

ATTACHMENT 2
Reciprocal Procedures

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 and Climate Change Strategy (ENV) and Energy, Mines and Low Carbon Innovation (EMLI).

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 scientists¹ 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 and Information Sharing:

- a. For purposes of these procedures, e-mail is the preferred means of providing invitations, notifications, responses, or other necessary correspondence between parties.
- b. The Province of British Columbia and the State of Alaska will maintain websites for the purpose of facilitating access to information, data and reports relating to environmental assessments and permits.
- c. ADEC will serve as the State of Alaska's point-of-contact for Bilateral Working Group (BWG) coordination.
- d. ENV and EMLI will serve as the Province of British Columbia's point-of-contact for BWG coordination.

3. State of Alaska participation in the British Columbia Environmental Assessment (EA) process:

- a. Invitation and response:
 - i. As the primary means of inviting the State of Alaska to participate in the British Columbia EA process, the Environmental Assessment Office (EAO) will distribute Section 13(3)(a) 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. The EAO will also notify OPMP of any of the following under the BCEAA involving a proposed or existing project in the Transboundary Region:
 - A. an Order under Section 17(1)(b), issuing an exemption from the EA process;

¹ See Definition of Terms in SOC

¹ Includes technical experts and other agency designees

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- B. an Order under Section 18(1)(b), referring a reviewable project to the minister for a determination under Section 24;
 - C. an application under Section 32(1) for either a typical or complex² amendment to an existing EA certificate or exemption order;
 - D. the initiation of a process leading to a decision under Section 32(5) or Section 56(1)(b) to amend an existing EA certificate or exemption order without an application from the holder of the EA certificate or order;
 - E. an application under Section 31(2) to extend the deadline by which time the project must be substantially started;
 - F. a project notification submitted under Section 10(1).
- iii. Within 30 days following receipt for any of the above, OPMP will confirm to the EAO whether the State of Alaska will provide comments for, or participate in a review associated with, the corresponding process, order, application, or notification.
- 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 technical advisory committees, organized and facilitated by the EAO, to review project-related information.
 - A. Verbal comments may be provided by Alaska state representatives during technical advisory 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 technical advisory committees will be conducted according to the terms set out in the most current version of the “Technical Advisory Committee Guidelines” and specific project direction.
4. State of Alaska participation in Province of British Columbia permitting processes:
- a. Major mine projects:
- i. Invitation and response:
 - A. EMLI and the Major Mines Office (MMO) will invite 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, OPMP will respond to the MMO to confirm whether the State of Alaska will participate in the MRC for the corresponding project.

² “Typical” and “complex” as defined on the [EAO’s website](#).

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ii. State of Alaska participation:

- A. OPMP will serve as the State of Alaska's primary point-of-contact to the MMO;
- 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 MMO, 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 MMO.

b. Non-major mine and other commercial development projects within the Transboundary Region with potential to result in significant degradation of a Transboundary Water:

i. Invitation and response:

- A. EMLI and/or ENV will notify OPMP when a complete permit package, including major amendments, has been received and accepted for review. Within 30 days following notification, the OPMP will respond to EMLI and/or ENV to confirm whether 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 EMLI and/or ENV;
- 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 EMLI and/or ENV.
 - 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 EMLI, ENV, or other applicable provincial agencies.

5. Province of British Columbia participation in the Alaska permitting processes:

a. Major mine projects:

i. Invitation and response:

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A. OPMP will notify the MMO and EAO 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 may result in environmental impacts in British Columbia.

ii. Province of British Columbia participation:

- A. OPMP, MMO, ENV 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 MMO and EAO of proposed mining or other commercial development projects located in the Transboundary Region subject to review under the *National Environmental Policy Act* for which the State of Alaska has been accepted as a cooperating agency by the lead federal agency.
- ii. The EAO will notify 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 the BCEAA and the Canadian *Impact Assessment Act* of 2019.