

**Terms of Reference
for Cooperation Between
National Resource Industry Associations
and Fisheries and Oceans Canada**

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WHEREAS the National Resource Industry Associations (NRIA) [Canadian Association of Petroleum Producers (CAPP), the Canadian Electricity Association (CEA), the Canadian Energy Pipeline Association (CEPA), the Canadian Gas Association (CGA), the Forest Products Association of Canada (FPAC), the Mining Association of Canada (MAC), and the Prospectors and Developers Association of Canada (PDAC)] is an aggregate of national associations of Canadian resource industry which represents and advances the interests of their member industry,

and

WHEREAS the DFO is responsible for the conservation and protection of Canada's marine and freshwater fish and fish habitat resources from the impact of human activities, and assumes this constitutional responsibility through the authority of the *Fisheries 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 Programs,

and

WHEREAS the NRIA and DFO recognize that many activities and projects that may impact fisheries habitat are common across resource industries, and that NRIA members must constantly balance protection of fish and fish habitat resources with other social, environmental, and economic objectives that Canadians consider important, all in the context of comprehensive provincial and federal regulatory and policy frameworks,

and

WHEREAS DFO and the NRIA recognize the benefit of working together to promote sustainable development and stewardship through more effective and efficient protection of fish habitat utilizing existing expertise in the development and implementation of policies and practices that protect fish habitats,

and

WHEREAS DFO and the NRIA agree to co-operate to better conserve and protect the fish and fish habitat resources associated with development of resource industries in Canada in a manner consistent with the requirements of the *Fisheries Act* and related regulatory and policy documents, including the Habitat Policy, and, thus, to help better achieve the goals and overall objective of the Habitat Management Program.

The parties to these Terms of Reference (the Parties) agree to establish and appoint a representative to a steering committee that will convene on a regular basis to be responsible for:

- Identifying areas of common interest, challenges and issues;
- Defining priorities for collaboration;
- The development and implementation of an annual work plan and budget;
- Establishing working groups, as required, on the individual elements of the work plan;
- Organizing an annual workshop(s) to review progress in implementing the work plan and identify priorities for future work; and
- Reporting on progress annually to the Presidents of each national industry associations represented by the NRIA and the Deputy Minister of Fisheries and Oceans Canada.

The steering committee will be guided by the following objectives and principles:

- Use the scientifically based Habitat Risk Management Framework and Pathways of Effects Models as the basis for improving good and best management practices;
- Work co-operatively to develop clear statements defining low impact projects that will not require authorizations to then allow a focus of efforts and resources on monitoring and activities or projects with the highest potential risk to habitat;
- Increase compliance through better awareness and understanding of requirements of the *Fisheries Act*, including through the dissemination of improved best management practices;
- Engage provincial and territorial expertise in the work plan to facilitate coordination of federal, provincial, territorial processes; and
- To improve understanding of the Fisheries Act and related processes, such as the Canadian Environmental Assessment Act (CEAA) and the Species at Risk Act (SARA) among all parties.

The Parties further agree to the following:

- That participating national industry associations and their members will contribute the expertise of their staffs and relevant guidelines, best practices and other related documents;
- That Fisheries and Oceans Canada will contribute the expertise of its staffs at NHQ and in Regional and other offices, relevant guidelines and other related documents;
- That these Terms of Reference may be revised or terminated through the mutual agreement of all Parties at any time, and that upon written notice any party may opt out of the Agreement at any time;
- That nothing in these Terms of Reference implies or commits the Parties to specific financial liabilities or responsibilities; and
- An annual work plan and budget will be approved by the Deputy Minister of Fisheries and Oceans Canada and the Presidents of the National Resource Industry Associations.

These Terms of Reference be left open for additional signature, upon approval of the parties, of other interested industry associations, as well as other government agencies and non-government organizations. The parties to this agreement agree to explore how these other sectors can best participate with the forum.

Signed, October 26, 2004:

Geoff Regan
Minister, Fisheries and Oceans Canada

Pierre Alvarez
President, Canadian Association of Petroleum Producers

Hans Konow
President, Canadian Electricity Association

David MacInnis
President, Canadian Energy Pipeline Association

Michael Cleland
President, Canadian Gas Association

Avrim Lazar
President & Chief Executive Officer, Forest Products Association of Canada

Gordon Peeling
President, The Mining Association of Canada

Peter Dimmell
President, Prospectors and Developers Association of Canada