

**Consultation Agreement  
Between  
Ministry of Water, Land and Air Protection  
Ministry of Community, Aboriginal and Women's Services  
Union of British Columbia Municipalities**

Whereas section 277 of the *Community Charter* provides for the minister responsible and the Union of British Columbia Municipalities (UBCM) to enter into consultation agreements on any matter that affects local government or the Province;

And whereas the Minister of Water, Land and Air Protection is the minister responsible for the protection of the natural environment and the minister responsible for animals, in relation to wildlife, for the purposes of section 9 of the *Community Charter*;

And whereas the Minister of Community, Aboriginal and Women's Services is the minister responsible for the *Community Charter*;

And whereas section 9(1) of the *Community Charter* establishes that municipal bylaws under section 8(3)(j) [protection of the natural environment] and section 8(3)(k) [animals] in relation to wildlife, are subject to the requirements for concurrent regulatory authority, and section 9(4) provides that a ministerial regulation may establish matters in relation to which municipalities may exercise that authority and provide restrictions and conditions on that authority;

And whereas the parties to this agreement share a desire to maintain the effectiveness of this ministerial regulation:

Therefore be it resolved that pursuant to section 277 of the *Community Charter* this Consultation Agreement sets out the consultation requirements for monitoring, reviewing and amending a ministerial regulation enacted under s. 9(4) of the *Community Charter*.

## **1. Purpose of the Consultation Agreement**

The purpose of this Consultation Agreement is to establish an effective intergovernmental mechanism to provide advice and recommendations on the content of the ministerial regulation governing concurrent authority for the protection of the natural environment and animals, in relation to wildlife. The Agreement establishes the framework by which the parties monitor, review and amend the ministerial regulation over time.

## **2. Creation of a Consultation Body**

Consultations between Ministries and the UBCM required under this Agreement shall be conducted by the *Environment Protocol Committee* (established pursuant to a Memorandum of Understanding on Sharing Environmental Responsibility dated September 2001) or another committee agreed to by the Ministers and UBCM Executive.

## **3. Consultation Process**

From time to time the Minister of Water, Land and Air Protection will forward to the consultation body (the Committee) all proposals received from municipal governments to amend the ministerial regulation.

The Committee must meet at least once a year to review these proposals and report to the Ministers responsible and UBCM Executive with any recommendations for amending the ministerial regulation. More frequent than annual review may be required when significant change occurs in provincial or federal legislation in relation to protection of the natural environment or wildlife.

The Committee shall establish meeting procedures that it considers necessary so all parties understand the processes.

The parties acknowledge that emergency situations may arise where a municipal bylaw that does not conform to the ministerial regulation is forwarded directly for ministerial approval under s. 9(3)(c) of the *Community Charter*.

## **4. Consultation Principles**

The Committee shall be guided in its work by the following principles:

- local matters should be managed locally to the maximum extent possible;
- the provincial interest in matters that extend beyond the local community must be recognized, including the interest in a flourishing provincial economy;
- the natural environment should be protected;
- provincial and local roles in regulating with respect to the natural environment should be clear;
- implementation of regulations should be efficient and cost effective; and
- in any regulatory scheme, citizens should be treated fairly.

The Committee may establish additional principles.

The Committee shall consider and evaluate any amendments to the ministerial regulation in the context of these consultation principles.

## **5. Areas in which municipal bylaws for the 'protection of the natural environment,' and 'animals in relation to wildlife' would not be considered**

5.1 The Committee shall not recommend any changes to the ministerial regulation that would grant municipal authority to regulate in any of the following functional areas:

### 5.1.1 Environmental Agreements

- creating, as outlined in the Ministry of Environment Act, inter-provincial, federal-provincial, and international agreements affecting environmental management.

### 5.1.2 Pesticide Management

- restricting the use of pesticides
  - ⇒ for the management of pests that transmit human diseases (e.g. mosquitoes, rodents, flies, cockroaches) or that threaten the environment (e.g. gypsy moth)
  - ⇒ for the management of noxious weeds or invasive pests of provincial interest (e.g. noxious insects {codling moth, ambrosia beetle, European fruit scale, San Jose scale, tussock moth, cherry fruit fly, pear psylla, shot-hole bore}), or
  - ⇒ on land used for agriculture, forestry, transportation, public utilities and pipelines, but not including utilities and pipelines owned by municipalities,

### 5.1.3 Waste Management

- the approving of local government discharges or the approving of solid waste, liquid waste, or area-based management plans

### 5.1.4 Contaminated Sites

- the setting of technical and remediation requirements or standards, the issuance of Certificates of Compliance for high risk contaminated sites, or the approving of site profiles

### 5.1.5 Special Wastes

- issuing permits for treatment facilities or the administration of transport licenses or generator registrations

### 5.1.6 Water Management

- establishing water quality standards.
- overriding the prohibitions against bulk water export or transferring of water between major watersheds established in the Water Protection Act
- approving Water Management Plans developed in accordance with the Water Act provisions
- overriding provincial directives under the Fish Protection Act regarding the protection and enhancement of riparian areas

### 5.1.7 Air Management

- establishing air quality standards.

5.1.8 Parks and Protected Areas

- creating regulations with respect to matters in provincial protected areas

5.1.9 Wildlife and Fish Recreation

- hunting, angling, trapping (commercial and First Nations), angling guides and guide outfitters
- fish culture
- game farming

5.2 The Committee may provide advice to the Minister of Water, Land and Air Protection on possible revisions to the list of functional areas in Section 5.1.

**6. Term of the Agreement**

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

**7. Administration of the Agreement**


The key contacts for administering this Agreement are:

- Deputy Minister, Ministry of Water, Land and Air Protection;
- Deputy Minister, Ministry of Community, Aboriginal and Women’s Services; and
- Executive Director, Union of British Columbia Municipalities

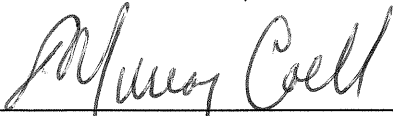
**8. Commitment**

In Witness of an Agreement to adhere to the terms established in this Consultation Agreement, the parties have executed this Agreement.

SIGNED on behalf of the Province of British Columbia by:

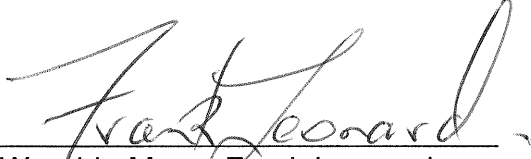
  
 \_\_\_\_\_  
 Honourable Bill Barisoff  
 Minister of Water, Land and Air Protection

March 23/04      Victoria BC.  
 Date                      City

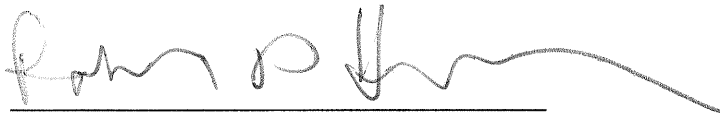
  
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 Honourable Murray Coell  
 Minister of Community, Aboriginal and  
 Women’s Services

March 21/04.      Parksville, BC  
 Date                      City

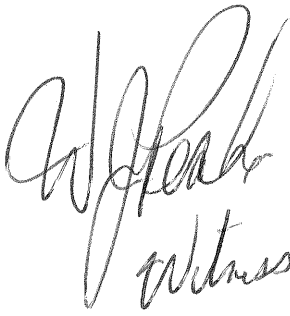
SIGNED on behalf of the Union of British Columbia Municipalities by:

  
His Worship Mayor Frank Leonard  
President  
Union of British Columbia Municipalities

March 27/04.      Parksville, BC  
Date                      City

  
Chair Robert Hobson  
Chair  
Union of British Columbia Municipalities  
Environment Committee

Apr 23/04      Kelowna B.C.  
Date                      City

  
Witness  
