

shishalh swiya Dock Management Plan Advisory Group

TERMS OF REFERENCE

Background

The Province and shishalh Nation have been working collaboratively to ensure that lands and resources are managed in ways that respect both the values of shishalh people and the values and interests held by residents in the shishalh swiya.

The Dock Management Plan (DMP) has been a key tool in managing the impacts of moorage in the foreshore. The DMP has been implemented in the kalpilin Management Area since 2018, and the best management practices have been implemented across the swiya since 2021.

In November 2023, the Province and shishalh sought feedback from the public on a series of specific proposed changes to the DMP. Over 1700 comments were submitted from public living in and outside the shishalh swiya. The Province and shishalh committed to fully considering the feedback received and committed to sharing the comments publicly, noting privacy needs to be protected. In response to the feedback, the Province and shishalh proposed a number of changes that look to balance many interests. The Province and shishalh also agreed to continue the discussions with tenure holders, dock and boathouse owners and other stakeholders on the proposed changes and implementation of an updated DMP through the establishment of a Dock Management Plan Advisory Group (DMPAG).

Purpose

The Province and shishalh Nation are jointly establishing a shishalh swiya DMPAG as a vehicle to consider and provide feedback on proposed amendments to the DMP intended to address public feedback on the DMP. The DMPAG will be a venue for information sharing and building understandings about the changes the Province and shishalh Nation have proposed to address the meaningful public feedback received between November 2023 and February 2024.

The purpose of the DMPAG is to build a greater understanding of the DMP, and with awareness of the feedback received (available through the What We Heard report and 1700 comments) review proposed amendments presented by the Province and shishalh Nation and offer other recommendations for amendments to the DMP. For greater clarity, the DMPAG may make suggestions to the Province and shishalh that are beyond the scope of proposed amendments made in March 2024 and could be used to inform further amendments and/or implementation considerations.

There is no requirement that the DMPAG reach consensus on proposed DMP changes; rather, DMPAG members can provide feedback and views on the DMP on an individual basis. DMPAG members will be encouraged to speak openly and confidently with the assurance that their feedback and views will not influence their tenure applications.

The DMPAG is encouraged to bring forward feedback and recommendations but has no decision-making authority on changes to the DMP. Feedback and views provided by DMPAG members will be taken into account by the province and shishalh Nation when considering amendments to the DMP but will be non-binding on provincial and shishalh Nation decision-makers.

Roles

The role of DMPAG is to:

- Provide feedback and recommendations on proposed amendments to the DMP contemplated by the Province and shishalh and on additional topics chosen by the DMPAG to discuss
- Bring forward views of DMPAG member's organizations, their membership, or members of the public.
- Bring knowledge from lived experience and common awareness of community interests.
- Listen and respond to ideas presented by providing opinions, knowledge derived from personal experience, and ideas to enhance proposed amendments to the DMP.
- Use a solutions-oriented approach.
- Provide an opportunity to deepen understanding regarding the DMP and impacts from dock and boathouse development.

Responsibilities

The responsibilities of DMPAG members/alternates are to:

- Attend DMPAG meetings;
- Review proposed amendments to the DMP to address a range of concerns shared by the public with a consideration of impacts to and interests of:
 - The environmental and archeological resources throughout the swiya, including cumulative effects;
 - Private moorage owners in marine waters, including boat access only;
 - Private moorage owners in freshwater, including boat access only; and
 - Commercial moorage owners.
- Provide feedback and views on exploratory ideas and proposed amendments to the DMP presented;
- Work collaboratively to identify and explore additional ideas and solutions to support DMP implementation; and
- Members are responsible for letting support staff know when they are unable to attend and for briefing and preparing their alternates when they are unavailable;
- Respect the DMPAG Ground Rules (listed below).

Advisory Group Meeting Co-Chairs

The DMPAG meetings will be co-chaired by the Deputy Minister of Water, Land and Resource Stewardship, Lori Halls and shishalh strategic advisor Jasmine Paul.

The role of the DMPAG Co-Chairs is to facilitate the discussion among the DMPAG members, to bring forward the perspectives of their respective governments and co-management partnership, and to share the DMPAG feedback and views with Ministers and the hiwus and Council to inform amendments to the DMP.

Support Staff

Other provincial and shishalh Nation support staff may attend the DMPAG at the request of the Co-Chairs.

The role of the provincial and shishalh Nation support staff is to support the preparation of materials to be presented at the DMPAG meetings, discuss particular topics as requested by the Co-Chairs and to document the discussion and progress of DMPAG.

The invitation of guests to the DMPAG to support DMPAG members or the work of the DMPAG as a whole requires approval from the Co-Chairs.

Meetings and Attendance

DMPAG Members will be able to identify an alternate to participate in DMPAG meetings if they are unable to participate. The Province and shishalh may both members and alternates to attend certain meetings where foundational information is being provided.

DMPAG members and alternates are asked to serve and attend DMPAG meetings for the duration of the process (approximately 60 days).

Meetings will be held virtually and scheduled by the Province and shishalh. It is anticipated that there will be 10 DMPAG meetings.

Meeting Topics

The DMPAG's work will take place in three parts and meeting schedule will be set with space to discuss the anticipated discussion topics. DMPAG members may raise new topics and bring information to the DMPAG meetings.

Part 1: Establishing the group, ground rules, issues

Anticipated discussion topics:

- Context Setting
- Terms of Reference
- Confirmation of members and alternates
- Canvassing of topics
- DMPAG timeline and session outline

Part 2: shishalh history and stewardship, Land Act, application process

Anticipated discussion topics:

- Shishalh history and stewardship
- BC-shishalh development of the DMP
- Land Act Primer

Part 3: Exploration of key topics and recommendations

Anticipated discussion topics:

- Theme 1: Proposed changes recommended by shishalh and BC.
- Theme 2: Decision making process, processing timelines and requirements (and related topics)

- Theme 3: Science informing DMP, site-specific management and improving foreshore management, including exploring the environmental impacts from the proposed amendments, cumulative effects, and related topics.
- Theme 4: Approaches for allowing built-as-is, ‘Lawful non-conforming’ (grandfathering), and flexibility of Best Management Practices, practices across the province and in other jurisdiction, financial considerations, and related topics.
- Theme 5: Approaches for monitoring and effectiveness evaluation, public awareness building and communication and related topics.

Meeting schedule

The proposed meeting schedule is outlined here as a recommendation and may be adjusted with the input of the DMPAG members and approval of the Co-Chairs.

Topic	Proposed Meeting Date
Terms of Reference discussion (Part 1)	March 22
Shishalh history and stewardship and BC-shishalh development of the DMP (Part 2)	April 3
Land Act Primer (Part 2) and Terms of Reference Discussion (Part 1)	April 5
Application Process and Decision-Making (Part 3, Theme 1)	April 9
Terms of Reference and Session outline (Part 1)	April 12
Review What We Heard, Purpose of the DMP and the Proposed Changes (Part 3, Theme 1)	April 17
Approaches for allowing built-as-is, ‘Lawful non-conforming’ (grandfathering), and flexibility of Best Management Practices, practices across the province and in other jurisdiction, financial considerations, and related topics (Part 3, Theme 4)	April 19
Science informing DMP, site-specific management and improving foreshore management, including exploring the detrimental environmental impacts from the proposed amendments, cumulative effects and related topics (Part 3, Theme 3)	April 24
Approaches for monitoring and effectiveness evaluation, public awareness building and communication and related topics (Part 3, Theme 5)	April 26
As needed.	April 29 (TBC)

Advisory Group Ground Rules

To allow for direct and open discussion and to promote a culture of mutual trust, respect, professionalism, integrity and accountability, DMPAG members and alternates will be required to adhere to the Ground Rules set out below. Non-compliance with the Ground Rules may result in individuals being replaced on the DMPAG.

DMPAG members and alternates are expected to adhere to the following Ground Rules:

- Members or their alternates shall attend and actively participate in all meetings;
- Members/alternates are free to disclose the nature of DMPAG’s discussion with their respective organizations, with no attribution;

- Members/alternates shall inform the Co-Chairs of any potential or perceived conflict of interest; and
- Members/alternates shall refrain from engaging in conduct that would discredit or compromise the integrity of the DMPAG.

DMPAG members/alternates must agree to the publication of their names as DMPAG members or alternates.

Advisory Group Member Skills and Attributes

DMPAG members and alternates are community members who have an interest in the management and protection of environmental and archeological resources across the shishalh swiya through meaningful implementation of the DMP. Members will be motivated to foster improved understanding of the DMP and support for management that protects the values that all residents of the Sunshine Coast hold important.

Individuals identified to be on DMPAG have the following competencies:

- An awareness of docks and boating culture on the Sunshine Coast;
- Understanding of meaningful reconciliation and acknowledgement of shishalh's Aboriginal rights;
- An awareness and understanding of the environmental and archeological values located in the foreshore area that provide for the values that current and future generations of British Columbians enjoy.
- An awareness of the responsibilities of Provincial government to work in collaboration with shishalh Nation to make decisions regarding management of foreshore resources and authorizations under the *Land Act* with regards to moorage;
- An awareness and understanding of the current and historic rights held by tenure holders through their tenures and interests of residents living in the shishalh swiya;
- Communication and consensus-seeking skills; and,
- Teamwork and solution-seeking skills.

The Province and shishalh will jointly appoint and confirm DMPAG members and alternates, taking into account input provided by elected members of Local Government and MLA Simons.

Selection will be based on the criteria identified above.

Advisory Group Structure

DMPAG will be comprised of up to 8-10 individuals reflective of a broad array of interests with respect to reconciliation and including dock and boating culture and foreshore environmental management across the Sunshine Coast. Membership on the DMPAG is voluntary.

shishalh and the Province will lead the selection process, and will seek to achieve involvement from:

1. Technical representative from the Sunshine Coast Regional District (1);
2. Technical representative from the District of Sechelt (1);
3. Representative from Waterfront Protection Coalition (2);
4. Representative from Sakinaw Lake Residents Association or swiya Lakes Stewardship Alliance Comments or Ruby Lake Landholders Association (1);

5. Representative from an ecological conservation community through Sunshine Coast Conservation Association (2);
6. Representation from a water-access only dock owner (1); and
7. Representation from syiyaya reconciliation movement (1).

Note: Representatives from local business community, including from a marina owner, and from the recently permitted dock owner were invited and were unable to attend. Engagement with these representatives will occur outside the DMPAG.

Confidentiality

All written materials provided to the DMPAG must be treated as confidential, until May 15, 2024, and not disclosed to any other party, unless otherwise stated in writing by both the Province and shishalh.

Members are free to discuss the general ideas explored in DMPAG meetings, including using materials approved by the Province and shishalh for distribution beyond DMPAG. However, in support of a creating a space where all DMPAG members feel open to express viewpoints, DMPAG members are not permitted to identify the name or affiliation of the speaker(s) or disseminate the views or information shared by any of the individual DMPAG members.

Public Representation of the DMPAG

DMPAG members will not undertake any media or social media activities in relation to the DMP on behalf of the DMPAG or about the work of the DMPAG. DMPAG members are free to communicate with the media as representatives of their organization about matters relating to the DMP, but for greater clarity not about the DMPAG's internal work or discussions.

Term

DMPAG will exist until May 15, 2024, with the possibility of an extension at the discretion of the Province and shishalh.