

SUMMARY: BC/AK Bilateral Working Group

Thursday, October 5, 2017; 8:30 – 10:00 AM PT; 7:30 – 9:00 AM AKST

Teleconference: Dial-in: 1-877-353-9184 Participant ID: 2234568

PARTICIPANTS:

British Columbia:

- Deputy Minister of Environment Mark Zacharias (Chair)
- Deputy Minister of Energy, Mines and Petroleum Resources Dave Nikolejsin
- Assistant Deputy Minister David Morel, Environmental Protection Division, ENV
- Nathaniel Amann-Blake, Executive Lead, Mines and Mineral Resources, EMPR (attending for Assistant Deputy Minister Peter Robb, Mines and Mineral Resources, EMPR)
- Kathy Eichenberger, Executive Director, Columbia River Treaty Review Branch, EMPR
- Fraser Marshall, Executive Director, Corporate Initiatives Branch, EMPR
- Lisa Paquin, Director, Intergovernmental and External Relations, ENV
- Robyn Roome, Regional Director, Environmental Protection Division, ENV
- Caitlin Copage, Sr. Policy Advisor, Intergovernmental and External Relations, ENV

Alaska:

- Deputy Commissioner Alice Edwards, Department of Environmental Conservation
- Deputy Commissioner Heidi Hansen, Department of Natural Resources
- David Rogers, Director, Department of Fish and Game
- Michelle Hale, Director, Division of Water, Department of Environmental Conservation
- Kyle Moselle, Associate Director, Office of Project Management and Permitting, Department of Natural Resources
- Terri Lomax, Section Manager, Alaska Monitoring and Assessment Program, Department of Environmental Conservation

SUMMARY:

1. BC/AK – Intro and Updates

- BC update on new government:
 - The Confidence and Supply Agreement in place provides stability on matters of confidence in BC's Legislature, and it can be expected that the current government will move forward on priorities outlined in the Agreement and mandate letters.
- B.C. update on Tulsequah Chief mine
 - The "Progress Report" document outlines an update on the Tulsequah Chief mine.
 - **ACTION:** Kathy Eichenberger to follow up with Kyle Moselle on next steps for BC for Tulsequah Chief Mine.
- AK update on LG Mallott's visit to BC, November 5 – 7, 2017
 - AK has shared a draft itinerary with BC for the visit; LG Mallott intends to meet with BC ministers of Energy, Mines and Petroleum Resources; Environment and Climate Change Strategy; and Indigenous Relations and Reconciliation, as well as First Nations representatives. Following this visit, LG Mallott will be travelling to Ottawa to meet with federal representatives, and will also discuss transboundary concerns.
 - LG Mallott's Op Ed re: Protecting Alaska's Transboundary Waters was published in the Juneau Empire on October 4, 2017. Link here: <http://juneauempire.com/opinion/2017-10-04/we-are-continuing-protect-alaska-s-transboundary-waters>
- AK update on Tribal and Public Consultation
 - The Governor's office arranged a workshop to present the BWG deliverables on May 25, 2017. The meetings included tribal representatives, US federal agencies,

fishing groups, and environmental non-governmental organizations. Agency and Ministry staff have reviewed the comments.

- The Southeast Alaska Indigenous Transboundary Commission (SEITC), representing 12 Southeast Alaskan tribal governments and several environmental organizations, has submitted a Pelly Petition to bring further federal attention and involvement to BC/AK transboundary concerns.
- The Leonardo DiCaprio Foundation announced an \$80,000 grant to SEITC in September; the grant will support salary for an FTE and allow for expanded operations and travel for meetings.

2. Joint Water Quality Program Description and Two-Year Work Plan

- Terri Lomax delivered a summary of updates of the draft program description and two-year workplan prepared by the Technical Working Group on Monitoring (TWG-M.)
- Key changes included: refining the document to make the key actions more clear, and removing background information (such as guiding questions, metadata inventory, etc.)
- Discussion and decision to remove footnote 2, which described BWG as responsible for ‘implementation’ of the monitoring program; could create confusion around how budgets are allocated in each jurisdiction.
- Funding is confirmed for Alaska’s contributions to the program.
- Funding for the first year of BC’s contributions to the program is confirmed, and following full approval by the BWG, BC will seek funding internally and via partnerships for the second year.
- BC and AK members acknowledge that while the monitoring program is a positive step toward better collaboration and understanding, further action will be required to ensure the protection of transboundary waters.
- The monitoring program, once approved and attached to the SoC, should be considered a living document that can be viewed as a beginning from which to grow the collaboration between BC and AK.
- **ACTION:** BWG approves the Program Description and Two Year Workplan, which forms Attachment 1 to the SoC. Terri Lomax to produce final version for circulation.

3. Reciprocal Procedures

- Kyle Moselle delivered a summary of development of the reciprocal procedures since the previous BWG meeting in April, 2017.
- US EPA delivered comments that were largely clarifying in nature (e.g., that it should be clear the reciprocal procedures do not prohibit or prevent the US EPA from participating in EA processes with the Canadian Environmental Assessment Agency.) It is felt that the majority of these comments do not need to be directly addressed by the document.
- US EPA also asked BC and AK to consider section 4 of the SoC under the reciprocal procedures document (focused on section 3); section 4 of the SoC speaks to reporting, and BC and AK felt these elements can be instead considered under the communications plan.
- BC notes that the draft reciprocal procedures have already been in use and are working well to inform AK and provide opportunities for AK agency staff to participate in authorization processes. .

- **ACTION:** BWG approves the Reciprocal Procedures document, which forms Attachment 2 to the SoC. Kyle Moselle will produce final version for circulation.

4. Communications Plan and Transboundary Newsletter

- Fraser Marshall introduced the Communications Plan and inaugural draft BC/AK Newsletter.
- BC requested feedback on how stakeholder comments could be incorporated in the communications plan; AK felt that the significant stakeholder comments are the responsibility of AK agencies to communicate about local matters.
- Some of the technical comments can be incorporated with minor edits in the communications plan.
- The newsletter has received some recent comments from BC's Ministry of Environment, and is still waiting for comment from AK's LG office.
- Kyle Moselle will discuss with Heidi Hansen the most appropriate Department of Natural Resources representative to appear in the newsletter.
- **ACTION:** BWG gives approval in principle on the communications plan; with minor edits, the communications plan will be recirculated for final approval by email.
- **ACTION:** Feedback to the AK newsletter will be incorporated as soon as possible and recirculated to the BWG for final approvals by email. The newsletter will be released in October, 2017.

5. Next steps and next meeting of BWG

- BWG meets quarterly.
- Given the timeliness of LG Mallott's visits to BC and Ottawa, a meeting in late November or early December would be useful to help review action items coming out of these sessions.
- BC ENV will canvass calendars for appropriate dates for the next BWG meeting.