

Terms of Reference

Caribou Recovery Land Use Objectives - Stakeholder Committee

– Last Updated: February 28th, 2020

Background: B.C currently has two agreements for caribou recovery:

- 1) **Section 11 Agreement:** Parties include Environment and Climate Change Canada (ECCC) and the BC Government (BC) and the scope of the Agreement includes all Southern Mountain Caribou herd areas in the province. The Section 11 Agreement serves as a work plan outlining conservation measures that ECCC and BC believe will advance caribou recovery. The Section 11 is “higher level” than the Partnership Agreement and outlines overarching agreement principles and broad recovery commitments from BC and ECCC.
- 2) **Caribou Recovery Partnership Agreement** (the “Partnership agreement”): Parties include ECCC, BC, West Moberly First Nation (WMFN) and Saúlteau First Nation (SFN) and the scope of the agreement is the Central Group, see grey area on map in Appendix I. Unlike the S.11 Agreement, The Partnership Agreement includes specific and immediate protection measures.

Further information is available at <https://engage.gov.bc.ca/caribou>.

The Partnership agreement identifies the intent of creating Caribou Recovery Related Land Use Objective (CRRLUO) that would apply to the zones of Sustainable Resource Activity (A1 and B1) and Restoration and Conservation focus (B4) identified in Appendix I. The process for developing these draft CRRLUO is identified in the Partnership Agreement and is attached in Appendix III. The process involves a Technical Working Group (TWG) to develop these CRRLUO through two phases. Phase 1 is work done by the group to develop draft CRRLUO. Phase 2 involves engaging with stakeholders and Communities with a view to come to consensus on the CRRLUO. The TWG has no decision-making powers, the work of this process will help inform Parties to the Partnership Agreement and recommendations to Provincial Government decision makers.

Purpose: The purpose the Committee is to provide a venue for conversations and information sharing between the committee and the BC representative on the TWG defined in the Partnership agreement. This will include:

1. **Keeping the committee members informed of the progress and outputs of the TWG:** The committee will be used by the BC representative to provide information to committee members on the progress of the TWG. This may include, early drafts of orders, discussions regarding potential options being considered and any initial analysis of impacts.
2. **Providing information to BC government staff representing on the TWG:** The committee will be used to ensure the BC representative is informed of all concerns and advice of the Stakeholders and Community's. The Committee members will provide information and guidance that will allow the BC representative to be well informed through discussions with the TWG. This early information sharing will help ensure the draft CRRLUO consider information provided by the committee.
3. **Provide input into the CRRLUO development through the BC representative in Phase 1 and directly through the committee members in Phase 2:** Information received from the Committee will be used by the BC representative to directly influence draft objectives in Phase 1. In Phase 2 there is a direct venue for stakeholders and community leaders to provide direct input into the CRRLUO.
4. **Work with the BC representative and the TWG towards consensus on CRRLUO for submission to the province:** During Phase 2, the TWG will meet with the stakeholder group and discuss the draft Caribou Recovery Related Land Use Objectives with a view to reaching consensus on appropriate measures (or a range of appropriate measures).

The relationship between the committee and the TWG is graphically explained in Appendix II.

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Meetings:

Two types of meetings will be utilized by the committee:

Update meetings: These meetings will be completed by conference call and will be used to provide updates to any work of the TWG in drafting CRRLUO in phase 1 and provide information that does not require extensive discussion. The frequency of these meetings will be bi-weekly and may be cancelled if replaced by a CRRLUP Committee meeting or if the chair and members agree that no new information is required, and a meeting is not necessary.

CRRLUP Committee meetings: These meetings will normally be in person and will be used to have deeper discussions on any draft CRRLUO, analysis and progress of the TWG. The location will be decided by the chair with feedback from the committee members. The frequency of these meetings will be guided by the progress of the TWG, but the intent is to meet monthly at a minimum.

Membership:

Provincial government members: Will include provincial member of the TWG as well as Caribou experts and may include Regional staff of effected Ministries.

Committee Chair: Will be appointed by the Committee.

Co-Chairs:?? To be discussed by the group?

Sector members: Will comprise of companies and organizations who have active tenure or business interests within the Partnership agreement area.

Local government members: Each Community and Regional District located with the Partnership agreement area will be invited to participate in the committee.

Other: Other members may be invited to participate as a full member or an observer. The Committee chair is responsible to decide on the involvement of other members?

The detailed membership list is as follows:

INSERT TABLE ONCE COMPLETE

Agenda and Minutes:

The agenda and meeting minutes will be the responsibility of the committee chair(s). Agendas will be circulated at least 1 week in advance of applicable meetings. Meeting minutes will be circulated and reviewed for accuracy by committee members. Generally, an agenda will not be provided prior to an CRRLUOP update meeting but summary minutes will be taken. Meeting minutes will be circulated to the TWG and Ministry executives once accuracy is confirmed.

Time Line and Expected Outcomes:

The timing to complete the work of the committee will be defined by the progress of the TWG.

Phase	Outcome	Estimated Date
Phase 1	Draft CRRLUO agreed to by the TWG	May 1, 2020
Phase 2	Engagement with stakeholders and Community leads.	June, 2020
	Adjustments (if required) and consensus amongst parties.	August, 2020
	TWG report out and recommendations to Partnership agreement parties.	September, 2020

Linkages to other agreement and processes

Dawson LRMP – Dated 10 years old

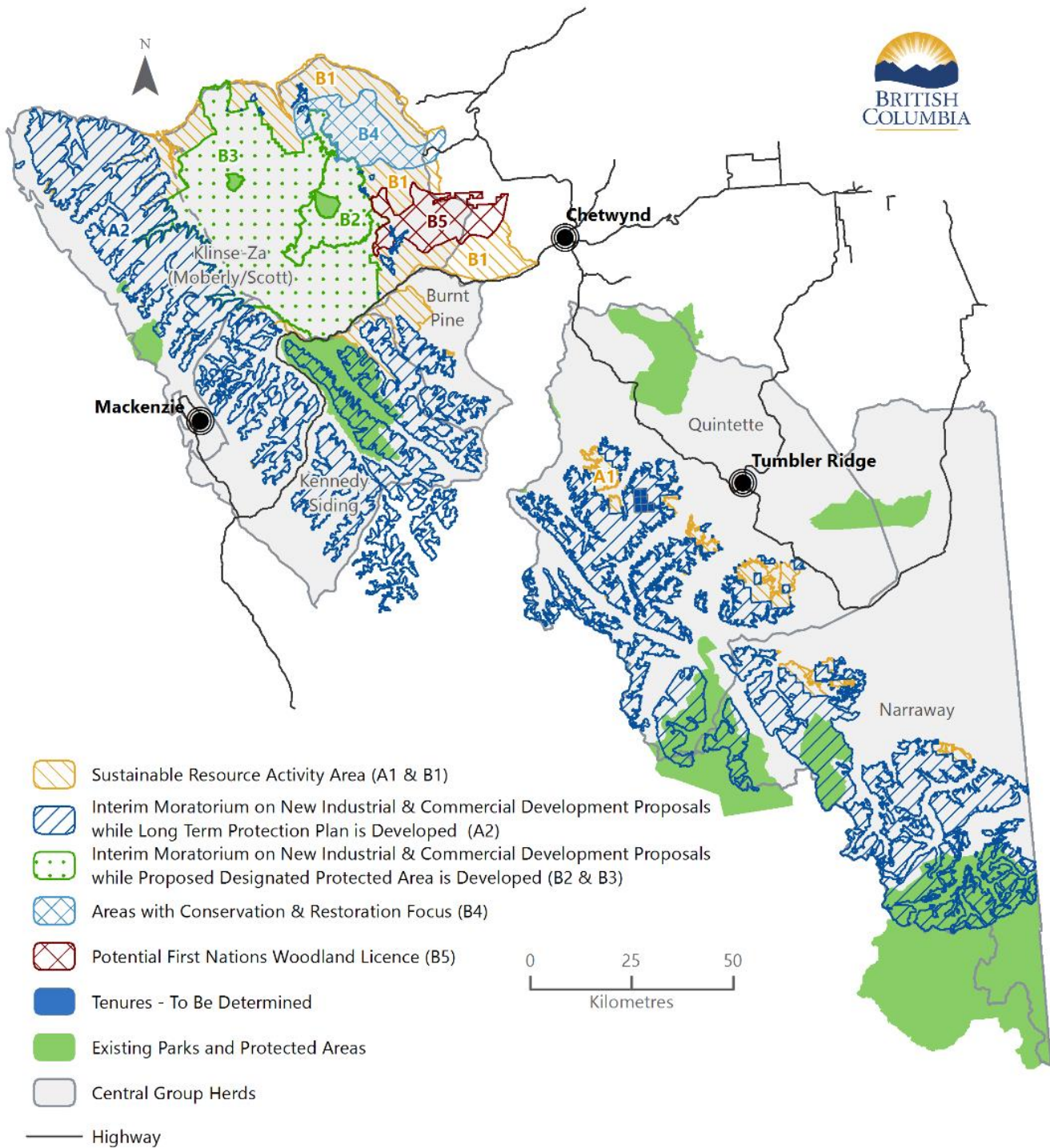
RSEA

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Appendix I –Partnership Agreement Overview Map



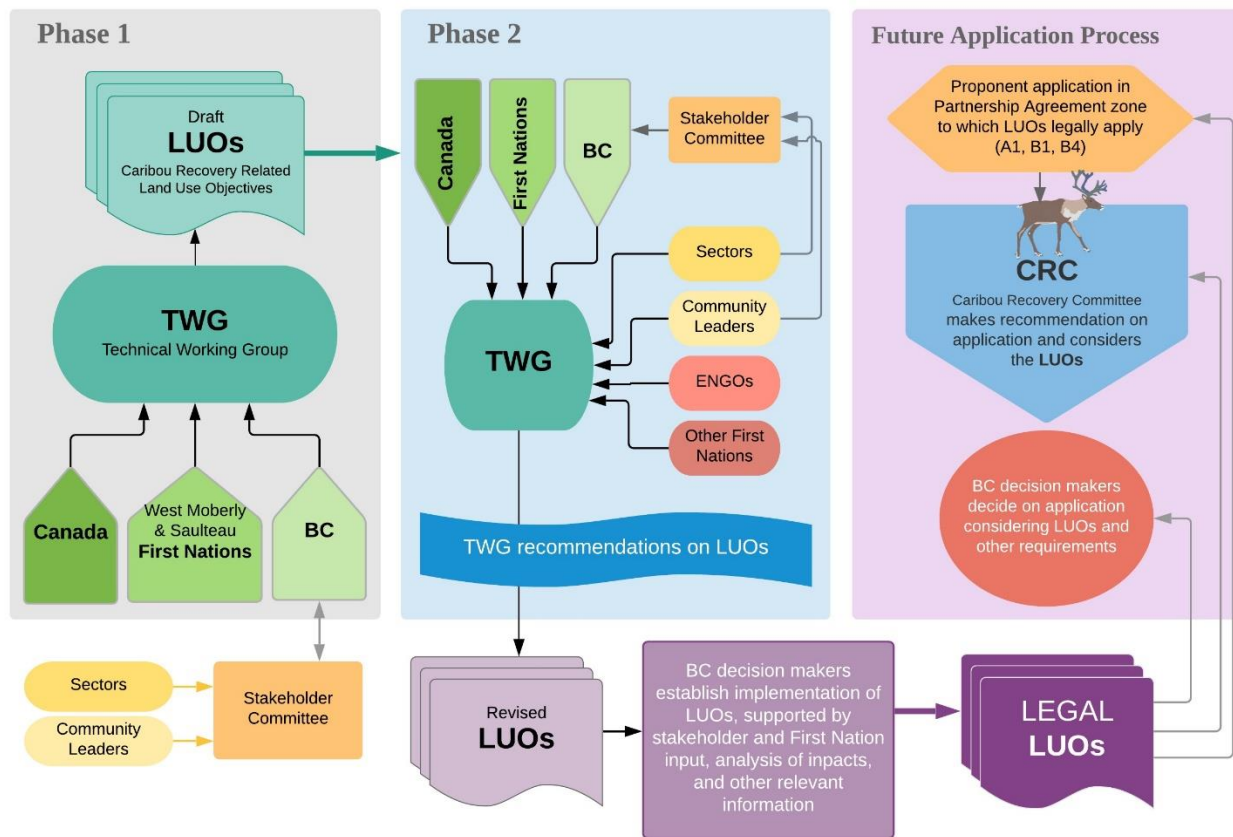
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Appendix II –Graphical representation of the Stakeholder Committee relationship to CRRLUO and TWG

Partnership Agreement



- Phase 1**
- The TWG is formed with at least one member from each of the Parties to the PA
 - The Stakeholder Committee is formed with representation from local government & the resource sectors
 - The role of the Stakeholder Committee in Phase 1 is:
 - Information sharing & communication with the BC member of the TWG
 - Initial advice & discussion regarding draft LUOs
 - TWG develops draft LUOs

- Phase 2**
- After Phase 1 discussions, the Parties & the TWG will invite other organizations including ENGOS, other First Nations, local governments & the resource sectors to appoint one representative each with appropriate technical knowledge to contribute to the TWG
 - The TWG and reps from the selected organizations will meet to discuss the draft LUOs with the intent of reaching consensus on appropriate measures
 - The BC member of the TWG will continue to be guided by Stakeholder Committee information

- Subsequent steps**
- The TWG makes recommendations on LUOs to representatives of Parties
 - If Parties agree with recommendations, the proposed LUOs will be forwarded to BC staff
 - BC staff analyse LUO impacts & compile info for BC decision makers that considers stakeholder input, feedback from First Nations & other relevant info
 - BC decision makers make determination on legal LUOs which are incorporated into regulations/orders
 - New proponent applications are required to comply with legal requirements
 - The CRC considers if applications are consistent with LUOs along with other criteria & provide recommendation to BC decision makers
 - BC decision makers decide on applications while considering consistency with legal requirements, the CRC recommendations, as well as other relevant recommendations & advice

PA – Partnership Agreement
Parties to the PA – BC, Canada, Sauteau & West Moberly First Nations
LUO – Caribou Recovery Related **Land Use Objectives** as identified in the PA
TWG – Technical Working Group as identified in the PA. Includes the Parties
CRC – Caribou Recovery Committee as set out in the PA

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Appendix III –Central Group SMC Technical Working Group

FROM - Schedule 3 of the Caribou Recovery Partnership Agreement

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The Parties agree that the conservation of the Central Group of the Southern Mountain Caribou should include consideration of new approaches to the management of the landscape within the range of the Pine, Narraway and Quintette Local Population Units (LPUs), and that each LPU (or subzone within an LPU) should be managed for specific outcomes to support caribou recovery. The identification of appropriate and effective Caribou Recovery Related Land Use Objectives is needed to establish the criteria by which each LPU or subzone will be managed. The Caribou Recovery Related Land Use Objectives identified by the Technical Working Group will be considered by the BC government for adoption into an appropriate regulatory measure, as per the Partnership Agreement.

The Parties agree that the work of the Technical Working Group should be undertaken in good faith, and be informed by analysis that is collaborative, transparent, reasonable and rigorous, using the best available knowledge, data and methods.

The Parties further agree that the work of the Technical Working Group will focus on ensuring consistency between the Caribou Recovery Related Land Use Objectives and the Shared Recovery Objective, while identifying the potential effects (or range of effects) on annual allowable cuts, with a view to understanding and managing potential effects on local and regional economies. The TWG may identify to the Parties that an impact analysis may be necessary for non-forestry sectors. The Parties will assess this recommendation and determine the appropriate approach to conducting any further analysis.

The Parties further agree that the Technical Working Group is intended to be a government-to-government committee of technical professionals, and that the work of the Technical Working Group may supplement other stakeholder engagement activities.

In undertaking work and discussions on Caribou Recovery Related Land Use Objectives, the Parties recognize that:

- a. The forest industry and the local and regional economies are affected by factors and trends unrelated to caribou recovery; and
- b. Caribou recovery and restoration measures can stimulate innovation, have positive economic effects, and be compatible with regional economic development.

Purpose

The identification, development and implementation of Caribou Recovery Related Land Use Objectives that support the achievement of the Shared Recovery Objective set out in section 1 of the Partnership Agreement, to be considered by the Province of BC as Land Use Objectives, taking into consideration their contribution to caribou recovery and potential economic effects on communities.

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Phase 1 - Technical Working Group

Each Party will appoint at least one representative with appropriate technical qualifications to contribute to the work of the Technical Working Group.

During Phase 1, the members of the Technical Working Group will meet and discuss the proposed Caribou Recovery Related Land Use Objectives with a view to reaching consensus on appropriate measures (or a range of appropriate measures) and next steps.

Once the Technical Working Group has agreed to the measures (or range of appropriate measures), the Technical Working Group may submit the proposed measures and related information to an independent expert with recognized qualifications in caribou recovery for peer review and comment.

Phase 2 – TWG Engagement with Stakeholders and Peer Review

After the completion of Phase 1 discussions, the Parties and the TWG will invite other organizations and technical experts to engage with the TWG and provide input into the proposed Caribou Recovery Measures.

The Parties and the TWG will seek to invite representation from organizations selected to represent a balance of stakeholder interests, and subject matter expertise, including local government, industry, First Nation, and environmental organizations.

Each of the selected stakeholder organizations will be invited to appoint one representative with appropriate technical knowledge to contribute to the purpose of the Technical Working Group.

During Phase 2, the TWG will meet with the stakeholder group and discuss the draft Caribou Recovery Related Land Use Objectives with a view to reaching consensus on appropriate measures (or a range of appropriate measures).

The TWG will then provide the Parties with a report on the work of the TWG, and the input received from stakeholders and the peer review process. The report will include recommendations to the Parties.

Timing

The Parties will make reasonable efforts to appoint their representatives on the Technical Working Group by around March 1, 2019.

The Technical Working Group will aim to complete Phase 1 and circulate a draft of the proposed Caribou Recovery Related Land Use Objectives to the Parties to the Partnership Agreement by around May 1, 2019.

The Parties will invite and the Technical Working Group will begin engaging with stakeholders beginning around June 1, 2019.

The TWG will aim to complete Phase 2 and submit a report to the Parties by around September 30, 2019.