

Cooperation Agreement

Respecting Fish/Forestry Interactions

Between: Department of Fisheries and Oceans (DFO)
And: BC Ministry of Forests and Range (MOFR)
And: BC Ministry of Environment (MOE)
And: BC Forest Industry

PREAMBLE:

Whereas, the *Constitution Act, 1867* assigns to the federal government exclusive jurisdiction for seacoast and inland fisheries AND the *Fisheries Act* sets out the powers and duties of the federal government with respect to the conservation and protection of fish habitat and the long-term sustainability of Canada's fisheries resources;

Whereas, the *Constitution Act, 1867* assigns to the provinces exclusive jurisdiction over matters dealing with property and civil rights, and the management of public lands, and matters of a local or private nature AND based on these heads of power and related to this Agreement, the province of British Columbia manages the forestry land base under the *Forest and Range Practices Act* and fisheries matters under the *Fish Protection Act*, *Water Act* and other related pieces of provincial legislation;

Whereas, Canada and British Columbia signed in 2000 the *Canada/BC Fish Habitat Management Agreement* to increase certainty, consistency and efficiency in the protection of fish habitat and the delivery of fish habitat programs;

Whereas, the federal government and the provinces in 1999 entered into an *Agreement on Interjurisdictional Cooperation with Respect to Fisheries and Aquaculture* that provides both the foundation for the Canadian Council of Fisheries and Aquaculture Ministers (CCFAM) and sets out the principles of co-operation on fisheries related matters;

Whereas, Canada and British Columbia are represented on the Pacific Council of Fisheries and Aquaculture Ministers (PCFAM) which is mandated to ;

Whereas, the provincial Joint Management and Steering Committees, responsible for the implementation of forestry legislation, policy and programs within British Columbia, is involved in coordinating intergovernmental fish/forestry matters;

Whereas, the Forest Industry in British Columbia is represented by a diverse group of corporations that advocate environmentally sound public policy that contributes to the global competitiveness of the industry;

Whereas, all parties recognize the importance of the fisheries and forestry values to the economic well-being and the social fabric of British Columbia communities and First Nations, AND all parties wish to work co-operatively to address fish and forestry interactions in a manner that serves the public interest consistent with the mandates and objectives of the parties; and

May 28, 2006 Draft

1

Whereas, all parties support and promote sustainable development to achieve or maintain a healthy environment and a healthy economy.

THEREFORE, the governments of Canada and British Columbia, and the Forest Industry, agree to recognize and affirm respective mandates and objectives and to work co-operatively to assist each party to achieve them while delivering on specific elements of this Agreement.

PURPOSE:

The purpose of this Agreement is to establish a cooperative working relationship to ensure that matters of common interest are undertaken or addressed in an effective, efficient, transparent, timely, coherent and coordinated manner.

SPECIFIC ELEMENTS:

The Parties will work cooperatively on fish/forestry initiatives in the areas of:

- research and monitoring,
- training and education,
- protection and compliance, and
- consultation and communication,

such that:

- (a) an annual workplan and annual report on activities will be prepared;
- (b) all workplan initiatives are guided by terms of reference that expressly recognize respective mandates and objectives;
- (c) each party is provided full and timely information about the conduct and findings of the initiatives;
- (d) each party has a meaningful opportunity to participate in the initiatives as well as any subsequent initiatives leading to changes in public policy, including legislation, affecting fish and forestry interactions;
- (e) best available science is utilized in formulating legislative, policy and program decisions;
- (f) due consideration is given to the economic and environmental costs and benefits of alternative approaches when formulating and implementing public policy affecting fisheries and forestry values; and
- (g) fisheries and forestry management practices are environmentally sound and contribute to globally competitive industries.

GOVERNANCE:

1. The annual report on activities will be submitted to, and the annual workplan will be approved by, the provincial Joint Management and Steering Committees.
2. The annual report on activities and approved workplan will be forwarded to PCFAM senior officials for information.

May 28, 2006 Draft

2

3. Senior representatives of the Parties to this Agreement will meet annually, or as required, to review relevant issues or initiatives.

TERM OF AGREEMENT:

1. This Agreement will be reviewed by respective senior representatives three years after the date of its coming into force to evaluate its effectiveness and to make appropriate mutually acceptable adjustments as required. Additionally, this Agreement can be amended at any time with the approval of all parties.
2. This Agreement can be terminated on three months notice by any party.

ISSUE RESOLUTION:

1. The parties will resolve issues regarding the implementation and delivery of this Agreement in a timely manner using mechanisms available at the staff and senior executive levels.

Agreed to this _____ day of _____, 2006

Regional Director General
Department of Fisheries and Oceans

ADM
Ministry of Forests and Range

ADM
Ministry of Environment

President
Council of Forest Industries

President
Coast Forest Products Association

May 28, 2006 Draft

3

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