

January 2020

MINISTER'S WILDLIFE ADVISORY COUNCIL

TERMS OF REFERENCE

These terms of reference are a DRAFT for final approval by the Minister of Forests, Lands, Natural Resource Operations and Rural Development (FLNR) (the “Minister”) upon Council appointment.

PURPOSE

The Minister’s Wildlife Advisory Council (the Council) is a place for dialogue focused on providing independent advice and support to the Minister on strategic issues and priorities with the intent to strengthen stewardship of wildlife and habitat in BC. In particular the Council will focus on oversight of government work to implement the Together for Wildlife Strategy (the Strategy) including advice on legislation and policy. In so doing the Council will work to develop a consensus on how to optimise the ecological, social, cultural and economic value of wildlife for BC, as well as on advancing reconciliation, based on scientific data, Indigenous knowledge¹ (with consent of First Nations who provide it), local concerns, knowledge and citizen science.

The Council will review and comment publicly on the annual report to the Minister, produced by the Director of Wildlife, on progress made on the Strategy implementation. The report will be made publicly available, detailing the Council’s recommendations and advice, including the rationale for their recommendations and advice, while maintaining the confidentiality of any information or Indigenous knowledge that has been shared in confidence, or with consent from the individual who provided the confidential information or Indigenous knowledge.

MEMBERSHIP

Membership will be persons recruited from throughout BC who have a wide range of experience in natural resource stewardship and passion for wildlife and habitat. They will be

¹ Indigenous Knowledge generally refers to knowledge systems embedded in the cultural traditions of Indigenous peoples and is based on observations and interactions with the environment. In many cases, Indigenous Knowledge has been passed on from person to person over generations through stories, legends, rituals, songs, laws, or other means. The meaning of Indigenous Knowledge differs among societies and cultures. Additional information can be found on these websites:

https://en.wikipedia.org/wiki/Traditional_knowledge

<https://www.ictinc.ca/blog/what-does-indigenous-knowledge-mean>

January 2020

drawn from First Nations, the general public, local government, academia, natural resources and other industry sectors, conservation organizations, and the provincial government, as outlined in the membership criteria (Appendix A: Membership Criteria). Council members are non-partisan and do not represent any specific interests, political party or government; rather Members provide expertise and are expected to build consensus recommendations, and not advocate for a position or their individual interests. They will have a fiduciary duty² to the Council and to advancing the Council's priorities.

Member appointments will be made by the Minister based on review of nominations and applicants assessed against membership criteria (Appendix A); that include the principles of gender balance, significant regional and if possible youth, representation.

CO-CHAIRS

The Council will be co-chaired by two persons widely respected in BC. To reflect the role of First Nations as government to government partners in wildlife stewardship, one co-chair shall identify as Indigenous, or work for or lead an Indigenous government: the other shall be a non-First Nations person, possibly but not necessarily a senior BC government person (e.g., Assistant Deputy Minister Resource Stewardship Division). The co-chairs will be appointed by the Minister.

The co-chairs are jointly responsible for:

1. Communicating on behalf of the MWAC to the Minister and Cabinet and to the public when directed by the Minister;
2. Preparing meeting agendas in consultation with members;
3. Chairing meetings; and
4. Members' conduct as it relates to the MWAC's guiding principles (see Guiding Principles section).

LEGAL AND ADMINISTRATIVE CONTEXT

- The Council is advisory and not a decision making body within the context of either the Ministry Act or the Wildlife Act. It does not have authority over any ministry personnel, financial expenditures or deal with day-to-day operational issues;
- Appointments to the Council are by Minister's letter for two-year periods and are extendable for up to two additional terms to a maximum of 6 years per person;

² Without being legally precise, a fiduciary duty is duty to act for the benefit of another, like a trustee. It is expected that Council members make recommendations and provide advice that is in the best interest of wildlife stewardship in accordance with the goals and actions in the Together for Wildlife strategy. Council members are not appointed as advocates of a particular First Nation, stakeholder or constituent group, and do not represent any other entity when they are acting as Council members.

January 2020

- Over time it is intended that appointment times will be staggered so that all members terms do not end at the same time;
- Council members owe a fiduciary duty to the Council itself, which means they are not appointed to the Council as delegates or advocates of a particular First Nation, organization, stakeholder or constituent group and do not represent any other entity when they are acting as Council members;
- Members will attend meetings regularly, read materials in advance of meetings and come prepared, and provide support to any working groups established as and when needed;
- Members may miss meetings in exceptional circumstances (e.g., such as a personal or family emergency), but will not miss more than 25% of meetings in any calendar year. If attendance becomes an issue, the board may request the resignation of a board member by quorum vote;
- Advice, recommendations, and activities of the Council, as well as these terms of reference, are not intended to, and will not, fetter statutory decision makers in carrying out their duties and responsibilities, or First Nations or Indigenous leadership in their decision-making processes;
- Participation is without Prejudice;
- Participation does not diminish the Province's Duty to Consult. The Council is an additional forum for engagement and will not replace or diminish any right of any individual First Nation to be consulted and accommodated by Government and,
- The Ministry will make budgetary provisions to cover the Council's administration, including any payments to Council members that are consistent with Treasury Board directives.

SPECIFIC RESPONSIBILITIES OF THE COUNCIL

The Council will provide advice and recommendations to the Minister on the implementation of the *Together for Wildlife* strategy. In particular it will:

1. Provide advice on the provincial review of the Wildlife Act and its regulations in reference to, and alignment with, the *Together for Wildlife* strategy and the BC *Declaration on the Rights of Indigenous Peoples Act* (BC DRIPA);
2. Receive and provide advice on update reports from the Directors of Wildlife on progress of the implementation of the *Together for Wildlife* strategy goals and actions;
3. Provide advice, insights, ideas and recommendations on strategic priorities provincially for wildlife stewardship and conservation, including ecological, social or economic research priorities and other wildlife and wildlife habitat matters;
4. Identify funding opportunities and leveraging opportunities for partnerships to support wildlife stewardship priorities identified, including identifying opportunities for new funding sources;

January 2020

5. Provide advice on Provincial initiatives delivered by other ministries that affect wildlife stewardship, as requested, and members may, by quorum vote (or Minister directive) invite other ministries to meet and make presentations on issues related to wildlife stewardship, especially where funding opportunities can be leveraged and partnerships developed (e.g., including but not limited to Forestry-related initiatives);
6. Work to assist the Minister to advance reconciliation with First Nations by seeking to incorporate Indigenous knowledge, customs and laws into Council recommendations and advice as provided by Indigenous participants on the board and other Indigenous persons or experts;
7. Will provide advice on establishing Regional Wildlife Advisory Committees and, where relevant to the Strategy, will liaise to ensure regional interests are accounted for in the recommendations and advice provided to Minister and,
8. Provide advice on other strategic wildlife and habitat issues that the Minister may from time-to-time seek such advice.

GUIDING PRINCIPLES

(The following is a DRAFT set of principles and guidelines which the first Council will consider and recommend a final set to the Minister.)

Accountability: Members are accountable to the Minister through the Co-Chairs and commit to upholding the operating principles and provisions of these terms of reference.

Clear, consensus-based recommendations: To understand and contribute to the development of wildlife and wildlife habitat stewardship policy and guidance, using clear language and striving to address all concerns, incorporate different perspectives, and have common ownership of issues and solutions.

Confidentiality: all business of the Council is confidential until such time as it is approved for public announcement (e.g., meeting minutes / annual report).

Cooperation: A commitment to anticipate, prevent, or alternatively minimize conflict and dispute with respect to the implementation of these Terms of Reference, by establishing clear lines of communication and resolving differences in a manner that is expeditious (see Conflict Resolution Process).

Healthy Ecosystems: Improving and protecting the health of ecosystems also improves and protects the social and economic health of communities.

Integrate knowledge for durable solutions: Developing shared understandings and focus on common goals (e.g., abundant wildlife populations) and seek ways to integrate technical,

January 2020

scientific, local and Indigenous knowledge into wildlife and wildlife habitat stewardship, creating durable solutions for future generations.

Reconciliation: To advance reconciliation and work respectfully with First Nations participants to understand Indigenous interests, worldviews, and Aboriginal Rights and Title as it relates to wildlife and wildlife habitat stewardship.

Working effectively: To collaborate with each other in a respectful and transparent manner, building trust, for the benefit of wildlife and the ecosystems on which we all depend, and by providing advice, knowledge, transparency and input in a timely manner.

COORDINATION

The Council and any sub-committees that are struck will have a government staff assigned from the Wildlife and Habitat Branch to support establishment of business agendas, manage reference material, and record Council decisions and ensure all meeting agendas, minutes and reports are made publicly available;

- The Council will meet a minimum of 2 times per year and may meet at other times including by phone;
- The council will meet with the Minister at least once a year
- Any sub-committees will endeavor to meet virtually to manage costs; and
- The Council will have a dedicated budget to support its functions.

INVITATIONS

The Council may invite other ministries, agencies, individuals and parties to make presentations to, and participate in, Council discussions with support of the Minister.

REPORTING AND COMMUNICATIONS

High-level, non-attributed Council meeting summaries or minutes will be generated after each meeting and circulated to members as soon as possible, but at least within 1 month of the meeting. The minutes will be publicly available on the Council website once approved.

The Council may generate a number of different outputs related to its purpose, roles and responsibilities. Those products will be publicly available once approved. Any report to the Minister will be made available to the Minister in DRAFT form before finalisation at which time they will be publicly available.

Media are not invited to participate in Council sessions and any press releases generated will be by consensus of the Council and with spokespeople identified. Any other media interactions,

January 2020

including social media, are to be non-attributed and reflect only the perspective of the individual and not the views of the Council as a whole.

CONFLICT RESOLUTION PROCESS

The Co-chairs shall attempt to resolve disputes in a timely manner using the following steps:

1. Confirm that there is a dispute by referencing these TOR and available information about the dispute; and
2. Speak to all affected parties prior to bringing the issue to the table and work to resolve it by:
 - a. Clarifying what the disagreement is;
 - b. Establishing a common goal for affected parties;
 - c. Discuss ways of meeting the goals;
 - d. Determine barriers to the goals;
 - e. Agree on the way to resolve the barriers / conflict; and
 - f. Determine responsibilities each party has in the resolution.

Only if the dispute is unresolved by the co-chairs should the issue be brought to the table seeking direction (e.g., to seek budget for conflict resolution facilitator, or request that members with conflict select someone else to participate in the MWAC, etc).

Co-Chairs can recuse themselves from the conflict resolution process and to nominate, or seek volunteers, to stand in their place for resolving the conflict (e.g., they are part of the conflict, or there is a conflict of interest for their participation, etc).

Once the dispute is resolved, the resolved issue shall be shared with the table for transparency.

January 2020

APPENDIX A: MEMBERSHIP CRITERIA

Members of the Minister's Wildlife Advisory Council (MWAC) should meet the following criteria:

- History of effective collaboration with the Province of British Columbia or provincial leadership preferably on wildlife and habitat issues;
- Demonstrated ability to focus on a range of issues as opposed to single issues;
- Demonstrated ability to work effectively with others, even if opposing views
- Hold a wide range of experience in natural resource stewardship and passion for wildlife and habitat; and,
- Ability and intent to advance the BC's Declaration on the Rights of Indigenous Peoples Act and the United Nations Declaration on the Rights of Indigenous Peoples, and the province's reconciliation intentions.

All member appointments to the MWAC will aim to achieve and maintain balance under the following principles:

- Gender, age, and cultural diversity; and
- Robust regional representation.

The collective list of nominated individuals will be reviewed to achieve a diversity of perspectives associated with:

- Indigenous Culture, knowledge, rights and interests;
- Wildlife science
- Traditional knowledge systems;
- Resident hunters;
- Guide outfitting;
- Commercial trapping;
- Commercial and recreational wildlife viewing;
- Natural resource industry practices (e.g., Forestry, oil and gas, mining);
- Habitat conservation;
- Local governments;
- Agriculture and range use;
- Policy development and implementation³; and
- Emerging leaders and underrepresented demographics.

³ General public policy and interests

January 2020

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