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APPROVED AND ORDERED SEP. 3 1976

W. S. Owen

Lieutenant-Governor

R. M.

EXECUTIVE COUNCIL CHAMBERS, VICTORIA SEP. 2 1976

Pursuant to the CANADA - BRITISH COLUMBIA JOINT DEVELOPMENT Act, and upon the recommendation of the undersigned, the Lieutenant-Governor, by and with the advice and consent of the Executive Council, orders that

WHEREAS the Government of Canada and the Government of the Province of British Columbia entered into an agreement dated the twenty-fourth day of May, 1968 to undertake jointly a comprehensive program of flood control for the Fraser Valley and other areas adjacent to the Lower Fraser Valley; and

WHEREAS the Government of Canada and the Government of the Province of British Columbia amended the above mentioned principal agreement by entering into a first amending agreement dated the eleventh day of April, 1969, and a second amending agreement dated the twenty-ninth day of April, 1974; and WHEREAS it is considered desirable to further amend the above mentioned principal agreement as set out in the draft hereto attached; and

WHEREAS the Government of Canada has authorized the Acting Minister of the Environment by Order in Council P.C. 1976-1714 to execute the agreement as set out in the draft hereto attached; and

WHEREAS it is in the public interest to provide that the Province of British Columbia be empowered to enter into the said agreement with Canada.

THE MINISTER of Environment is hereby authorized on behalf of the Province of British Columbia to enter into and carry out an agreement with Canada in the form of the draft agreement hereto attached.

This order is exempt from publication under the Regulations Act

A. H. H. H. H.

Minister of Environment

W. R. Bennett

Presiding Member of the Executive Council

BETWEEN

THE GOVERNMENT OF CANADA (hereinafter called "Canada"),
represented by the Acting Minister of the Environment,

OF THE FIRST PART,

AND

THE GOVERNMENT OF THE PROVINCE OF BRITISH COLUMBIA
(hereinafter called "the Province"), represented by
the Minister of Environment,

OF THE SECOND PART,

WHEREAS Canada and the Province, on May 24, 1968, entered into an Agreement (hereinafter called the "1968 Agreement") for the joint undertaking of a program of studies and works for flood control aimed at substantially reducing the flood threat in the Fraser River Valley and other areas adjacent to the Lower Fraser River Valley of British Columbia;

AND WHEREAS the 1968 Agreement was amended the 11th day of April, 1969, by "Amending Agreement No. 1" and was further amended the 29th day of April, 1974, by "Amending Agreement No. 2";

AND WHEREAS Canada and the Province consider that the funds which each government should contribute under the 1968 Agreement should be increased from \$30,500,000 to \$60,000,000;

AND WHEREAS Canada and the Province consider that the period for the program under the 1968 Agreement should be extended until March 31, 1984;

AND WHEREAS Canada and the Province consider that the funds authorized in Section 27 of the 1968 Agreement should be increased from \$1,000,000 to \$1,150,000;

AND WHEREAS His Excellency, the Governor-in-Council, by Order-in-Council P.C. 1976-1714, dated July 6, 1976, has authorized the Acting Minister of the Environment to execute this Agreement on behalf of Canada;

AND WHEREAS His Honour, the Lieutenant Governor-in-Council, by Order-in-Council No. , dated , has authorized the Minister of Environment, to execute this Agreement on behalf of the Province;

NOW THEREFORE THIS AGREEMENT (hereinafter called "Amending Agreement No. 3") WITNESSETH that Canada and the Province in consideration of the covenants and agreements herein contained, covenant and agree, each with the other, as follows:

1. Paragraph 3 of the 1968 Agreement, as amended by Amending Agreement No. 2, is deleted and the following paragraph substituted therefor:

"3. Subject to the terms and conditions of this Agreement and subject to the funds being voted by Parliament, the aggregate sum which Canada shall be liable to contribute in respect of the Program and projects hereunder, as more particularly described and defined in the Agreement and Schedule "A" hereof, shall not exceed \$60,000,000."

2. Paragraph 4 of the 1968 Agreement, as amended by Amending Agreement No. 2, is deleted and the following paragraph substituted therefor:

"4. Subject to the terms and conditions of this Agreement and subject to the funds being appropriated by the provincial legislature of British Columbia, the Province shall contribute, in respect of the Program and projects hereunder, the sum of \$60,000,000 exclusive of the cost of operating and maintaining said projects after an agreed completion date."

3. Paragraph 14 of the 1968 Agreement is deleted and the following paragraph substituted therefor:

"14. This Agreement shall commence on, and take effect from, the date on which it becomes signed by both Canada and the Province and no costs incurred more than 60 days prior to that date shall be eligible or considered for payment under this Agreement except those specifically provided for in paragraph 21. The Agreement shall terminate on March 31, 1984, and no project or program shall be approved after that date, and no claim for contribution made in respect of any project or program under this Agreement or part of the program under this Agreement shall be paid unless it is received by Canada within one year following the agreed completion date of the approved project. This agreement may be renewed for any further period agreed upon by the parties hereto, but such renewal shall be subject to the approval of the Governor-in-Council and the Lieutenant Governor-in-Council."

4. Paragraph 27 of the 1968 Agreement is deleted and the following paragraph substituted therefor:

"27. The cost of studies under paragraphs 25 and 26 shall be shared jointly by Canada and the Province, but the total cost of studies under paragraph 26 shall not exceed \$1,150,000, and shall comprise part of the total funding under this Agreement as described under paragraphs 3 and 4."

5. The final paragraph of the Program Guide, attached to the 1968 Agreement as Schedule A, as amended by Amending Agreement No. 2, is deleted and the following paragraph substituted therefor:

"The Agreement which the two governments have entered into has a termination date of March 31, 1984. During the term of the Agreement, the Program outlined by the Agreement and this Program Guide will be advanced by the federal-provincial Joint Advisory Board. This Board will be responsible for the overall implementation of the Program in order to maximize the protection and benefits to be derived from the control of the waters of the Fraser River. Recommendations for construction of specific works will originate from the Board following a full review of the soundness of the projects from an engineering viewpoint as well as their economic justification in the light of both the direct and indirect benefits which will be realized by the Province and by Canada as a whole from full implementation of this Program."

6. This Amending Agreement No. 3 is to be read and construed with the 1968 Agreement as amended by Amending Agreement No. 1 and Amending Agreement No. 2, both of which remain in full force and effect except as modified by this Amending Agreement No. 3.

IN WITNESS WHEREOF the Honourable Roméo LeBlanc, Acting Minister of the Environment has hereunto set his hand on behalf of Canada, and the Honourable James Arthur Nielsen, Minister of Environment, has hereunto set his hand on behalf of British Columbia.

In the Presence of

Signed on behalf of the
Government of Canada

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Witness

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Acting Minister of the Environment

In the Presence of

Signed on behalf of the Government
of the Province of British Columbia

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Witness

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Minister of Environment