



Province of
British Columbia

The State of
Washington



British Columbia/Washington Environmental Cooperation Council

May 3, 1996

TO: Premier Glen Clark
Governor Mike Lowry

FROM: Thomas Gunton, Deputy Minister, Ministry of Environment, Lands and Parks
Mary Riveland, Director, Department of Ecology

SUBJ: Memorandum of Understanding on Environmental Cooperation

In accordance with the 1992 Environmental Cooperation Agreement between the state and the province, our agencies have been working together for the past 4 years to resolve and avoid cross-border problems. We have recognized that environmental needs do not respect political borders and that effective protection of our resources and residents requires shared programs and regular communication.

We have developed effective joint efforts to address Puget Sound and Georgia Basin water quality, to reduce pollution and respond to spills in the Columbia River, to regulate air pollution sources in the border region, to reduce flooding problems in the Nooksack River and to protect the ground water in the Abbotsford/Sumas area.

To promote continuation of these activities and to maximize our efficiency and effectiveness, we have completed a formal Memorandum of Understanding between our agencies. We see this document as a framework that will aid in the implementation of the 1992 Environmental Cooperation Agreement and serve as a link among subject-specific agreements. Such agreements have already been developed on air quality management and protection of the Columbia River; these will become appendices to this Master MOU.

We are forwarding a copy of the Memorandum of Understanding because we hope you will share our sense of accomplishment in building a transboundary partnership that increases each jurisdiction's capacities and constructively avoids or resolves common problems. A copy of this message and the Memorandum of Understanding are being sent to the Honourable Moe Sihota, Minister of Environment, Lands and Parks, for his information.

Enclosure

cc Honourable Moe Sihota

**MEMORANDUM OF UNDERSTANDING
BETWEEN THE WASHINGTON DEPARTMENT OF ECOLOGY
AND
THE B.C. MINISTRY OF ENVIRONMENT, LANDS & PARKS**

I. Purpose and Scope

In 1992, the Governor of Washington and Premier of British Columbia signed an Environmental Cooperation Agreement committing the two jurisdictions to “promote and coordinate mutual efforts to ensure the protection, preservation and enhancement of our shared environment for the benefit of current and future generations.” The Agreement went on to authorize the state and province to “enter into specific arrangements necessary to address environmental problems.” It designated the Washington Department of Ecology (hereafter Ecology) and the British Columbia Ministry of Environment, Lands and Parks (hereafter the Ministry) as the agencies responsible for implementation. For purposes of this Memorandum of Understanding (MOU), those agencies shall be deemed the Lead Agencies.

The Ministry and Ecology have established Task Forces and created other mechanisms for joint efforts. This MOU describes approaches to addressing transboundary environmental issues that can be used by any of the Task Forces or by the Lead Agencies when no task force exists.

This “Umbrella” MOU is designed to be general, with the recognition that subject-specific Memoranda can be adopted as Appendices if the Lead Agencies jointly agree to do so.

II. Responsibilities

The Department of Ecology is Washington’s main environmental protection agency, with lead responsibility for air and water pollution control, hazardous waste management, coastal and shoreline protection, water resources allocation, toxic site cleanup, and technical and financial assistance to local governments for environmental protection. The Department’s mission is to protect, preserve, and enhance Washington’s environment and promote the wise management of our air, land and water for the benefit of current and future generations.

The mandate of the British Columbia Ministry of Environment, Lands and Parks is to protect the clean air, fresh water and productive land in the province, and to nurture the abundance of natural areas, wildlife and scenic beauty. To that end, the Ministry is responsible for controlling or managing toxic, solid and liquid wastes, establishing and operating a network of protected areas, managing the use and disposition of publicly owned lands, and managing freshwater fisheries and wildlife.

III. Provisions

The Ministry and Ecology wish to maximize efficiency and effectiveness and to cooperate in a spirit of partnership. Toward this end, they agree to make every effort to share information, consult with one another, and coordinate their work on environmental issues that affect resources and residents in the border region.

In particular, the agencies commit to:

- designate lead liaisons for cross-border communications to serve as central points of contact on issues related to the Environmental Cooperation Agreement on this MOU;
- upon request by the other jurisdiction, establish communications among staff members working on issues with cross-border impacts to enable open sharing of information and awareness of processes for public review and comment;
- provide referrals to other agencies within the state and province when an issue needing resolution does not fall within the responsibilities of the lead agency; and
- establish working relationships with regional representatives of federal agencies to facilitate cooperation on appropriate issues.

In accordance with implementing appendices developed by the Lead Agencies, the state and province will:

- exchange draft permits on proposed major projects that could have cross-border impacts;
- include the regional office of the other jurisdiction in the distribution of environmental assessments for major projects within x kilometers (y miles) of the border;
- develop early notification procedures to identify problems or sources of controversy to residents or government agencies in the border region;
- establish procedures to cooperatively respond to emergencies that could cause environmental harm or damages; and
- cooperate in the development of environmental information, including education, training and technical support.

Implementing appendices may include other parties if the Lead Agencies determine that this will be beneficial.

IV. Dispute Resolution

In the spirit of partnership and the efficient use of public resources, the parties agree to attempt to resolve disputes or conflicts at the lowest possible staff level. Issues will be elevated to more senior management levels within each agency as needed to achieve resolution. The mutual goal shall be to ensure the rapid resolution of disagreements before negative impacts on the environment or economy occur.

V. Terms of this Memorandum of Understanding

This agreement shall be effective when signed by both parties. It may be amended at any time by agreement between the parties and may be terminated by either party upon 30 days written notice to the other.


IN WITNESS OF THE AGREEMENT TO ADHERE TO THE TERMS OF THIS MEMORANDUM OF UNDERSTANDING, the parties have executed it by their signatures:



Tom Gunton
Deputy Minister, B.C. Ministry of
Environment, Lands and Parks

96/4/12

Date



Mary Riveland
Director, Washington Department
of Ecology

4/10/96

Date