

APPENDIX I to the Memorandum of Understanding and Cooperation between the State of Alaska and the Province of British Columbia executed November 25, 2015 by the Honorable Bill Walker, Governor of Alaska and the Honorable Christy Clark, Premier of British Columbia.

Statement of Cooperation on

PROTECTION OF TRANSBOUNDARY WATERS

Between

The State of Alaska Departments of Environmental Conservation, Fish and Game and Natural Resources

And

The Province of British Columbia Ministries of Environment, and Energy and Mines

Recitals:

- A. The State of Alaska and Province of British Columbia have entered into a Memorandum of Understanding and Cooperation (MOU) that among other provisions calls for the collaboration of the agencies identified above in the protection of Transboundary Waters and the fisheries they support. The undersigned are entering into this Statement of Cooperation (SOC) to implement Section II. 1. (“Establishing a Bilateral Working Group on the Protection of Transboundary Waters”) of the MOU.
- B. Given the level of public interest in mining activity in the region, the primary focus of the Bilateral Working Group (BWG) formed pursuant to Section 1 of the SOC will initially be on concerns relating to existing or proposed mine development, operations and closure, and long term maintenance that hold the potential to cause significant degradation of water quality or of the fisheries they support. The primary geographical area of initial focus will be the Alsek, Stikine, Taku and Unuk watersheds and marine waters where fisheries could be impacted by pollution of these watersheds.
- C. In implementing the SOC, it is intended that the agencies represented on the BWG will build on the existing collaboration and good working relationships they have enjoyed for many years, strive to enhance their engagement with the Nisga’a Nation, First Nations, Tribes, communities, organizations and residents in the region, and collaborate with their respective federal government.
- D. In entering into and performing this SOC the parties do not intend to constrain or discourage in any way the collaboration and networking that is already taking place among different organizations and people in the Transboundary Region; rather it is a goal of the parties to the SOC to help facilitate this constructive dialog and the cooperative and mutually beneficial relations it engenders.
- E. British Columbia acknowledges that it has entered into the Nisga’a Final Agreement (NFA) and other agreements with the Nisga’a Nation which contain unique provisions relevant to the Transboundary Region, and where applicable, will be considered by British Columbia in the implementation of the SOC.

Statement of Cooperation:

The undersigned enter into this Statement of Cooperation as Follows:

1. Bilateral Working Group: A Bilateral Working Group (BWG) is established consisting of the commissioners of the Alaska Departments of Environmental Conservation, Fish and Game, and Natural Resources and the deputy ministers of the British Columbia Ministries of Energy and Mines and Environment to:
 - a. Establish and oversee a Technical Working Group on Monitoring as described in Section 2.
 - b. Establish and maintain reciprocal procedures that facilitate the invitation and ongoing involvement of interested state and provincial agencies and ministries, federal agencies, the Nisga'a Nation, First Nations, Tribes, organizations and other interested parties in Environmental Assessments and Permitting Processes, triggered under provincial or state law, or under federal law, as described in Section 3.
 - c. Establish and maintain procedures to regularly report to each other and engage in discussions on the environmental performance of operating and closed mines and other commercial developments that have ongoing wastewater discharges or impoundments that could pose a significant risk to Transboundary Waters and the fisheries they support, as described in Section 4.
 - d. Facilitate opportunities for information sharing and constructive dialog among members of the BWG, and with the Nisga'a Nation, First Nations, Tribes, federal agencies, local governments, organizations and other interested parties, on broader concerns as described in Sections 5 and 6.
 - e. Carry out the terms of the SOC, recognizing the limits of current agency budgets, competing demands for agency resources, and legal limits on the authority of each agency.
 - f. Continue to look for collaborative means to further the objectives of this SOC.
2. Technical Working Group on Monitoring (TWG-M): The parties recognize the importance of having a reliable and adequate process for the collection, summary and distribution of baseline, regional and project-specific water quality and related data that describes the quality and quantity of Transboundary Waters before, during and after mining and other industrial development, and to monitor the condition of fish and other aquatic life that might be impacted by pollutants in Transboundary Waters.
 - a. A TWG-M comprised of experts nominated from agencies and ministries of the parties, whose appointment to the TWG-M shall be confirmed by the BWG, shall develop recommendations for the BWG regarding the scope, elements and funding of a defined coordinated monitoring effort. The members of the TWG-M will actively engage with federal agencies, Tribes, the Nisga'a Nation, First Nations, local governments, industry members, organizations and others in developing their recommendations to the BWG. This may include one or more public workshops in Alaska and British Columbia.
 - b. The TWG-M shall also make recommendations to the BWG on ways to help assure the trustworthiness of data, import or link to trustworthy data sets

collected or stored by others, and how best to package and present data and related information to the Nisga'a Nation, First Nations, Tribes, federal agencies and the public.

- c. Given the cost of data collection, the constrained budgets of agencies and the geographical extent of the Transboundary Region, the TWG-M shall look for areas of collaboration and means to avoid duplication of effort. As part of this undertaking, they will look for beneficial opportunities to use common or comparable protocols, analytical methods and reporting formats. The TWG-M may include recommendations on how to phase or prioritize work to best allocate available fiscal resources.
- d. The TWG-M may also make recommendations on the formation of one or more groups, which could include non-public members, to work on particular projects. Potential areas of collaboration include working with the Nisga'a Nation, First Nations and Tribes to enhance the collection, documentation and sharing of traditional ecological knowledge, baseline water quality data and other information relating to Transboundary Waters and the fisheries they support.
- e. The TWG-M may include as part of their recommendations to the BWG a proposed "Action Plan" with proposed actions, timelines and deliverables.
- f. It is the intent of the BWG that the TWG-M provide its preliminary draft description of the proposed monitoring and reporting program (Program Description) as described in the MOU along with proposed two-year Work Plan and any related recommendations it has to the BWG within six months of the effective date of this SOC. The BWG, with the continued assistance of the TWG-M, plans to develop the final Program Description, which once accepted by the BWG, shall be attached as "Attachment 1" to the SOC and become a part of it. It may then be modified from time-to-time by the BWG.

3. Participation in the Environmental Assessment and Permitting Processes Relating to Particular Mines and Other Developments: The BWG will look for opportunities to build on and enhance the existing collaboration between technical staff from the state's Departments of Natural Resources, Fish and Game and Environmental Conservation and technical staff from the Ministries of Energy and Mines and the Environment in the permitting and environmental assessments of proposed projects.

- a. While continuing the existing collaboration, the BWG members plan to develop a written description of reciprocal procedures the parties will use to facilitate the invitation and on-going involvement of the government representatives and their designated scientists in the processes described in subsections i-iii below. This may include a more detailed list of projects that one party would like to receive notice of and identify the agencies or offices that should receive that notice. Once this description is approved by all of the members of the BWG, it will be attached as "Attachment 2" to this SOC and become a part of it.
 - i. Environmental Assessments;
 - ii. Permitting Processes;
 - 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.

- b. As the BWG looks at the best ways to enhance their existing collaboration they will consider, among other options:
 - i. Participation of a representative of an agency from the British Columbia or Alaska government as a member, observer or commenting stakeholder in meetings of an inter-agency workgroup convened by the other jurisdiction; and
 - ii. Procedures for assuring that comments submitted by an agency from the British Columbia or Alaska government are duly considered and responded to by the reviewing or authorizing agency, or the proponent if required, from the other jurisdiction.

The parties shall also work to enhance and develop opportunities for interested Tribes, the Nisga'a Nation, First Nations, local governments, organizations, and the general public to easily access useful information about mining and other significant development projects in Transboundary Waters and to provide their input into provincial and state authorization processes before they are complete. Among other potential means to accomplish this, it is envisioned there will be public open houses in Alaska during the Environmental Assessment process on particular proposed projects. As allowed by law, the parties shall also look for opportunities to hold public hearings in the other jurisdiction where there is significant public interest or for other opportunities to solicit public comment.

4. Reporting on Ongoing Discharges, Operational Oversight, and Closure: The parties intend to:
- a. Identify and share reports with each other, in a timely manner without violating any legal requirements, that provide reliable information on the on-going compliance of a mine with the terms of its permits and other government authorizations that are intended to protect Transboundary Waters;
 - b. Notify in a timely manner the other party to the MOU, to the extent permitted by law, of:
 - i. Discovery of a deficiency in the design, placement, construction or maintenance or performance of a tailing dam, or other structure designed to store mine tailings and waste water, that the discovering party believes poses risk of significant degradation to Transboundary Waters;
 - ii. Compliance actions taken against a company operating in the Transboundary Region that fails to meet the conditions and requirements prescribed in an environmental assessment certificate or permit, including information that becomes available during the course of the compliance action and relates to the fiscal health of the companies involved; or
 - iii. The imminent threat or actual release of pollutants from a mine or former mine, or other commercial development, that the discovering party believes could have a significant adverse impact on Transboundary Waters.
 - c. The parties may include more specific provisions in Attachment 2 to this SOC regarding the content, timing and other aspects of the notices to be provided under this Section 4.

5. Engagement of the Parties on Broader Concerns: There are existing concerns and concerns that could arise in the future that relate to more than one mine or other commercial development in the Transboundary Region.
- a. Existing concerns which Alaska seeks to address under the SOC are:
 - i. The risk that a deficiency in the design, placement, construction or maintenance of an earthen tailings dam, or other structure designed to store mine tailings and waste water, could lead to a catastrophic failure that would result in significant degradation of Transboundary Waters; and
 - ii. Financial impacts to individuals or communities as a result of a mine-related incident.
 - b. Existing concerns which British Columbia seeks to address under the SOC are:
 - i. Concerns that British Columbia is not addressing the allowable margin of risk around the design, construction and management of tailings storage facilities by introducing new regulations and safety standards for tailings storage facilities, including a review of the Health, Safety and Reclamation Code for Mines; and
 - ii. Concerns that British Columbia does not have in place robust regulatory processes for natural resource projects, including environmental assessments, permitting, compliance and enforcement; and
 - iii. Greater understanding of Canadian common law and constitutional law requirements to consult and accommodate the Nisga'a Nation, and First Nations.
 - c. The parties may develop a joint statement of the issue(s) relating to each of the existing concerns described in 5.a. or b. above. Each statement of an issue may then be used to develop a report on the measures the jurisdiction being asked to address the issue has in place or is planning to put in place that is expected to address the issue. This could include how the jurisdiction plans to address any related recommendations or findings from third party reviews of the issue. The parties may then develop additional recommendations for addressing the issue for consideration of the jurisdiction addressing the issue.
 - d. Any member of the BWG may, in a written request to all of the members of the BWG, ask that they agree to attempt to address a specific concern not otherwise being addressed under 5.a. - c. or other section of this SOC. The written request should identify the concern with specificity and identify any means the requesting BWG member believes should be used to address the concern under the SOC. This could include, by way of example, convening a special workgroup, collaborating on a special study or demonstration project or a technology conference.
6. Communications: A key goal of this SOC is transparency and dialog with the Tribes, the Nisga'a Nation, First Nations, federal and local governments, organizations and other interested parties. The BWG intends to prepare a Communication Plan that describes with reasonable specificity how the BWG and its respective agencies, and technical and work

groups established under the SOC, might enhance communication with the Nisga'a Nation, First Nations, Tribes, communities, organizations, residents in the region and with federal agencies regarding work performed by the parties. Subject to any legal restrictions, the BWG intends to consider ways to:

- a. Better inform Tribes, the Nisga'a Nation, First Nations and the public regarding the steps for particular projects off Nisga'a Lands in entering the Environmental Assessment process and opportunities for Tribes, the Nisga'a Nation, First Nations and the public to engage through public workshops (including in Alaska) and otherwise;
- b. Better inform Tribes, the Nisga'a Nation, First Nations and the public regarding the steps for particular projects off Nisga'a Lands in the Permitting Process and opportunities for Tribal, the Nisga'a Nation, First Nations and the public to engage;
- c. Provide easier access by the Tribes, the Nisga'a Nation, First Nations and the public to useful information relating to proposed mines and other significant commercial development, including comments and recommendations submitted by Alaska agencies as part of their participation in these processes;
- d. Provide in a timely manner, early on, meaningful information on potential future mine and other significant developments that might be considered under the SOC;
- e. Provide in a timely manner relevant information on the ongoing compliance of a mine, during the operation, shutdown, closure and reclamation phases of its life, with the terms of its permits, authorizing documents, approved plans and other legal requirements; and immediate notice of any catastrophic or other unanticipated event relating to a transboundary mine or other commercial development that could have significant environmental impacts downstream of the site of the event.

7. The Nisga'a Nation

- a. The Parties acknowledge that prior to any decisions in respect of policies, procedures, or initiatives contemplated under this SOC that relate to existing or proposed mine development, operations and closure which could potentially impact Nisga'a rights or interests under the Nisga'a Final Agreement or any other agreement between the Nisga'a Nation and British Columbia which contain unique provisions in respect of the Transboundary Waters and the Transboundary Region, British Columbia will consult with the Nisga'a Nation in accordance with the Nisga'a Final Agreement, such other agreements and other procedures as agreed to by British Columbia and the Nisga'a Nation.
- b. The Parties acknowledge and understand that the SOC does not apply to any project or portion of a project located on Nisga'a Lands (as that term is defined in the Nisga'a Final Agreement and as depicted on the map attached hereto as Attachment "B") which require an environmental assessment or other permits pursuant to Nisga'a law.

8. Engagement with the Nisga'a Nation, First Nations and Tribes in the Transboundary Region:

- a. The parties intend, in their implementation of the SOC, to enhance their engagement with the Nisga'a Nation, First Nations and Tribes in the Transboundary Region. This may include, but is not limited to:
 - i. With the assistance and participation of the Nisga'a Nation, First Nations and Tribes, the collection, documentation and sharing of traditional ecological knowledge;
 - ii. The collection of water quality and other data relevant to the monitoring of the condition of Transboundary Waters and the fisheries they support;
 - iii. The establishment of one or more councils consisting of members designated by the Nisga'a Nation, First Nations and Tribes to engage with the BWG on matters relating to the implementation and performance of this SOC.

9. Engagement with Communities and the Public.

- a. It is a goal of the parties in performing work under this SOC to engage collaboratively with communities, organizations and individuals interested in protecting the quality of Transboundary Waters and the fisheries they support.
- b. The parties can engage with individuals from citizens' groups in British Columbia and Alaska to provide independent advice to an agency or company regarding one or more commercial operations and the resources they might impact in a particular geographical area. Citizens groups generally represent a broad cross section of stakeholders and help find collaborative solutions or outcomes. With this in mind, the parties plan to look for opportunities to facilitate:
 - i. Citizens from Alaska to work with citizens groups in British Columbia that have a scope of work that includes concerns of significant interest to Alaskans in the Transboundary Region;
 - ii. Citizens from British Columbia to work with citizen groups in Alaska that have a scope of work that includes concerns of significant interest to citizens of British Columbia in the Transboundary Region;
 - iii. Representatives from agencies, the Nisga'a Nation, First Nations, Tribes and organizations in one jurisdiction to attend meetings of citizen groups in the other jurisdiction to present helpful information and discuss concerns relating to Transboundary Waters and the fisheries they support.

10. Engagement with Federal Agencies: A number of the concerns the parties may seek to address under this SOC might involve the duties and authorities of one or more federal agency. In some instances a federal agency might have experience, expertise or resources that might be of assistance in addressing a concern that arises under the SOC. With this in mind, the parties intend to look for beneficial ways to engage with their respective federal agencies in addressing concerns and issues that arise under the SOC. This includes without limitation, inviting persons from federal agencies to work with the TWG-M and other technical and

special working groups and including provisions in the Communication Plan for providing information and invitations to meetings to interested federal agencies.

11. Meetings of the BWG: The BWG shall meet in person or by phone at the will of the group. It is envisioned the BWG will meet at least quarterly during the first year of this SOC and at least once a year in succeeding years. If a member of the BWG is unavailable to attend a meeting, she or he may designate to their deputy commissioner or assistant deputy minister authority to participate in that meeting on their behalf. Nothing in this SOC is meant to discourage members of the BWG from collaborating with each other on any matter without engaging other members of the BWG who might be less involved in that matter. Collaboration being a key goal of the SOC, the BWG intends to act with the consensus of all of its members.
12. Oversight of the BWG: The MOU provides that the Lieutenant Governor of Alaska, as chair of the Alaska Transboundary Working Group, and British Columbia's Minister of Environment and Minister of Energy and Mines shall provide oversight of the BWG.
 - a. The members of the BWG from each jurisdiction are responsible for providing to their respective senior leader(s) (Lieutenant Governor in Alaska and the Minister of Environment and Minister of Energy and Mines in British Columbia): 1) advance notice of meetings of the BWG and of its technical and other groups established by the BWG under this SOC; 2) drafts of the Communication Plan (described in Section 6 of the SOC); proposed goals, timelines and performance measures; and other documents prepared for or by the BWG that are important to the implementation of the MOU and 3) such other information as their senior leader(s) may desire.
 - b. If the BWG is unable to find consensus on a matter they are discussing, they may seek assistance from the Alaska Lieutenant Governor and British Columbia Minister of Environment and Minister of Energy and Mines.
13. Funding: The parties recognize the constraints contracting budgets put on them and the need to prioritize work under the SOC, build on existing collaborations, leverage existing partnerships and resources, and avoid unnecessary duplication.
14. Definition of Terms: The following terms are defined as follows for purpose of this SOC.
 - a. "Transboundary Water(s)" includes: any river, stream or other surface water that flows across the international borderline between Alaska and British Columbia, including all tributaries to these waters, and on which mining or other commercial development is being planned, is occurring or has occurred, that involves the risk of significant degradation of those waters or the fisheries they support; and, also includes all marine waters within the jurisdiction of Alaska south of sixty (60) degrees latitude or within the jurisdiction of British Columbia. Attached as Attachment "A" to this SOC is a map showing the location of the four major watersheds that cross the boundary between British Columbia and Alaska and the location of the sixty degree line of latitude.

- b. "Transboundary Region" includes the areas in British Columbia that are drained by Transboundary Waters or that are part of the Southeast panhandle of Alaska south of sixty (60) degrees latitude.
- c. "Environmental Assessment" means any environmental review or assessment that:
 - i. Is required under federal, provincial or state law in advance of the consideration of a permit application or as part of the consideration of whether to issue a permit or other governmental authorization;
 - ii. Involves significant participation by one or more of the agencies represented on the BWG; and
 - iii. Pertains to a proposed mining or other commercial development that could, in its construction, operation, closure or reclamation, result in significant degradation of a Transboundary Water or the fisheries it supports.
- d. "Permitting Processes" means any governmental process conducted by a state or provincial agency that is required by law and involves the exercise of its regulatory authority to issue or approve a permit or authorization in response to a proposed mine or other commercial development that could in its construction, operation, closure or reclamation, result in significant degradation of a Transboundary Water or the fisheries it supports.
- e. "Fisheries" for purposes of this SOC, includes: areas where fish are harvested for commercial, subsistence, recreational and other purposes; fish populations harvested for these purposes; and the habitats that support those fish.
- f. "Significant degradation", for purposes of this SOC, means an addition of contaminants from one or more sources that lowers the quality of the receiving water such that the receiving water:
 - i. If within the jurisdiction of the state of Alaska, cannot support the designated uses of that water specified under AS 46.03.080 and 18 AAC 70.020, or
 - ii. If within the jurisdiction of the Province of British is considered pollution under the *Environmental Management Act*.

15. Interpretation: This SOC is to be interpreted consistent with the terms of the MOU.

16. Limitations: This SOC shall have no legal effect; impose no legally binding obligation enforceable in any court of law or other tribunal of any sort, nor create any funding expectation; nor shall either Alaska or British Columbia be responsible for the actions of third parties or associates. This SOC does not limit or change in any way the legal rights or obligations of either party, or any third party, may have under a treaty, contract or other agreement or law. This SOC does not narrow, expand or supersede any state or provincial law. By entering into this SOC or taking any action pursuant to this SOC, Alaska or British Columbia is not precluded from seeking or supporting at any time an alternative means for resolving a concern, including without limitation, a referral to the International Joint Commission pursuant to the Boundary Waters Treaty between the United States and Canada. Any decision or recommendation by the BWG or any committee they form pursuant to this SOC shall not be legally binding on either party or their agencies.

17. Notices: Except as may be otherwise provided in Attachments 1 or 2 to this SOC, notices that are to be provided by one party to the other may be made in writing or by email.

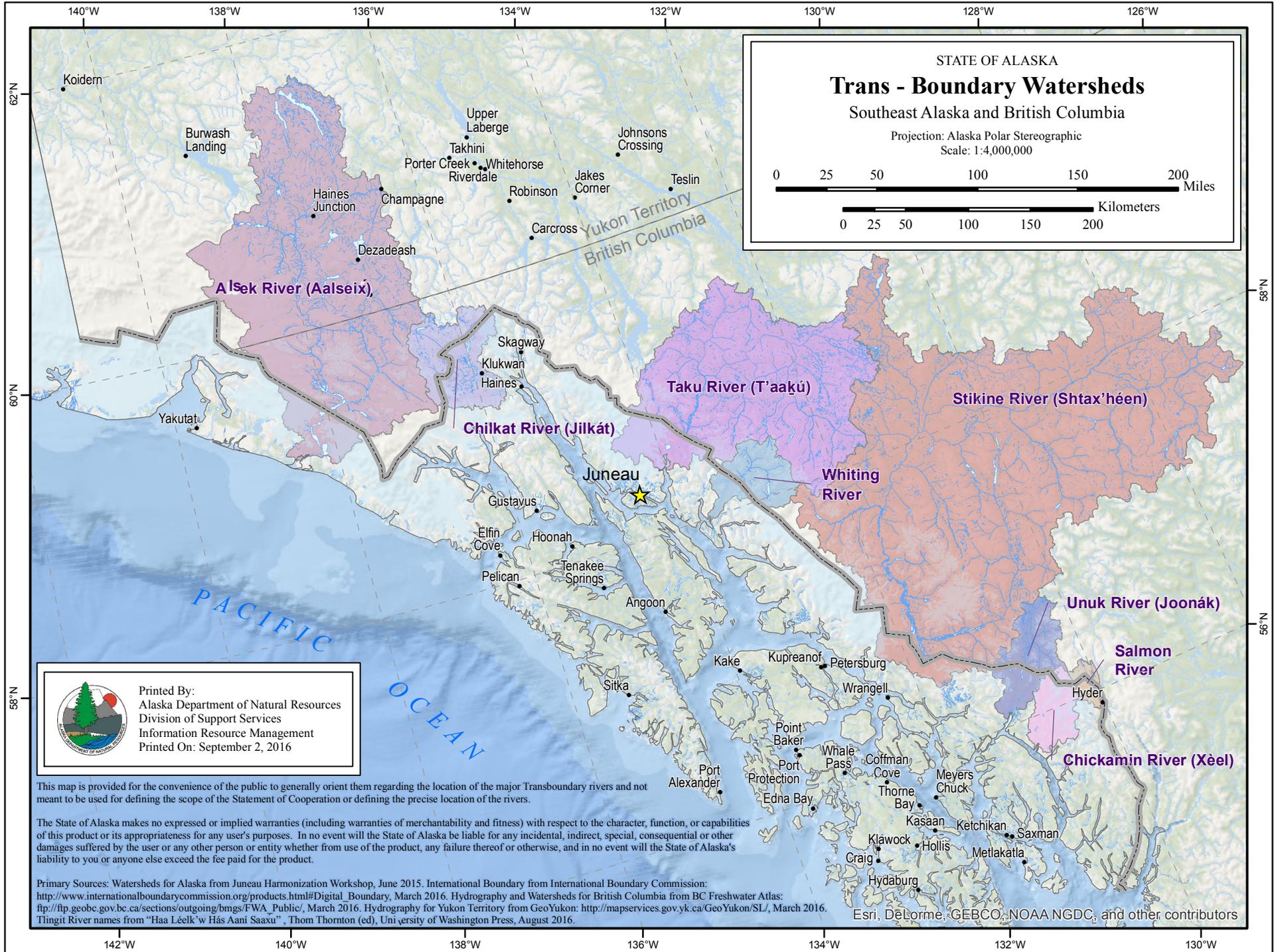
18. Term and Amendment: This Statement of Cooperation is effective when signed by the Lieutenant Governor of Alaska, British Columbia's Minister of Environment and Minister of Energy and Mines. It may be amended at any time by agreement among all of the signatories and may be terminated by any of them by written notice to the others.

AGREED as to form and content and signed and dated in two (2) duplicate originals in Juneau, Alaska and Victoria, British Columbia this ____ day of ____ 2016.

Byron Mallott
Lieutenant Governor, Alaska
United States

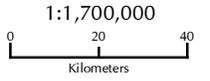
Mary Polak
Minister of Environment
British Columbia, Canada

Bill Bennett
Minister of Energy and Mines,
British Columbia, Canada

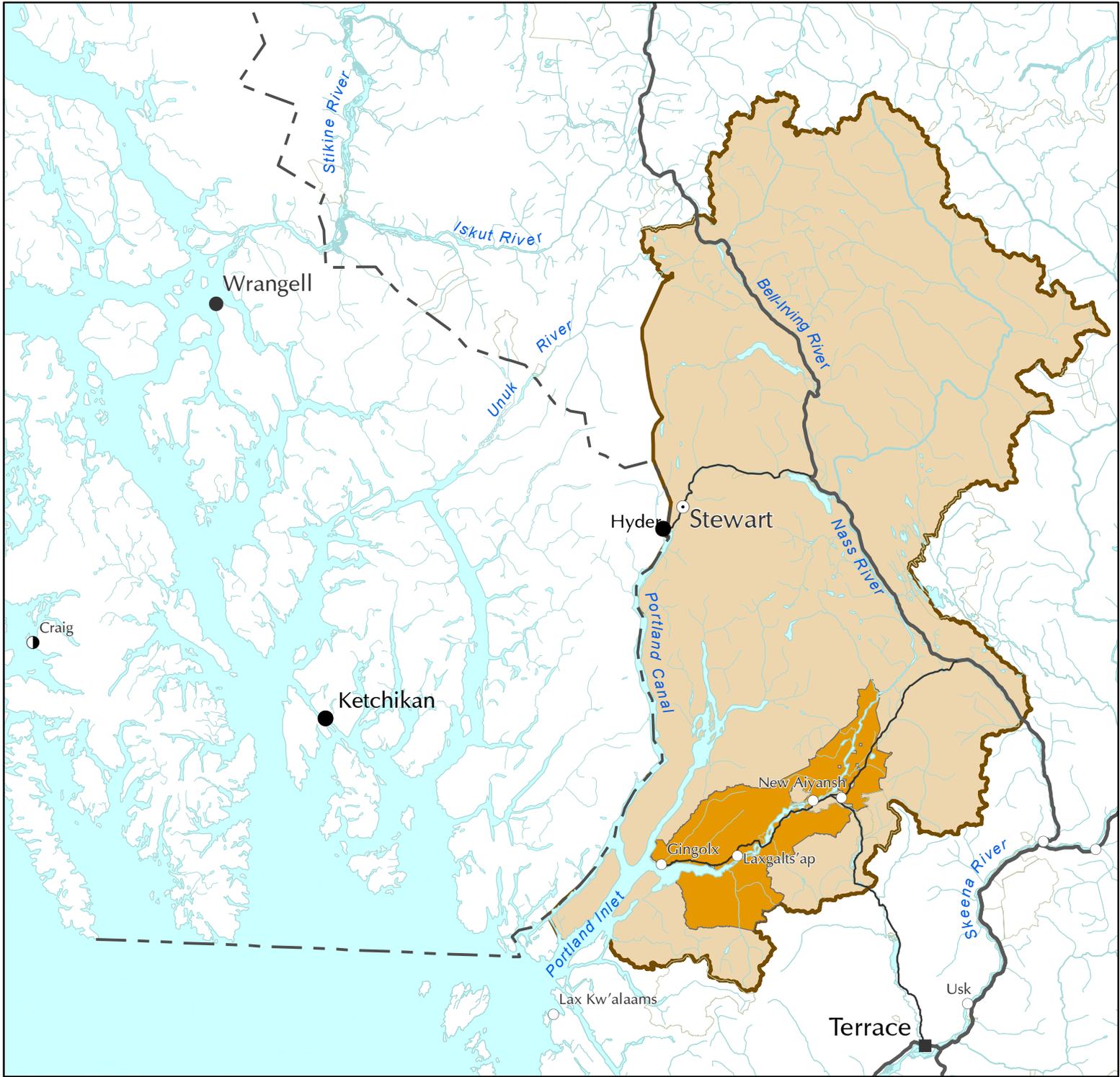


Attachment B Nisga'a Treaty Area

-  Nisga'a Treaty Area
-  Nisga'a Lands



Ratio scale is correct at 8.5" x 11" page size.



ATTACHMENT 2 (October 5, 2017) to the Statement of Cooperation (SOC) on Protection of Transboundary Waters¹ 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 (MoE) and Energy, Mines, and Petroleum Resources (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 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 Section 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*”

ATTACHMENT 2
Reciprocal Procedures

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 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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Reciprocal Procedures

- B. Within 30 days following notification, the OPMP will respond to the MEM and/or MoE 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 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).

COMMUNICATION PLAN

Statement of Cooperation on

PROTECTION OF TRANSBOUNDARY WATERS

Between

The State of Alaska Departments of Environmental Conservation, Fish and Game and Natural Resources

And

The Province of British Columbia Ministries of Environment, and Energy and Mines

Goal

The goal of this communication plan is to enhance transparent communication related to significant natural resource projects that could impact watersheds and marine waters in the Transboundary Region, including the Alsek, Stikine, Taku and Unuk watersheds and marine waters. This plan will describe how the parties to the Statement of Cooperation (SoC), will enhance communication with all interested parties in the region.

Objectives

1. Establish transparent and accessible communication tools.
2. Provide access to timely and relevant information pertaining to the established SoC.
3. Ensure stakeholders understand their opportunities to participate in both proposed and ongoing projects in the Transboundary Region.
4. Ensure that the effectiveness of this SoC is communicated to stakeholders.

Audience

- Nisga'a Nation
- First Nations
- Tribes
- Federal and local governments
- Industry
- Organizations and other interested parties

Communication Tools

The following four communication tools will be utilized to ensure timely and relevant information pertinent to the SoC is shared between the Province of British Columbia and the State of Alaska.

Tools	Feature Highlight	Frequency
Bilateral Working Group on the Protection of Transboundary Waters ¹	Meeting agendas and minutes shared online	After meetings
Technical Working Group on Monitoring	Meeting agendas and minutes shared online	After meetings
Province of British Columbia: Transboundary Website State of Alaska: Transboundary Website	1. SoC information 2. Active projects 3. Proposed projects	Updated monthly
Transboundary Newsletter	Timely updates on relevant emerging topics	As required
Alaska Stakeholder Distribution List	Alaska to distribute relevant information	On demand

Province of British Columbia: Transboundary Website State of Alaska: Transboundary Website

This tool will be used to educate stakeholders on the MOU and SoC, provide transparent information on active projects in the Transboundary Region and communicate projects entering into environmental assessment. This platform may also be leveraged to provide notification of relevant and emerging issues in the region. Tool will serve as a one-stop shop, linking to other relevant BC or Alaska resources where appropriate.

Topic	Content	Objective	Deliverable
SoC Information			
AK-BC SoC	What is it? Why is it important?	Education	Article
Governance Structure	MOU, SoC	Transparency	Article, Diagram
Bilateral Working Group	Role and who they are Quarterly meeting schedule	Transparency	Pictures, Agendas, Minutes,
Technical Working Group on Monitoring	Role and who they are. Monitoring plan	Transparency	Pictures, Agendas, Minutes
Water Monitoring and Reporting	Reports	Transparency Regional impacts	Reports by TWG-M

¹ Refer to *Statement of Cooperation* for details on Bilateral Working Group (BWG)

Active Projects			
Transboundary Region: Mining in BC	Profiles on active mine sites Annual mine reports Regional maps	Education	Overview of active sites and companies. Overview of region.
Projects Entering EA	EA overview Process diagram Projects and updates	Education Transparency Regional impacts	Article Diagram Linkage to BC EAO
Compliance	Compliance Reports Inspection Reports	Regional impacts	BC C&E Board BC MEM
Proposed Projects			
Proposed Projects	Profiles on proposed mine sites Regional maps	Education	Company websites Map images BC EAO information
Permitting Process	Process overview Process diagram Project updates	Education Transparency Regional impacts	Article Diagram Updates Relevant BC MEM and EAO links

Province of British Columbia: The Transboundary Newsletter

BC will provide the newsletter to Alaska for distribution through their stakeholder list.

Topic	Content	Objective	Deliverable
Relevant topics of interest.	Examples: <ul style="list-style-type: none"> • Transboundary updates • Information sessions on SoC • Permitting • EA • Upcoming workshops 	Transparency	Newsletter

Alaska Stakeholder Distribution List

The State of Alaska will maintain and manage a distribution list to ensure interested parties are presented with timely and relevant information in regards to the SoC.

Public Inquiries and Communications

The Province of British Columbia will manage inquiries and communication with citizens and stakeholders of BC.

The State of Alaska will manage inquiries and communications with citizens and stakeholders of Alaska.

JOINT WATER QUALITY MONITORING PROGRAM FOR TRANSBOUNDARY WATERS

Program Description and Two-Year Work Plan¹

Context

In accordance with the Statement of Cooperation (SoC), British Columbia (BC) and Alaska (AK) propose a Transboundary Waters Monitoring Program and two-year Work Plan including the scope, elements and funding of a defined coordinated monitoring effort. These documents describe a process for the collection, summary and distribution of baseline water quality and quantity data and for monitoring the condition of fish and other aquatic life potentially impacted by pollutants in Transboundary Waters.

Geographical Scope

The Alsek, Taku, Stikine, and Unuk rivers.

The Technical Working Group on Monitoring (TWG-M) identified that development is not occurring or planned in the Alsek watershed in BC or AK and recommends focusing efforts on the Taku, Stikine, and Unuk rivers where upstream industrial development has occurred, is occurring, or is planned.

Program Outreach

The members of the TWG-M engaged with Tribes, First Nations, Nisga'a Nation, state and federal agencies, provincial and federal ministries, non-governmental organizations and the general public informally by phone and email and formally at:

- The Alaska Transboundary Environmental Data Workshop held in Juneau in April 2016;
- The Alaska Forum on the Environment held in Anchorage February 2016 and 2017;
- Meetings in Juneau and Ketchikan in March 2017 to review SoC goals and identify concerns;
- Meetings in Juneau in April 2017 to review SoC goals, discuss collaborative opportunities, and leverage resources; and
- Workshop in Juneau in May, 2017 to provide an update on efforts under the SoC and an opportunity for input on the preliminary draft monitoring program description and two-year workplan.

Program outreach revealed Tribes and stakeholders desire to understand both the existing environmental conditions in transboundary waters and the potential for upstream Canadian mining and industrial activities to impact Alaska's downstream Taku, Stikine, and Unuk water quality, water quantity, and fish resources.

¹ This document was prepared for Bilateral Working Group review and was approved on October 5, 2017. This document forms Attachment 1 to the BC/AK SoC.

Coordination

BC and AK will coordinate with Tribes, First Nations, Nisga'a Nation, state and federal agencies, provincial and federal ministries, non-governmental organizations, and industry, to use resources effectively and minimize duplication when implementing the work plan. To the extent possible, BC and AK will coordinate abiotic and biotic sampling parameters in an effort to ensure data comparability.

Funding

BC and AK may seek funding to complete the work plan through internal budget processes and working in partnership with Tribes, First Nations, Nisga'a Nation, state and federal agencies, provincial and federal ministries, non-governmental organizations, and industry.

Data Collection

Existing

AK hired a non-governmental organization to catalog recent and historic Southeast Alaska transboundary rivers water quality, water quantity and bioassessment data.²

BC inventoried recent and historic water quality, water quantity and bioassessment monitoring information and conducted a review of federal and provincial water quality agreement trend monitoring stations, provincial biomonitoring programs, provincial *Environmental Assessment Act* and *Environmental Management Act* applications and authorizations. BC has implemented issue-specific environmental impact assessment studies, such as the 2016 Tulsequah Chief Aquatic Ecological Risk Assessment.

Additional data collection is on-going through Central Council Tlingit and Haida Indian Tribes of Alaska (Central Council), United States USGS gaging stations, and Canadian hydrometric stations.

Central Council is conducting a Traditional Ecological Knowledge survey related to transboundary rivers, in cooperation with AK.

Future

AK is implementing the Alaska Monitoring and Assessment Program³ in Southeast Alaska to describe aquatic conditions across the region. Staff began sampling lakes in 2017, and will sample rivers and streams in 2018 and 2019. In addition to the Environmental Protection Agency protocol for a spatially balanced survey design across the region, the program allows survey intensification⁴ in special interest areas, like the Taku, Stikine, and Unuk rivers, while supporting correct statistical analysis of combined larger area and special interest area data. Staff will survey coastal waters, and may survey wetlands, in 2020 and 2021.

² AK is developing a quality assurance program to address data evaluation.

³ The Alaska Monitoring and Assessment Program, referred to as AKMAP, is part of a nationwide Environmental Protection Agency effort to survey the environmental condition of United States ecological resources.

⁴ Intensification of AKMAP Lake, River and Stream survey include additional monitoring locations and parameters. Additional parameters include total and dissolved metals in the water column and sediment, periphyton (unfunded), and fish tissue sampling.

AK will apply for a Pacific Salmon Commission Northern Fund grant to sample Stikine and Unuk river juvenile Dolly Varden char whole body metals concentrations. If the grant application is approved, metals data from 120 fish will be compared to Taku River and AK statewide datasets.

BC will conduct supplemental water quality monitoring projects in transboundary watersheds. BC will also expand its Biomonitoring Network, which employs the federally developed and supported Canadian Aquatic Biomonitoring Network (CABIN) protocols to measure change in biological communities to assess freshwater ecosystem health. Additional biomonitoring will include measuring metals concentrations in fish tissues to build understanding of potential impacts of pollutants from industrial activities in the watersheds.

BC will implement industry validation projects as part of the two year work plan. These projects will be in addition to industry sampling efforts and will validate data collected by industry, and may include additional sampling, split sampling, and review of lab and field Quality Assurance data.

Deliverables

In the fall of 2018, the TWG-M will provide the Bilateral Working Group a draft Program report summarizing monitoring activities.

In the fall of 2019, the TWG-M will provide the Bilateral Working Group a final Program report summarizing existing data, data gaps, and data collected during the two-year work plan.

The TWG-M will meet quarterly to ensure continued BC and AK collaboration and information sharing as described in the SoC Communications Plan.

Two-year Work Plan

All Watersheds

Background Info	Project Lead	Spring/Summer 2017	Fall/Winter 2017/18	Spring/Summer 2018	Fall/Winter 2018/19	Spring/Summer 2019	Fall/Winter 2019/20		
Continue to engage, collaborate and consult with Tribes, First Nations, Nisga'a Nation, industry, environmental non-governmental organizations, public, and federal agencies.	BC/AK	Continue to engage with Tribes, First Nations and stakeholders in BC and Alaska	Engagement: ongoing						
		Collaborate to identify existing data sources from other agencies							
		Collaborate to identify potential funding sources / partnerships							
		Collaborate on survey methods, parameters, and analysis							
		Collaborate on the collection, documentation, and sharing of traditional ecological knowledge.							
		Publication of monitoring results – ongoing							
						Mid-point Report: Review and summarize monitoring actions		Final Report: Review and summarize monitoring actions and results.	

ALSEK

Background Info	Project Lead	Spring/Summer 2017	Fall/Winter 2017/18	Spring/Summer 2018	Fall/Winter 2018/19	Spring/Summer 2019
There is no current mining or other industrial activity in the BC portion of the Alsek watershed. We are not aware of planned mining or other industrial development in the reasonably foreseeable future.	BC	Four Water Survey of Canada hydrometric stations				
	AK	USGS gage station: stage, discharge, water chemistry				
		AKMAP Southeast Alaska region wide survey		AKMAP Southeast Alaska region wide survey		AKMAP Southeast Alaska region wide survey

 Existing monitoring program

Taku

Background Info	Project Lead	Spring/Summer 2017	Fall/Winter 2017/18	Spring/Summer 2018	Fall/Winter 2018/19	Spring/Summer 2019	
The Tulsequah-Chief mine is in receivership and discharging to the Tulsequah River, a tributary to the Taku.	BC			Baseline water quality monitoring on Taku & Tulsequah Rivers			
		Baseline water quality and sediment quality monitoring.		Baseline benthic invertebrate monitoring			
				Fish tissue sampling on main-stem Taku		Fish tissue sampling on main-stem Taku	
	AK	Central Council of Tlingit and Haida Indian Tribes of Alaska Transboundary Monitoring Project, two locations (USGS gage station and confluence Goat Creek): water chemistry, dissolved and total metals					
		USGS gage station: stage, discharge, water chemistry					
		AKMAP Southeast Alaska region wide survey		AKMAP Southeast Alaska region wide survey		AKMAP Southeast Alaska region wide survey	
		Intensification of AKMAP Lake survey		Intensification of AKMAP Rivers and Streams survey		Intensification of AKMAP Rivers and Streams survey	

Stikine

Background Info	Project Lead	Spring/Summer 2017	Fall/Winter 2017/18	Spring/Summer 2018	Fall/Winter 2018/19	Spring/Summer 2019	
The Red Chris Mine is in operation in the sub-watersheds of the Iskut and Klappan.	BC	Three current Water Survey of Canada hydrometric stations					
		Current federal-provincial water quality monitoring station on the Iskut River (sub-watershed)					
		Red Chris Mine; <i>Environmental Management Act</i> authorization aquatic effects monitoring program: benthic invertebrates, periphyton, water quality, sediment quality, physical habitat assessment, fish tissue (lakes program includes three years of sampling for selenium)					
				Baseline water quality monitoring on main-stem Stikine			
				Industry data validation (Red Chris)			
		Baseline water quality and sediment quality monitoring.		Baseline benthic invertebrate monitoring			
			Fish tissue sampling on main-stem Stikine		Fish tissue sampling on main-stem Stikine		
	AK	Central Council of Tlingit and Haida Indian Tribes of Alaska Transboundary Monitoring Project, 2 locations (USGS gage station and confluence Goat Creek): water chemistry, dissolved and total metals					
		USGS gage station: stage, discharge, turbidity, water chemistry					
		AKMAP Southeast Alaska region wide survey		AKMAP Southeast Alaska region wide survey		AKMAP Southeast Alaska region wide survey	
Intensification of AKMAP Lake survey			Intensification of AKMAP Rivers and Streams survey		Intensification of AKMAP Rivers and Streams survey		

	Existing monitoring program
	Proposed supplemental monitoring (BC) / program intensification effort (AK)

Unuk

Background Info	Project Lead	Spring/Summer 2017	Fall/Winter 2017/18	Spring/Summer 2018	Fall/Winter 2018/19	Spring/Summer 2019	
The KSM Project is in pre-application (permitting) and Brucejack Mine is operating.	BC	Two hydrometric stations associated with Brucejack Mine; ten hydrometric stations associated with the KSM Project					
		Brucejack Mine <i>Environmental Management Act</i> authorization aquatic effects monitoring program: water quality, benthic invertebrates, sediment quality, periphyton					
		KSM Project <i>Environmental Management Act</i> authorization aquatic effects monitoring program: water quality, benthic invertebrates, sediment quality, periphyton, selenium bioaccumulation project associated with KSM concludes in 2018					
					Industry data validation (KSM/Brucejack)		
				Fish tissue sampling on main-stem Unuk		Fish tissue sampling on main-stem Unuk	
	AK	Central Council of Tlingit and Haida Indian Tribes of Alaska Transboundary Monitoring Project, 2 locations (historic USGS gage station and confluence Blue River): water chemistry, dissolved and total metals					
		USGS gage station: stage, discharge, turbidity, water chemistry					
		AKMAP Southeast Alaska region wide survey			AKMAP Southeast Alaska region wide survey		AKMAP Southeast Alaska region wide survey
		Intensification of AKMAP Lake survey			Intensification of AKMAP Rivers and Streams survey		Intensification of AKMAP Rivers and Streams survey

	Existing monitoring program
	Proposed supplemental monitoring (BC) / program intensification effort (AK)