

Process Terms of Reference
The Nanaimo Estuary Management Plan

This document sets out the vision, purpose, principles, objectives, geographic scope and terms of reference for the Nanaimo Estuary Management Plan, and how development of the plan will be addressed by its steering committee and supporting groups, including terms of reference for these groups.

The effectiveness and legitimacy of the Nanaimo Estuary Management Plan lies in:

1. finding options to meet the plan's purpose that are acceptable to all those concerned, including those who must implement them, and
2. where a mutually-acceptable solution cannot be found, providing a an informed report on the issues underlying the problem for possible future resolution.

Vision

A balanced approach to use of the Nanaimo River estuary.

Purpose:

To balance human activity, economic development and environmental health in the Nanaimo River estuary through a comprehensive plan for co-ordinated estuary management.

Principles

The following will guide the planning process:

1. recognize current and historical biophysical characteristics of the estuary;
2. recognize the short and long-term socio-economic needs of the community as they relate to land and water use decisions;
3. recognize the cultural and heritage values of the plan area; and
4. be developed through an open process involving the public and all stakeholders in the estuary management plan area.

Objectives

The objectives are to:

1. establish short and long-term guidelines for human activities in the estuary;
2. mitigate or prevent negative impacts of human development and/or activities on water quality and aquatic and terrestrial ecosystems; and
3. restore degraded habitat and protect existing functional habitat.

Geographic Scope of the Plan:

Estuaries, by their nature, are difficult to define and contain. The Nanaimo River estuary encompasses approximately 11.5 km², comprised of 2 km² of intertidal marshes, 6.5 km² of intertidal flats, both dissected by major and minor river channels and tidal creeks, and 3 km² of subtidal basin which forms the Nanaimo Harbour. The estuary is sheltered to the north by Protection and Newcastle Islands, and influenced primarily by the flows of the Nanaimo, Chase and Millstone rivers. The drainages of Beck Creek, Holden Creek and York Creek also influence the estuary.

The geographic focus of the plan will be bounded by the physical description of the estuary described above. However, the confines of the estuary will have to be considered more broadly for certain activities. In these cases, factors that influence, or are influenced by the estuary will have to be considered. For example, water quality is influenced by the Nanaimo River watershed and upland uses.

The Plan

The plan will:

1. identify potential indicators of estuary health;
2. provide a historical context for the estuary by:
 - documenting physical and biological changes in the estuary over time using historic aerial photographs and maps; and establishing baseline data for future measurements;
 - including information provided by the Snuneymuxw First Nation about their traditional uses of the estuary;
 - including information on the historical uses of the estuary by non-First Nations peoples;
3. document the present roles, responsibilities and interests of all parties, governmental and stakeholder, within the planning area as they relate to issues in the estuary;
4. consolidate a map of land use, legal boundaries, and ownership of properties within the planning area.
5. develop and map a habitat classification system to guide land and water uses within the estuary planning area;
6. produce a long range strategy to guide development decisions within the planning area with intent to manage and mitigate against negative environmental impacts;
7. develop action plans with stakeholders and community groups:
 - to address specific issues affecting ecosystem health;
 - to restore and enhance habitat throughout the planning area; and
 - to establish a community-based monitoring program to determine the health of the estuary on an on-going basis;
 - to address log management issues;
 - to address water quality issues; and
 - to address recreational uses.

8. recommend a model for an estuary management committee to provide a one-window approach to evaluating development proposals and ongoing activities in the estuary planning area and to monitor the implementation of the plan.
9. promote public awareness, appreciation, stewardship and education of the values of a healthy, productive estuary.

The Nanaimo Estuary Management Plan Steering Committee (NEMPSC)

1. The purpose of the NEMPSC is to guide the planning process for the estuary based on the stated vision, purpose, principles and objectives of the plan.
2. The NEMPSC is composed of representatives from all levels of government - federal, provincial, local and First Nation. A list of members, including statements of interest and jurisdiction in the plan area is attached as Appendix B.
3. The NEMPSC is responsible for its own process, and members are expected to participate in good faith, conducting themselves reasonably and respectfully without relying on a rigid set of procedural rules.
4. Contact with the media will be done through a single spokesperson designated by the steering committee. Individual members do not speak on behalf of the steering committee.
5. The NEMPSC meets once a month. Additional meetings are scheduled as required. To hold a meeting, six members must be represented. Alternates are acceptable.
6. The NEMPSC is responsible for planning process decisions such as terms of reference for the plan, selection of contractors or facilitators and establishment of working/technical groups to provide broad input to the development of the plan.
7. The NEMPSC, by its nature, cannot create or take away existing legal rights, or interfere with the jurisdiction or legislated mandate of governments, nor can it make decisions outside the mandates of individual representatives. The Snuneymuxw First Nation is participating on a government to government basis.
8. Because decisions must be acceptable to all concerned, the NEMPSC makes recommendations affecting the interests of its participants by consensus.
 - Consensus is reached when each participant accepts the combined effect of all the parts of a proposed action or recommendation.
 - A member who cannot accept a proposed action or recommendation should explain how it would adversely affect the agency's interests, and should propose an alternative which satisfies all interests.
 - If a problem cannot be solved by consensus, the participants may agree to disagree about certain issues. Information used in to arrive at separate conclusions along with all proposed recommendations will then be identified in the plan.
9. The term of the steering committee is limited to the completion of the plan and establishment of an implementation action plan.

Participation in the Nanaimo Estuary Management Plan Process

1. Opportunities for participation will be through public open houses, issue-based or special interest working groups, or as otherwise determined. It is expected that at a minimum, there will be working groups on log management, water quality and recreational issues.
2. Participation in the process is open to all who believe their interests affect, or are affected by, land and water uses within the Nanaimo Estuary Management Plan area. Participation is not limited to those whose interests are defined by authority, jurisdiction, rights or present use. Participants may speak for values or interests of more general concern.
3. **Working groups**
 - The NEMPSC may create a working group or invite members of an existing group to act as a team or part of a team. A working group should include all those who by their participation will enable the process to be effective.
 - The NEMPSC will establish time frames and issue specific terms of reference for working groups.
 - Within the vision, purpose, principles and objectives of the plan, working groups/technical teams will identify issues, describe clear objectives, review the best available information, and propose recommendations for consideration by the steering committee.
 - Working group participants are expected to respect the integrity of the group discussion process and to refer any media requests for information to the plan spokesperson designated by the steering committee.
 - While taking part in the NEMP process, the participants will not use other means of meeting their interest which could make the process less effective.
 - Participants will respect each other's interests and points of view, and will discuss and question those interests in order to learn and explore, rather than criticize or blame.
 - Recommendations to the steering committee will be arrived at through consensus within the working group.
 - Consensus is reached when each participant accepts the combined effect of all the parts of a proposed action or recommendation.
 - A member who cannot accept a proposed action or recommendation should explain how it would adversely affect the member's interests, and should propose an alternative which satisfies all interests.
 - If a problem cannot be solved by consensus, the participants may agree to disagree about certain issues. Information used in to arrive at separate conclusions along with all proposed recommendations will then be identified to the steering committee.
 - Participants will accept the assistance of a facilitator or mediator.

First Nations

Nothing in this document, the planning process, or the subsequent estuary management plan will abrogate or derogate from the aboriginal or treaty rights of the Snuneymuxw First Nation or give any government agency a justification for infringing aboriginal or treaty rights.