



*A Component of British Columbia's
Land Use Strategy*

Kalum LRMP

Plan Implementation Committee Terms of Reference



Sept 2005



1.0 Introduction

- The Kalum LRMP Plan Implementation Committee was initiated from a meeting held by Ministry of Sustainable Resource Management (now called the Integrated Land Management Bureau – ILMB) on March 6, 2004 as a requirement of the approved Kalum LRMP. The PIC has developed its own terms of reference regarding the implementation and monitoring of the Kalum LRMP.
- The role of the LRMP Plan Implementation Committee is to monitor, at the strategic level, resource management and development activities to assess compliance with, and effectiveness of, those activities to meet the intent of the Kalum LRMP. The PIC does not have the mandate to make land use planning decisions. The membership of the PIC is intended to be inclusive and to reflect the diversity of the planning table that developed the LRMP, including representatives of local government and First Nations, at their discretion.
- One of the first tasks of the PIC was to develop a Terms of Reference.
- It is recognized that First Nations also have Land Use Plans for their traditional territories and any monitoring discrepancies between these First Nation Plans and the Kalum LRMP will be negotiated on a Government to Government basis. Participation in the PIC is without prejudice to aboriginal rights and treaty negotiations. All First Nations are encouraged to participate in the monitoring and review of the plan, at their own discretion.
- The Kalum LRMP Plan Implementation Committee recognizes that the Nisga'a Final Agreement establishes a number of joint Nisga'a/Provincial/Federal committees to facilitate the planning of certain activities in areas including that part of the Kalum LRMP that lies within the southern boundary of the Nass Wildlife Area and Nass Area. Such committees include:
 - Joint Fisheries Management Committee, mandated to facilitate cooperative planning and conduct of Nisga'a fisheries and enhancement initiatives in the Nass Area, and;
 - Nass Wildlife committee, mandated to facilitate wildlife management within the Nass Wildlife Area.

2.0 Purpose of the PIC

The purpose of the PIC is to:

- a) Represent the range of value perspectives of the community to guide strategic land-use decisions, with the aid of technical information supplied by the appropriate government agencies, traditional ecological knowledge of First Nations, industry and other user groups;
- b) Provide advice and comment on resource issues regarding the Kalum LRMP on Crown Land and First Nations Traditional Territories.
- c) Work with the appropriate provincial government committees and agencies in monitoring and evaluating the implementation and effectiveness of the Kalum LRMP.
- d) Act as the vehicle for public input on issues arising from the LRMP, and public land resource use; and to
- e) Review any proposed changes to the LRMP and provide comments to the appropriate government agency.

3.0 Accountability of the PIC

- a) The PIC is accountable to the public and First Nations of the Kalum LRMP area.
- b) In fulfilling its obligations, the PIC will consult with the community when carrying out its monitoring role, and when providing advice and comment on LRMP issues. The advice may take the form of public meetings, special meetings and First Nations meetings, and receiving advice, suggestions, or information from the public. In addition, all meetings of the PIC will be open to the public and First Nations.
- c) The PIC will work cooperatively with representatives of the appropriate First Nations to gain an understanding of their interests and concerns regarding the resources of the area, and the implementation of the LRMP.
- d) Information that is used by the PIC, and all technical analyses provided by the provincial agencies, will be available to the general public and First Nations.

4.0 Scope and Responsibility of the PIC

The PIC will:

- a) Deal primarily with issues of integrated land-use and management related to the Kalum LRMP (as per map of the Kalum LRMP area – Appendix 1).
- b) Participate directly in the LRMP monitoring and evaluation process including the review and comment on annual monitoring reports.
- c) Provide advice on plan implementation, priorities, approaches and partnerships.
- d) Provide balanced recommendations to government on aspects of the Kalum LRMP that should be amended, including revisions to management direction (e.g. objectives and strategies)
- e) Provide information and solicit feedback from the public and First Nations, through appropriate mechanisms, at key stages in the LRMP monitoring and evaluation process.
- f) Cooperate with First Nations in implementing and monitoring their land use plans with respect to their harmonization into the Kalum LRMP.
- g) Provide comment on various LRMP implementation projects (e.g. review of landscape level objectives).
- h) Where feasible, work directly in partnership with government on specific implementation projects.
- i) Any discrepancies between the Terms of Reference of the PIC and the Kalum LRMP, the Kalum LRMP takes precedence.

5.0 Guiding Principles

Goal 1: A strong and vibrant provincial economy

Goal 2: A supportive social fabric

Goal 3: Safe, healthy communities and sustainable environment

Consistent with these goals the Plan Implementation Committee will be guided by the following Governance Principles for Sustainability¹: accountability, inclusion, transparency, efficiency, certainty, science based decision making, and continual improvement and innovation.

Accountability:

The public gives government responsibility to manage public lands and resources. The Plan Implementation Committee contributes to the facilitation of this responsibility. This Terms of Reference identifies how this accountability will be achieved.

Inclusion:

Inclusion is the key to ensuring that the interests and rights of all parties are understood and addressed where possible. This Terms of Reference describes the parties which have legitimate interests in the plan area and the process for providing meaningful consultation and involvement.

Transparency:

Transparency is the key to creating open decision-making processes that consider the interests of all legitimate parties and informs the public. This Terms of Reference must describes a process for input to decisions, the decision-making framework, and a communication strategy that will provide a rationale for how the input was used.

Efficiency:

Efficiency is the key to achieving development that results in the maximum net benefit to present and future generations whom hold a stake in the plan area. Crown land use decisions should identify the highest and best use while considering the economic, environmental and social elements. This Terms of Reference is designed to allow for an effective and efficient committee that aids in the delivery of government services and minimizes the burden of administrative requirements.

Science Based Decision Making:

Science based decision-making allows for justifiable decisions and risk assessments that are informed by objective knowledge based information. In the broadest sense this includes other types of knowledge that may “rest” outside conventional scientific methods. This Terms of Reference describes how the Plan Implementation Committee will use the best available information in making their recommendations. The function of resource experts is to provide reliable estimates of the physical, biological and economic consequences of alternative activities, including assessment of the uncertainties in such estimates. Whether the consequences of such activities are desirable or undesirable is a value judgement and this Committee will consider, to the best of its ability, the judgement of the expert and the layperson, in making those value judgements.

Continual Improvement and Innovation:

Continual improvement and innovation is key to being able to learn from the past, incorporate new ways of doing things, and adapt to changing circumstances. This Terms of Reference provides a mechanism to accommodate innovation and adapt plan direction which is not achieving its intended goal, and it will provide a process to amend the Terms of Reference if they become ineffective or inefficient. Land and Resource Management Planning should take uncertainties into account. Uncertainty will always exist, and will continue to challenge how best to plan management of land and resources.

Balanced Land Use:

Land use in the Kalum LRMP plan area should reflect the social, economic and environmental balance as described in the Kalum LRMP. Development should be sustainable and enable people of the community

¹ Governance Principles for Sustainability, Province of BC 2002 <http://srmwww.gov.bc.ca/clrg/psirb/sustainability/>

to maintain their quality of life without compromising the needs of future generations. Working towards the economic, cultural, social and general well-being of people and communities within the plan area is a key aim of implementing the Kalum LRMP

Guiding Principles are not to be used to change the management intent of the LRMP.

6.0 Resource Value Perspectives

The Kalum LRMP Plan Implementation Committee embodied the concept of resource value perspectives on June 21st 2005. The PIC will be comprised of members who can collectively represent all the major resource value perspectives in the Plan area including local government and First Nations. These are:

- Allied Tsimshian Tribes of the Lax Kw'alaams
- Conservation /Environment
- Fish and Wildlife
- Forestry – major licensees
- Forestry – small business
- Gitga'at
- Haisla
- Kitselas
- Kitsumkalum
- Labour/Economic Development
- Local Government
- Metlakatla
- Mineral and Energy
- Nisga'a Lisims Government
- Public/generalist
- Recreation motorized
- Recreation non-motorized
- Tourism

Each PIC member identifies a primary value and 3 additional values. All members are expected to have a genuine respect for all resource perspectives. Each value will have a representative and an alternate.

The principles upon which this model was selected include:

- Balance and stability
- Transparency and public support
- Small group size
- First Nations participation
- Equal opportunity for any member of the public to participate
- Reflect the importance of continuity
- Enables joint problem solving
- Minimizes positional representation

Description of Participation Model:

- Includes 11 seats based on values described above and includes First Nations and local government
- Individuals represent multiple values (primary +3 others)
- Individuals empowered to make recommendations without needing to consult with a particular sector, however the onus is on the individual to stay current with their “values community”.
- At times individuals will require time to consult with their values community prior to making a recommendation (these instances should be rare).
- Focuses on joint problem solving instead of positional bargaining.
- More flexible and responsive to issues as they arise.
- Includes nomination by public.
- Final selection by Selection Committee.

Term of Plan Implementation Committee Membership

- The term of membership will be three years. The term of PIC membership will begin in October of each year.
- PIC members who have completed their terms of the PIC are eligible for re-nomination to the PIC.
- In order to maintain continuity, the Terms of Board membership will be staggered. See Appendix 1 for Board membership and term schedule.

Selection of New PIC Members

The following procedure applies when a vacancy occurs or when the regular term of PIC members are complete:

- The PIC appoints a Selection Committee who will be responsible for the process of selecting the new PIC members.
- The Selection Committee will seek nominations from the community. Any member of the community may nominate a person for PIC membership.
- Each nominee shall complete a nomination form as per Appendix 2.
- Each nominee shall be afforded an opportunity to speak in support of his/her nomination to the Selection Committee.
- The Selection Committee will ensure that the full range of value perspectives will be represented on the PIC
- The Selection Committee shall select the required number of members to sit on the PIC using a consensus process considering the following criteria:
 - The professional, vocational, community, cultural or business background of existing PIC members and proposed nominees.
 - Knowledge, experience or understanding of land use planning or Kalum LRMP.
 - Demographic considerations such as gender, age etc.
 - PIC members will be located within the Kalum LRMP Plan area.
 - The extent to which the nominee represents the full range of value perspectives.
 - Experience working in community groups with multiple stakeholders.

- Knowledge or experience with interest-based negotiation.
- Interpersonal communication skills.

7.0 PIC Chairpersons, Secretary, and Facilitator

- a) The PIC will select Co-Chairpersons who will conduct the meetings of the PIC and set the agendas for the PIC.
- b) The Co-Chairs have the same status as the other PIC members and may express their opinion on matters under discussion.
- c) The Co-Chairs are responsible to ensure that meetings are run on a timely and efficient basis. The Co-Chairs must be prepared to intervene, should discussions become off topic or confrontational. The Co-Chairs will encourage members and sub-committees to prepare concise presentations on a prompt basis.
- d) The Co-Chairs of the PIC will liaise directly with the Chairperson of the Skeena Region Managers Committee. Requests from the PIC to the Skeena Region Managers Committee for assistance, comment or the provision of technical information and analysis of plans will be communicated by the Co-Chairs of the PIC, or their designates, to the Chairperson of the Skeena Region Managers Committee.
- e) The Co-Chairs may also liaise directly with officials from government ministries regarding matters of concern to the PIC and will report back to the PIC.
- f) If the performance of either of the Co-Chairs is unsatisfactory to not less than six (6) PIC members, either of the Co-Chairs may be removed from office and new Co-Chairs selected.
- g) Selection of a Chairperson and Co-Chairperson and Secretary shall take place at the Annual General Meeting in October.
- h) Co-Chairs will alternate every term (i.e. 3 years).
- i) The Secretary will record the minutes for each PIC meeting and circulate these to all PIC members in advance of the next meeting. The minutes will be reviewed at the next PIC meeting.
- j) A facilitator may be retained to assist in running of the meetings at the discretion of the PIC.

8.0 Meetings of the PIC

- a) The meetings of the PIC shall be open to the public and First Nations.
- b) Any individual or group wishing to appear before the PIC, or to make a presentation to the PIC, can only do so upon agreement of the PIC.
- c) A quorum of the PIC shall be eight (8) members. Those who can't attend should send an Alternate or notify either of the Co-Chairs within a reasonable time frame.
- d) Meetings generally will be held every one (1) month, or as required.

9.0 Agendas, Minutes and News Releases for PIC meetings

- a) Minutes and Agenda will be distributed and made available to PIC members not

Less than three (3) full working days prior to the meeting and shall contain copies of correspondence, reports and such information as is necessary for PIC members to make informed decisions.

- b) Items not on the agenda may be brought to the attention of the PIC but may not be discussed in any detail or decided upon till the following meeting unless decided otherwise by consensus.
- c) As a general rule, the Co-Chairs of the PIC shall be responsible for news releases and responding to media questions.
- d) Agendas, Minutes as well as the Terms of Reference, Board Member contact information, and general Correspondence, will be kept by the Secretary.

10.0 PIC Membership

- a) The PIC will consist of a minimum of 11 members plus First Nations and alternates. (Maximum of 2 persons per organization/nation for attending meetings).
- b) PIC members will attend all PIC meetings or, if unable to attend a particular meeting, will inform the Chairperson or other responsible person.
- c) In order to function properly, members of the PIC must be willing to come to the scheduled meetings fully prepared to discuss existing and new items.
- d) PIC members should become well informed about the resource issues outlined in the Kalum LRMP document.
- e) PIC members will:
 - 1. Provide the Chairperson with agenda topics one week prior to the PIC meeting;
 - 2. Present issues and concerns to the PIC in a concisely written format;
 - 3. Help decide on mutually agreeable solutions to the issues and concerns presented.
- f) Where a PIC member or alternate misses three (3) consecutive PIC meetings without good cause, the member will be removed from the PIC. *
(*Note: travel in winter for various PIC members constitutes good cause)
Decision to remove a member will be a consensus decision made by the representatives of the PIC.
- g) If it is necessary to replace PIC members, the chosen means will be consistent with maintaining the full range of value perspectives as per the process noted in section 6 above.
- h) A leave of absence is available upon request, in consideration by the PIC.
- i) Membership on the PIC will incorporate the various interests and reflect the resource value perspectives that constituted the LRMP process.

11.0 Sub-committees and working groups

- a) The PIC may set up sub-committees. Membership on sub-committees is not restricted to PIC members. The Chairperson of a sub-committee shall be a member of the PIC. Each Sub-committee must have a designated spokesperson to represent their issues.
- b) Any reports, briefs, information or advice generated by sub-committees and working groups shall be considered advisory to the PIC.
- c) Each Sub-committee will inform the PIC of their activities. Any items needing further resolution beyond the sub-committee level may be brought forward to the PIC.

12.0 Principles of consensus building

The PIC will strive to arrive at agreements by consensus as outlined in Section 1.2.8 (p. 19) of the Kalum LRMP document 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 to the agreement may not agree to every aspect of the issue, they do not disagree enough to warrant their opposition to the overall issue.
- 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.
- Sub-committees or Working Groups may be established to address particular issues or perform specific tasks. Members will strive for consensus within the Sub-committee or Working Group and will present all findings or recommendations to the PIC for final consensus.
- 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.
- Where the PIC cannot reach consensus to advance a recommendation, a full report with all rationales for and against will be part of the reporting-out process.

13.0 Working Relationships with Government Agencies and the Skeena Region Managers Committee

Plan Implementation Committees are part of the provincial government's framework for implementation and monitoring of regional and subregional land use plans. The Integrated Land Management Bureau management, other government agencies, and the Skeena Region Managers Committee all have defined roles and responsibilities in this framework. These roles and responsibilities, and the relationship to the Plan Implementation Committee are described here.

Integrated Land Management Bureau:

The Integrated Land Management Bureau has the primary responsibility for the establishment and operation of PICs and will provide resources for the PICs operational costs (e.g. meeting rooms, travel, etc.).

- The Deputy Minister of ILMB is responsible for approval of the PIC Terms of Reference,
- The ILMB Regional Manager will be the primary contact (liaison) to PICs during their establishment. This function may be delegated once PICs are operating,
- ILMB has the primary responsibility for developing plan implementation strategies, communicating to the public with respect to plan implementation (other agencies also participate in these activities),
- ILMB coordinates and compiles agency information related to the plan implementation into a plan implementation monitoring report,
- ILMB Provides logistical and operational support for the administration of the PIC,

- ILMB may provide staff to support meetings called by the PIC if requested.
- ILMB provides written responses to all formal recommendations received from the PIC, including rationales for decisions made.

Skeena Region Managers Committee

- The Skeena Region Managers Committee will review and provide feedback on draft Terms of Reference, membership, business plan, PIC perspective on implementation priorities, and reports generated by the PIC,
- Coordinate and prioritize plan implementation and monitoring,
- Provide a single window access to all agencies within government for PICs,
- Assists PICs in addressing unresolved issues,
- Reports to the Deputy Ministers Committee on Natural Resources and Economy (DMCNRE)
- Assists PICs in obtaining access to scientists and other experts.
- The Plan Implementation Committee reports to the chair of the Skeena Region Managers Committee.

Provincial Agencies

- The Ministry of Forests, Ministry of Mines and Ministry of Environment have responsibility for monitoring plan implementation and effectiveness. Each agency will provide monitoring results in preparation for the Monitoring Report compiled by ILMB.
- Agencies enable plan implementation through on the ground activities,
- Agencies provide technical support to Plan Implementation Committees,
- Other agencies that may participate in the development of monitoring reports include, Ministry of Agriculture and Lands, Ministry of Aboriginal Relations and Reconciliation, Ministry of Economic Development and the Ministry of Tourism, Sports and the Arts.

Local Government and Members of the Legislative Assembly

- Each PIC will provide the opportunity for local government participation,
- The Regional Manager of ILMB will update Members of the Legislative Assembly (MLAs) at their request on activities and function of the PIC.

In the event that government ministries decide there is a need to amend the Kalum LRMP, the PIC will be notified and consulted before any changes are made. If, after being given proper notification of any proposed changes, the PIC is not able to provide consultation on a timely basis, the PIC will be notified of any changes as soon as possible after they are made. ILMB and the Skeena Region Managers Committee will, from time to time in conducting day-to-day business, engage in public consultation.

14.0 Other planning processes

- a) The PIC recognizes that because of evolving government policy, other planning processes may occur and the PIC will cooperate with the relevant planning bodies to ensure consistency and compatibility among plans. Draft plan options that arise from these other planning processes should be presented to the PIC at early planning stages and before public and First Nations' review so the PIC can evaluate how consistent these plans are with the Land and Resource Management

Plan. If no compatible option can be found, the PIC will recommend changes to the relevant planning groups.

15.0 Amendments to the Terms of Reference

The PIC has discretion to amend the content of the Terms of Reference if they believe that such an amendment will be an improvement.

- Amendment of Kalum PIC Terms of Reference must be consistent with the Provincial government policy on PIC formation and ToR development.
- Request for amendment to the mandatory content of the Terms of Reference must be presented with written rationale for the changes to the chair of the Skeena Region Managers Committee or delegate.
- Amendment the Terms of Reference requires joint sign-off by the PIC chair and the Regional Manager of ILMB