

Central Coast

Plan Implementation Monitoring Committee

Terms of Reference

Endorsed by:



Date: Mar. 8/07

Associate Deputy Minister of the Integrated Land Management Bureau

Table of Contents

1.0 Introduction..... 3

2.0 Purpose..... 4

3.0 Governance Framework..... 4

4.0 Roles and Responsibilities 4

5.0 CC PIMC Roles and Responsibilities..... 5

6.0 Committee Structure 6

 6.1 Key roles 7

 6.2 Member responsibilities..... 8

 6.3 Term of membership..... 9

 6.4 Selection of new members 9

 6.5 Sub-committees..... 9

7.0 Committee Function 10

 7.1 Meetings..... 10

 7.2 Consensus 10

 7.3 Conflict Resolution 11

 7.4 Accountability..... 11

 7.5 Workplans 12

 7.6 Budget..... 12

 7.7 Reporting..... 12

 7.8 Funding 13

8.0 Process to Amend the Terms of Reference 13

9.0 Process to Amend the Land Use Plan 13

10.0 Terms of Reference Accepted by Members..... 13

Appendices

Appendix 1: Map of the Central Coast Plan Area..... 14

Appendix 2: Budget Allocation..... 15

1.0 Introduction

The land and resource management planning (LRMP) process in the Central Coast (CC) area began in 1996. In April 2001, an interim agreement was signed by the Province and some of the table participants.

A new planning table (“Completion Phase or Phase 2”), focused on the terrestrial portion of the area, was established in the fall of 2001. The table had participants from 9 sectors representing: mining and energy, corporate forestry, labour, small forestry, tourism, southern communities, northern communities, recreation, fish and wildlife, and terrestrial conservation. First Nations participated at the table but abstained from the recommendations. Some First Nations also drafted their own land use plans which were considered and integrated into the final recommendations as much as possible. The Completion Phase achieved consensus in December 2003 and presented the final recommendations to the Provincial and First Nations governments in May 2004.

These recommendations were subsequently used in government-to-government discussions with First Nations which resulted in changes and additions to the recommendations. The discussions culminated 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.

These agreements include Strategic Land Use Planning Agreements (Agreements), a Land Use Planning Agreement-in-Principle and Land and Resource Protocols (Protocols) signed by the Province and First Nations with interests in the North and Central Coast area (including, but not exclusively, members of the KNT¹ coalition, the Turning Point² coalition and the Tsimshian Stewardship Committee³).

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 February 7, 2006 decision designates land use zones (Protected Areas etc.), provides a commitment to the further development and implementation of EBM based on a governance framework, and announced the Protocols and Agreements in progress with First Nations. EBM land use objectives as set out in the signed Protocols and Agreements will be implemented through legislative tools where appropriate.

¹ The KNT Coalition 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 Turning Point Coalition includes the: Homalco, Wuikinuxv, Gitga'at, Haisla, Heiltsuk, Kitasoo/Xaixais, and Metlakatla First Nations.

³ The Tsimshian Stewardship Committee (TSC) includes the: Metlakatla, Gitxaala, Kitselas, Kitsumkalum and Gitga'at First Nations.

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

The CC Plan Implementation Monitoring Committee (CC PIMC) is established as announced in the land use decisions and as an outcome of the government-to-government agreements.

2.0 Purpose

The purpose of the CC PIMC is to monitor and report progress toward implementation of the land use plan and make recommendations on plan revisions to Provincial and First Nation governments through the Coastal First Nation and KNT Land and Resource Forums (CFN and KNT LRFs).

The LRFs are committees composed of First Nations and Provincial Government representatives that make recommendations to the Provincial and First Nations governments on the further development of EBM and implementation of the land use plan.

The CC PIMC will also work with the EBM Working Group (EBM WG). 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 research related to uncertainties or knowledge gaps in EBM implementation and coordinate and manage data.

3.0 Governance Framework

The CC and NC (North Coast) PIMCs are one component of the governance framework which will be utilized to monitor implementation of the land use plan. The other components comprise the 3 Land and Resource Forums (CFN, KNT and North Coast) and the Ecosystem-based Management Working Group (EBM WG).

4.0 Roles and Responsibilities

Integrated Land Management Bureau

- ILMB has the responsibility for the establishment and day-to-day operation of the NC and CC PIMCs.

Coast Interagency Management Committee (IAMC)

- IAMC provides single window access to all Provincial agencies when feedback is requested on a particular issue or strategy.

Provincial Agencies

- The Provincial resource agencies are responsible for implementing land use plan objectives according to their mandates and to monitor implementation and effectiveness.
- Each agency will develop agency-specific monitoring reports in support of a comprehensive monitoring report to be compiled by ILMB.
- Where resources are available, these agencies may also provide support through research, analysis and expert advice. Agency representatives may attend committee meetings as appropriate.
- Other agencies may participate in the development of monitoring reports.

Land and Resource Forums

- The LRFs make recommendations to the Provincial and First Nations governments on the further development of EBM and implementation of the land use plan.
- The LRFs provide support to First Nations in implementing the land use plan within their traditional territories.
- The 3 LRFs will cooperate on issues related to implementation of the land use plan, including overseeing the work of the EBM WG and providing advice on the recommendations of the NC and CC PIMCs.
- Receive recommendations from NC and CC PIMCs and the EBM WG.
- Approves budgets, work plans and annual reports of the NC and CC PIMCs and EBM WG.

First Nations

- First Nations work collaboratively with the Provincial government to implement the land use plan within their traditional territories.

EBM Working Group

- Develop recommendations on EBM research priorities and on the application of research results to the implementation of EBM.
- Oversee research related to uncertainties or knowledge gaps in EBM implementation.
- Coordinate and manage data.
- Provides work plan and budgets to the LRFs for approval.

5.0 CC PIMC Roles and Responsibilities

Although the CC PIMC will be focussed on a balanced approach to integrating human well being and ecological integrity in monitoring and evaluating plan implementation, it will be expected to give full consideration to the best available relevant knowledge. This includes knowledge from multiple disciplines (natural, social and economic sciences) and expertise from scientific, technical, local and traditional ecological sources. The CC PIMC can access relevant knowledge through the EBM WG.

The CC PIMC will specifically monitor the concurrent achievement of ecological integrity and human well being in the implementation of the land use plan in the CC plan area (see Appendix 1). The CC PIMC will:

- 1) Monitor and evaluate the implementation and effectiveness of the land use plan by:
 - Participating directly in the monitoring and evaluation process;
 - Reviewing and providing feedback on monitoring reports; and
 - Working in collaboration with the LRFs and the EBM WG as appropriate.

- 2) Advise the Province and First Nations through the LRFs on implementation strategies, revisions and issue resolution after assessing implications for ecosystems and human well being by:
 - Recommending how to resolve outstanding land use issues;
 - Providing feedback on any proposed amendments to the plan and resulting classification (minor refinement or significant revision);
 - Providing feedback on critical implementation projects and issues (e.g. establishment of legal objectives);
 - Recommending how commercially viable activities can be pursued using EBM to achieve ecological integrity and human well being;
 - Providing information to the public and consult with the public through appropriate mechanisms during implementation, review and revision;
 - Providing recommendations to the LRFs on aspects of regional and sub-regional land use plans that should be revised; and
 - Providing recommendations to the LRFs on the content of amended plans that result from plan review/revision processes.

6.0 Committee Structure

The CC PIMC will be comprised of 12-15 members who can collectively represent all the major resource value perspectives in the plan area including local government and First Nations. The core sectors and governments that will be invited to participate are:

- 1 representative for Provincial government
- 1 representative for major forestry
- 1 representative for small business forestry
- 1 representative for conservation
- 1 representative for recreation
- 1 representative for tourism
- 1 representative for mining
- 1 representative for labour
- 2 representatives for local governments
- 1 representative for broader economic interests
- 1 representative from each First Nation in the plan area

Participation by other sectors will be considered on the basis of the degree to which the existing CC PIMC membership is able to address their interests.

All First Nations on the coast are encouraged to participate in the monitoring and review of the plan, at their own discretion. Participation on the CC PIMC by a First Nation is on a government to government basis. The participating First Nations will choose their own representatives.

Each sector invited to participate, will nominate a representative who will be confirmed by the Associate DM ILMB. Members will be nominated and selected on the basis of the following criteria:

- Professional, vocational, community, cultural and business background. The nominee must be capable of assessing and understanding knowledge from multiple disciplines (natural, social and economic sciences) and expertise from scientific, technical, local and traditional ecological sources;
- Knowledge, experience or understanding of land use planning in BC and/or the CC LRMP;
- Location of residence and work (*i.e.* whether it is within the plan area);
- Ability to represent the interest in question and willingness to understand other interests;
- Experience working in community groups with multiple stakeholders;
- Knowledge or experience with interest-based negotiation;
- Interpersonal communication skills (willing to compromise, flexible, open, responsive, works well as part of a team);
- Willing to travel and commit to time required;
- Acknowledge and commit to the goal of reaching final decisions that ensure ecological integrity and human well being and have general acceptance across society using consensus decision-making and the broadest possible public participation; and
- Possesses basic computer literacy and has access to a computer, email and the internet.

6.1 Key roles

Program Manager (PM)

A government staff member will be appointed as Program Manager (PM) to run the day-to-day business of the CC PIMC. Duties will include:

- administration, work plans, budget and contract management;
- recording and circulating the minutes for each meeting;
- keeping agendas, minutes, the Terms of Reference, Member contact information, and general correspondence;
- acting as liaison to the other governance committees: CFN LRF, KNT LRF, North Coast LRF, NC PIMC and EBM WG;

- contacting staff from government ministries when necessary regarding matters of concern to the CC PIMC and reporting back; and
- preparing news releases and responding to media questions.

Chair

A member of the committee will be selected by consensus at the first opportunity to serve as Chair. The Chair will hold the position until the committee is reviewed in March, 2009 and possibly longer based on the availability of funding. The Chair will have the same status as the other CC PIMC members and may express their opinion on matters under discussion. If the performance of the Chair is unsatisfactory to 60% or more of the CC PIMC members, the Chair may be removed from office and a new Chair selected.

The responsibilities of the Chair include: conducting the meetings of the CC PIMC in an efficient and timely fashion, being prepared to intervene, should discussions become off-topic or confrontational and encouraging members and sub-committees to prepare and deliver concise presentations promptly. A facilitator may be retained to assist in the running of the meetings at the discretion of the Chair.

6.2 Member responsibilities

Member responsibilities are:

- To stay informed about the perspectives they represent and consult when necessary;
- To focus on joint problem-solving instead of positional bargaining;
- To be flexible and responsive to issues as they arise;
- To attend all CC PIMC meetings or, if unable to attend a particular meeting, to provide an alternate and/or inform the Chair or the PM;
- To be willing to attend scheduled meetings fully prepared to discuss existing and new items;
- To become well informed about the resource issues outlined in the land use plan;
- To provide the PM with agenda topics one week prior to the meeting;
- To present issues and concerns in a concisely written format;
- Members are encouraged to bring issues and concerns related to the PIMC to the committee prior to discussing it with the public, media or constituents;
- In all discussions with the public, media, or constituents, members and observers shall not attribute specific comments to specific individuals, nor characterize the perspectives, viewpoints or interests of others without their prior consent;
- In any discussions with the public, media or constituents, including press releases, publications and internet activity related to PIMC activities, members and observers will include contact information for the Chair, the Program Manager and the Committee website;
- The Program Manager shall be the government contact for all media inquiries; and
- In the event that members wish to respond to media inquiries, they are to speak from their own perspective and not from the perspective of the Committee or

from other sector representatives. In all cases, media will be provided with the Program Manager's contact information.

6.3 Term of membership

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

The following membership rules apply to the CC PIMC:

- Members who have completed their terms are eligible for re-nomination;
- Where a member misses three (3) consecutive meetings without good cause⁴, the member will be removed;
- The decision to remove a member for any reason will be a consensus decision made by all the other members of the CC PIMC.
- A leave of absence is available upon request and consideration by the CC PIMC.

6.4 Selection of new members

The following procedure applies when a vacancy occurs on the committee⁵:

- The unrepresented sector will be asked by the Chair to nominate an appropriate candidate for membership;
- The Committee will ensure that the full range of resource value perspectives will be represented on the CC PIMC; and
- The Committee will confirm the nomination using a consensus process considering the same criteria used for the original selection of participants (see section 7.0 above).
- New members will be required to abide by and indicate their acceptance by signing the current version of the Terms of Reference.

6.5 Sub-committees

Sub-committees, considered advisory to the CC PIMC, may be established to address particular issues or perform specific tasks.

The CC PIMC will write the Terms of Reference of each sub-committee using its own Terms of Reference as a template. Sub-committees, bound by their Terms of Reference, will be assigned specific tasks and will inform the CC PIMC of their activities. Members

⁴ Difficulties associated with travel in winter constitute good cause.

⁵ First Nations will select their own representatives.

will strive for consensus within the Sub-committee and all findings or recommendations will be presented to the CC PIMC who will decide on the adoption of the work.

The sub-committees must have defined memberships which includes at least one CC PIMC member but need not be exclusively composed of CC PIMC members.

7.0 Committee Function

7.1 Meetings

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

- Meeting minutes in summary form will be distributed 1 week after the meeting;
- Meetings will be held on a quarterly basis (4 meetings per year beginning in 2007) or as often as the chairs deem necessary;
- For decision making purposes at least 60% of the appointed membership is quorum; where quorum is not reached the chair will confirm consensus recommendations with absent members;
- An agenda will be distributed and made available to 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 members to be appropriately informed;
- Notice of upcoming meetings and a draft agenda should be distributed 3 weeks in advance;
- Items not on the agenda may be brought to the attention of the CC PIMC but may not be discussed in any detail or decided upon until the following meeting unless decided otherwise by consensus;
- Meetings will be open to the public. Members of the public may participate in meetings as observers, but cannot participate in discussion during plenary sessions of a meeting or in any determination of whether consensus exists with respect to any given matter. The agenda for each meeting shall provide for 30 minutes at the end of the meeting when members of the public may address the committee. Topics should be provided to the PM in good time to ensure inclusion on the agenda (*i.e.* a week in advance);
- Meetings will be advertised in advance; and
- At the discretion of the chair the committee may have portions of the meeting “in camera”.

7.2 Consensus

The CC PIMC will seek consensus in its work and recommendations and will be guided by the following principles of consensus agreement-making:

- Consensus is defined as a general agreement on an issue to the extent that, although parties may not agree to every aspect of the agreement, they do not disagree enough to warrant opposition;
- A recommendation is developed on the basis of what can and cannot be agreed upon. Land use recommendations may include points of agreement and points of disagreement, without attribution to individuals or interest groups;
- Should only one or very few participants be in a position to prevent an agreement from being reached, they shall have the responsibility to either show why they are opposed and would be differentially impacted or why the matter is one of such principle that they must continue to prevent a consensus. If they are unable to demonstrate one of these conditions, they will be expected to abstain from opposing, or lend support to the consensus. A consensus can include abstentions;
- Where the CC PIMC cannot reach consensus to advance a recommendation, a full report with rationale for and against will be part of the reporting-out process;
- Agreement with CC PIMC recommendations by a First Nation or Provincial government representative is not to be implied as agreement by any First Nation or the Province.

7.3 Conflict Resolution

In the event that the PIMC reaches impasse on an issue or product, the chair will provide for a process to resolve the impasse. The Program Manager will assist with the exploration and/or application of technical and administrative solutions. The PIMC may request the Chair to provide for mediation or facilitation services to assist in the resolution of the impasse.

7.4 Accountability

The CC PIMC is established by the Province in collaboration with First Nations. It is accountable to the public, stakeholders and First Nations of the Central Coast plan area.

The CC PIMC will consult with the community when carrying out its monitoring role and when providing advice and comment on land use issues. Consultation may take the form of public meetings, special meetings, First Nations meetings, and receiving advice, suggestions, or information from the public.

The CC PIMC will work cooperatively with representatives of the appropriate First Nations to gain an understanding of their interests and concerns regarding the existing and potential resources and values of the area, and the implementation of the land use plan.

All meetings of the CC PIMC will be open to the public and First Nations. Information used by the CC PIMC and all technical analyses provided by the Provincial agencies will be available to the public and First Nations (with provisions to protect confidential data).

7.5 Workplans

The CC PIMC shall prepare and submit to the LRFs, for approval, a work plan that will guide its work as follows:

- The work plan shall contain detailed tasks 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 annual budget;
- Once approved, the CC PIMC shall have responsibility for implementing the work plan; and
- The Chair shall report at regular meetings on progress towards implementing the work plan.

7.6 Budget

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

7.7 Reporting

The CC PIMC shall, as soon as possible after end of financial year, but in any case within 6 months, submit an annual report to the LRFs, containing:

- An assessment of progress towards the implementation and effectiveness of the land use plan;
- A description of the CC PIMC's involvement in the monitoring and evaluation process and recommended adjustments in the workplan;
- A list of the monitoring reports received and the feedback given on each report by the CC PIMC;
- A summary of:
 - Recommendations
 - Decisions taken
 - Minority reports issued in the absence of consensus
- A summary of the budget reconciled with project spending; and
- A summary version of the annual report will be prepared for distribution to stakeholders, First Nations and communities.

7.8 Funding

As outlined in Appendix 2, the Province will, subject to appropriations by its legislature in accordance with its *Financial Administration Act*, provide out-of-pocket expenses for CC PIMC participants until March 31, 2008. There is the possibility of an extension past this date based on the availability of funding.

8.0 Process to Amend the Terms of Reference

The CC PIMC 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 DM ILMB and the LRFs. Amendment to the Terms of Reference requires approval by all members and the DM ILMB.

9.0 Process to Amend the Land Use Plan

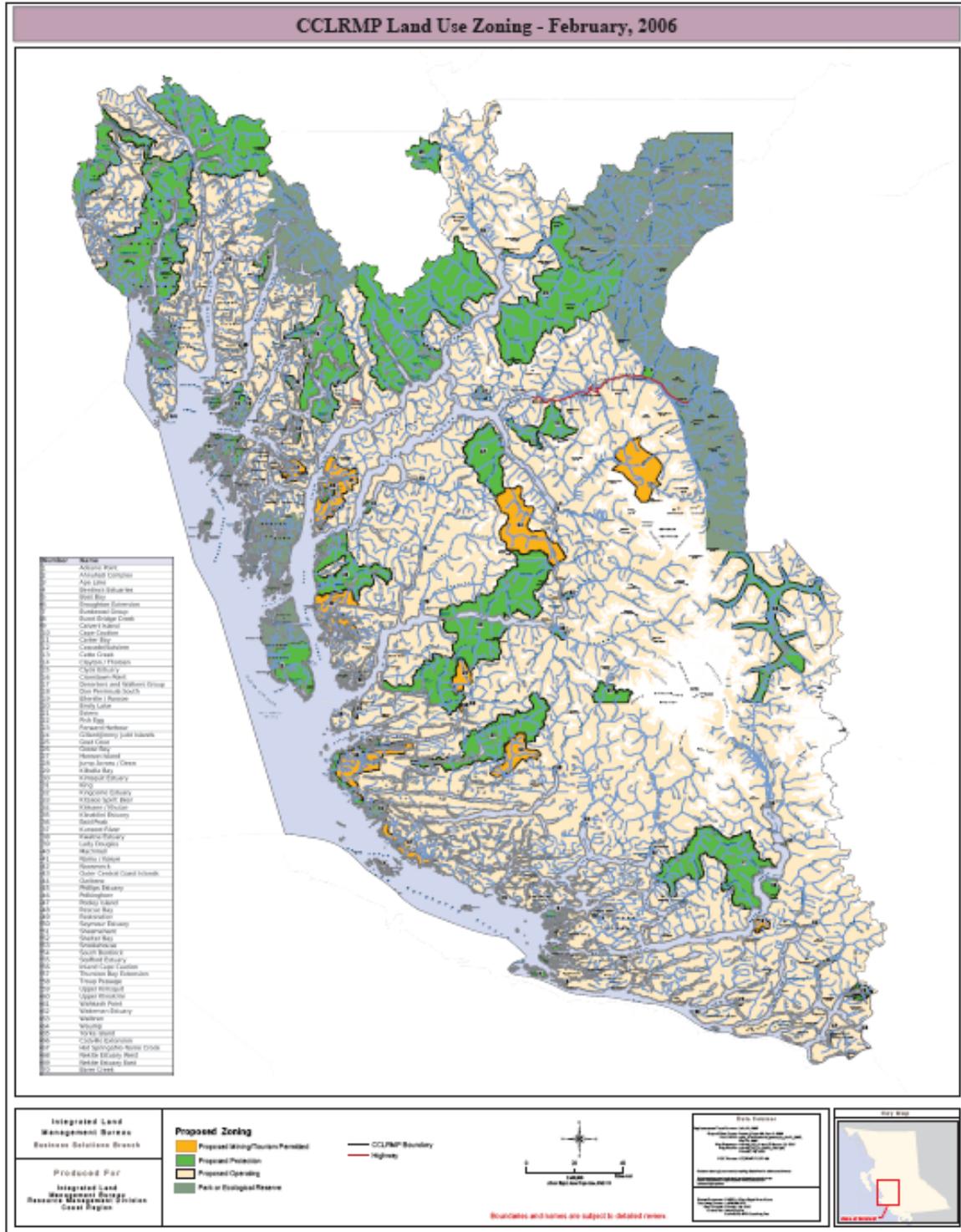
In the event that government ministries decide there is a need to amend the land use plan the CC PIMC will be notified and consulted before any changes are made.

If, after being given proper notification of any proposed changes, the CC PIMC is not able to provide recommendations on a timely basis, the CC PIMC will be notified of any changes as soon as possible after they are made.

10.0 Terms of Reference Accepted by Members

Signatures of CC PIMC Members:

Appendix 1: Map of the Central Coast Plan Area



Appendix 2: Budget Allocation

Table 1: Provincial budget allocation for the North Coast and Central Coast Plan Implementation and Monitoring Committees.

| Committee | Expense type | 06/07 | 07/08 | 08/09 | Total |
|------------------|---|--------------|--------------|--------------|--------------|
| NC PIMC | Expenses for 15 Participants ¹ | 50,000 | 75,000 | 75,000 | 200,000 |
| CC PIMC | Expenses for 15 Participants ¹ | 50,000 | 75,000 | 75,000 | 200,000 |

¹ Amounts based on \$1000/participant/meeting, 4 meetings/year and an additional \$10-15,000 contingency