

***Protocol on Principles
for Sharing
Environmental Responsibilities***

Amongst:

***Ministry of Water, Land and Air Protection
Ministry of Sustainable Resource Management
Ministry of Community, Aboriginal and Women's
Services***

and

Union of British Columbia Municipalities

("the parties")

Whereas:

The well-being of British Columbia's economy and society is integrally linked with the health of its environment and is of mutual concern to the parties;

All British Columbians, individually and collectively through their government, share responsibility for the protection, conservation and enhancement of the environment for use by present and future generations;

There is a need to clarify and define the jurisdiction and responsibilities of the Province and local governments when addressing issues associated with environmental responsibilities, and a need to increase the level of trust and commitment to cooperation;

The Province recognizes local government as an independent, responsible and accountable level of government;

The parties are committed to the concept of sustainability as the foundation for the integration of environmental, social and economic activities;

The Provincial and local government, having distinct legislative authority enabling them to regulate matters relating to the environment, are committed to ensuring a consistent and high level of environmental quality;

Effective cooperation between the Provincial and local governments will lead to certainty and predictability of environmental regulation, and promote public confidence and sound economic planning;

Environmental issues are complex, often transcending political boundaries, and thus require coordinated responses from the parties.

Therefore:

The principles established in this Protocol shall form the basis for the sharing of environmental responsibilities among the parties.

Principles:

1. COMMITMENT TO ACTION

The parties are committed to act on environmental matters within their exclusive areas of jurisdiction, while respecting the jurisdictions of others.

2. PARTNERSHIP

The parties recognize each others' strengths and capabilities. To maximize efficiency and effectiveness, the parties are committed to cooperate in the spirit of partnership, particularly in the harmonization of environmental legislation, regulations, policies, programs and projects.

The leadership roles of the Ministry of Water, Land and Air Protection and Ministry of Sustainable Resource Management are recognized with respect to ensuring a clear division of responsibilities which leaves the Province and local governments accountable for specific policies and gives them the authority and financial capacity to effectively perform their roles.

3. FUNDING AND RESOURCES

Any party proposing a significant change in environmental legislation, standards, policies or programs that affects another party will ensure that a full evaluation is done of the costs and revenues associated with the proposed change.

New environmental responsibilities will not be assigned to another party until issues of funding and resources have been discussed among the parties.

With respect to environmental matters where local governments are responsible, they should have adequate authority and independence to fulfill their responsibilities.

4. LIABILITY PROTECTION

Any devolution of authority or responsibility should provide local government with protection from any liability arising from the delivery of Provincial programs or standards when acting in good faith and without negligence.

5. EMERGENCIES

The parties understand that environmental emergencies may arise which may require a party to act unilaterally.

6. NOTIFICATION AND CONSULTATION

In the spirit of fairness, openness and equality, any proposed significant change in environmental legislation, regulations, standards, policies or programs will be preceded by appropriate consultation among the affected parties, including timely notification of the proposed change.

Parties agree to use their best efforts to agree on a timetable for review and evaluation of the proposed change(s).

7. PUBLIC INVOLVEMENT

The Province and local governments will provide stakeholders and the public with appropriate opportunities to participate in environmental decision-making processes.

8. INFORMATION SHARING

The Province and local governments will cooperate in the development and distribution of environmental information, including education, training and technical support.

9. NATIONAL/INTERNATIONAL OBLIGATIONS

The Province and local governments will notify and consult with each other when discussing environmental agreements with third parties that will have an impact on either's ability to effectively deliver environmental programs.

10. DISPUTE RESOLUTION

In the spirit of partnership and the efficient use of public resources, the parties agree to pursue alternate methods of dispute resolution wherever necessary, ensuring the rapid resolution of disagreements before negative impacts on the environment or economy occur.

Implementation:

The parties agree to meet on a regular basis to oversee the implementation of the above principles, and to identify opportunities for joint action.

Term of the Protocol:

The parties may agree to amend or terminate this Protocol at any time. This Protocol will be reviewed every three years from the date of signing.

Administration of the Protocol:

The key contacts for administering this Protocol are the:

*Deputy Minister, Ministry of Water, Land and Air Protection;
Deputy Minister, Ministry of Sustainable Resource Management;
Deputy Minister, Ministry of Community, Aboriginal and Women's Services; and
Executive Director, Union of British Columbia Municipalities*

Commitment:

In Witness of an Agreement to adhere to the terms established in this Protocol, the parties have executed this Protocol at Vancouver, British Columbia, this 27th day of September 2001.

SIGNED on behalf of the PROVINCE OF BRITISH COLUMBIA by:

THE HONOURABLE JOYCE MURRAY
*Minister of Water, Land and Air Protection
Management*

THE HONOURABLE STAN HAGEN
Minister of Sustainable Resource

THE HONOURABLE GEORGE ABBOTT
Ministry of Community, Aboriginal and Women's Services

SIGNED on behalf of the UNION OF BRITISH COLUMBIA MUNICIPALITIES by:

JIM ABRAM
President

ROBERT HOBSON
Chair, Environment Committee