

Terms of Reference
Restoration Management Committee
Petroleum and Natural Gas Restoration in
Northeast British Columbia

July 2020

Background

Natural resource development in northeast British Columbia (BC) can disturb habitats and ecosystems, creating a variety of management challenges that have provincial, industry and Indigenous implications. As such, a Memorandum of Understanding (MOU) between the Province (represented by the Ministry of Energy, Mines and Petroleum Resources [MEMPR], the Ministry of Forests, Lands and Natural Resource Operations and Rural Development (FLNR) and the BC Oil and Gas Commission [BCOGC]), and the petroleum and natural gas (PNG) sector (represented by the Canadian Association of Petroleum Producers [CAPP] and the Explorers and Producers Association of Canada [EPAC]) – “the Parties” – was established to provide funding and a management framework for approving projects to restore disturbances from historical or legacy PNG activities in northeast BC. Collaboration with other funding entities to further enhance restoration and incorporating the participation of Indigenous communities are important aspects of conducting this work.

These Terms of Reference (ToR) provide direction to the Restoration Management Committee established under the MOU. The Parties recognize that final decisions regarding the management of provincial lands and resources rest with the Province.

The BC Oil and Gas Research and Innovation Society (OGRIS) will establish the OGRIS Restoration Fund to receive all funding contributions dedicated to restoration of historical or legacy PNG disturbances¹ in northeast BC. The MOU partners anticipate that additional funding contributions will be made to the OGRIS Restoration Fund in the future, including contributions from other governments (e.g., federal).

Purpose

The purpose of the Restoration Management Committee is to ensure that the expenditures supporting restoration projects funded under the OGRIS Restoration Fund are managed in a prioritized manner that contributes to:

- Improving habitat and ecosystem conditions and trends in northeast BC;
- Enhancing collaboration with the federal government, Indigenous communities and additional funding entities; and

¹ In the context of this Terms of Reference, historical or legacy disturbances are defined as historic oil and gas related disturbances that do not have associated permit holder or regulatory obligations.

- Adaptive management of habitat and ecosystem restoration efforts to deliver longer-term environmental and socio-economic benefits.

A key principle in implementing restoration projects under the OGRIS Restoration Fund is to ensure that the projects will be completed and/or directed by Indigenous communities within their territories.

Roles and Responsibilities

The roles and responsibilities of the Restoration Management Committee are to:

- Develop and oversee a process for the nomination of legacy restoration projects;
- Provide oversight and direction regarding the planning of expenditures from the OGRIS Restoration fund;
- Develop annual work plans to identify objectives consistent with the intent of the MOU and other funding contribution agreements;
- Assess project proposals and approve project expenditures from the OGRIS Restoration fund;
- Establish the involvement of, and knowledge contributions from, Indigenous communities in the implementation of restoration projects;
- Partner with other parties and funding entities to increase resources being applied to restoration projects;
- Oversee a contract Project Manager who will:
 - undertake technical and secretariat work on behalf of the Restoration Management Committee
 - develop partnerships with Indigenous communities and local service contractors to enable restoration work;
 - develop and execute contracts;
 - engage with OGRIS staff for administrative purposes; and
 - provide program accounting, reporting and administration;
- Approve an overall approach to communication about the work of the Restoration Management Committee; and
- Actively support the implementation of the MOU and act as advocates for achieving outcomes.

Deliverables

The Restoration Management Committee will:

- Develop a process to identify legacy restoration priority areas and projects;
- Develop a Legacy Sites Reclamation Plan to implement any funding contributions from the federal government;
- Develop the requirements for, and approve annual work plans and associated budgets;
- Approve a set of priority sites (or groups of sites) to focus restoration projects that are based upon Indigenous input and knowledge, and BC government priorities;

- Maintain and inventory the amount and distribution of restoration projects and associated work;
- Maintain a record of important discussions and key decisions;
- Approve an Indigenous involvement plan and an external communications strategy;
- Develop year-end reports on project status and associated activities; and
- After 2 years (in a 5-year term), review progress made towards achieving MOU objectives to gauge the effectiveness of expenditures to support future work.

Committee Function

The Restoration Management Committee will consist of one designated member from each agency/association, including an alternate. The Restoration Management Committee members are:

- MEMPR – Chris Pasztor, Executive Director, Tenure and Geoscience Branch (TGB) Oil and Gas Division (OGD). Alternate: Doug Bourhill, Director, Resource Development, TGB, OGD.
- CAPP – Krista Phillips, Manager, Land and Biodiversity. Alternate: Geoff Morrison, Manager, British Columbia Operations.
- BCOGC – Andrew Rollo, Executive Director, Resource Development and Environment. Alternate: Scott Wagner, Manager, Aquatic and Terrestrial Habitat.
- FLNR – Chris Cooper, District Manager, Fort Nelson Resource District – Northeast Region. Alternate: Aviva Jones, Resource Manager – Stewardship, Northeast Region.
- EPAC – Brett Norrie, Landman, Tourmaline Oil Corporation. Alternate: Bryan Lang, Vice President, Operations of Black Swan Energy.

The Restoration Management Committee will be co-chaired by MEMPR and CAPP; co-chairs will be expected to attend all meetings. Meetings will be held at times jointly agreed to by co-chairs. Meeting agendas and summaries will be jointly prepared. The co-chairs will oversee and give direction to a Project Manager regarding his/her role in Restoration Management Committee operations.

The co-chairs will outline the procedures to support the operations of meetings, including creation of agendas and maintaining notes and records of decisions, actions and any follow-up that may be required. All Restoration Management Committee designated members are expected to attend meetings regularly. If a Restoration Management Committee member is unable to attend a meeting, their designated alternate will attend on their behalf and provide notice to the co-chairs in advance of the meeting.

It is expected that each Restoration Management Committee member will strive to participate for a two-year term. If members must leave within their two-year term, their membership will terminate, and the Parties will find a replacement from the same agency or association as the member leaving. Wherever possible, it is expected that members or Parties will provide advance notice of a member's intent to withdraw from the Restoration Management Committee to allow for orderly transition in membership and to avoid

multiple members withdrawing at the same time. Each agency or association will be responsible for the costs of their own member's effective participation at meetings.

The Restoration Management Committee will be supported by an Executive Sponsor to provide oversight, decision support and dispute resolution on an as-needed basis. The co-chairs will report to the Executive Sponsor on a quarterly basis. The Executive Sponsor for the Restoration Management Committee is Ken Paulson, Executive Vice President, BCOGC.

A quorum of three Restoration Management Committee members, representing the PNG Sector, BCOGC and one BC Government Ministry, is required for any decisions related to the roles, responsibilities and function of the Restoration Management Committee.

Scope of Expenditures

The MOU is intended to have a strong focus on restoring disturbances from historical or legacy PNG activities in northeast BC. Therefore, expenditures from the OGRIS Restoration Fund will focus on:

- Restoration of linear and other disturbances that contribute, over time, to removal of lands from the inventory of "disturbed" lands in northeast BC;
- Restoration of linear and other disturbances that contribute, over time, to improving habitat and ecosystem condition; and
- Restoration of linear and other disturbances that contribute, over time, improving access and use of the land for Indigenous communities.

Decision-Making and Dispute Resolution

The Restoration Management Committee will strive to reach agreement on all decisions and to resolve any issues by consensus. The co-chairs will determine if external assistance (such as a facilitator) may be needed to aid in reaching consensus. If consensus cannot be reached in a timely manner, the co-chairs will compile the opposing viewpoints and bring them forward to the Executive Sponsor for discussion, and where possible, resolution.

Should there be any discrepancies between the terms in this ToR and in any funding agreement, the funding agreement will take precedence.

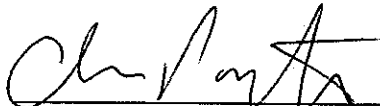
Terms of Reference Review

The Restoration Management Committee may review and amend this Terms of Reference if required to address operational changes that may arise. Changes must be agreed to in consensus by Restoration Management Committee representatives and in support of the Executive Sponsor.

Legal Effect


Nothing in this ToR creates any legally binding commitment on the part of any of the Parties, nor fetters the decisions of any statutory decision-makers of the Province.

Signatures/Dates



Chris Pasztor – Co-chair
BC Ministry of Energy, Mine and Petroleum
Resources
August 3, 2020

Date



Krista Phillip – Co-chair
Canadian Association of Petroleum Producers
July 24, 2020

Date

