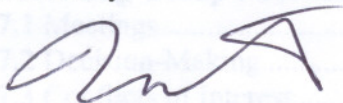


EBM Working Group Terms of Reference

Endorsed by:

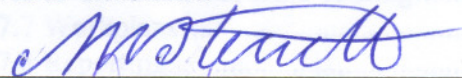
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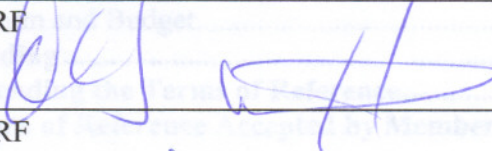
Associate Deputy Minister of the Integrated Land Management Bureau

FN LRF Co Chairs:



Oct. 19. 06

CFN LRF



Oct 24. 06.

KNT LRF



Oct. 23/06

North Coast LRF

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1.0 Introduction

The Central Coast land and resource management planning (LRMP) process began in 1996. In April 2001, an interim agreement led to the creation of a completion table which achieved consensus in December 2003 and presented final recommendations to the Province and First Nations in May 2004.

The North Coast LRMP process began in February 2002. A conditional agreement was ratified by table members in June 2004 and final recommendations were presented to the Province and First Nations in February 2005.

The North and Central Coast LRMP table recommendations informed government-to-government discussions between the Province and First Nations with interests in the North and Central Coast including, but not exclusively, members of the KNT¹, the Coastal First Nations of the Turning Point Initiative² and the Tsimshian Stewardship Committee³. Those discussions resulted in a First Nation and Provincial government land use decision announced on February 7, 2006, which was followed by the signing of government to government agreements.

A key recommendation from the tables and the government-to-government discussions was the adoption of a new approach to planning and resource management known as Ecosystem-based Management (EBM). EBM is defined as “an adaptive approach to managing human activities that seeks to ensure the coexistence of health, fully functioning ecosystems and human communities”.

The Provincial-First Nation land use agreements also established a commitment to develop a terms of reference for, and establish, an EBM Working Group (EBM WG) that will oversee technical and scientific work and make recommendations related to the further development and implementation of EBM in the Central and North Coast.

These terms of reference serve to establish an EBM WG for the North and Central Coast and define its mandate, structure and operating procedures.

2.0 Purpose

The purpose of the EBM WG is to develop recommendations on EBM research priorities and on the application of research results to the implementation of EBM, oversee

¹ The KNT includes the: Da'naxda'xw, Gwa'sala-'Nakwaxda'xw, Kwiakah, Mamalilikulla-Qwe'Qwa'Sot'Em, We Wai Kai, We Wai Kum, 'Namgis and Tlowitsis First Nations.

² Coastal First Nations of the Turning Point Initiative includes the: Homalco, Wuikinuxv, Gitga'at, Haisla, Heiltsuk, Kitasoo/Xaixais, and Metlakatla First Nations.

³ The Tsimshian Stewardship Committee includes the: Metlakatla, Kitkatla, Kitselas, Kitsumkalum and Gitga'at First Nations.

research related to uncertainties or knowledge gaps in EBM implementation and coordinate and manage data.

3.0 Governance Framework

The EBM WG is one component of the governance framework which will be utilized to implement EBM and the land use plan⁴. The other components comprise the 3 Land and Resource Forums (LRFs) and the North Coast and Central Coast Plan Implementation Monitoring Committees (CC and NC PIMCs).

The LRFs, comprising coastal First Nations and the Provincial government, oversee the work of the EBM WG and the CC and NC PIMCs. The LRFs receive recommendations from these committees and approve their budgets, work plans and annual reports.

The CC and NC PIMCs monitor the implementation of the land use plan in the Central and North Coast plan areas and advise the LRFs on implementation strategies, revisions to the plan and other issues after assessing social impacts (i.e. the balance between human well being and ecological integrity).

4.0 Guiding Principles

The EBM WG will be guided by the following operating principles:

- Effectiveness – Funding provided for the EBM WG will be used efficiently in support of its purpose and mandate, to ensure timeliness and value for money;
- Credibility – the EBM WG will be known for high quality products that are supported by peer reviewed science, and technical information, that reflect the current state of knowledge;
- Collaboration – the EBM WG will be known for improving coordination, collaboration and for forging solutions relevant to EBM implementation; and
- Transparency – EBM WG agendas, minutes, policies, products, analysis methods, peer reviews and data inputs will be clearly documented and publicly accessible with appropriate provisions to safeguard sensitive cultural and ecological data.

5.0 EBM WG Roles and Responsibilities

The EBM WG, under direction of the Land and Resource Forums and in accordance with approved workplans and budgets, will:

⁴ EBM, EBM land use objectives, the Decision, Agreements and Protocols will hereinafter collectively be referred to as the land use plan.

1. Develop recommendations:

- On priorities for EBM research projects;
- On the application of research results to the implementation of EBM;
- On EBM management objectives; and
- On the Implementation and Transition Plan.

2. Oversee research related to:

- uncertainties or knowledge gaps related to resource management direction that the North and Central Coast LRMP tables did not reach agreement on and deferred to implementation;
- uncertainties or knowledge gaps to support full implementation of EBM by 2009;
- Applied research into the operational implementation of EBM that does not include operational direction or instruction;
- Further development of benchmarks and thresholds for human well-being;
- Application of EBM to mining, tourism and other non-forestry activities;
- Improving knowledge and capacities among the Parties to implement EBM and be engaged in associated scientific and technical work;
- Understanding and quantifying the full costs and benefits associated with EBM implementation and their distribution (excluding compensation).

3. Coordinate:

- Delivery of Adaptive Management including development of standards for active and passive adaptive management, identification of research priorities, and review of proposed projects and outputs;
- Management of knowledge related to EBM implementation, including acquisition, development and warehousing of, and access to, inventories and databases, collation of Adaptive Management results, and the communication and sharing of knowledge concerning EBM to First Nations, communities and other participating groups;
- A program of monitoring implementation of EBM, including evaluation of progress toward EBM objectives;
- Acquisition of scientific input and processes to ensure the credibility and neutrality of the science and analysis supporting EBM implementation; and

4. Other activities as directed by the Land and Resource Forums or requested by the PIMCs

The EBM WG will be guided by, and report to, the three Land and Resources Forums.

The EBM WG will oversee research projects and activities in accordance with the “Guiding Principles for the Use of Science” in Appendix 2.

6.0 Working Group Structure

6.1 Membership

The EBM WG will have the following membership:

- First Nation and Provincial co-chairs;
- One member from each of the Coastal First Nations, KNT and Tsimshian Stewardship Committee⁵;
- Three members from relevant Provincial ministries;
- One member representing Central Coast communities;
- One member representing North Coast communities;
- One member from the forestry sector;
- One member from the conservation sector; and
- One member from the broader economic interests sector.

Each sector invited to participate, will nominate a representative and alternate who will be confirmed by the Land and Resource Forums. Members will be selected on the basis of the following criteria:

1. Commitment to the successful implementation of EBM;
2. Knowledge, experience and understanding of EBM and land use planning in BC;
3. Previous experience working effectively in a collaborative process as part of a team;
4. Willing and able to participate effectively, sign and abide by the Terms of Reference and commit to the time required; and
5. Capable of assessing and understanding knowledge from multiple disciplines including Traditional Ecological Knowledge and awareness of coastal First Nation’s cultural values.

6.2 Member Responsibilities

EBM WG co-Chairs will:

- Conduct the meetings of the EBM WG in an efficient and timely fashion;
- Be prepared to intervene, should discussions become off-topic or confrontational;

⁵ There will be a provision for a member from the Haida Nation to join when and if they deem appropriate.

- Encourage members and sub-committees to be concise and timely;
- Provide comments and share their opinions but in a consensus decision remain neutral; and
- Provide agendas and meeting minutes in a timely manner.

EBM WG Members and their Alternates will:

- Stay informed about various perspectives and consult when necessary;
- Focus on joint problem-solving instead of positional bargaining;
- Be flexible and responsive to issues as they arise;
- Attend all EBM WG meetings or, if unable to attend a particular meeting, provide an alternate;
- Be willing to attend scheduled meetings fully prepared to discuss existing and new items;
- Present issues and concerns to the EBM WG in a concise format; and
- Provide the co-Chairs with agenda topics one week prior to EBM WG meetings.

The EBM WG will maintain transparency with respect to:

- Decisions of the EBM WG;
- Progress on EBM implementation;
- Recommendations and analyses prepared;
- Improvements in knowledge; and
- Other relevant matters.

The co-Chairs may retain a facilitator to assist in running of the meetings.

6.3 Term of Membership

EBM WG members and alternates will serve at the pleasure of the government or sector which nominated them, and they may be re-called at any time at that organization's discretion; however, in making nominations and in replacing members participating organizations must consider the need to maintain continuity.

If a member of the EBM WG is consistently absent (i.e three consecutive meetings) or otherwise fails to meet their obligations with respect to the work of the EBM WG, a quorum (see section 7.2) of other members of the EBM WG may request, through the co-Chairs, that the LRFs rescind the appointment and the organization nominate a replacement.

6.4 Accountability

The EBM WG is accountable to the Land and Resource Forums.

All meetings of the EBM WG will be open to the public and First Nations. Information used by the EBM WG and all technical analyses will be available to the public and First Nations (except confidential data).

6.5 Sub-committees

The EBM WG may delegate specific tasks to working sub-committees.

The EBM WG will write terms of reference for each sub-committee using this Terms of Reference as a template. Sub-committees will be assigned specific tasks and will inform the EBM WG of their activities. A sub-committee is considered advisory to the EBM WG and adoption of any work produced will be decided by the EBM WG. The EBM WG will disband subcommittees once the task(s) have been completed.

Sub-committees must have a defined membership which includes at least one EBM WG member or alternate but need not include representatives from every sector involved.

6.6 Coordination & Support

The Land and Resource Forums will appoint an EBM WG Director (the “Director”) as a project manager who has demonstrated expertise relevant to running committees such as the EBM WG. The Director will not be associated with any of the Parties and will supervise the day to day operation of the EBM WG. The Province may provide staff and support services to the Director of the EBM WG. Responsibilities of the Director include:

- Manage, on behalf of the EBM WG, the operational budget;
- Prepare the workplan in collaboration with the LRFs, PIMCs and the EBM WG members, as appropriate
- Act as the liaison to the Forest Science Program Board.
- Be accountable to and act on behalf of the EBM WG as a whole;
- Ensure that scientific/professional findings and opinions are presented in a transparent manner,
- Ensure that sensitive cultural and ecological information held or accessed by the EBM WG is held or accessed in a manner that safeguards the information.
- Ensure that scientific and technical data relevant to EBM implementation is appropriately warehoused, documented and available to analysts and researchers.

- Maintaining a public website;
- Recording and circulating the minutes for each EBM WG meeting;
- Keeping agendas, meeting minutes, the Terms of Reference, EBM WG Member contact information, and general correspondence;
- Acting as liaison to First Nations and other governance committees: KNT LRF, CFN LRF, North Coast LRF, CC PIMC, and NC PIMC;
- Requesting staff from government ministries and First Nations when necessary regarding matters of concern to the EBM WG and reporting back; and
- Prepare news releases and respond to media questions.

6.7 Delivery of Projects and Programs

The EBM WG will work with the LRFS to identify approved research priorities.

If the EBM WG concludes that an existing institution meets their needs for effective and efficient delivery of projects and programs, and upon approval of the LRFs, a relationship can be built for that purpose with the institution.

7.0 Working Group Function

7.1 Meetings

EBM WG meetings will be attended by members and technical, scientific or other resource people as needed (*e.g.* LRF members, PIMC co-chairs). The following will govern meetings:

- Initial meetings may take place before all members have been appointed to the EBM WG but co-chairs must be appointed in order to call a meeting;
- Meetings will be held on a quarterly basis or as otherwise stipulated by a decision of the EBM WG;
- Extraordinary meetings may be called jointly by the co-Chairs by giving each EBM WG member two (2) weeks notice;
- A quorum (see section 7.2) must be present in order to proceed with a meeting;
- Previous meeting minutes and an agenda will be distributed and made available to EBM WG members not less than three (3) full working days prior to the meeting and will contain copies of correspondence, reports and such information as is necessary for EBM WG members to be appropriately informed;
- Items not on the agenda may be brought to the attention of the EBM WG but may not be discussed in any detail or decided upon until the following meeting unless decided otherwise by consensus; and

- The meetings of the EBM WG will be open to the public. The public may attend meetings as observers, but cannot participate in discussions or decisions. The agenda for each meeting of the EBM WG shall provide for 30 minutes at the end of the meeting when members of the public may address the EBM WG.

7.2 Decision-Making

The EBM WG will seek consensus in its work and recommendations. If consensus cannot be reached, the co-Chairs will determine if the Land and Resource Forums should be provided with a minority report. Either the member or the alternate from a sector may be allowed to participate in consensus, but not both.

Consensus for the purposes of this TOR is defined as general agreement or acceptance of decisions by participants in the consensus process. Members may have concerns about specific aspects of decisions, but can accept that the proposal goes forward and will support the overall set of decisions.

Quorum for the EBM WG is seven members, including at least one co-Chair, two First Nation members and two stakeholders.

7.3 Conflicts of Interest

Where the EBM WG faces a decision which places a member in a situation where a conflict of interest may arise (for example, it enables the member to make a decision which furthers their private gain) the member shall declare the nature of the conflict and either:

- Excuse themselves from the decision at hand; or
- Seek confirmation from the co-Chairs that their participation in the given decision meets applicable conflict of interest guidelines adopted by the EBM WG.

7.4 Decision Authority

The EBM WG has decision-making authority in the following specific matters:

- Setting the operating procedures and policies of the EBM WG;
- Accepting, requesting further scientific and technical work on, or rejecting, but not varying, scientific and technical products delivered to the EBM WG.

The following limitations apply to EBM WG decisions:

- Agreement with an EBM WG recommendation by a First Nation or Provincial government member will not be implied as agreement to the recommendation by any First Nation or the Provincial government;

- The EBM WG is not an agent of any of the parties; and
- For further clarity, the EBM WG is not intended to be a decision-making or negotiating forum with respect to land use or resource management decisions; nor is it a forum where social choices regarding specific land use or resource management decisions will be made.

7.5 Peer Review

To ensure the credibility and rigour of the EBM WG's technical products, the EBM WG will ensure that significant scientific and technical products are peer reviewed in accordance with generally accepted practice in the scientific community. For major projects undertaken on behalf of the EBM WG, the Director may require peer review of the proposed methodology before research is initiated.

7.6 Information and Data Sharing

EBM WG members will strive to ensure that the EBM WG and its agents or employees has access to relevant scientific and technical information to support research and analysis relevant to EBM implementation.

The Director will, in collaboration with EBM WG members, ensure that scientific and technical data relevant to EBM implementation is appropriately warehoused, documented and available to analysts and researchers.

7.7 Workplans

The EBM WG shall prepare and submit to the Land & Resource Forums, for approval, a workplan that will guide its work and research activities as follows:

- The workplan shall contain detailed tasks and proposed research projects for the upcoming year and forecast work covering the term of each project, and shall be revised on an annual basis;
- Financial outlays and resource requirements implied by the workplan shall be reflected in the EBM WG annual budget;
- The workplan will include and be submitted by at the same time as the budget (see section 8.9).
- Once approved, the Director shall have responsibility for implementing the workplan; and
- The Director shall report at EBM WG regular meetings on progress towards implementing the workplan.
- The Director will prepare the workplan in collaboration with the LRFs, PIMCs and the EBM WG members, as appropriate.

7.8 Reporting

The EBM WG shall, as soon as possible after end of financial year, but in any case within 6 months, submit an annual report to the Land and Resource Forums containing:

- An assessment of progress towards resolving scientific and technical issues impeding EBM implementation in the planning area;
- A description of scientific and technical work undertaken and the key findings and products developed;
- An evaluation of areas where further work is required to ensure that EBM human and ecosystem wellbeing goals are achieved, and recommended adjustments in the EBM WG's workplan;
- The scope and effectiveness of adaptive management projects and recommendations for improvements;
- A summary of:
 - EBM WG recommendations;
 - Decisions taken by the EBM WG;
 - Minority reports issued in the absence of consensus; and
 - The EBM WG's budget reconciled with project spending.

A summary version of the annual report will be prepared for distribution to First Nations and communities. These documents will be posted on the public website.

7.9 Term and Budget

The EBM WG must submit its budget for the upcoming financial year, with a projection of budgetary requirements for the term of the projects, to the LRFs before November 15th. The financial year of the EBM WG is from April 1st to March 31st of the following year.

The effectiveness of the EBM WG will be reviewed by March 31, 2009. Financial support is subject to appropriation of funds by the legislature in accordance with the *Financial Administration Act*.

8.0 Funding

The Province will, subject to appropriations by its legislature in accordance with its *Financial Administration Act*, provide adequate financial support to the EBM WG consistent with the EBM WG's mandate and the approved workplan to cover the costs of:

- EBM WG and subcommittee meetings, including participant travel and support services that report to the EBM WG;
- First Nations participation in the EBM WG and subcommittees;
- EBM WG operations and staffing, including the position of the Director; and
- Delivery of EBM WG scientific and technical products, participation in or review of EBM pilot projects and other projects to be delivered with support from the EBM WG.

Other funding may be sought to undertake or contribute to special scientific, technical and/or pilot projects that are not provided for in the Province's allocation of funds to the EBM WG.

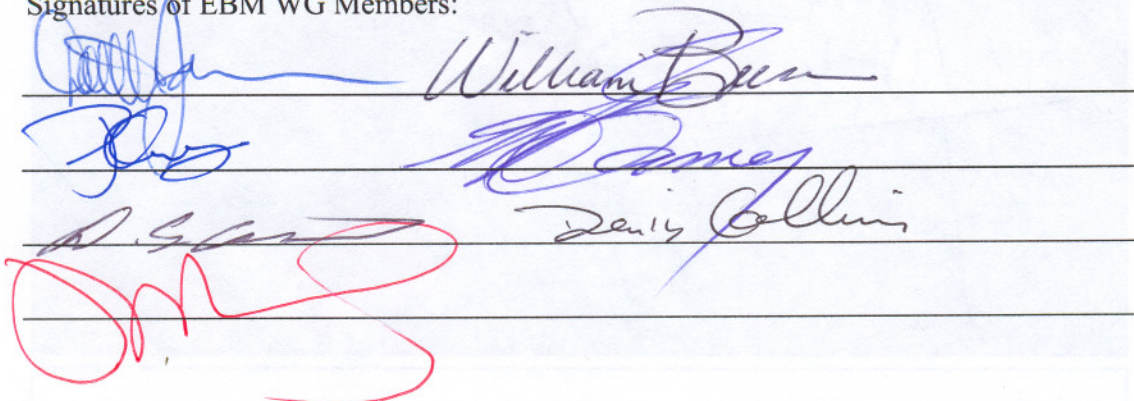
9.0 Amending the Terms of Reference

The EBM WG has discretion to propose amendments to the content of the Terms of Reference if they believe that such an amendment will be an improvement. Requests for amendment to the Terms of Reference must be presented, with written rationale for the changes, to the Land and Resource Forums.

Amendment to the Terms of Reference requires joint sign-off by the Land and Resource Forums and acceptance by all EBM WG members.

9.0 Terms of Reference Accepted by Members

Signatures of EBM WG Members:



Appendix 1: Central and North Coast Plan Areas

Figure 1. Central Coast plan area:



Figure 2. North Coast Plan area



Appendix 2: Guiding Principles for the use of Science

Sound science knowledge is a critical input into strategic land use and resource management policy, plans and decisions. However, while its role is to inform the decision making process, it will not necessarily be the deciding factor. Science needs to be integrated into decisions along with other factors such as public values, socio-economic conditions, perceptions of risk, political contexts and legal constraints. The principles outlined here are aimed at making sure that the most credible and current science informs decisions. The EBM WG will adopt and adhere to the following principles:

Principle 1 – Provide effective scientific advice

Effective scientific advice should be relevant and informative to policy questions without being policy-prescriptive.

Principle 2 – Capture the full diversity of scientific thought and opinion

Science knowledge should include information integrated from multiple disciplines (natural, social and economic sciences), and should be interpreted in the broadest sense to include all types of knowledge sources, including scientific, technical (professionals, practitioners and technician), local and traditional ecological knowledge systems. Incorporating a broad range of input will enhance the likelihood for robust and sustainable solutions and decisions in the face of uncertainty and complexity.

Principle 3 – Use Sound Science Knowledge

Science knowledge that is to be used in decision making must be sound and trusted by all interested parties. It should be deemed to be credible, relevant and legitimate.

Credibility – the science knowledge/information is seen by scientists and non-scientists to be of high quality, accurate and technically reliable. This means assuring the quality of scientific input by: peer review, using information from a diversity of viewpoints and knowledge sources, and clearly identifying of points of view and bias. This allows the use of good technical knowledge that is proprietary (associated with the interest group that provides it) yet has value and relevance to the land use issue.

Relevancy – science and technical knowledge being used in the decision making process is relevant and at the appropriate scale. The knowledge must be clearly identified and understood by the scientists and those providing expertise as well as by decision makers.

Legitimacy – science knowledge is perceived by all interested parties to be inclusive, legitimate and free of coercion and bias. Legitimacy is achieved by using methods that ensure there is open flow of information and a clearly identified knowledge base to be used in the decisions; that all pertinent information, data, assumptions, values and interests are identified, accessible and able to be understood by scientists and non-scientists alike.

Principle 4 – Consider Uncertainty and Knowledge Gaps

Uncertainties and information gaps are an integral feature of scientific knowledge, particularly in complex resource management contexts. Uncertainty, associated risk, and significant gaps in knowledge must be clearly identified and explicitly taken into account when formulating a recommendation. Dissenting views should be clearly identified.

Principle 5 – Ensure Transparency

Ensuring transparency involves open and honest disclosure. Transparency requires careful consideration of communication activities so that the scientific knowledge is available and understandable and easily available to all. This means that all pertinent information (including assumptions, uncertainties, risks, values, and interests) is clearly identified. Consequences of competing information should be assessed and understood.

Principle 6 – Provide Clear Recommendation Rationale

A rationale should be provided for significant recommendations and should be easily available to all interested parties. Recommendations must be made in a transparent process, with key information, assumptions and uncertainties explicitly outlined in the rationale. This includes explaining the scientific information that has been considered and the way it has been used.

Principle 7 – Practice Adaptive Management

Recommendations should be reviewed periodically in an adaptive management framework and updated with new science knowledge. This requires capturing new and emerging technologies and advances in scientific disciplines, and assessing their implications.

Appendix 3: Existing Budget Allocation⁶

Table 1. Provincial budget allocation for the EBM Working Group.

| Committee | Expense type | 06/07 | 07/08 | 08/09 | Total |
|-----------|--|---------|--------|--------|---------|
| EBM WG | Expenses for Participants ⁷ | 75,000 | 75,000 | 75,000 | 225,000 |
| | Project Funding ⁸ | 560,000 | TBD | TBD | TBD |

⁶ It is recognized that adequate and continued additional funding will be needed to ensure the efficient and effective delivery of EBM implementation through the EBM WG both for administration and project related activities.

⁷ Amounts based on \$1000/participant/meeting; 4 meetings per year and an additional \$10-15,000 contingency.

⁸ Project funds approved by Land and Resource Forums based on workplan prepared by the EBM WG.