

(DRAFT 3/21/17)

ATTACHMENT 2 to the Statement of Cooperation (SOC) on Protection of Transboundary Waters¹ (October 6, 2016) between the State of Alaska Departments of Environmental Conservation (ADEC), Fish and Game (ADF&G) and Natural Resources (ADNR) and the Province of British Columbia Ministries of Environment (MoE) and Energy and Mines (MEM).

Reciprocal Procedures

1. Scope:
 - a. The parties will use the following procedures to facilitate the invitation and on-going involvement of their representatives and designated scientists² in the following processes:
 - i. Environmental Assessments¹,
 - ii. Permitting processes¹, and
 - iii. Where appropriate and in furtherance of the objectives of the SOC, analogous processes triggered under federal law where British Columbia or Alaska is engaged in that federal process.
2. Correspondence:
 - a. For purposes of these procedures, e-mail is the preferred means of providing invitations, notifications, responses, or other necessary correspondence between parties.
3. State of Alaska participation in the B.C. Environmental Assessment (EA) process:
 - a. Invitation and response:
 - i. As the primary means of inviting the State of Alaska to participate in the EA process, the MoE, Environmental Assessment Office (EAO) will distribute Section 10 (1) (c) Orders to the ADNR, Office of Project Management and Permitting (OPMP) for proposed and existing projects within the Transboundary Region¹ that are subject to review under the *British Columbia Environmental Assessment Act* (BCEAA).
 - ii. Within 30 days following receipt of a Section 10 (1) (c) Order, the OPMP will respond to the EAO to confirm whether or not the State of Alaska will participate in the EA process for the corresponding project.
 - iii. The EAO will also notify the OPMP of any of the following applications under the BCEAA involving a proposed or existing project in the Transboundary Region:
 - A. an application for an order under Section 10 (1)(b), granting an exemption from the EA process;
 - B. an application for an order under Section 10 (1) (a), referring a reviewable project to the minister for a determination under s. 14;
 - C. an application under Section 19 for either a typical or complex³ amendment to an existing Environment Assessment Certificate;
 - D. an application under Section 18 to grant an extension to the period within which a project is to be substantially started.
 - iv. Within 30 days following receipt of a notice for any of the above applications, the OPMP will respond to the EAO to confirm whether the State of Alaska will

¹ See Definition of Terms in SOC

² Includes technical experts and other agency designees

³ “Typical” and “complex” as defined in EAO guidance document: “*Seeking an Amendment to an Environmental Assessment Certificate – Guidance for Certificate Holders*”

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provide comments for, or participate in a review associated with, the corresponding application.

- b. State of Alaska participation:
 - i. OPMP will serve as the State of Alaska’s primary point-of-contact to the EAO;
 - ii. OPMP will coordinate with ADEC, ADF&G, ADNR, and other appropriate Alaska state agencies and their designees, using a team approach, throughout the EA process;
 - iii. The team of Alaska state representatives, coordinated by OPMP, will participate as members to project-specific working groups, organized and facilitated by the EAO, to review project-related information.
 - A. Verbal comments may be provided by Alaska state representatives during working group meetings;
 - B. Written comments developed by Alaska state agencies during the EA process will be consolidated by OPMP and provided to the EAO.
 - C. EAO facilitated working groups will be conducted according to the terms set out in the most current version of the “*Environment Assessment Advisory Working Group Terms of Reference*”.

4. State of Alaska participation in Province of British Columbia permitting processes:

- a. Major mine projects:
 - i. Invitation and response:
 - A. The MEM, Major Mines Permitting Office (MMPO) will invite the OPMP to participate in the Mine Review Committee (MRC) when the MRC is established for any project in which the State of Alaska has participated in the EA process.
 - B. Within 30 days following receipt of an invitation, the OPMP will respond to the MMPO to confirm whether or not the State of Alaska will participate in the MRC for the corresponding project.
 - ii. State of Alaska participation:
 - A. OPMP will serve as the State of Alaska’s primary point-of-contact to the MMPO;
 - B. OPMP will coordinate with ADEC, ADF&G, ADNR, and other appropriate Alaska state agencies and their designees, using a team approach, throughout the provincial permitting process;
 - C. The team of Alaska state representatives, coordinated by OPMP, will participate as members to the project-specific MRC, organized and facilitated by the MMPO, to review project-related information.
 - a. Verbal comments may be provided by Alaska state representatives during MRC meetings;
 - b. Written comments developed by Alaska state agencies during the provincial permitting process will be consolidated by OPMP and provided to the MMPO.
- b. Non-major mine and other commercial development projects:
 - i. Invitation and response:
 - A. The MEM and/or MoE will notify OPMP when a complete permit package, including major amendments, has been received and accepted for review.

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- B. Within 30 days following notification, the OPMP will respond to the MEM and/or MoE to confirm whether or not the State of Alaska will participate in the provincial permitting process for the corresponding project.
 - ii. State of Alaska participation:
 - A. OPMP will identify which Alaska state agency will serve as the State of Alaska's primary point-of-contact to the MEM and/or MoE;
 - B. The identified Alaska state agency will coordinate with other Alaska state agencies, as appropriate, throughout the provincial permitting process;
 - C. Representatives from Alaska state agencies will participate in the review of project-related information using processes defined by MEM and/or MoE.
 - a. Verbal comments may be provided by Alaska state representatives during interagency meetings;
 - b. Written comments developed by Alaska state agencies during provincial permitting processes will be provided to the MEM, MoE, or other applicable provincial agencies.
5. Province of British Columbia participation in the Alaska permitting processes:
 - a. Major mine projects:
 - i. Invitation and response:
 - A. The OPMP will notify the MMPO, EAO and project proponent when
 - a. activities associated with major mine projects located in the British Columbia portion of the Transboundary Region may also require authorization(s) under State of Alaska law, or
 - b. activities associated with major mine projects located in the Alaska portion of the Transboundary Region that may result in environmental impacts in British Columbia.
 - ii. Province of British Columbia participation:
 - A. OPMP, MMPO, and the EAO will discuss the development of procedures for engagement under this section with the Bilateral Working Group (BWG) after a project is identified, per Section 5.a.i.A above.
 - b. Non-major mines and other commercial development projects:
 - i. The BWG may identify projects subject to this section, direct appropriate actions, or develop procedures as necessary.
6. Federal environmental review processes:
 - a. Notification:
 - i. OPMP will notify the EAO of proposed mining or other commercial development projects located in the Transboundary Region subject to review under the *National Environmental Policy Act* (NEPA) for which the State of Alaska has been accepted as a cooperating agency by the lead federal agency.
 - ii. EAO will notify the OPMP of proposed mining or other commercial development projects located in the Transboundary Region where provincial and federal permitting and licensing is expected to proceed concurrently with the coordinated environmental review pursuant to BCEAA and *Canadian Environmental Assessment Act of 2012* (CEAA 2012).