

Terms of Reference

First Nations-BC Wildlife and Habitat Conservation Forum

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1. Overview

History

The broad diversity of perspectives and the large number of First Nation communities across British Columbia (B.C.) presents a significant opportunity to collaborate on provincial initiatives, strategies and provincial policy and legislation. A central part of the Improving Wildlife and Habitat Conservation (IWMHC) Initiative (Together for Wildlife) was to find a way to engage with First Nations to address this challenge. The *First Nations-B.C. Wildlife and Wildlife Habitat Conservation Forum* (“the Forum”) was an innovative solution and was comprised of approximately 40 First Nation participants from across the province who were knowledgeable about wildlife and natural resource management. Participants included elected Chiefs and councillors, hereditary Chiefs, treaty directors, wildlife biologists and members from both historic and modern treaties and non-treaty nations. The Forum co-developed significant aspects of the Together for Wildlife Strategy including Goal 5 “Advancing Reconciliation: A Shared Path with Indigenous Governments, as well as four proposed amendments to the *Wildlife Act*. The Forum members agreed to continue their role with the approval of Together for Wildlife Strategy in 2020.

The Role of the Forum

The Forum is intended to have a technical and advisory focus, not political or advocacy. The work of the Forum, and membership therein, does not represent nor replace B.C.’s fiduciary duty to consult. Products are ‘co-produced’ and are intended to inform future consultation with all First Nations in British Columbia. The Forum has co-produced several foundational documents from which it will take direction in future years, including: a policy paper with proposed changes to the *Wildlife Act* intended to support the mutual advancement of reconciliation, the reconciliation- focused actions of the draft *Together for Wildlife* strategy, the *Cultivating Abundance – First Nations Perspectives on Wildlife Management in B.C.* report, and a Highlights Video <https://youtu.be/1UFVnKwIF8k>.

2. Purpose

The purpose of the Forum is to bring together and support information sharing and discussions among First Nations and BC representatives with knowledge and expertise in Indigenous and Crown laws, policies, protocols, customs and practices related to wildlife and wildlife habitat conservation.

In no way will participation in the Forum diminish the Crown’s duty to consult with Indigenous Peoples.

Vision

Wildlife and habitat in the Province of British Columbia are thriving, Indigenous rights and responsibilities and title are meaningfully respected, and there is a cooperative relationship with Crown governments that benefits everyone who calls British Columbia home.

Mission

We will achieve this vision by practicing the teachings of our ancestors, following the best of Indigenous knowledge systems and western science for wildlife and habitat stewardship, adhering to open and transparent relations amongst all parties, and keeping the best interests of future generations in mind.

Scope

The Forum's top priority is to support BC and Indigenous governments to jointly implement the actions identified in the *Together for Wildlife* strategy.

The Forum will consider and develop recommendations related to provincial legislation and policy that has effects on, or is related to, wildlife management and habitat conservation (i.e. the *Wildlife Act*). In addition, the scope of the Forum's work will include recommended changes to other provincial legislation (i.e., *The Land Act* and the *Forest and Range Practices Act*) and policy that affects wildlife stewardship and wildlife habitat protection and conservation.

The Forum also provides a venue to bring additional policy presentations or new work opportunities related to province-wide policies, legislation, and procedures relevant to wildlife and habitat (e.g., developing recommendations on provincial Species at Risk legislation and policy). This additional work may be presented to participants in a manner that does not detract from the Forum's collective work and priorities, as explained under Meeting Process and Procedures below. The additional work is to be presented as designated by the Forum on an annual, bi-annual or quarterly basis.

This Terms of Reference is a living document, and will be reviewed at least once every two years, or more frequently if/when required.

3. Forum Governance Model

The Forum will be comprised of a First Nations Chair and Alternate Chair, and a BC Chair and Alternate Chair, a Secretariat, specialized Working Groups, Facilitator (as required) and Note Taker. The Secretariat may propose and establish a Core Committee as it sees fit.

First Nations Forum Chair(s)

First Nations Chairs are determined by nomination and voting by the First Nation participants of the Forum. The Forum Secretariat will support and facilitate the nomination and voting process as required. The First Nation Chair and Alternate First Nation Chair must identify as an Indigenous person, or work for or lead an Indigenous government. The First Nations Alternate Chair will perform the duties of the First Nations Chair in the absence of the Primary Chair, but if possible, both shall be present in all meetings.

BC Forum Chair(s)

BC Chairs and Alternate Chairs are designated by the Province of BC. Designations will be communicated with the Forum via letter to the First Nations Chair and Alternate Chair. The Alternate Chair will perform the duties of the Primary Chair in the absence of the Primary Chair, but if possible, both shall be present at all meetings. If neither can attend and/or in the case of emergencies, First Nations attendees shall vote for a representative Co-Chair.

Role of the Chairs

The First Nations Chairs and BC Chairs are jointly responsible for ensuring the following:

- Collaboratively draft, review, circulate and control all relevant documents in a timely manner, and in adherence with confidentiality measures, as required;
- Relevant documents include: draft and final minutes, agenda, action items, and other supporting documents for Forum meetings.
- Ensure adherence to the Rules of Engagement, the Charter, and the Terms of Reference
- Chairing meetings; Chairing and Coordination of Working Groups (WG), except in circumstances where a separate WG Chair has been designated;
- Dispute resolution;
- Engagement and Outreach with interested and relevant parties/individuals;
- Onboarding of new Forum members;
- Coordination and guidance of discussions during Forum meetings, in collaboration with the Facilitator (if present); and
- The Chairs are the designated public spokespersons for the Forum. The Chairs may only speak on behalf of the consensus views of the Forum, and must obtain consent from the other Chair prior to speaking on behalf of the Forum. The Chairs are not authorized to speak on behalf of individual member Nations or their constituent governments and organizations regarding the work of the Forum.

Term

Term of Primary Chair and Alternate Chair: The term of the First Nations Chairs is two years, unless otherwise voted upon by the Forum. Terms are extendable for up to two additional terms, to a

maximum of six years per person. Terms may be subject to a slightly longer or shorter time frame, in alignment with traditional Indigenous Seasonal Rounds, and cultural practices held by the nominated Chairs and respective Nations. The Forum may opt, by consensus at the Forum level, to associate Terms with cultural seasonal practices, where applicable and appropriate.

The term of the BC Primary Chair and Alternate Chair is at the discretion of BC, in relation to staff resourcing and divisional work planning.

Role of past Chairs (ex-officio)

The outgoing Forum Chair may continue (ex-officio) as an Advisor to the Secretariat for a period of up to one year following the election of new Chairs. The role of the ex-officio Advisor is to advise the Secretariat on topics related to past experience, precedent, process, learnings, successes and challenges. The ex-officio Advisor does not have voting rights at the Secretariat.

Remuneration

At the discretion of BC, and subject to funding availability on an annual basis. Participation in the Forum as a member does not constitute hourly or daily remuneration. However, all meeting-related costs and expenses (e.g. travel, accommodations) will be compensated. In addition, the Primary Chair, Alternate Chair, Ex-Officio, and Working Group Chairs are eligible for remuneration, commensurate with time commitment, role and product/deliverables.

Secretariat

The Secretariat is comprised of the Chairs, Facilitator, Provincial staff, Chairs of the Working Groups, and Ex-Officio Chair/Advisor (for a period of one year).

Role of the Secretariat

Role of the secretaries is defined as follows:

- Support all administrative and managerial duties related to Forum meetings, including meeting logistics (booking meeting dates and, for in-person meetings, securing accommodations at a minimum of three weeks prior to the next expected meeting);
- Hold regular meetings among all Secretariat members to ensure timely coordination and communication of Forum work. Recommended: every two to three weeks.
- Advise BC Chair on the management of the budget and oversee information exchange and storage for the Forum;
- Ensure maintenance of the Rules of Engagement, the Charter, and the Terms of Reference

Forum Core

In order to work efficiently and effectively, as it deems necessary by the Secretariat, the Forum may need a steady core of members who can commit to the process and who are adequately resourced with funding, capacity, and technical support. This group may consist of 15 to 20 members who meet regularly both in-person and over conference calls to keep the Forum's work moving forward. The Core may comprise of the Forum Chairs, Secretariat, Chairs of the Working Groups, as well as other select Forum members who are supporting key aspects of Forum work.

Facilitator

As required, a Facilitator can be selected by the Forum.

Role of the Facilitator

Facilitator roles are defined as follows:

- In collaboration with the Forum Chairs, the Facilitator is responsible for ensuring that meetings are organized and operate in accordance with the Rules of Engagement and the Charter;
- Ensures the meeting proceeds according to the set agenda; facilitates meeting dialogue;
- Seeks to maintain focus and a positive tone in meetings.
- Ensures that meetings are opened with an Opening Prayer;
- Ensures that meetings contain a Health & Safety briefing;
- Support Secretariat in drafting meeting minutes, action items and action item log.

Note-taker

The Province will provide a Note-taker to document and record minutes of meetings.

Role of the Note-taker

Roles of the note-taker are defined as follows:

- Taking notes during Forum meetings, drafting minutes. Notes and minutes to capture high-level dialogue, decisions and action items; not verbatim discussion.
- Circulating draft minutes to the Secretariat, receiving edits and feedback, circulating updated draft version of minutes within one week of Forum meetings to the Chairs/Alternates.

Working Groups

As the Forum's role moves toward implementation of the *Together for Wildlife* strategy, it will convene specialized Working Groups as necessary to tackle each major stream of work. Each Working Group will include both Provincial staff and First Nations participants. Working Groups will address the implementation of the action Items within the Together for Wildlife Strategy, along with additional focal areas over time.

Role of the Working Groups

Working groups will:

- Select their own Chair(s) and Note-taker.
- Develop workplans and budget that reflect the scope, scale and timelines of the work. Working Groups may elect to contract out certain aspects of the work to third party professionals, or to qualified Forum members, subject to budget approval by the Secretariat and Co-Chairs.
- The respective Chairs of each Working Group are responsible for regularly communicating workplans, resourcing needs (human and financial), and progress updates to the Forum Secretariat.

4. Membership

Definition of Forum members

Forum membership is based on participants' background and experience and an expectation that the knowledge and expertise they bring to the discussions will meaningfully contribute to the Forum's vision, mission, objectives and deliverables. Forum members owe a fiduciary duty to the Forum itself, which means they are not appointed to the Forum as delegates or advocates of a specific First Nation organization, stakeholder, or constituent group and do not represent any other entity when they are acting as Forum members. The Forum aims to have robust regional representation from throughout BC. To facilitate interactions between members, a membership list with contact information will be provided for members use only and is considered confidential. It will be updated as required.

Participation Criteria

- Participants are recommended/nominated by their respective First Nation or provincial Ministry through verbal or written confirmation to the Chairs;

- Participants must have knowledge of natural resource management, wildlife and wildlife habitat and related provincial and Indigenous laws, policies and practices;
- Participants must have experience and capacity to work in a consensus-based environment;
- Participants must be willing to adopt and respect this Terms of Reference including the Charter in Appendix A, which defines the more detailed expectations members have for themselves and each other regarding how they will work together, as well as steps that will be taken if expectations consistently go unmet.
- Participants must attend meetings regularly, read materials in advance of meetings, and come prepared. In addition, to provide support to Working Groups as and when needed.
- Participants may miss meetings in exceptional circumstances but are expected to attend the majority of Forum meetings (75%). If attendance becomes an issue, the Forum may request the resignation of a member by quorum vote.

5. Decision-making

Consensus and Discussion

Given the technical focus of the Forum, all decisions of the Forum will be made by working consensus. Working consensus occurs when not all the Forum participants fully support a decision, but all can agree to abide by it. The Forum recognizes that it is within the duty of the Province to consult each individual Indigenous government structure for consent on the recommendations put forward.

Dispute Resolution

The Chairs shall attempt to resolve disputes collaboratively and in a timely manner using the following steps:

1. Chairs should confirm that there is a dispute by referencing the TOR and available information about the dispute.
2. Chairs shall 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) Discussing ways of meeting the goals;
 - (d) Determining barriers to the goals;
 - (e) Agreeing on the way to resolve the barriers / conflict; and
 - (f) Acknowledging the agreed upon solution and determining responsibilities of each party in the resolution.

3. Only if the dispute cannot be resolved by the Chairs should the issue be brought to the table seeking direction (e.g., to seek budget for a conflict resolution facilitator, or to request that members with conflict select someone else to participate in the Forum, etc.).
4. 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.).

6. Internal Communication/Rules of Engagement

- **Collaboration:** Commit to a process in which decisions and recommendations are made jointly through working consensus by the Forum members.
- **Accountability:** Commit to being accountable and to upholding the operating principles and provisions of the Terms of Reference. Attend all meetings where possible and come prepared.
- **Respect:** Respect each other's individual and collective mandates, knowledge and interests, and treat each other in a respectful and professional manner. Confront challenges, not people.
- **Trust:** Commit to being open and transparent with each other.
- **Long Term Approach:** Commit to our responsibility to look after Mother Earth and the well-being of future generations, using the knowledge of our past.
- **Communication:** Ensure all Forum members have an opportunity to speak. Listen with an open mind.
- **Effectiveness:** Commit to sharing advice, knowledge and input in a timely and concise manner.
- **Confidentiality:** Information that is considered confidential will be clearly identified as such and cannot be distributed in any form without the express written consent of the contributing Forum Member.

It is assumed the Forum understands professional engagement and may bring their individual Indigenous principles of engagement to the group. The formal principles of the Forum are listed above; however, we recognize individual Indigenous principles of engagement and their ability to be incorporated within the Forum principles informally. See Appendix A: Charter for additional rules of engagement.

Meeting Process and Procedures

Working Groups

Forum Working Groups will be responsible for moving the Forum's work forward on their respective topics through regular conference calls and in-person meetings as required. Working Groups will develop workplans and regularly report on their work to the broader Forum via the Chairs through the Secretariat and may solicit the Forum's input via both electronic communications and at All-Forum meetings.

All-Forum meetings

The main purpose of all-Forum meetings is to update the broader Forum on the work of the Working Groups, gather input and feedback, and to communicate the Forum’s work with First Nations across BC. The format and frequency of all-Forum meetings will be determined by the Forum Secretariat, in consultation with Forum members. Video conference calls may be held monthly or as needed to advance work in a timely way. In-person Forum meetings will generally be held in the Lower Mainland, but meetings may occur in other locations within the province to address travel fairness and communications issues as appropriate.

First Nations Caucus Time

First Nations Forum participants may request that the Forum Chairs call a caucus/in-camera session at any time during all-Forum meetings to discuss issues pertaining to Tier 1 participants only.

Additional attendees at Forum meeting

Forum meetings are by invitation only. Stakeholders, interested parties and guests are welcome to request attendance. Any guests that will be presenting on agenda items must be approved and/or invited by the Chairs in advance of the meeting.

Presentation of Additional Work Items

All-Forum meetings provide a venue to present additional policy presentations or new work opportunities that are beyond the scope of the Forum’s work and deliverables but are nonetheless related to province-wide policies, legislation, and procedures relevant to wildlife and habitat (e.g., developing recommendations on provincial Species at Risk legislation and policy). The Forum Secretariat will compile all such policy presentations and additional work opportunities for presentation at an all-Forum meeting on a semi-annual basis or as based on a prioritization process with Criteria relevant to the [Together for Wildlife Strategy](#) and linkages to the actions of the Strategy. Where resources are available, additional work may be available to Forum participants. That work must not derogate from priority work of the Forum as a whole.

7. External and Stakeholder Communications

The Forum commits to producing regular communications via public-facing platforms, to interested and relevant entities Ex. First Nation Leadership Council. Although Forum members are expected to communicate the progress of work and discussions to their constituents; they are not authorized to issue public statements on behalf of the Forum. Forum members must consult with their Forum colleagues prior to sharing information about the work of the Forum with external parties.

8. Budgets and Funding

Resourcing

The Province will provide base funding for the operations of the Forum, subject to funding availability. The Secretariat will advise on management of the budget, disbursements, accounting and report on funding status on a quarterly basis. The Forum may direct the Secretariat or establish sub-committees to seek additional funding from BC and other sources, including philanthropic organizations and First Nations governments.

Timeline and Workplan

A draft workplan including timelines is maintained by the Secretariat, and is a living, evolving document. The Workplan is presented at each Forum meeting and is refined as required.

APPENDIX A: Charter

The purpose of the Charter is to promote productive discussion and create a positive and supportive environment for that discussion. The Charter defines the expectations Forum participants have for themselves and each other regarding how they will work together.

Participants in the Forum should:

1. Maximize the exchange of information among parties and minimize misunderstandings by:
 - Speaking clearly, listening carefully and asking for clarification if a point is not understood;
 - Sharing information related to the issues at hand;
 - Respectfully presenting perspectives as concisely and briefly as possible; and
 - Ensuring proper opportunity to clarify the agenda prior to the commencement of meetings.
2. Ensure that all participants have the opportunity to speak and all perspectives are taken into account by seeking the participation of all Forum members.
3. Maintain a respectful atmosphere by:
 - Respecting each other's values and interests (being hard on ideas and soft on people);
 - Confronting the problems, not the people, and avoiding accusatory language, rude behaviour and stereotyping;
 - Listening to what others have to say without interrupting;
 - Arriving at meetings on time;
 - Staying on topic as per the agenda whenever possible; and
 - Seeking a better understanding of other perspectives with an open mind.
4. Ensure accountability to constituencies by:
 - Making every effort to attend all meetings, or sending an informed alternate as agreed upon by constituents;
 - Communicating pertinent information to their constituencies regularly and seeking support for work products and recommendations;

- Following up on action items in a timely manner;
 - Acting quickly to raise and resolve any concerns regarding the accountability of the process or the failure of any of the members to protect the integrity and trust of the group.
5. Facilitate agreements across the full spectrum of rights and interests by:
- Collaborating/negotiating in good faith, building as much agreement as possible;
 - Avoiding participation in activities that may undermine the Forum;
 - Focusing on underlying interests or objectives rather than positions and seeking to understand the interests of others;
 - Recognizing the legitimacy of all interests;
 - Treating issues as problems to be solved not as personal or group conflicts;
 - Allowing participants the freedom to test ideas without prejudice to future discussion or negotiations — do not hold tentative suggestions or agreements against those who made them;
 - Seeking creative solutions that accommodate all interests; and
 - Positively supporting consensus agreements once they have been reached.