

CANADA - BRITISH COLUMBIA - YUKON

AGREEMENT

RESPECTING WATER RESOURCE MANAGEMENT

AND INFORMATION EXCHANGE IN THE

YUKON AND ALSEK RIVER BASINS

An Agreement
Respecting Water Resource Management and
Information Exchange in the Yukon and Alsek River Basins

THIS AGREEMENT made this 7th day of March 19 91

BETWEEN

THE GOVERNMENT OF CANADA as represented by the Minister of the Environment, the Minister of Indian Affairs and Northern Development and the Minister of Fisheries and Oceans (hereinafter referred to as "Canada")

AND

THE GOVERNMENT OF THE PROVINCE OF BRITISH COLUMBIA as represented by the Minister, Responsible for Environment (hereinafter referred to as "British Columbia")

AND

THE GOVERNMENT OF YUKON as represented by the Executive Council Member responsible for Renewable Resources and the Commissioner of Yukon (hereinafter referred to as "Yukon")

WHEREAS the Parties established a Yukon River Basin Committee in 1980 to increase our understanding of water and related resources of the Yukon River Basin; and

WHEREAS the aforementioned Committee has submitted to the Parties a Report on the Yukon River Basin Study dated September 1984 recommending the establishment of a coordinating committee of agencies with water management responsibilities to complete the development of a framework for water resource planning and to coordinate ongoing planning and management activities; and

WHEREAS the Parties have accepted the Report and agreed to implement the recommendations designed to facilitate information exchange and water and related resource management wherever possible; and

WHEREAS the Parties recognize the importance of cooperation along the entire Yukon boundary, including the Alsek River Basin, for the effective management of water and related resources; and

WHEREAS there are continuing demands for water use associated with mining, energy, transportation, recreation, fisheries and wildlife in the Yukon and Alsek River Basins; and

WHEREAS by Order in Council P.C. 1990-1872 made the 28th day of August, 1990 pursuant to the Canada Water Act, the Northern Inland Waters Act and the Department of Fisheries and Oceans Act, the Governor in Council has authorized the Minister of the Environment, the Minister of Indian Affairs and Northern Development and the Minister of Fisheries and Oceans to execute this Agreement on behalf of Canada; and

WHEREAS by Order in Council No. 1224 made the 24th day of August, 1989 pursuant to the Ministry of Environment Act, the Lieutenant Governor in Council has authorized the Minister Responsible for Environment to execute this Agreement on behalf of British Columbia; and

WHEREAS by Bill No. 73 assented to on the 21st day of November, 1989 the Commissioner and the Executive Council Member responsible for Renewable Resources have been authorized, and by Order in Council P.C. 1990-1872 made the 28th day of August, 1990 pursuant to Section 20 of the Yukon Act, the Commissioner has been authorized to execute this agreement on behalf of Yukon.

NOW THEREFORE THE PARTIES HAVE AGREED AS FOLLOWS:

DEFINITIONS

1. In this Agreement,

"Basins" means the entire Canadian portion of the drainage basin of the Yukon River and its sub-basins, plus the Canadian portion of the drainage basins of the Alsek River and their sub-basins;

"Committee" means the Yukon and Alsek River Basins Committee, as established under Section 4 of this Agreement;

"related resources" means all flora, fauna, fish, habitats and other natural resources, the presence or existence of which are dependent upon the river system of the Basins;

"Report" means the Report of the Yukon River Basin Study of September 30, 1984.

OBJECTIVE

2. The objective of this Agreement is to coordinate ongoing water and related resource planning and management activities through the exchange of information and recommendation of joint studies and investigations respecting the water and related resources of the Basins.

TERMS OF REFERENCE

3. The scope of the activities to be carried out under this Agreement is set out under the headings "Geographical Context" and "Implementation" in Schedule "A" to this Agreement.

ADMINISTRATIVE ARRANGEMENTS

4. (a) A Yukon and Alsek River Basins Committee is established consisting of one member appointed by the Minister of the Environment, one member appointed by the Minister of Indian Affairs and Northern Development, and one member appointed by the Minister of Fisheries and Oceans for Canada; one member appointed by the Minister Responsible for Environment for British Columbia; and, one member appointed by the Executive Council Member responsible for Renewable Resources for Yukon.
(b) The Chairperson of the Committee shall be appointed annually, by Committee consensus.
(c) Members of the Committee shall designate alternates to represent them in their absence.
 5. The Committee shall be responsible for the administration of this Agreement.
 6. The Committee may establish working groups to assist in carrying out the terms of this Agreement.
 7. The Committee shall meet at least once a year.
 8. For each fiscal year during which this Agreement is in effect, the Committee shall prepare annual reports reviewing the progress and activities carried out under this Agreement for presentation to the Ministers.
 9. The Minister of the Environment, Canada shall provide secretariat services to support the Committee.
 10. The activities carried out under this Agreement shall be evaluated every five years.
- #### FINANCIAL ARRANGEMENTS
11. Each Party's obligations under this Agreement are subject to sufficient funds being appropriated by the respective Governments.
 12. The Parties will use existing staff and funds to achieve the objective of the Agreement.
 13. The Committee may recommend to the Parties additional funding support for the conduct of special joint studies.

DURATION OF AGREEMENT

14. This Agreement shall take effect when signed by all Parties and shall be ongoing, unless terminated by any Party serving one year's written notice to the other Parties.

AMENDMENTS

15. This Agreement may be revised upon mutual agreement by exchange of letters among the Parties at their discretion.

SUBAGREEMENTS

16. The undertaking of special joint studies and investigations recommended to the Parties by the Committee may be achieved through subagreements negotiated by, and subject to the approval of, the specific governments involved.

GENERAL

17. This Agreement shall not operate to vest in any Party any proprietary right, interest or obligation that it otherwise would not have.
18. No member of the Parliament of Canada, or of the Legislative Assembly of British Columbia shall hold, enjoy or be admitted to any share, part or benefit from this Agreement or any agreement, contract or benefit arising therefrom.
19. This document and Schedule "A" form the entire agreement.

IN WITNESS WHEREOF this Agreement has been EXECUTED on behalf of the Parties by the Ministers and Commissioner indicated below on the day and year so indicated.

In the Presence of:

CANADA

[Signature]
Witness

[Signature]
Minister of the Environment

Sept 17/90
Date

[Signature]
Witness

[Signature]
Minister of Indian Affairs and Northern Development

December 20th/90
Date

[Signature]
Witness

[Signature]
Minister of Fisheries and Oceans

Jan. 29, 91
Date

BRITISH COLUMBIA

[Signature]
Witness

[Signature]
Minister Responsible for Environment

Feb 7, 1991
Date

YUKON

[Signature]
Witness

[Signature]
Executive Council Member responsible for Renewable Resources

Sept 7, 1990
Date

[Signature]
Witness

[Signature]
Commissioner of Yukon

March 7/91
Date

SCHEDULE A

Introduction

The Yukon and Alsek River Basins in Canada extend geographically across parts of the Yukon and the Province of British Columbia. The Basins are rich in renewable and non-renewable resources. Water is an essential resource both for the maintenance of productive ecosystems along the Basins' rivers and for the development of other natural resources in the Basins. Economic developments may affect the quality of flows and levels of waters in the Basins, and these effects may extend beyond the province or territory in which a development is situated and may affect other resources.

In November 1980, the Governments of Canada, British Columbia and Yukon entered into An Agreement Respecting Studies and Planning of the Water Resources in the Yukon River Basin. The Yukon River Basin Committee was established and assigned the responsibility to undertake studies and recommend steps that would lead to the formulation of a planning framework for the Yukon River Basin's water resource. In the course of completing its task, the Committee commissioned and reviewed over fifty project and program reports. In September 1984, the Committee submitted its findings in the Report on the Yukon River Basin Study to the participating governments. In March 1986, the governments agreed to support implementing the recommendations wherever possible.

The Yukon River Basin Committee's major recommendation was directed towards establishing a process for coordinating the ongoing planning and management of the Yukon River Basin's water resource. The Committee emphasized that this process must be in place if the challenges facing water managers in the future are to be met in the best interests of the people in the Basin and Canada as a whole.

This Agreement shall enable the participating governments to establish a process for information exchange and coordinating and cooperating in the wise use of the water and related resources of the Yukon and Alsek River Basins.

Geographical Context

The geographical context for this Agreement is the entire Yukon River Basin in Canada including the Canadian portion of those streams which drain into the Yukon River downstream of the Yukon-Alaska boundary; it also includes the Canadian portion of the Alsek River Basin. The geographical area is larger for this Agreement than in the Yukon River Basin Planning Study; it encompasses most of the Yukon/British Columbia border and includes the Porcupine River Basin. In so doing, the importance of information exchange and interjurisdictional cooperation in water management along the entire Yukon border is recognized and all portions of the Yukon/British Columbia border not being considered by the Mackenzie River Basin Study are addressed.

Implementation

Activities carried out under this Agreement should be generally guided by the recommendations of the Yukon River Basin Study. The following tasks should be undertaken wherever practical:

- 1) Establish a process whereby information and data on water and related resource activities in the Basins are exchanged and discussed among all participating governments.
- 2) Encourage all agencies involved in managing water and related resources in the Basins to accept wise use, or conservation, as a guiding principle for future management decisions.
- 3) Encourage all agencies involved in managing water and related resources in the Basins to specify their goals and objectives and, if necessary, refine these to be compatible with the wise use, or conservation, of water and related resources.

- 4) Encourage the coordination of water management and land use planning activities.
- 5) Encourage public participation in the activities for planning and management of water and related resources from their inception.
- 6) Encourage appropriate jurisdictions to review the various recommendations found within the Study reports and identify for implementation those which can contribute to effective water and related resources management.
- 7) Encourage early implementation of the following specific items:
 - a) Establish water quantity stations required to provide baseline, site specific and small stream data.
 - b) Establish a water quality network.
 - c) Integrate the water quantity and water quality networks where practical.
 - d) Evaluate the effect of the construction and operation of hydroelectric facilities on the water resource.
 - e) Maintain and improve the daily flow model, particularly in terms of the White River contributions and headwater lakes elevations.
 - f) Evaluate the status of groundwater use and quality, with particular emphasis on drinking water supplies.
 - g) Map floodplains and high-water lake elevations and, where appropriate, establish land use controls.
 - h) Continue examination of the cause of ice-jam floods to understand processes.
 - i) Study the effects of regulation on biological productivity in a limnological research program on the headwater lakes.