

LETTER OF AGREEMENT

LOWER FRASER RIVER SEDIMENT REMOVAL PROGRAM

FOR THE PURPOSES OF FLOOD PREVENTION MANAGEMENT

EMERGENCY MANAGEMENT BC (EMBC) AND FISHERIES AND OCEANS CANADA (DFO)

APRIL 2010

RECOGNITION

Whereas, sediment within the Lower Fraser River, Mission to Hope, is accumulating and contributing to the flood risk by raising the bed of the river in relation to the height of the dikes, existing dikes within this area of the river are all at risk of overtopping or failure in the event of a reoccurrence of the ~~1984~~ 1894 flood of record (Ministry of Environment 2009¹).

Whereas, sediment removal from the Lower Fraser River is one of the methods used by the Provincial Government within the broader flood protection strategy of British Columbia; it is performed to ensure public safety, reduce the rising flood risk and control erosion.

Whereas Emergency Management BC (EMBC) is committed to taking action on reducing the flood risk to communities along the Lower Fraser River between Hope and Mission.

Whereas Fisheries and Oceans, Canada (DFO) is responsible to Parliament for administration of the *Fisheries Act* and for regulating impacts of human activities on marine and freshwater fish and fish habitat pursuant to the habitat protection provisions of the *Fisheries Act* and for application of the *Canadian Environmental Assessment Act* and the *Species at Risk Act*, guided by the "Policy for the Management of Fish Habitat" (Habitat Policy) and other related regulatory and policy documents, and fulfills this responsibility through implementation of its Habitat Management Program (A list of applicable regulations and policies is in Annex 1).

Therefore DFO will support and cooperate with EMBC's flood protection mandate, and EMBC will support and cooperate with DFO's mandate related to fish and fish habitat conservation and protection within the context of flood management.

Nothing in this agreement will fetter or impair the statutory responsibilities of either agency, nor abrogates or derogates from any Aboriginal, treaty or other rights of Aboriginal People.

PURPOSE OF THE AGREEMENT

The purpose of this agreement is to articulate the common recognition of the issue of flood protection and sediment removal in the Lower Fraser River and to reaffirm the continued collaboration between DFO and EMBC in the implementation of the sediment removal program in the Lower Fraser River. EMBC and DFO will work together to facilitate the process of sediment removal as one means for achieving the goal of flood hazard risk reduction, in a

manner that balances the need for flood protection with the mandate of fish and fish habitat conservation and protection.

EMBC and DFO agree to work together in the spirit of open communication, timely information sharing, cooperation and collaboration. EMBC and DFO will collaborate in such a way as to respect all regulatory and consultation requirements regarding sediment removal.

EMBC's objective, regarding sediment removal in the Lower Fraser River, is to maintain current the flood profile.

DFO's objective is to protect and conserve fish habitat in support of Canada's coastal and inland fisheries resources.

ROLES AND RESPONSIBILITIES

The Provincial Government, as represented by EMBC, is the proponent for sediment removal and responsible for taking action on reducing the flood hazard risk to communities along the Lower Fraser River, between Hope and Mission.

EMBC, as the proponent, will lead consultation on this program with each Party participating to fulfill their statutory requirements. As the proponent, EMBC is responsible for funding all works associated with data collection and scientific monitoring and their consultation activities regarding sediment removal projects.

The Province of British Columbia has responsibility for the management of fish and fisheries in non-tidal waters, guided by provincial policies, guidelines, standards and procedures; and therefore the Provincial Government, as represented by the Ministry of Environment (MoE) will be the lead on provincially managed fish interests in non-tidal waters.

The Federal Government, as represented by DFO has jurisdiction for all seacoast and inland fisheries, as provided for under the *Constitution Act, 1867*, and legislative responsibilities for the protection of fish habitat, as provided for in the federal *Fisheries Act*, guided by national policies, guidelines, standards and procedures. Pursuant to the Canada-British Columbia Fish Habitat Management Agreement DFO will be the lead on federally managed fish and fisheries in tidal waters, and in particular Pacific Salmon interests. DFO is also responsible to administer the Species at Risk Act (SARA) and related requirements pursuant to the Canadian Environmental Assessment Act (CEAA).

GOVERNANCE and PROCESS

The sediment removal program will be informed by scientific research, traditional First Nations knowledge, other stakeholder input through a consultative process, and experience gained through program implementation. The program will be guided by project assessment and monitoring, and adaptive management will be used as a critical component to inform an effective sediment removal program. An assessment and monitoring plan, being developed by

DFO and the MoE will guide the assessment and monitoring activities which includes data collection for the program.

EMBC and DFO agree to provide representation for a Technical Committee to provide technical advice, and a Management Committee as a decision making body to govern the Lower Fraser River Sediment Removal Program. The Management Committee does not have jurisdiction regarding statutory processes.

SIGNATURES

This Agreement comes into force upon signature by EMBC and DFO and will remain in effect until superseded by a new agreement or terminated by either of the parties. Either Canada or British Columbia can terminate this Letter of Agreement on three months written notice to the other Party.

This Letter of Agreement will be reviewed by respective senior executives three years after the date of its coming into force to evaluate its effectiveness and to make appropriate mutually acceptable adjustments as required. Additionally, the Letter of Agreement can be amended at any time with the approval of both Parties.

This Letter of Agreement signifies a continued spirit of collaboration between Emergency Management BC and Fisheries and Oceans Canada regarding sediment removal in the Lower Fraser River for the purpose of public safety.

Wes Shoemaker
Deputy Minister
Emergency Management BC

Paul Sprout
Regional Director General
Fisheries and Oceans Canada

¹ ([http://www.env.gov.bc.ca/wsd/public_safety/flood/pdfs_word/FraserUpdateFullReport\(NoMaps\).pdf](http://www.env.gov.bc.ca/wsd/public_safety/flood/pdfs_word/FraserUpdateFullReport(NoMaps).pdf))