

**NORTH COAST LAND AND RESOURCE  
MANAGEMENT PLAN**

**TERMS OF REFERENCE**

**Ministry of Sustainable Resource Management**

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## TERMS, DEFINITIONS AND ACRONYMS

Term	Definition / Explanation	Acronym
Coast Information Team	An independent information body designed to provide assistance and recommendations to planning tables on ecosystem based management, resource analysis, community transition and diversification, and other topics as requested by the table membership.	CIT
Community	Includes both the local inhabitants within the plan area and communities of interests.	
Government Sector Representative	This individual will represent government's strategic interests in sustainable economic development and in scientifically based conservation recommendations. He/ she will represent all government agencies as a table member and integrate guidance from the IAMC into table negotiations.	
Government Technical Team	Provincial government technical team, established to provide mapping, analysis and report/plan writing support, as well as government policy and program information to the Table. Chaired by Process Manager.	GTT
Interagency Management Committee	A committee of regional managers and directors who will provide advice on North Coast issues to the Government Sector Representative.	IAMC
Land & Resource Management Plan	A sub-regional, consensus seeking planning process involving affected stakeholders, First Nations and governments.	LRMP
Ministry of Sustainable Resource Management.	The provincial ministry formed in June of 2001, is responsible for strategic land use planning by the provincial government.	MSRM
North Coast LRMP	Plan area reference for the North Coast LRMP	North Coast LRMP
Plan Area	The area within the plan boundary and above the high water mark	
Process Chair(s)	The individual(s) appointed to the process by the Minister of SRM to chair and facilitate Table meetings, and facilitate the engagement of processes that resolve critical issues between parties to complete the process. May retain facilitators and special advisors to assist in resolution of Table issues. Reports to and is accountable to the Minister for successful achievement of process milestones. Accountable to the Table members for maintenance of collaborative approach among participants.	
Process Manager	The individual accountable to the Regional Director of MSRM for the smooth operation and completion of the planning process in accordance with its Terms of Reference. Responsible for logistical and financial support for the process.  Chairs the Government Technical Team. Serves as alternate chair of the Table, and chairs and provides for facilitation (which may include independent facilitation) for working group and small group negotiation sessions between Table meetings.	
Process Participant	Individual or organization formally recognized as participating in the North Coast LRMP process as a member of a sector represented at the Table.	
Process Team	A team comprised of the Process Chair, Process Manager, facilitators (as required), and Technical Coordinator. Meets as required to review process issues and strategies, develop workplans to meet milestones. Does not include Government Sector Representative.	
Table Member/Sector Representative	The individual formally recognized by others within a sector as their representative at the Table, and being able to make commitments for the sector at Table meetings. Each Table member will have a designated alternate for the purpose of representation at the Table.	
Terrestrial	Component of the plan area that is above the high tide line. Interior fresh water bodies will be planned as a component of the terrestrial.	

Technical Coordinator	The individual who coordinates the gathering of inventories, the development of analysis methodology, spatial modelling, the development of background reports, information provision, meeting logistics, coordination of analysis team functions and research projects as required. Serves as alternate chair of the GTT.	
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## 1. INTRODUCTION

These Terms of Reference will guide the North Coast Land and Resource Management Plan (LRMP) process. They establish a Planning Table (the Table), outline how the process will proceed and describe the scope of the plan. The Ministry of Sustainable Resource Management is responsible for strategic land use planning for the provincial government.

## 2. PURPOSE AND OUTCOMES OF THE LRMP

The North Coast LRMP process will provide an opportunity to interested groups, individuals, federal, First Nations, local and provincial governments, to prepare recommendations on land and resource use and to submit these recommendations to the provincial government for consideration and approval. The purpose of the plan is to:

- ?? Foster economic and environmental sustainability through an Ecosystem Based Management (EBM) approach, which includes the establishment of protection areas and mechanisms to ensure the maintenance of ecological integrity and healthy human communities in the plan area;
- ?? Deliver a comprehensive system of area specific management direction that clearly describes the location of each area and its resource values, general management direction for each area, management objectives and strategies applicable to specific areas, and any implementation requirements such as policy or legislative change; and
- ?? Identify economic, environmental, social and community transition requirements and strategies.

## 3. PLAN AREA

The North Coast LRMP will provide strategic land and resource management direction for activities on Crown land within the planning area, shown in Appendix 1. The LRMP area covers 1.7 million hectares.

The North Coast LRMP will make recommendations for terrestrial areas. In addition, the process may consider protection of foreshore and near shore areas under provincial jurisdiction, where adjacent terrestrial values are being considered for protection.

#### **4. LINKAGE TO THE COAST INFORMATION TEAM (CIT)**

The Coast Information Team (CIT), an independent, multi disciplinary information body, has been established to provide advice and recommendations to coastal planning processes including the Central Coast, North Coast and Queen Charlotte Island LRMP Tables on an Ecosystem Based Management (EBM) framework, resource strategies, zoning and other matters. A mandated set of products developed by the CIT are intended to support the North Coast LRMP decision-making process. As well, the Table may request additional information from the CIT through the Process Manager and Chair. Subsequent items may be confirmed through a service agreement between the Process Manager and the CIT Management Committee. The CIT Terms of Reference are provided to the Table.

The CIT Management Committee will provide regular updates to the LRMP Table on progress, information assembly, resource analysis, products, and other items. The Table may elect to delegate this responsibility of liaison to the Government Technical Team (GTT) for effectiveness.

Products from the CIT, including results from the associated EBM pilot projects, will be provided to the Table for their consideration in the development of EBM planning products. The LRMP Table is not bound to accept any CIT recommendations but is encouraged to review and integrate CIT analysis in a final set of land use recommendations.

#### **5. RELATIONSHIP TO ABORIGINAL ISSUES**

The First Nations relationship to the North Coast LRMP is shaped in part by the development of the General Protocol Agreement on Land Use Planning and Interim Measures and the Tsimshian Accord. These agreements detail commitments and provide parameters related to interim measures and sustainable environmental, economic and social development.

A number of issues have been discussed with First Nations in relation to development of their own Land Use Plans for the North Coast area. These issues are being addressed through Transfer Agreements between the province and First Nations and will contribute essential information to the LRMP process.

The North Coast LRMP process and all products produced by the North Coast LRMP are without prejudice to First Nations and the provincial and federal government on land and resource management issues at the treaty table and First Nation constitutionally defined rights and title.

Similarly, involvement by a First Nation in the North Coast LRMP process does not abrogate the province's responsibility to prevent the infringement of aboriginal rights through the process of consultation with a First Nation on specific development proposals, nor shall it be considered a substitute for such consultation.

### **5.1 Nisga'a Final Agreement**

On April 13, 2000, following the advice and consent of the Senate and House of Commons of Canada, Royal Assent was provided to the Nisga'a Final Agreement Act 2000. Federal legislation followed ratification by the Nisga'a Nation in November 1998 and the passing of provincial legislation in 1999 enabling the agreement. The Nisga'a Final Agreement is a treaty and a land claims agreement within the meaning of sections 25 and 35 of the Constitution Act, 1982.

The Nisga'a treaty has provided the Nisga'a Nation with many powers, authorities, privileges and responsibilities. A portion of the plan area is now Nisga'a Land as identified in the treaty and is outside of the LRMP planning process. The Nisga'a have other interests as identified in the treaty within the LRMP plan area.

## **6. RELATIONSHIP TO OTHER PLANNING PROCESSES**

The North Coast LRMP will take into consideration the information and products produced by existing planning processes underway or completed (e.g. park master plans, urban plans, First Nations resource plans, etc.) for portions of the plan area. Once the LRMP is approved, it will provide direction to future local plans such as landscape unit plans, and could lead to modifications of existing local plans.

## **7. TIME FRAME FOR COMPLETION**

The target to complete a recommended LRMP is 22 months following the first Table meeting on February 1<sup>st</sup> and 2<sup>nd</sup>, 2002.

## 7.1 Milestones

In order to complete the plan within the established timeframe, the following process milestones are established.

<b>Milestone</b>	<b>Products</b>	<b>Completion Date</b> (Months after Process Start-up)
<b>Process Initiation</b>	?? Terms of Reference/ Ground Rules ?? Workplan	<b>1 month</b>
<b>Assess Situation</b>	?? Vision ?? Resource maps ?? Resource background reports ?? Vision, interests, and indicators ?? Policy review	<b>4 months</b>
<b>Scenario Development</b>	?? Scenario development, including map products and management intent ?? Scenario analysis, including socio-economic and environmental analysis ?? Process team assessment on the Table's readiness to proceed with final negotiation	<b>12 months</b>
<b>Negotiate Agreement</b>	Recommendations package: ?? General management direction ?? General and area specific management direction ?? Additional strategies developed by Table	<b>22 months</b>
<b>Ratify and Approve Plan</b>	?? Socio-economic and environmental analysis of final recommendations ?? Public review ?? Ratified recommended plan submitted to government	

For each milestone date, the Process Team will provide a status report to the table and the Regional Director of MSR. If the Table is unable to achieve a milestone by the target date the Process Team may identify alternate steps to move the process forward. This may include requesting the Government Technical Team to prepare products or options for the Table.

## **8. PLANNING TABLE**

### **8.1 General**

- ?? The Table will follow a sectoral model of representation;
- ?? The Table will develop recommendations for a comprehensive North Coast LRMP;
- ?? The Table will strive for consensus on substantive issues, including the final LRMP recommendations. Consensus is defined as having no substantial disagreement with the decision. Table members may have concerns about specific aspects of the agreement, but can accept that the proposal goes forward and will support the overall plan;
- ?? The Table will have members from the public, federal, First Nations, local and provincial governments, representing a cross-section of interests in the plan area. Alternates to Table members will provide support to those members on an ongoing basis;
- ?? The Table will establish ground rules to ensure it functions smoothly and everyone who participates in the process does so in a fair and equitable manner;
- ?? The Table will rely largely on smaller working groups to accomplish substantive discussions and negotiations between meetings. Recommendations and/or negotiated products developed by these groups are subject to review and acceptance by the Table; and
- ?? The Process Manager has the discretion to invite additional experts to participate in working groups - for example when specific technical knowledge is required from someone who is not involved in an existing sector;

### **8.2 Table Member Responsibilities**

Responsibilities of Table members include the following:

- ?? Representing the interests of their sector in consensus negotiations;
- ?? Being accountable to members of their sector;
- ?? Identifying members of their sector to participate in working groups;
- ?? Sharing information between members of their sector and the Table through consultation and communication mechanisms established by the sector;
- ?? Staying current with information and the progress of Table discussions (applies to alternate as well);
- ?? Designating an alternate for when they cannot attend meetings; and

?? Abiding by the Table ground rules.

### **8.3 Table Structure**

The North Coast LRMP Table will have the following structure including representation from the public, federal, First Nations, local and provincial governments. These Table members will, as a group, fulfill the responsibilities noted above and will be organized as detailed below – according to their specific interests and with additional responsibilities as noted.

?? Community Economic Development	?? Federal agency (DFO)
?? Conservation and Environment	?? Gitga'at
?? Fish and Wildlife Habitat	?? Haisla
?? Labour	?? Kitkatla
?? Major Forest Companies	?? Lax Kw'Alaams
?? Mining and Exploration	?? Local government (2 seats)
?? Recreation	?? Metlakatla
?? Small Business Forestry	?? Nisga'a
?? Tourism	?? Provincial Government

#### **8.3.1 Public Sector Representatives**

Each sector will be composed of the organizations and individuals with similar interests, as defined by the sector titles.

Each sector will have one seat at the planning table to be filled by the formal representative to the process or his or her alternate.

Table members and alternates will be selected by the sectors they represent. Each sector agrees to having established and being accountable to a sector advisory committee representing a spectrum of interests in the sector, both local and regional. For efficiency, each sector will seek to minimize the number of persons identified to participate in working groups.

By participating in the LRMP process each sector and its representatives agree to engage in the process and be bound by these Terms of Reference. Each sector further agrees to provide the Process Manager with a list of declared membership in their sectoral advisory committee, so that the spokespersons for those member organizations may be identified

for participation in the working group negotiations. The Process Manager will be responsible for maintaining and updating the Table Membership list. There may be interests not formally part of the sector who sectors will identify and consult with, as needed.

Sector representatives will be responsible for notifying the Process Manager of any changes to Table, or sector advisory committee membership.

### **8.3.2 Local, Provincial and Federal Government Representatives**

Federal, provincial, and regional/municipal government representatives have the same full responsibilities as other table members as described above. Government representatives will:

- ?? Participate in a collaborative process of consensus building in a manner respectful of other interests.
- ?? Provide the Table with information and advice on legislation, policy, programs, current initiatives; and
- ?? As future monitors and implementers of the plan, ensure that planning recommendations can realistically be implemented in a way that meets the objectives and strategies outlined in the final LRMP plan.
- ?? The provincial government will participate in the LRMP process in three different capacities:
  - ? ?A Government Sector Representative participates as a table member engaging in discussion and negotiation at the Table and working group tables on substantive issues;
  - ? ?The Process Team provides logistical and procedural support for the process. Responsible for process design and smooth operation of process. Develops workplans and draft products for table discussion, co-ordinates analysis, facilitates, and mediates where necessary. Provides minutes, agenda etc.
  - ? ?The Government Technical Team provides mapping, analysis and report writing. Develops draft products for table review and provides technical advice to the Table upon request.

### **8.3.3 First Nations Representatives**

First Nations may participate at both a technical and government level as follows:

- a) Participation at the Table and its working groups;

- b) Formal government liaison with the Process Manager and Process Chairs;
- c) Technical liaison with the GTT;
- d) Participation in the Coast Information Team;
- e) Participation on a FN/MSRM executive advisory board;
  - ? ?MSRM and interested Tsimshian are forming a *Tsimshian/MSRM Stewardship Committee* : Kitkatla, Metlakatla, Lax Kw'Alaams, Kitselas and Kitsumkalum. The Stewardship Committee will address interests of mutual interest, including economic measures, technical and financial support to planning, and participation in various land use planning initiatives. Kitselas and Kitsumkalum First Nations have traditional use sites within the North Coast Plan area and will represent their interests to the North Coast LRMP Table through the Stewardship Committee.
- f) Review of the final plan as provided for in the Terms of Reference.

First Nation involvement will occur in accordance with Transfer Agreements developed between individual First Nation governments and the province.

## 9. PROCESS TEAM

The Process Team is composed of the Process Chairs, Process Manager, Technical Coordinator and process facilitator(s). The primary role of the Process Team is to design and coordinate the LRMP process in a way that is open, fair to all interests, efficient and effective. This includes:

- ?? Design and delivery of meeting agendas;
- ?? Development and monitoring of the process workplan;
- ?? Organization and facilitation of Table meetings, working group meetings between table meetings;
- ?? Review and delivery of draft planning products; and
- ?? Applying best practices for collaborative decision-making.

In addition, individual members of the Process Team will be responsible for consultation with stakeholders and participants between Table meetings. The Process Team does not participate in the Table's consensus decisions and does not carry the mandate of any specific agency.

## 10. BROAD PUBLIC PARTICIPATION

The general public (i.e. that is the broader public not participating in the process) will be kept informed throughout the LRMP process through media reports, newsletters, sectoral outreach, web pages and open houses. When the Table develops a recommended LRMP, an opportunity for public review and comment must be provided before the recommendations are finalized.

Table meetings will be open to the public with time allotted at the end of each meeting for comments from any members of the public who wish to speak as detailed in the Ground Rules.

## **11. PROVINCIAL LEGISLATION AND POLICY**

The provincial government has the legal obligation to manage and conserve natural resources on provincial Crown land. Numerous policies and statutes are relevant to land use planning. Even though policies are not legally binding, they provide high level guidance that provincial decision-makers must consider.

In the interest of facilitating solutions, the process will have the opportunity to make recommendations for policy and legislative changes as related to resource management that are deemed necessary to achieve the management direction of the LRMP and the interests of all parties supporting the LRMP recommendations. In these cases, the Table must consider the local and provincial implications of adjusting the policy or statute and provide a written rationale of why the current policy should be varied for the area.

## **12. REVIEW AND APPROVAL OF CONSENSUS DOCUMENT**

The Table will submit its final package of consensus recommendations to the provincial government through the Ministry of Sustainable Resource Management. The Minister of Sustainable Resource Management has final approval responsibility for the North Coast LRMP. Cabinet will make final decisions regarding protected areas.

If unable to reach agreement on all aspects of land use recommendations, the Table will submit to the provincial government for resolution, a document that describes areas of agreement and unresolved issues. An accompanying document will include a description of attempts to resolve those issues and the parties unable to reach agreement. All First Nations within the plan area, whether they have participated in the NCLRMP process or not, will be invited to review, comment upon and/or endorse any final LRMP recommendations.

Any approval or endorsement by a First Nation in respect of the plan will not prejudice that First Nation's position on land and resource management issues at the treaty table or affect in any way its rights and title.

All local governments within or adjacent to the Plan Area, whether or not they have participated in the North Coast LRMP process shall be invited to review, comment upon and/or endorse any consensus North Coast LRMP recommendations as per the Union of B.C. Municipalities Protocol Agreement.

### **13. IMPLEMENTATION**

Once approved by the provincial Cabinet, the North Coast LRMP shall be implemented and monitored by appropriate provincial government agencies coordinated by MSRM.

A monitoring committee that includes public participants may be established by MSRM to monitor plan implementation.

Approved By:

\_\_\_\_\_

Date: \_\_\_\_\_

Honorable Stan Hagen  
Minister of Sustainable Resource Management

