

**MEMORANDUM OF UNDERSTANDING BETWEEN CANADA
AND NOVA SCOTIA RESPECTING COASTAL AND OCEANS
MANAGEMENT IN NOVA SCOTIA**

March 23, 2011

WHEREAS:

- A. The *Oceans Act* authorizes the Minister of Fisheries and Oceans to lead and facilitate the development and implementation of a national strategy for the integrated management of estuarine, coastal and marine ecosystems and, *Canada's Oceans Strategy* (2002) and the *Policy and Operational Framework for Integrated Management of Estuarine, Coastal and Marine Environments in Canada* (2002) set out a strategic direction and policy framework for collaborative coastal and oceans management.
- B. Canada and Nova Scotia are actively cooperating to advance coastal and oceans management. Nationally, the Oceans Task Group of the Canadian Council of Fisheries and Aquaculture Ministers, ("CCFAM" was established under the 1999 *Agreement on Interjurisdictional Cooperation with Respect to Fisheries and Aquaculture*), provides a mechanism for federal-provincial-territorial coordination on oceans and coastal issues.
- C. Regionally, the Regional Committee for Coastal and Oceans Management ("RCCOM") is the senior executive forum for Federal and Provincial Governments to provide oversight, coordination, and direction to the planning and management processes related to integrated oceans and coastal management.
- D. Nova Scotia has designated the Provincial Oceans Network, an interdepartmental committee consisting of fifteen (15) provincial departments and agencies and chaired by the Department of Fisheries and Aquaculture, as the lead provincial body for facilitating integrated approaches to coastal and oceans management in Nova Scotia.
- E. Nova Scotia, under its Coastal Management Framework, has placed a priority on addressing issues related to coastal development, coastal water quality, coastal hazards, working waterfronts, public coastal access, and sensitive coastal ecosystems.
- F. Canada has placed a priority on strong economic growth, a clean and healthy environment, and safe and secure communities and whereas Canada has identified economic prosperity, sustainable ecosystems and maritime safety and services as priority areas with respect to federal oceans and coastal resources, mandates, and regulatory obligations.
- G. Nothing in this Memorandum of Understanding will be construed to be prejudicial to the interests of the Parties concerning ownership or jurisdiction of coastal and marine areas, submerged Crown lands and the seabed, including the management of Canada's and Nova Scotia's interests in the offshore petroleum resources through the Canada – Nova Scotia Offshore Petroleum Board, as contemplated by the Canada – Nova Scotia Offshore Petroleum Resources Accord, the *Canada – Nova Scotia Offshore Petroleum Resources Accord Implementation Act* and the *Canada – Nova Scotia Offshore Petroleum Resources Accord Implementation (Nova Scotia) Act*.
- H. Canada and Nova Scotia have an interest in coordinating their respective policies and programs to advance Coastal and Oceans Management.

NOW THEREFORE Canada and Nova Scotia (the "Parties") have reached the following understanding:

1.0 PURPOSE

- 1.1 The purpose of this Memorandum of Understanding is to provide for further collaboration among the Parties to advance Nova Scotia's and Canada's priorities for coastal and oceans management as outlined in Nova Scotia's Coastal Management Framework and *Canada's Oceans Strategy* and the *Policy and Operational Framework for Integrated Management of Estuarine, Coastal and Marine Environments in Canada*.

2.0 IMPLEMENTATION

2.1 Governance

As senior Canada and Nova Scotia representatives on the RCCOM, the Regional Directors-General of Fisheries and Oceans Canada, Maritimes and Gulf Regions and the Deputy Minister of the Nova Scotia Department of Fisheries and Aquaculture are responsible for progress towards the advancement of integrated oceans and coastal management under this Memorandum of Understanding.

This Memorandum of Understanding will be implemented through the RCCOM. The RCCOM may provide advice and guidance to the Parties on the implementation of this Memorandum of Understanding.

The RCCOM provides:

- Oversight, monitoring and performance assessment of integrated oceans and coastal planning and management processes.
- Formal and executive-level government involvement, coordination, direction and endorsement relative to the development and implementation of integrated oceans and coastal management plans, and coordination of related planning processes.
- Coordinated decision making at the intergovernmental and interdepartmental levels on oceans and coastal management issues.
- Strategic oversight for management and regulatory matters for integrated oceans management and planning processes.

2.2 The Parties will develop subsidiary agreements and / or working groups and / or other instruments under the auspices of this Memorandum of Understanding to achieve the agreed purpose. Development of subsidiary agreements, working groups and other implementation instruments will be led by the Department of Fisheries and Oceans and the Nova Scotia Department of Fisheries and Aquaculture, and involve the participation of other federal departments or agencies and provincial ministries as required. Approval of implementation instruments shall be at the appropriate level, as determined by the Parties. Subsidiary agreements, working groups and other instruments will address the following:

- a) the implementation of Nova Scotia's Sustainable Coastal Development Strategy. The focus of this subsidiary agreement will be on issues related to: coastal development; coastal water quality; coastal hazards; working waterfronts; public coastal access; and conserving sensitive coastal ecosystems.
- b) integrated coastal and oceans management and planning with respect to and including integrated management and marine conservation tools development and planning in the geographic areas of the Atlantic coast of Nova Scotia / Scotian Shelf, Southern Gulf of St. Lawrence, Bay of Fundy/Gulf of Maine and Bras d'Or Lakes ecosystems.
- c) collecting, managing and sharing of information relevant to Nova Scotia's and Canada's priorities and plans for coastal and oceans management and planning. It shall include, but not be limited to, relevant protocol and method development for information/data collection, information requirements, information standards, warehousing and access to information by government and non-government users consistent with the stated policies and procedures of the Parties.
- d) the cooperative development of a coastal research network to advance natural and social science, policy and legal research relevant to Nova Scotia's and Canada's priorities and plans for coastal and oceans management and planning.
- e) other matters that may be identified.

2.3 The Parties intend to clarify the roles and responsibilities of the federal and provincial departments in addressing the issues identified in section 2.2.

- 2.4 The Parties intend that the lead federal and provincial departments and agencies will engage and coordinate the participation of other federal and provincial departments and agencies, as required, in the development of the subsidiary agreements, working groups and other implementation instruments.
- 2.5 The Parties and implementing departments and agencies will make every reasonable effort to develop subsidiary agreements and / or working groups and / or other implementation instruments identified in section 2.2 prior to the first review of this Memorandum of Understanding.
- 2.6 There will be an annual report of progress to the RCCOM on implementation of the Memorandum of Understanding. Regional Directors-General of Fisheries and Oceans Canada, Maritimes and Gulf Regions and the Deputy Minister of the Nova Scotia Department of Fisheries and Aquaculture will report to their respective departments.

3.0 DURATION OF AGREEMENT

This Memorandum of Understanding will commence on the date of signing and remain in effect until that time at which the Parties agree its purpose has been fulfilled, however this Agreement may be terminated with a minimum of 60 days written notice signed by either party. Termination of this Memorandum of Understanding will de facto terminate any associated sub-agreements, work group and other implementation instruments.

4.0 CONFLICT RESOLUTION

Where a conflict arises as to the interpretation of this agreement or of matters relating to its implementation, performance or termination, the Parties shall attempt in good faith to resolve the conflict through the RCCOM process. Should negotiation prove unsuccessful, the Parties may submit the matter to their respective Deputy Minister.

5.0 EFFECT AND INTERPRETATION

- 5.1 This Memorandum of Understanding is not intended to constitute an agreement that will be legally binding on the Parties and is not intended to be relied upon by the Parties as creating any legal rights or obligations.
- 5.2 This Memorandum of Understanding will be reviewed three years after it has been signed by the Parties, and at least every five years after the first review.
- 5.3 This Memorandum of Understanding may be amended through the mutual, written consent of the Parties. When an amendment is made for the addition of new subsidiary agreements, the amendment may include the addition of new implementing departments and agencies.

6.0 PROCESS MANAGEMENT

- 6.1 The Parties will rely on the RCCOM for support, to meet the objectives of this Memorandum of Understanding.
- 6.2 For the purposes of this Memorandum of Understanding all subsidiary agreements, working groups and other instruments should provide the operational and relevant procedural requirements including accountability and reporting frameworks to advance the purpose of this Memorandum of Understanding.