

Terms of Reference
Nanaimo Estuary Management Plan
Log Storage Working Group
Final

Background

The Nanaimo Estuary Management Plan Process has been established to balance human activity, economic development and environmental health in the Nanaimo River Estuary through a comprehensive plan for coordinated estuary management. Part of this process is intended to consider the current and past state of the ecosystem, the variety of interests involved in use and protection of the area, and recommend action plans with stakeholders and community groups for future management. Interests relating to the future management of the area include environmental protection, industrial, fisheries, recreational and community uses. In addition to these interests the Snuneymuxw First Nation asserts that it has important constitutionally protected rights that must be recognized in future planning and management of the Estuary.

Within the estuary area, the primary industrial use is log storage. Several Forest processing companies sub lease Crown water lots for this purpose from the Nanaimo Port Authority. The Log Storage Working Group (LWG) has been formed pursuant to direction from the Province and the Snuneymuxw First Nation as well as the Nanaimo Estuary Management Plan Steering Committee (NEMPSC) to address log management issues in the Nanaimo River Estuary. The operation of the working group is subject to the Nanaimo Estuary Management Plan Process and reports directly to the Nanaimo Estuary Management Plan Steering Committee (NEMPSC). In the event that the NEMPSC is unable to participate fully then the Log Working Group will report to the Province and the Snuneymuxw First Nation.

The Log Storage Working Group (LWG) Membership

The LWG will be co chaired by the Ministry of Sustainable Resource Management and by the Snuneymuxw First Nation.

Department of Fisheries and Oceans - 1 representative
Environment Canada, Shellfish Protection – 1 representative
Ministry of Sustainable Resource Management – 1 representative
Snuneymuxw First Nation - 1 representative
City of Nanaimo - 1 representative
Nanaimo Port Authority - 1 representative
Forest Industry Users Group- 2 representatives
Nanaimo Community Estuary Support Coalition - 1 representative

The Log Working Group will adopt consensus decision making as an operating principle. In cases where consensus cannot be reached then majority and minority reports will be prepared for decision by the NEMPSC.

Members may assign alternates to represent their organization. It is the responsibility of members to ensure that alternates are apprised of ongoing discussions and bring the authority to contribute their organizations interests. Members may invite additional representation to provide specific detailed knowledge for consideration by the LWG.

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First Nation

The Snuneymuxw First Nation is participating on a government-to-government basis; all discussions are recognized to be without prejudice to current Douglas Treaty rights or ongoing treaty negotiations.

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.

Responsibilities of Working Group

Purpose:

To develop recommendations regarding log management and storage within the estuary area. Recommendations are expected to balance all interests and provide guidelines for ongoing activities as well as address the future management, operating practices, review procedures, mitigation and restoration of log storage areas. This will include mechanisms for the periodic reduction and eventual elimination of log storage within the Estuary.

Area:

The Log Storage Working Group will focus on the estuary area as noted in the attached map

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Issues:

The Log Storage Working Group will:

- 1) Review the configuration and define the areas to be maintained for log storage and management.
- 2) Identify existing and future log storage needs for local mills, other mills, and offshore sales.
- 3) Define acceptable *Best Management Practices* (BMP's) that may be implemented by companies to manage log lease areas and that may be incorporated into the head lease or subleases to manage log storage use (e.g., environmental monitoring, future planning, etc.)
- 4) Recommend a periodic review procedure to monitor effectiveness of BMP'S and the area required for log storage and management.
- 5) Recommend monitoring procedures to assess the effectiveness of BMP's and their impacts on the environment.
- 6) Recommend terms and conditions that could be incorporated into administrative arrangements to assist in managing log storage use
- 7) Recommend mechanisms for periodic reduction and the eventual elimination of log storage on the Estuary using best available knowledge.
- 8) Identify habitat restoration opportunities associated with log storage options.
- 9) Nothing in this document, the working group process or the subsequent Log Storage Plan will in any way, shape or form be construed as diminishment of the First Nations rights.

Products:

Written recommendations for approaches to log management and recommendation for implementation of those approaches to be provided to the NEMPSC.

Work Plan

Review terms of reference LWG	September 10
Confirm terms of reference NEMPSC	September 17 - 21
Workshop to review and assess existing information	September 25/26
Meetings	October - November
Steering Committee Review	ongoing
Public review	December 15
Draft to the steering committee	December 31 st

Steering Committee acceptance and recommendations to the Province and Snuneymuxw First Nation -- January, 2002