MEMORANDUM OF UNDERSTANDING CONCERNING NORTH FRASER HARBOUR ENVIRONMENTAL MANAGEMENT PLAN
BETWEEN: THE NORTH FRASER HARBOUR COMMISSION*
represented by the Chairman, North Fraser Harbour Commission (herein referred to as “N.F.H.C.”)

AND: THE DEPARTMENT OF FISHERIES AND OCEANS†
represented by the Director General, Department of Fisheries and Oceans, Pacific Region (herein referred to as “D.F.O.”)

WHEREAS N.F.H.C. is mandated, under section 9.0 of the Harbour Commissions Act, to regulate and control the use and development of all land, buildings and property within the limits of the Harbour, and under section 2.1 to manage and operate the Harbour in a manner that ensures the integrity and efficiency of the port system and the optimum deployment of resources, which are of critical importance to the well being of the B.C. and Canadian economies;

AND WHEREAS D.F.O. is responsible, pursuant to sections 20, 28, 31, and 33 of the Fisheries Act, for the protection of fish habitats, which are essential for the maintenance of viable B.C. and Canadian commercial, domestic and sport fisheries;

AND WHEREAS both N.F.H.C. and D.F.O. are signatories to an Agreement respecting a Fraser River Estuary Management Program; wherein Section 2(f) defines the program as including those activities designed to guide the management of the estuary’s resources and any activities which may occur in place of, in addition to, or as a result of continual efforts over time to implement the aforementioned program;

AND WHEREAS both D.F.O. and N.F.H.C. are implementing members of the Fraser

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River Estuary Management Program and as such share a responsibility for coordinating management committee activities and implementing the Program;

AND WHEREAS N.F.H.C. and D.F.O. under the mandates of the Ministers of Transport and Fisheries and Oceans, respectively, desire to maintain and improve the quality of aquatic environments of the North Fraser Harbour in order to protect and conserve the fishery resources of the Fraser River while at the same time, accommodate socio-economic developments required to support a growing population and economy;

AND WHEREAS, in support of their mutual commitment to greater cooperation, a joint N.F.H.C./D.F.O. inventory was completed in July/August 1986, and described in the report entitled “North Fraser Harbour shoreline habitat inventory” (September 1986), which presents a classification system for fish habitats in the North Fraser Harbour which would serve as a basis for development of a joint North Fraser Harbour Environmental Management Plan;

AND WHEREAS D.F.O., in consultation with other agencies, wishes to proceed with implementation of a North Fraser Harbour Environmental Management Plan with the N.F.H.C.;

AND WHEREAS under the D.F.O. “Policy for the Management of Fish Habitat,” the strategy of Integrated Resource Planning encourages D.F.O. to enter into agreements to achieve resource planning and management objectives and to carry out joint programs;

AND WHEREAS N.F.H.C. and D.F.O. have agreed to establish a joint North Fraser Harbour Environmental Management Plan which will constitute an integral part of the Fraser River Estuary Management Program implementation strategy;

NOW THEREFORE:

N.F.H.C. and D.F.O. agree to proceed with the implementation of a joint North Fraser Harbour Environmental Management Plan as described in this memorandum and associated attachments.

DEFINITIONS

For the purposes of this memorandum, it is agreed by and between the Parties as follows:

(a) “Parties” means the North Fraser Harbour Commission (N.F.H.C.) and Department of Fisheries and Oceans (D.F.O.);
(b) “North Fraser Harbour” includes all lands and water areas under the legal jurisdiction of the North Fraser Harbour Commission;
(c) “Productive capacity” is a habitat’s maximum ability to support healthy fish or other biological material upon which fish depend. This maximum productive capacity is set by physical, chemical and biological characteristics of the site. Productive capacity is often confused with productivity which is a measure of a habitat’s current yield of fish and other biological material such as fish food organisms or organic matter which are necessary to directly or indirectly support that yield of fish. For example, a site can have very low productivity due to extensive smothering by wood debris and stranded logs, but because elevations and soil quality are suitable for marsh growth, the site’s productive capacity is high;
(d) “Productivity” is an index of a habitat’s present ability to produce fish, fish food organisms, and detrital matter which are directly or indirectly necessary to support that fish production;