

MEMORANDUM OF UNDERSTANDING
(hereinafter referred to as “MOU”)

BETWEEN

HER MAJESTY THE QUEEN IN RIGHT OF CANADA
AS REPRESENTED BY THE MINISTER OF THE ENVIRONMENT
(hereinafter referred to as “CANADA”)

AND

HER MAJESTY THE QUEEN IN RIGHT OF NOVA SCOTIA
AS REPRESENTED BY THE MINISTER OF NATURAL RESOURCES
(hereinafter referred to as “NOVA SCOTIA”)

RESPECTING

THE ESTABLISHMENT OF A FEDERAL PROTECTED AREA
ON SABLE ISLAND IN THE PROVINCE OF NOVA SCOTIA

WHEREAS Sable Island is a remote island located about 160 kilometres from mainland Nova Scotia near the edge of the continental shelf;

WHEREAS Sable Island is a unique and fragile ecosystem of sand dunes, grassy fields, heath and freshwater ponds supporting a unique and diverse flora and fauna as well as important archaeological sites from shipwrecks and Canada's first lifesaving station;

WHEREAS facilities on Sable Island support a range of programs that have served the public interest, including weather, atmospheric environment and pollution monitoring and science, fisheries and oceans research, offshore worker emergency refuge, communications and understanding and protection of our natural and cultural heritage;

WHEREAS Canada and Nova Scotia recognize that Sable Island is of national significance and agree to work collaboratively towards a federal designation of the area as a protected area as a means to recognize and celebrate its national and provincial significance and to protect Sable Island for present and future generations;

WHEREAS the government of Canada announced in June 2008 funding under its Health of The Oceans initiative that would maintain a year round weather station and contribute to the work to designate Sable Island as a national wildlife area under the *Canada Wildlife Act*;

WHEREAS designation of Sable Island as a national wildlife area or a national park will contribute to Nova Scotia's commitment to legally protect 12 per cent of the total land mass of the province under the provincial *Environmental Goals and Sustainability Prosperity Act (S.N.S. 2007, c. 7)*;

WHEREAS the management of Canada's and Nova Scotia's interests in the offshore petroleum resources in the Sable Island area is 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*;

WHEREAS Canada and Nova Scotia acknowledge that this MOU is without prejudice to the position of either party with respect to jurisdiction over or ownership in Sable Island;

THEREFORE Canada and Nova Scotia have reached the following understandings:

1.0 APPOINTING A CANADA – NOVA SCOTIA TASK GROUP

- 1.1 Canada and Nova Scotia agree to appoint representatives to a task group for the purpose of directing the work related to the establishment of a federal protected area.
- 1.2 The task group shall endeavour to make a recommendation to the responsible ministers on the creation of either a national wildlife area under the *Canada Wildlife Act* or as a national park under the *Canada National Parks Act* within 3 months.
- 1.3 In making its recommendation, the task group may consider the following issues:
 - a) boundaries of the federal protected area;
 - b) inter-tidal zone and sub-surface issues;
 - c) sustainability of the freshwater lens;
 - d) objectives related to conservation, visitor use, and public education;
 - e) conduct of activities which serve the public interest as noted in the preamble;
 - f) basic federal protected area operational scenarios;
 - g) considerations related to renewable and non-renewable resources;
 - h) conservation of archeological resources; and
 - i) any other issue deemed relevant by the task group.
- 1.4 In formulating its recommendation, the task group may, as appropriate, consult with the Canada – Nova Scotia Offshore Petroleum Board for the purpose of determining the extent to which each proposed designation may impact on Canada's and Nova Scotia's interest in offshore petroleum resources, and identifying possible mitigation measures.

2.0 ESTABLISHING A FEDERAL PROTECTED AREA

- 2.1 Canada agrees to undertake consultations for the purpose of securing public comment on the conservation, management and operational issues associated with the designation of Sable Island recommended under clause 1.2. Canada may consult the task group on its consultation plan.

- 2.2 Upon completion of the consultations identified in 2.1, and conclusion of a review of the issues identified during these consultations, Canada and Nova Scotia agree to negotiate any agreements that may be necessary to facilitate the designation of Sable Island as a federal protected area.

3.0 OFFSHORE PETROLEUM RESOURCES

- 3.1 Canada and Nova Scotia agree that no recommendation regarding the potential designation or creation of a federal protected area for Sable Island will have an adverse impact on Canada's and Nova Scotia's interest in offshore petroleum resources including those in the Sable Island area nor the management of those resources by 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.

4.0 TIME FRAME

- 4.1 Canada and Nova Scotia intend to achieve an agreement within 12 months that will lead to the protection of Sable Island as either a national wildlife area or a national park. As required, the agreement will identify the future steps to be taken and timeframes.
- 4.2 Canada agrees to then take the necessary steps to protect the area under the applicable federal legislation, and to do so in consultation with Nova Scotia.

5.0 AMENDMENTS

- 5.1 This MOU may be amended with the mutual written consent of the participants.

6.0 DURATION AND TERMINATION

- 6.1 This MOU will be valid for one (1) year from the date of the last signature.
- 6.2 Either party may terminate this MOU on 30 days written notice to the other party.

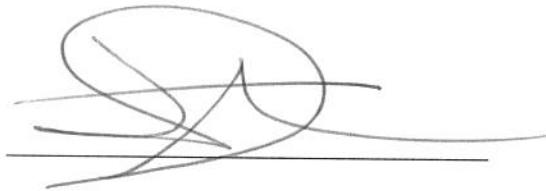
7.0 LANGUAGES

- 7.1 This MOU is written in the English and French languages, each version being equally valid.

8.0 EFFECT OF MEMORANDUM OF UNDERSTANDING

8.1 This MOU is an expression of the mutual intentions of the Parties and is not legally binding on them or enforceable against them.

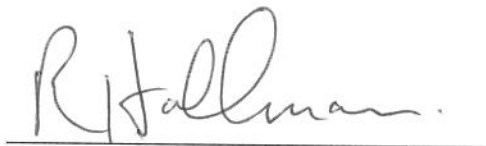
This Memorandum of Understanding signed at Halifax in the Province of Nova Scotia, this 25th day of January, 2010 by:



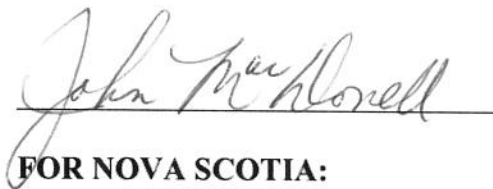
FOR CANADA:

The Honourable Jim Prentice
Minister of the Environment

In the presence of



WITNESS:



FOR NOVA SCOTIA:

The Honourable John MacDonell
Minister of Natural Resources

In the presence of



WITNESS: