-response as an indication that the other agency does not have an objection to the proposed matter; and
 - neither party may assign responsibilities to the other.