



Fish and Wildlife Compensation Program
Governance Manual

March 2014

Fish and Wildlife Compensation Program Governance Manual

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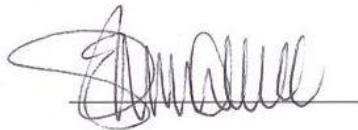
The Fish and Wildlife Compensation Program (FWCP) is a partnership between BC Hydro; the Province of B.C.; Fisheries and Oceans Canada (DFO); First Nations; and the public. Our mission is to compensate for the impacts to fish, wildlife and their supporting habitats affected by BC Hydro owned and operated generation facilities.

The development of large dams and reservoirs results in significant changes to the environment and some of the consequences are not immediately apparent, but rather evolve as the altered ecosystem adjusts to the physical changes. The FWCP has taken a unique approach to environmental compensation as it addresses both the spatial and temporal nature of the environmental impacts by establishing an ongoing, adaptive program that can respond to long term changes in ecosystem productivity and to the ongoing learning as the Program evolves.

Delivering the Program under a broad partnership with an emphasis on engagement and local decision-making ensures that the work of the FWCP is locally relevant. As a partnership, we need to work together within a consistent governance framework to facilitate dialog and communications, both within the Program and with external parties, and to achieve consensus in local decision-making. Clear roles and responsibilities are fundamental to the effective operations of the Program.

This Governance Manual is a result of a comprehensive review of FWCP governance documentation, and replaces historical administrative agreements and protocol manuals relative to the Program. The Governance Manual defines a harmonized governance and delivery framework, while recognizing the unique attributes of each region where the Program operates – Peace, Columbia and Coastal. As with earlier agreements, the Governance Manual provides a structure for the delivery of the Program and is used in combination with the FWCP strategic plans to guide Program implementation.

We would like to thank the members of the three regional Boards for their input into the governance review. Your hard work and dedication to the Program will help ensure that we can jointly meet our common vision of *thriving fish and wildlife populations in watersheds that are functioning and sustainable*. As Policy Committee members we are very pleased to endorse this manual.



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Fish and Wildlife Compensation Program Governance Manual

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1 GOVERNANCE MANUAL OVERVIEW

1.1 Fish and Wildlife Compensation Program Overview

The Fish and Wildlife Compensation Program (FWCP or Program) was established to compensate for impacts to fish, wildlife, and their supporting habitat resulting from the construction of BC Hydro generation facilities. The FWCP operates in three regions of British Columbia: Coastal, Columbia, and Peace (Figure 1). In the Peace and Columbia regions, the Program is in place to meet conditions related to the protection or enhancement of fish and wildlife and their habitat in BC Hydro's Water Licences¹ issued under the provincial *Water Act*; the Program is voluntary in the Coastal region.

The Program operates as a partnership between BC Hydro; the Province of B.C.; Fisheries and Oceans Canada (DFO); First Nations; and local communities, organizations, and groups. Each agency Partner has its own regulatory accountabilities in participating in this Program:

- BC Hydro has a *Water Act* obligation to address the conservation and enhancement of fish and wildlife affected by the original footprint development for its hydroelectric facilities in the Peace and Columbia regions. It also seeks to maintain or enhance its regulatory certainty while addressing a broader policy objective to operate in an environmentally and socially responsible manner.
- The Province has regulatory responsibilities for the conservation and management of non-tidal fish, wildlife, ecological, and water resources;
- DFO has regulatory responsibility for managing tidal fisheries (including salmon in non-tidal waters), and the conservation and protection of fish and fish habitat that are part of, or support, commercial, recreational, or aboriginal fisheries.

As the FWCP is the agreed-to mechanism to meet conditions of the water licences that authorize the operation of Peace and Columbia facilities, the agency Partners for the Program are primarily BC Hydro and its provincial regulators in these two regions. Although DFO has participated as an interested observer, it does not directly participate as Board or Committee members in these two regions. DFO does actively engage as a full partner in the Coastal region, due to its interest in and oversight of the salmon fishery, and participates actively on the Coastal Board and Fish Technical Advisory Committees.

Agency staff participate on FWCP regional Boards and Committees and each agency Partner may take on additional responsibilities, including provision of in-kind services and support. First Nations Partners participate on FWCP regional Boards and Committees and participate in the First Nations Working Group in the Peace region. Public Partners participate as members of the Boards and Committees. The Program strives for engagement and participation of all Partners in priority setting, approval, review, and delivery of the Program. All Partners are considered equal and input from all Partners is given equal consideration.

¹ Section 2.1., Peace and Columbia Water Licences, describes the water licence conditions related to the FWCP.

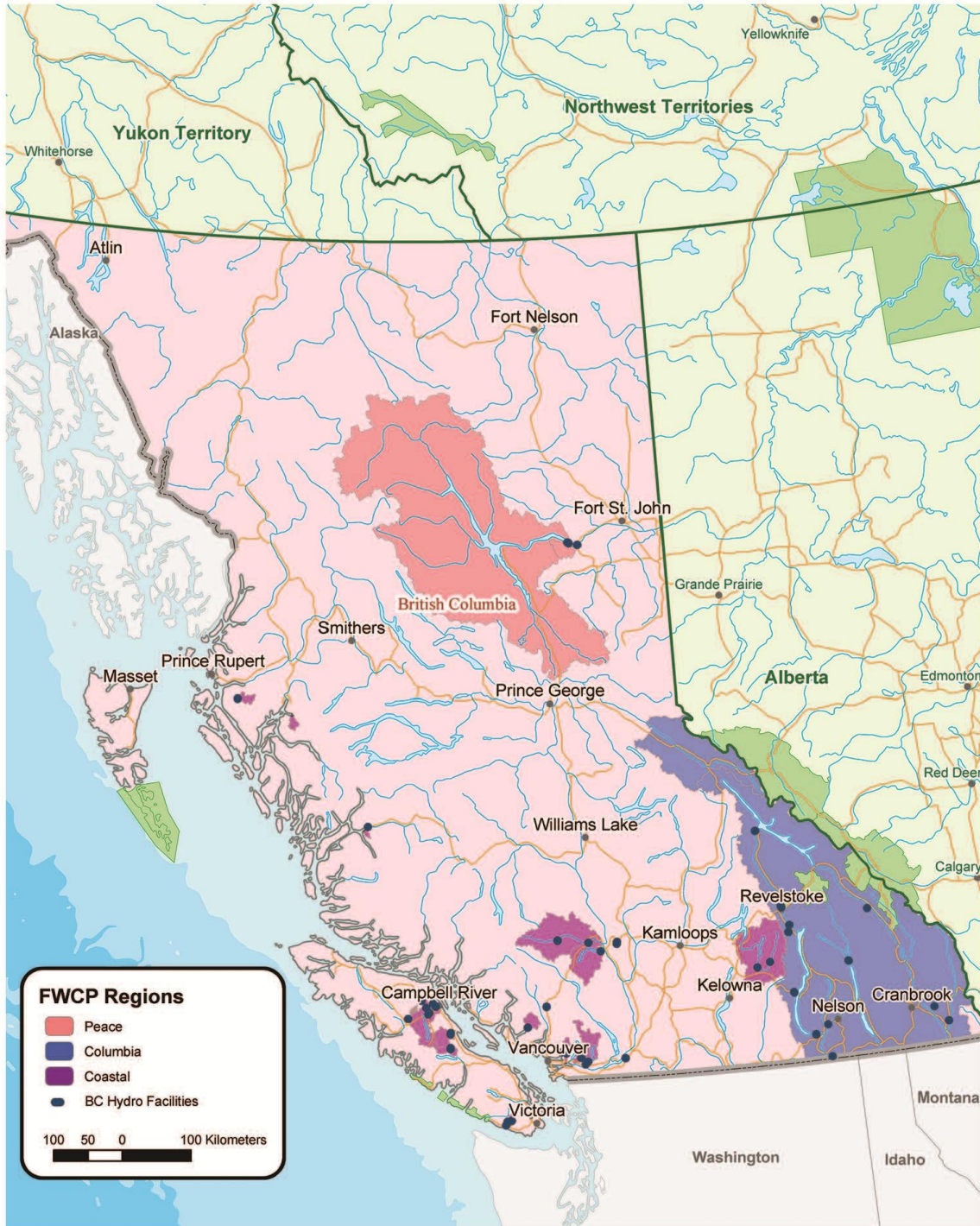


Figure 1. Regional boundaries for the Fish and Wildlife Compensation Program.

Until 2008, the three regions operated independently, essentially as separate programs. Each of these programs had similar objectives but operated under varying administrative and delivery mechanisms. A comprehensive and independent program evaluation completed in 2008 recommended a more coordinated approach including a harmonized governance and consistent delivery structure.

There are a number of foundational documents for the FWCP including Water Licence conditions (for Peace and Columbia facilities), memoranda of understanding between the Province and BC Hydro, and several administrative agreements and protocol manuals. This revised “Governance Manual” will replace all historical administrative agreements and protocol manuals² relative to the Program by defining a harmonized governance and delivery framework – while recognizing the unique attributes of each region where the Program operates – as envisioned in the 2008 Program evaluation. As with earlier agreements, the Governance Manual provides a structure for the delivery of the Program to meet existing Water Licence conditions related to fish and wildlife compensation.

1.2 Overview of the Regions

Fish and Wildlife Compensation Program-Peace

FWCP-Peace, formerly known as the Peace/Williston Fish and Wildlife Compensation Program, was established in 1988 to meet the fish- and wildlife-related conditions of the water licences. The purpose of the Program was to conserve and enhance fish and wildlife populations affected by the construction of BC Hydro’s W.A.C. Bennett and Peace Canyon dams in the Peace River Basin. The program area is the upper Peace watershed, which includes Dinosaur Lake, Williston Reservoir, and all of their tributary watersheds.

Fish and Wildlife Compensation Program-Columbia

FWCP-Columbia, formerly known as the Columbia Basin Fish and Wildlife Compensation Program, was established in 1993 to compensate for fish and wildlife populations affected by the construction of BC Hydro dams in Canada’s portion of the Columbia Basin. This program merged already existing compensation programs for Arrow, Duncan, Mica, Seven-Mile, and Revelstoke facilities, which have water licence conditions related to fish and wildlife compensation. FWCP-Columbia operates throughout the Canadian Columbia and Kootenay River watersheds.

² 1. Peace-Williston Fish and Wildlife Compensation Program Administrative Agreement between Ministry of Environment, Land and Parks and BC Hydro for Management and Operation of the Peace/Williston Fish and Wildlife Compensation Program, 1994; 2. Columbia Basin Fish and Wildlife Compensation Program Administrative Agreement between Ministry of Environment (MoE), Fisheries and Oceans Canada (DFO) and BC Hydro for Program Management and Operations, revised February 2005 (unsigned); 3. Bridge-Coastal Restoration Program Interim Governance Framework, March 2008; 4. Peace/Williston Compensation Program Procedures Manual (Draft), February 1999.

Fish and Wildlife Compensation Program-Coastal

FWCP-Coastal, formerly known as the Bridge-Coastal Restoration Program, was established in 1999 to assist in the restoration of fish and wildlife populations and habitat in watersheds affected by the construction of hydroelectric generation facilities in BC Hydro's Bridge River/Coastal Generation Area (which includes 14 watersheds on Vancouver Island, the Mainland Coast, the Lower Mainland, as well as the Bridge/Seton and Shuswap rivers). FWCP-Coastal is a voluntary program initiated by BC Hydro in partnership with its regulators (DFO and the Province), in response to First Nations and community interests to address opportunities for restoration in these watersheds.

From time to time, the FWCP may enter into unique partnerships with other organizations to implement specific programs. An example of this is the East Kootenay Koochanusa Fish and Wildlife Program (EKKFWP). This Program is a partnership between the FWCP-Columbia and the Columbia Basin Trust (CBT), which is administered and managed through the existing FWCP-Columbia governance structure and strategic planning framework. CBT has provided one-time funding for the EKKFWP, participates in its strategic planning process, and sits on the FWCP-Columbia Board for all matters related to the EKKFWP.

1.3 Governance Manual Purpose and Structure

The Governance Manual provides guidance for the delivery of the Program to meet its intended objectives (see below) including water licence conditions where relevant. The purpose of this Governance Manual is to:

- describe the legal context, strategic approach, governance, and the essential components of program management and delivery in the three regions;
- outline how the partnership will address fish and wildlife compensation commitments in all three regions;
- outline the responsibilities and decision-making processes for Program governance bodies (the Policy Committee, regional Boards, Technical Committees, and Working Groups described in Section 3) to support FWCP's core objectives and the delivery of strategically driven and technically sound projects that reflect local priorities in each region; and
- provide operational and administrative clarity and direction while recognizing the unique aspects of the three regions and the need to respond to regional priorities.

Sections 2 to 5 of the Governance Manual provide high-level background and context including an outline of the legal context and strategic framework that establish the scope of work for the Program; an overview of Program governance and decision-making processes; an overview of the approach to Program delivery; and processes for Program review, reporting, and amendment. Appendices A to K provide the details regarding committee roles and responsibilities, terms of reference, as well as Program implementation guidelines and procedures.

The Manual is intended to guide and support efficient and effective strategic planning, program management, and project delivery in the regions. The Manual does not set out detailed procedures for the development, administration, and delivery of plans and projects.

2 LEGAL CONTEXT AND STRATEGIC FRAMEWORK

The following sections summarize the legal context for the Program in the Peace and Columbia regions, and provide a high-level Strategic Framework for the FWCP, as reviewed and approved by the Policy Committee in 2009.

2.1 Peace and Columbia Water Licences

Fish and wildlife compensation is a condition of BC Hydro's water licences (under the BC *Water Act*) for five of the facilities in the Columbia region (Kinbasket, Revelstoke, Arrow, Seven Mile, and Duncan) and the two facilities in the Peace region (Williston and Peace Canyon). These water licences include a general condition that BC Hydro *undertake programs (or remedial measures) for the protection or enhancement of fish and wildlife and their habitat*, in the areas impacted by the construction of its dams and generating facilities (footprint impacts³).

The conditions for BC Hydro to undertake fish and wildlife compensation programs are separate from BC Hydro's Water Use Plans, which deal with *operational* (not footprint) impacts of its generating facilities, and the more specific Water Licence Requirements (WLR) Program, which monitors the implementation of BC Hydro's obligations while operating under the terms of Water Use Plans Ordered under the BC *Water Act*. To minimize confusion between the WLR Program and the FWCP, the term "water licence conditions" is used in this Manual to describe the general clauses pertaining to the Fish and Wildlife Compensation Program.

FWCP Licence Condition Details

In the Peace region, the water licences for the W.A.C. Bennett and Peace Canyon dams creating Williston and Dinosaur Reservoirs contain the condition that the licensee shall undertake "remedial measures for the protection or enhancement of fisheries and wildlife habitat" or provide "programmes for the protection or enhancement of fish and wildlife habitat."

Subsequent clarification letters to BC Hydro in 2008 from the Comptroller of Water Rights contained the following interpretive paragraph with regard to the fish and wildlife clause: "At the present time, the Peace Williston Fish and Wildlife Compensation Programme is in place and meets the ongoing requirements of this clause. Therefore BC Hydro is in compliance with clause

³ "Footprint impacts" refer to the permanent loss of habitat associated with the dam and related infrastructure, including the permanently flooded habitat (below the drawdown zone) resulting from reservoir creation. "Operational impacts" refer to the way the generation facility and reservoir are operated on an ongoing basis and include issues such as changes to instream flows for fish downstream of the dam (altered hydrology), fish stranding (often related to ramping rates) and impacts associated with reservoir drawdown. Operational impacts are addressed through water licence requirements derived from "Water Use Plans" that were developed for all BC Hydro hydro-electric facilities.

(l)⁴ of the licence as long as the Fish and Wildlife Compensation Programme is in place, adequately funded, and fulfilling its needs and obligations.”

In the Columbia region, the regional program was created in 1993, as the amalgamation of earlier compensation programs established to meet conditions in the water licences for Arrow, Duncan, Mica, Seven Mile, and Revelstoke. These licence conditions are for “such remedial measures for the protection of fisheries and wildlife” or “programmes for the protection, or enhancement, of fish and wildlife habitat and for the mitigation of losses of habitat, and studies related thereto.”

Subsequent clarification letters to BC Hydro in 2008 and 2009 from the Comptroller of Water Rights contained the following interpretive paragraph with regard to the fish and wildlife clause: *“At the present time, the Columbia Basin Fish and Wildlife Compensation Programme are [sic] in place and meet the ongoing requirement of this clause. Therefore BC Hydro is in compliance with clause (o)⁵ of the licence as long as the Fish and Wildlife Compensation Programme is in place, adequately funded, and fulfilling its needs and obligations.”*

As such, the generalized conditions found in the various water licences described above establish the need to compensate for footprint impacts to fish and wildlife resources. The FWCP is the mechanism by which these conditions are met. Subsequent documents including Memoranda of Understanding between the Province and BC Hydro, this Governance Manual, and a series of strategic Basin and Action Plans are used to clarify the intent of the Program including the establishment of specific program objectives and the approach to program implementation. These are reviewed and updated periodically to ensure currency with fish and wildlife management objectives and to ensure that the Program continues to meet the intent of the conditions set out in the water licences.

Importantly, and by mutual agreement of the agency Partners, the FWCP was extended to address the footprint impacts of all watersheds affected by the development of existing BC Hydro hydroelectric generation facilities regardless of the existence of a water licence condition as outlined in Section 1.2 (above).

It is the role of the provincial agency responsible for fish and wildlife conservation to periodically advise the Comptroller of Water Rights as to whether the water licence conditions for fish and wildlife compensation are being met. There is no prescribed period for this advice but the Comptroller’s office is notified when significant changes occur to the Program and is provided the outcome of Program Evaluations (see Section 5). The Program Evaluation process will allow Board and Committee members (at all levels) to have input into a review of the Program’s effectiveness and adequacy. The Policy Committee will review the Program Evaluation and provide a response statement, which will be made available to the Comptroller of Water Rights by the provincial agency.

⁴ Or Clause (k) depending on licence.

⁵ Or Clause (p) or (k) depending on licence.

Compensation requirements for other hydroelectric producers.

The Fish and Wildlife Compensation Program described in this Manual is specific to hydroelectric facilities owned and operated by BC Hydro. Other hydro producers typically have mitigation and compensation requirements that are specific to a given facility and are delivered under various approaches. For example:

- Rio Tinto Alcan contributes to the “Nechako Environmental Enhancement Fund,” which was established under a legal agreement between the Province and Alcan in 1997.
- “Independent Power Projects,” which typically involve smaller hydro developments, have specific mitigation, and sometimes compensation, measures built into their water licence that are delivered by the proponent.
- The Columbia Power Corporation, which operates the Arrow Lakes Generating Station at the BC Hydro owned Hugh Keenleyside Dam, directly contributes funds to the FWCP for the nutrient restoration program on Arrow Lakes (in addition to other obligations).

2.2 FWCP’s Strategic Framework: Vision and Mission

In 2008, an evaluation of all three regional programs was completed for the FWCP. Key recommendations supported by the Policy Committee included:

- forming one program with a common vision for the three regions with consistent oversight and increased coordination and information sharing among the three regions;
- establishing a strategic planning framework by the Policy Committees to be utilized in the three regions with a focus on the desired future condition of the impacted watersheds, in consultation with a broad range of interest groups;
- establishing clear (and where possible, measurable) fish-, wildlife-, and habitat-related objectives to focus the program within this desired future state, with resources allocated to project evaluation;
- developing communications plans with clear intentions, and measures of success; and
- updating and consolidating governance agreements to clarify committee and board structure, roles, and responsibilities for program participants, and principles/procedures to guide the delivery of annual expenditures.

The Strategic Framework was developed by the Policy Committee and, following refinement in consultation with regional committees, was adopted in 2009. The resulting **Vision** and **Mission** statements from the Strategic Framework exercise remain current and will be used for the purposes of this Governance Manual. It is recommended that a review of the FWCP Vision and Mission be undertaken as part of the scheduled Program reviews (see Section 5).

The FWCP Vision is:

Thriving fish and wildlife populations in watersheds that are functioning and sustainable.

This vision has a 10–20 year outlook. While the Program operates in basins and landscapes that have been altered by hydroelectric development, the FWCP vision – an expression of the desired future state – recognizes that an effective Program can support the maintenance of healthy fish and wildlife populations that will meet both conservation and sustainable use objectives. Actions focused on conserving and, where possible, restoring ecosystem function, will help species be more resilient to emerging pressures such as climate change and the cumulative effects of other overlapping resource developments.

FWCP’s Mission describes the Program’s functional approach to achieving its Vision:

The Fish and Wildlife Compensation Program compensates for the impacts to fish, wildlife and their supporting habitats affected by BC Hydro owned and operated generation facilities.⁶

This mission aligns with the general condition in BC Hydro’s water licences in the Peace and Columbia regions and BC Hydro’s voluntary commitment in the Coastal region, which require BC Hydro to undertake programs or remedial measures to address losses to fish, wildlife, and their habitats.

2.3 FWCP Strategic Framework: Operating Principles

The FWCP Strategic Framework contains the following operating principles to guide and frame a consistent approach to strategically managing the broad suite of fish and wildlife projects in all regions. These principles are in place currently, and should be reviewed as part of the scheduled Program reviews (Section 5).

Approach: The Program has a forward-looking, ecosystem-based approach that defines the desired outcomes and takes actions to restore, enhance, and conserve priority species and their habitats.

Decision Making: The Program efficiently uses its resources and works with its Partners to make informed and consensus-built decisions that enable the delivery of effective, meaningful, and measurable projects that are supported by the impacted communities.

Geographic Scope: Within the watersheds, basins, and ranges of the populations of species affected by generation facilities owned and operated by BC Hydro.

Objectives:⁷ The Program defines and delivers on compensation objectives that reflect the partnership’s collective goals and align with provincial and federal fish and wildlife conservation and management objectives in the areas where we work.

⁶ “Generation facilities” includes dams.

⁷ Program objectives are defined by the Partners (agencies, First Nations, and the public) through a consensus-based strategic planning process. The FWCP does not have direct management authority for fish and wildlife resources and needs to ensure that its activities are consistent with (i.e., in alignment with) federal and provincial policies and regulations regarding fish, wildlife, and habitat management.

Delivery: The Program strives to be a high-performing organization delivering efficient, effective, and accountable projects.

2.4 FWCP Strategic Plans (also referred to as Basin/Watershed⁸ and Action Plans)

The FWCP Strategic Plans provide strategic direction for each region based on the unique priorities and compensation opportunities and commitments in the region and reflect the FWCP vision and mission.

The Strategic Plan further describes the **strategies and actions** needed to accomplish Program objectives in the respective Basins and Watersheds. The Strategic Plan guides program investments and should be referenced annually by the regional Boards to track progress toward implementation, set annual priorities and guide decision-making in setting out and approving the Annual Operating Plan for the region.

High-Level Basin or Watershed Plans, and ecosystem- and species-based Action Plans have been developed and will be updated from time to time for all three regions. These plans identify strategic fish and wildlife priorities within each region, with input from and participation of First Nations, local communities, Partner agencies, and Board, Committee and Working Group members.

Arising from the Strategic Plans are the Program's core strategic objectives. These objectives, set out below, also support meeting both BC Hydro's water licence conditions in Peace and Columbia, and its commitment and intent when voluntarily establishing the Program in the Coastal region in partnership with the Province and DFO. As with the vision, mission, and operating principles, it is recommended that the strategic objectives be reviewed as part of scheduled Program reviews (section 5).

The strategic objectives for the FWCP, as currently approved by the Policy Committee, are:

Conservation

- Maintain or improve the status of species or ecosystems of concern.
- Maintain or improve the integrity and productivity of ecosystems and habitats. This addresses the concept of ecosystem integrity; resiliency; and the functional elements of ecosystems, including efforts to optimize productive capacity.

Sustainable Use

- Maintain or improve opportunities for sustainable use, including harvesting and other uses. This objective focuses on the Program's role in restoring or enhancing the abundance of priority species and in providing information to resource management decision makers related to providing opportunities for harvesting and other uses.

⁸ FWCP-Peace and FWCP-Columbia have developed one "Basin" Plan and associated Action Plans for their respective regions; FWCP-Coastal has developed 14 "Watershed" Plans and associated Action Plans for each watershed in which the Program operates.

Harvesting includes First Nations, recreational, and commercial harvests. Other uses may include cultural, medicinal, or non-consumptive uses such as wildlife viewing.

Community Engagement

- Build and maintain relationships with stakeholders and aboriginal communities. This objective stems from BC Hydro’s social responsibility policy, MOE’s shared stewardship goal, and the approach of DFO’s Stewardship and Community Involvement Program. This recognizes the importance of engaging aboriginal communities, local stakeholders, and other interest groups to contribute toward making good decisions and delivering effective projects.

2.5 FWCP Program Funding

Each Program region is funded by the deemed interest from a notional compensation fund specific to each region (together, the “Funds”), which are maintained by BC Hydro. The Funds are notional in that no actual pool of capital has, or will be, set aside within it. The spending power of each Fund is maintained over time and funds are not transferable across regions due to the regulatory nature of the Columbia and Peace funds. Funds not spent in any given year are carried over to be used by the Program in future years.

The Funds are indexed for inflation each year to maintain purchasing power. The index ratio for any fiscal year is the ratio obtained by dividing the Canadian Consumer Price Index (CPI) applicable to the immediately previous calendar year by the CPI applicable at 1 April of the year in which the fund was either reviewed (1994 for Peace and Columbia) or initiated (1999 for Coastal). Each regional fund is then adjusted for inflation each fiscal year by multiplying the index ratio for the fiscal year by the nominal worth of the respective fund in the initiation year, with the total being the nominal worth of the fund for that fiscal year.

The deemed interest on these funds is what makes up the annual funding each fiscal year. Annual interest is calculated at 4.54%.

3 PROGRAM GOVERNANCE – GENERAL OVERVIEW

Governance of the Program in each region is accomplished through the Policy Committee, a regional Board (Board), and Regional Technical Committees for Fish and Wildlife. FWCP-Peace has also established a First Nations Working Group, consistent with the Memorandum of Understanding (MOU)⁹ for the FWCP that has been signed by participating First Nations, the Province of B.C., and BC Hydro (also referred to in this Manual as the “First Nations MOU”).

⁹ The Memorandum of Understanding for the Peace/Williston Fish and Wildlife Compensation Program, titled, “MEMORANDUM OF UNDERSTANDING FOR THE PEACE/WILLISTON FISH AND WILDLIFE COMPENSATION PROGRAM Between British Columbia Hydro and Power Authority (BCHPA) And The Province of British Columbia (the “Province”) As represented by the Minister of Environment (the “Minister”) And [Participating First Nation]” has been signed by multiple First Nations, BC Hydro, and the Province of B.C. (the Parties) and sets out the relationship between the Parties regarding the Program.

The Program establishes consistent terms of reference for each body of governance (i.e., boards, committees, and working groups) as applicable to their roles and responsibilities. The number and composition of participants in regional Boards and Technical Committees may vary from region to region based on local circumstances.

In addition, the Policy Committee or regional Boards may establish ad hoc committees or working groups that are either task-oriented or support the overall governance of the regional Program (e.g., the First Nations Working Group in the Peace region).

The bodies of governance are briefly described below; appendices to this Manual set out the terms of reference, including membership, roles, responsibilities, and administration for each body of governance.

3.1 Policy Committee

The Policy Committee, representing the federal and provincial government (regulators) and BC Hydro, exists to allow the agencies to provide oversight on a range of fish- and wildlife-related issues relevant to BC Hydro. In addition to FWCP policy and strategy, the Policy Committee oversees a number of regulatory issues including the oversight of the Water Use Plan (WUP) process and delivery of the WUP-associated Water Licence Requirements (WLR Program), *Fisheries Act* authorizations, the Protocol Agreement for Approved Work Practices (AWP) and associated AWP, and other approved work practices and protocols for the management of fish and wildlife interactions with BC Hydro operations. This broader responsibility is reflected in the Policy Committee Terms of Reference. Policy Committee members include an executive representative of BC Hydro, the Assistant Deputy Minister of MOE, and the Regional Director of DFO Pacific Region. Please refer to Appendix A for Terms of Reference for the Policy Committee.

The Policy Committee sets the overall policy direction for the Program including the governance structure, establishes the strategic framework, oversees periodic Program evaluations, approves significant changes to the Program, and addresses disputes arising from within the Program when necessary. The Policy Committee does not engage in decision-making regarding Annual Operating Plans and Project funding decisions.

The Policy Committee is supported by a Secretariat consisting of senior managers from relevant program areas for each agency Partner with a reporting line to the Policy Committee member. With regard to the FWCP, the Secretariat's role is to:

- facilitate communication between regional Boards and the Policy Committee;
- maintain the Program Governance Manual with input from Board and Technical Committee members;
- organize bi-annual meetings of the three regional Boards to discuss matters of common concern and interest;
- work with the Program Managers to ensure implementation of Program reviews (see Section 5); and

- initiate and ensure completion of a review of the FWCP Strategic Framework through an inclusive process to be developed with the regional Boards.

3.2 Regional Boards

Reporting to the Policy Committee,¹⁰ the regional Board¹¹ provides local oversight to the planning and implementation of the FWCP within the regions and makes decisions on strategic priorities and annual expenditures and investments by the Program in its respective region. The regional Board gives direction and advice to the regional Program Manager and is responsible for key Program activities including:

- ensure regional Strategic Plans (Basin/Watershed and Action Plans) are developed and recommend approval of these to the Policy Committee;
- review and approve local fish and wildlife projects and regional Communications Plans to be included in the Annual Operating Plan to ensure regional Program delivery is aligned with the policy, principles, and strategic priorities established for the FWCP at both the provincial and regional level and with due consideration to how the funds are distributed across the Program area;
- approve and provide oversight of Annual Operating Plan expenditures; and
- facilitate public and First Nations engagement to understand local perspectives, support decision-making, and encourage participation in Program activities.

Please refer to Appendix B for Terms of Reference for the regional Boards and Appendix C for additional information related to the roles and responsibilities of First Nations and Public Board members. Conflict of Interest Guidelines applicable to all Board members (agency, First Nations, and public) and other FWCP committees and working groups are in Appendix D. Remuneration information is in Appendix E.

3.3 First Nations Working Group

First Nations participation in the FWCP is strongly supported and encouraged in all regions. FWCP-Peace has established a First Nations Working Group with membership from the First Nations in the region that have signed the First Nations MOU. Providing advice to the regional Board, Fish and Wildlife Technical Committees, and Program Manager, the First Nations Working Group:

- supports the development of Strategic Plans;
- provides advice on the effective implementation of Action Plans;
- ensures that decision making incorporates local knowledge, First Nations traditional knowledge, and cultural and heritage values important to First Nations; and
- builds on the relationships of the Partners as outlined in the MOU (2012).

¹⁰ The Program Manager facilitates communication with the Policy Committee, as requested by the Board.

¹¹ For clarity, there are three regional Boards, one for each Program region: Coastal, Columbia, and Peace.

Please refer to Appendix F for Terms of Reference for the First Nations Working Group. Conflict of Interest Guidelines found in Appendix D are applicable to the First Nations Working Group members and remuneration information is in Appendix E.

3.4 Technical Committees

Providing advice to the regional Board and Program Manager, the Fish and Wildlife Technical Committees:

- support the development of Strategic Plans;
- give advice on the effective implementation of Action Plans; and
- provide fair and objective technical review, evaluation, and ranking of fish and wildlife project proposals for the Annual Operating Plan.

Please refer to Appendix G for Terms of Reference for the Technical Committees and Appendix H for the Technical Review Criteria and Process. Conflict of Interest Guidelines in Appendix D are applicable to the Technical Committee members and remuneration information is in Appendix E.

3.5 Program Managers

Regional Program Managers are accountable to the respective regional Boards (through the Chair or co-Chairs) for Program implementation. This includes facilitating the development of Annual Operating Plans, offering logistical support for Board and Technical Committee meetings, supporting Board communications with other committees and groups as required, administering funding agreements with project proponents, establishing procurement processes, and reporting back to the Board on work plan implementation. The Program Manager is dedicated full-time to the FWCP and does not work on other BC Hydro (or agency Partner) initiatives and programs. See Appendix I for a complete list of responsibilities.

4 PROGRAM DELIVERY

4.1 Program Delivery Guidelines

In 2012, the agency Partners to the Fish and Wildlife Compensation Program (FWCP) acknowledged the need for a renewed delivery model for all three regions – both in response to BC Hydro restructuring decisions due to staffing constraints, and to implement the recommendations from the 2008 Program Evaluation Report and subsequent strategic planning processes described in Section 2. The Policy Committee, with input from the regional Boards, established guidelines for the development of a new delivery model and renewed governance structure.

These program delivery guidelines (Appendix J) provide the framework for delivery of the Program in all three regions.

Specifically, in relation to the approaches used to deliver work contained within the Annual Operating Plans, the following guideline excerpt applies, which enables regional Boards to find the most efficient and effective means to deliver the components of the Operating Plans that are approved each year and ensure high-quality, on-the-ground projects that benefit fish and wildlife in the regions:

The delivery model should be flexible in the approach for on the ground work delivery and may utilize a combination of approaches to determine annual funding priorities and to deliver FWCP projects including but not limited to:

- i. an intake of proposals from project proponents with an effective process to evaluate and prioritize proposals against the Strategic Plans;*
- ii. where there are specific projects or activities that are deemed to be critical to effectively implementing Strategic Plans, advertise a specific 'request for proposal' to undertake the work; and*
- iii. where there are long-term operational projects (such as spawning channels or nutrient restoration) determine that the most cost-effective way of sustaining the long term continuity of the project is to enter into a longer term funding agreement (with the Province or other delivery body).*

This combination of delivery mechanisms will be used in each region, as required and deemed appropriate by the Board, to effectively and efficiently deliver Annual Operating Plans.

4.2 Regional Annual Operating Plans

Consistent with the Strategic Plans (Basin and Action Plans in Columbia and Peace; Watershed and Action Plans in Coastal), the Board is responsible for ensuring that an Annual Operating Plan is developed and that annual budget allocations are made on projects that align with and carry out the objectives and priorities identified in the Strategic Plans.

The Annual Operating Plan or “Operating Plan” describes, on an annual basis, the activities, including scope, schedule, and budget, for:

1. operational activities, including core, ongoing projects such as lake nutrient restoration in the Columbia; associated monitoring studies and projects; annual projects put forward by proponents in response to the annual application process for grant funding; and/or directed projects with specific scopes of work issued through a request for proposal (RFP) process;
2. capital or discrete projects, including land acquisition and management;
3. communications; and
4. administration.

The Annual Operating Plan sets out the work that is to be done in each fiscal year. The Annual Operating Plan is to be prepared by the regional Program Manager, with input and advice from

the Technical Committees, based on a project identification and definition process (which includes application process for grant funding, RFPs, and review and development of planned core, operational activities). The Annual Operating Plan is reviewed, discussed, modified as required and approved by the regional Board before February 15 of each year. Funds will not be released until the regional Board has approved the Annual Operating Plan. The approved Annual Operating Plan will be communicated to the Policy Committee by the Program Manager on behalf of the Board.

The approved Annual Operating Plan and any subsequent detailed operating or project plans will represent the requirements to be fulfilled by the regional Program Manager for which he/she is accountable to the regional Board.

4.3 Data and Report Management

FWCP will make the reports, data, and information collected using FWCP funds, open and freely available to the public except where the data are deemed to be “secured” as defined under provincial policy.¹² Secured data are still accessible to those who require access for specific purposes. Specific requirements around data and information standards, submission, and intellectual property need to be established to ensure the data can be incorporated into provincial data management systems and distributed easily and effectively. These requirements are detailed in Appendix K.

4.4 Communications and Community Engagement

Communications and community engagement play an important part in the FWCP. The Partners of FWCP wish to create a cohesive message to all audiences across the province, highlighting the successes of projects efficiently and effectively, while recognizing the unique needs and features of the Program within each region. The Partners also wish to have input and participation from the communities and First Nations in the regions.

Key objectives of FWCP communications and community engagement include:

- raise awareness and understanding of FWCP goals and objectives within the context of the fish, wildlife, and ecosystems in the watersheds where FWCP operates;
- communicate key information about opportunities for funding, including funding application intake dates, decision criteria, strategic objectives, and other relevant information;
- raise awareness and understanding of program achievements;
- recognize the contribution of the partnership to the Program outcomes;

¹² An example of secured data would be ecologically sensitive data such as the nesting locations for a rare species of raptor. Publishing this kind of occurrence data can increase the risk of disturbance or poaching. In these cases the published mapping will indicate the presence of the species in an area but the specific location is masked. Data are available to those who need it under a written agreement as to how the data can be used and shared.

- create a distinct and recognizable FWCP “brand” and key messages regarding the Program for use by all individuals associated with its governance and implementation;
- facilitate effective community engagement when and as required within a region (e.g., to gather input during strategic planning processes); and
- engage local communities and First Nations to seek input to raise awareness of Program initiatives and encourage participation in delivery.

A Communications and Community Engagement Plan will be in place for the Program, to be reviewed every three years. It will use various tools to build public awareness of FWCP Programs and its accomplishments, bridging across the Coastal, Columbia, and Peace regions and recognizing the unique and current needs in each area. The Communications Plan will establish overarching, consistent key messages for the whole Program, as well as consistent format and branding for various media and tools (e.g., website, newsletters, fact sheets, news releases). The plan will also set the protocols and review procedures to enable regional messaging on events, opportunities, and project outcomes in a timely manner (e.g., specific project news, community meetings, strategic planning).

Secretariat representatives from the Province and BC Hydro will coordinate the development of a Communications Plan, which will be developed by a communications contractor. The communications contractor will work with the three regional Program Managers, Partner agency public communications departments, and BC Hydro community relations department to develop the plan, seek input and review by the regional Boards, and coordinate implementation. The communications contractor will work closely with program Partners to ensure timely and efficient creation, approval, and delivery of communications materials.

Regional Boards may choose to initiate local Communications Plans. For example, in the Columbia region, there are several mature initiatives and close working relationships with community stakeholders, First Nations, and local proponents which require ongoing attention to raise awareness and achieve community engagement objectives. In the Peace region, a short-term Communications Plan was developed in 2013 to raise awareness of and support community engagement for the strategic planning process. The regional Communications Plans will be complementary to and in alignment with the Program-level Communications Plan described above.

All Program branding and changes from current Program-wide policies (e.g., logo, colours, print formats) will be guided and approved by the Policy Committee.

5 PROGRAM REVIEW, REPORTING AND AMENDMENT

5.1 Annual Report

An Annual Report, prepared by the regional Program Manager for the consideration and approval of the regional Board, will present an account of work done to meet objectives of the Annual Operating Plan, results accomplished, a financial statement for the annual budget and operating account, and any assets acquisition or disposal. By demonstrating that the FWCP is in

place, adequately funded, and fulfilling its needs and obligations, the Annual Reports for Peace and Columbia will also demonstrate compliance with water licence conditions in these regions. The regional Board will sign off on the Annual Report, which will be submitted to the Policy Committee by June 30 each year.

5.2 Evaluation and Audit

The Policy Committee will direct the initiation of an independent program evaluation and audit of the Program every five years. Regional Boards will be involved with establishing the Terms for Reference and will participate in the evaluation process. For efficiency and consistency, the audit will be conducted for all three regions at the same time and will include a financial audit, and a review of:

- Program funding levels;
- Program effectiveness and technical review (in terms of outcomes achieved in relation to the Strategic Plans);
- Program efficiency (including efficiency at the governance, management, and operations levels);
- organizational structure;
- partnership roles;
- grant application; and
- project review process.

The Program evaluation and audit can be supplemented by a review of public opinion, as determined during the preparation of the Terms of Reference. Upon completion of the evaluation and audit, the Policy Committee will facilitate the development and completion of a response statement containing corrective actions to address those areas where potential for improvement were identified.

This evaluation and response statement will be forwarded to the Comptroller of Water Rights as the principal document to demonstrate BC Hydro's progress to address water licence conditions in the Peace and Columbia.

In addition, BC Hydro's corporate audit may sometimes conduct an internal audit of the FWCP, including a financial audit and review of adherence to corporate/public sector policies and codes of conduct for BC Hydro employees.

The regional Boards, supported by the Technical Committees, may also initiate project-level reviews for effectiveness and alignment to Strategic Plans. An example of this is the "Evaluation Plus" approach initiated for FWCP-Coastal.

5.3 Governance and Delivery Manual Review

This Manual shall be reviewed following each Program evaluation and audit described above, or as needed. The Manual may be amended at any time with the recommendation of the Boards and approved by the Policy Committee.

Appendix A. Policy Committee Terms of Reference

BC Hydro (BCH), the Province of British Columbia (BC) and Fisheries and Oceans Canada (DFO) (the ‘Committee Members’) have developed a number of programs and initiatives aimed at addressing impacts associated with the development and operation of hydroelectric generation, transmission and distribution facilities. Program areas include compensation programs dealing with footprint impacts, water use plans dealing with conflicting demands for water and impacts of operations on the environment, protocol agreements prescribing best practices and initiatives addressing specific threats to fish such as entrainment (as detailed below).

The regulatory agencies objective is to ensure electric utility operations are conducted in a manner consistent with environmental regulations, policies and strategies. BC Hydro’s objective is to provide low cost energy in a regulatory framework that is clear, transparent and consistent. These objectives require a close working relationship and a mutually beneficial partnership between BC Hydro, governments and the communities in British Columbia. The Fish, Wildlife & Hydro Policy Committee is required to address policy and strategic issues.

GUIDING PRINCIPLES:

1. **Environmental Conservation and Protection:** Programs and practices, and electric utility operations will be conducted in a manner that strives to protect and conserve the environment.
2. **Sustainability of hydro generation:** The economic sustainability of electric utility operations is a prime consideration.
3. **Consultation, Cooperation and Consensus:** The Committee will work in a cooperative, timely and transparent manner and seek consensus on joint initiatives and solutions.
4. **Program Alignment:** BCH Program activities will recognize and strive to be consistent with the goals and objectives of the Agencies managing the resources.
5. **Agency Mandates:** Nothing in these Terms of Reference fetters the Agencies from carrying out their regulatory responsibilities.

OBJECTIVES:

1. **Communication:** To foster effective communications on policy and strategic issues between and within BCH and the government agencies responsible for fish and wildlife management.
2. **Consultation:** To serve as the initial forum for consultation on current and emerging issues related to fish and wildlife and hydroelectric operations.
3. **Solutions:** To coordinate and promote workable solutions with respect to environmental issues affecting BCH.
4. **Timeliness and Transparency:** To ensure issues are resolved and solutions are communicated and implemented in a timely and transparent manner.
5. **Stewardship:** to develop and encourage stewardship initiatives within BCH programs.

POLICY COMMITTEE MEMBERSHIP:

Membership shall include one representative from each of the following organizations:

- BC Hydro
- Ministry of Environment (representing the Province of BC)
- Fisheries and Oceans Canada

Representatives shall include Executive members or their designates. For provincial agencies this means representation at the Assistant Deputy Minister level, for federal agencies at the Regional Director level, the Director level for BC Hydro. Staff of agencies and BCH will be invited in a supporting role and as appropriate to address specific issues.

REPORTING:

Minutes of Committee meetings will be transmitted to the program activities in a timely manner.

COMMITTEE OPERATION:

Chair: The Committee will be chaired by BCH, DFO and MOE on a rotational basis and on a meeting by meeting basis.

Secretariat: The Policy Committee is supported by a Secretariat consisting of senior managers who are familiar with the relevant program areas and are assigned to the role by their respective Policy Committee member. The Secretariat's role is to:

1. Facilitate communication between the governance committees established for each of the Program areas and the Policy Committee;
2. Facilitate implementation of the Fish and Wildlife Compensation Program (FWCP) by: maintaining the Program Governance Manual; organizing meetings between the Policy Committee and FWCP Boards or First Nation leadership and; providing logistical oversight to Strategic planning and periodic Program reviews.
3. Coordinate Policy Committee business meetings by developing the agenda, establishing a venue and providing all supporting materials in advance of the meeting.
4. Developing issue notes and decision notes as required.
5. Facilitating Policy Committee discussions on decisions, strategic direction, approvals or issues requiring resolution in any of the Program areas.

Co-ordination: BC Hydro will facilitate Committee activities and will be responsible for meeting coordination, development of meeting minutes and distribution of materials.

Decisions: The Committee will strive for consensus based decisions which will be recorded in the meeting minutes.

Meetings: The Committee will meet at a minimum twice a year, or as required.

Task Groups: The Committee may form task groups to deal with a range of issues. Once formed, task groups may be requested to develop a terms of reference for approval by the Committee.

Conferring with Others: Committee representatives may need to confer with others in their respective organizations before being able to provide the Committee with a position. The Committee members are responsible for conferring with others and reporting back to the Committee in a timely manner.

Prioritized List of Issues: The Committee will maintain and update annually, a list of priority hydro/environmental issues that will guide the work of the Committee.

Communications: the Committee partners will jointly approve Communication products on the business of the Committee.

PROGRAM AREAS:

Fish and Wildlife Compensation Program (FWCP): The FWCP was established to compensate for footprint impacts to fish, wildlife, and their supporting habitat resulting from the construction of BC Hydro generation facilities. The FWCP operates in three regions of British Columbia: Coastal, Columbia, and Peace with local Boards composed of the agency partners, First Nations and the public acting as decision makers for Program implementation. In the Peace and Columbia regions, the Program is in place to meet conditions related to the protection or enhancement of fish and wildlife and their habitat in BC Hydro's Water Licences issued under the provincial Water Act; the Program is voluntary in the Coastal region.

Fish Hydro Management Committee (FHMC): The Committee includes representation from BCH, DFO and the Province of BC and coordinates the implementation of several Program Areas (see below). The committee develops and recommends strategic direction for new and existing programs and evaluates the effectiveness of programs. The committee takes a leadership role on inter-agency communications and issue management, providing a forum for: improving the understanding of each parties' mandates and standard operational procedures; discussing complex and/or sensitive issues with the aim of minimizing conflicts and; dispute resolution. Committee co-chairs also act as Secretariat members.

Water Use Plan (WUP) Implementation: WUPs were designed to address impacts associated with the operation of BC Hydro's hydroelectric facilities. The implementation of the BCH WUPs will involve flow changes, habitat improvements and an extensive monitoring program to assess the effectiveness of the WUP decisions. A Compliance Protocol signed by the parties will act as a guide for compliance checking and possible investigation and enforcement actions. The program requires ongoing policy guidance as it evolves.

Protocol Agreement for Work in and Around Water and Approved Work Practices: The Protocol Agreement and associated Work Practices provide an efficient and collaborative way of dealing with the day to day issues of managing ongoing maintenance that could impact fish and fish habitat. Through the Governance Management Committee, annual meetings are conducted to review the general effectiveness and workability of the Agreement and Approved Work Practices

Fish Impact Mitigation: Three potential sources of impacts to fish populations that have not been fully addressed by other programs are Entrainment, Fish Passage and Total Dissolved Gas generation. Strategies and approaches for each of these impact sources have been developed and mitigation plans are under development. Each of these require a degree of policy direction and decisions to support the implementation of proposed mitigation measures.

ROLES AND RESPONSIBILITIES:

- **Policy Direction** – to review, coordinate and approve policy initiatives and activities related to the defined program areas and to relevant new business and policy direction needs of the Committee Members.
- **Dispute Resolution** – to provide a forum for discussion and feedback and the development of action plans to resolve disputes arising from relevant program areas.
- **Program Performance Review** –to review program performance based on prioritized objectives, performance measures and processes on an as-needed basis for tracking results for each of the programs.
- **Program Commitment** – to review and promote program support among the partners in all the programs.
- **Strategic Plan Approval** – to review and approve strategic planning initiatives undertaken in the programs outlined in the Terms of Reference ensuring consistency with the goals and objectives of the Agencies managing the resources.
- **Program Changes** – to endorse and ensure implementation of agreed to program changes.

Original signed June 16, 2014 by:

Mark Zacharias

Assistant Deputy Minister
BC Ministry of Environment

Bonnie Antcliffe

Regional Director
Ecosystems Management Branch
Fisheries and Oceans Canada

Eddie Thome

Director
Environmental Risk Management
BC Hydro

Appendix B. Regional Board Terms of Reference

Purpose of the Regional Board

Operating under the policy and strategic framework established by the Policy Committee, the purpose of the regional Board is to provide local oversight to the planning and implementation of the FWCP at the regional level. More specifically, the purpose is to:

- act as the local decision maker on strategic priorities and on annual expenditures/investments by the Program;
- ensure regional Program delivery is aligned with the policy, principles, and strategic priorities established for the FWCP (at both the provincial and regional level);
- ensure that all of the Partner perspectives (agency, First Nations, public [local communities, organizations, groups, and affected individuals]) are considered during decision-making processes;
- facilitate regional communication actions with local communities to bring forth public ideas, concepts, and concerns to the regional Board;
- ensure that the Program operates within the available budget, makes fiscally responsible investments, and can report effectively on expenditures; and
- report to the Policy Committee on FWCP expenditures, accomplishments, and emerging issues.

Roles and Responsibilities of the Board

The specific roles and responsibilities of the regional Board and its members are to:

1. Provide oversight to the development of Strategic Plans (Basin and Action Plans) and recommend their approval to the Policy Committee;
2. Establish annual priorities based on the Strategic Plans and available budget in consultation with Technical Committees and the First Nations Working Group (Peace).
3. Ensure that Board direction on annual priorities and budget availability is communicated to the Technical Committees, Working Groups and project proponents (through the Program Manager);
4. Receive proposed Annual Operating Plans from the Program Manager and review proposed projects against Program principles, the established Strategic Plans and any direction or prioritization established by the Board (see #2 and #3 above). The Board may also establish more specific (non-technical) criteria for reviewing and prioritizing projects.
5. Approve Annual Operating Plans (and associated annual budgets);
6. Review, recommend revisions, and approve the regional component of the annual Community Engagement and Communications Plan (see Section 4.3);
7. Participate in the implementation of the annual Community Engagement and Communications Plans including the review of draft products and participation in events as appropriate;
8. Initiate dialogue or participate in communication activities (to be determined by each regional Board in a manner consistent with Partner expectations) with communities, fish and wildlife conservation groups, and more broadly the public, within the constituency area- including responding to direct inquiries when appropriate (see also Appendix C);

9. Review Program financial affairs at regularly scheduled meetings and as may be deemed necessary to ensure that the Program stays within budget and resources are being effectively used;
10. Support Program reviews (see Section 5) at defined intervals;
11. Oversee development of an Annual Report (see Section 5) of Program finances and accomplishments to the Policy Committee;
12. Provide annual feedback and recommendations to the Policy Committee on Program administration and the Program Manager's performance of duties (at the Board's discretion).

Role of the Chair (or co-Chairs)

The Chair of the Board works with the Program Manager to plan the business of the Board and to chair meetings. The Chair works and speaks on behalf of the Board as a whole.

The Policy Committee will appoint the Chair or co-Chairs for each Board with capacity and cost effectiveness being key considerations. The Chair of the regional Board serves a renewable two-year term with a maximum of two consecutive terms.

Specific tasks of the Chair (supported by the Program Manager) are to:

1. develop and monitor the annual Board calendar, which ensures all required Board work is scheduled and completed;
2. ensure meeting agendas are prepared and distributed at least one week before each Board meeting and that draft meeting minutes are distributed within a maximum of two weeks after each Board meeting;
3. chair Board meetings and facilitate productive, respectful discussions that conform to the principles identified in Section 3 of this Manual and the Terms of Reference presented here;
4. ensure the Board reviews and abides by a budget for its own Board work and expenses;
5. ensure that financial and other information and analyses presented to the Board are focused on the Board mandate and support the decisions to be made (e.g., implications of alternative annual spending allocations);
6. make time-sensitive decisions on behalf of the Board for matters previously agreed to (e.g., minor budget amendments, the release of Program information); and
7. represent Board views to stakeholders and the community when this has not been otherwise delegated by the Board.

Board Secretary

The Program Manager will function as the Board's Secretary (see Appendix I for details).

Board Membership

The Board will be comprised of members from BC Hydro, the Province of BC, DFO (Coastal Board only), First Nations, and the public.

The number of Board members is not fixed but it must be of a functional size to operate efficiently and cost effectively. Regional Boards will typically include two members from each of BC Hydro and the Province (with at least one member residing in the region), one member from DFO (Coastal region only), three public members, and at least three First Nations members. Regional Boards may recommend additional membership supported by an appropriate business case.

All Board members are expected to be familiar with fish, wildlife, and environmental issues.

Appointment Procedures

The Policy Committee will appoint Board members as follows:

Policy Committee members will appoint Board representatives from their respective organizations, ensuring that appointed individuals have the appropriate background, skills, and organizational role to fulfill their duties as a Board member. Appointments will be subject to review by the full Policy Committee before finalization.

Public members to the Board will be solicited through a recruitment process as detailed in Appendix C. The Chair of the Board will forward the applications and recommendation to the Policy Committee for approval.

First Nations members to the Board will be determined and recommended to the Policy Committee through the processes identified in Appendix C.

Term of Appointment

BC Hydro, government agency, and First Nations appointments will be for an indefinite period, where that appointment relates directly to the appointee's organizational role.

The standard term of Board appointments for public members will be three years with the option of renewing for a second term. Every attempt will be made to stagger the terms of members so that only one public seat is vacated in any given year.

- Reappointments are subject to Policy Committee approval. The Policy Committee will consider input from the Board and others on the need to balance continuity in Board work and succession planning with the need to provide an opportunity for different parties to have a seat at the Board table.
- Public members may serve for a maximum of six consecutive years (two terms), except in exceptional circumstances where appointment for one more year is judged to be in the best interests of the Program based on succession planning needs.
- Members who have served for six years and cease to be a member for at least two years may be eligible for reappointment through the normal recruitment process.

- If a seat is vacated, the Board may direct the Program Manager to initiate the recruitment procedure to fill the vacancy. The term of the member so appointed will be defined by the Policy Committee in consultation with the Board.

Mode of Operation

Meetings:

The Board will meet at a minimum twice a year, or more frequently as required. One meeting should occur at the start of the business planning cycle (i.e., in the fall before the upcoming fiscal year¹³) to determine priorities and any direction to be given to Technical Committees, Working Groups, or external proponents. A second meeting should be held to evaluate and approve the Annual Operating Plan (this meeting is to be held in January or not later than the second week of February before the start of the fiscal year). These two meetings will typically be face to face. Wherever practical, regular meeting dates will be agreed upon and scheduled six months in advance to maximize attendance, reduce scheduling conflicts, and give staff and proponents clear target dates well in advance. Where practical, meetings can also be scheduled in the areas where projects have occurred so the Board can visit the project sites. Special meetings may be scheduled as needed (e.g., strategic planning sessions) and may be face to face or by conference call depending on practical circumstances and budget implications.

Board members must:

1. Read agenda and associated material before the meeting to support well-informed decisions. Requests for additional information should be made at least one week (five business days) before the meeting.
2. Meetings will begin and adjourn according to the scheduled times and absent or late-arriving members are responsible to ensure they are informed of any missed discussion or decisions without disrupting the meeting to make the most efficient use of time.
3. Participate constructively in discussions and encourage others to do the same. Listen with an open mind to the opinions of others, and seek common ground and shared solutions (i.e., consensus) in the best interests of the Program.
4. Respond to requests to review draft minutes and other action items in a timely way or accept their finalization without input.
5. All Board members are expected to attend Board meetings to the best of their ability/availability. Where a Board member has missed three consecutive meetings, she/he can be removed by majority vote of the Board, and the Board can initiate actions for appointment of a replacement.
6. A quorum is necessary for approval of all budget and strategic planning decisions. A quorum is attained when half of all members are in attendance representing a cross-section of the agency, First Nations, and public Partners.

¹³ The fiscal year for the FWCP runs from April 1 of a given year to March 31 of the following year. For example nomenclature, Fiscal Year 2014 runs from April 1, 2013 to March 31, 2014.

Ad Hoc Committees

The Board, at its discretion, can establish time-limited ad hoc committees to work on a specific issue and make recommendations back to the Board. Terms of Reference and reporting requirements for ad hoc committees must be established. The Board cannot delegate its decision-making powers to such committees.

Decisions

The regional Board will strive to fully explore all interests and options, and to develop consensus decisions. Consensus is defined as a decision that all members can accept. Members may not agree with all the specific details of a decision reached by consensus, and it may not fully incorporate everyone's views, but it is a decision that members can and will support both within and outside the Board. When consensus cannot be achieved, differing views will be recorded in the meeting's minutes and other relevant documents. At its discretion, the Board may choose to use a structured decision process for contentious or difficult decisions.

For expedience, certain minor administrative decisions of the Board, such as the approval of minutes or appointment of ad hoc committees, etc., may be made by a simple majority vote. However, in no case will the Chair unduly restrict discussion and consensus building.

The Board will determine in advance any specific (non-technical) criteria to be used in the review of projects proposed under the Annual Operational Plans.

Where the Board is unable to reach a decision, and the majority of members agree a decision cannot be reached at the regional level, the dispute resolution procedure will be implemented.

Dispute Resolution

A Board dispute resolution process is provided to ensure that the Board does not allow difficulties in reconciling differing interests and perspectives to cause either conflict escalation on the Board or unacceptable delays in decision making. Specifically, it is available to ensure that Annual Operational Plans, project selection and funding decisions are not delayed with potential consequences for individual project schedules and relationships with applicants and Partners.

As part of their commitment in accepting a position on the Board, Board members are agreeing to participate in a dispute resolution process, if necessary, as outlined below:

1. The Board may request dispute resolution, based on actual or anticipated break-down or difficulties in consensus building related to Operational Plans, funding recommendations or other Board decisions.
2. The Board Chair may request dispute resolution, if the Board does not reach a decision on a recommendation to the Policy Committee within two weeks after the annual deadline for funding approvals (a two-week grace period is provided to allow the Board to schedule extra working meeting(s) if needed to reach a decision).

3. To initiate dispute resolution following a request, the Board Chair, in consultation with members and the Program Manager or co-Chair, can appoint a mediator acceptable to the Board majority. If the Board Chair is a party to the dispute, the Program Manager will, with majority Board support, appoint a mediator for the dispute resolution process, and will set a reasonable deadline for resolution of the dispute. The mediator will work with the Board Chair (or Program Manager if the Chair is involved in the dispute) to design an appropriate process, based on the nature of the dispute.
4. If the Board fails to resolve the dispute with the assistance of a mediator within the established time frame, the Board Chair in consultation with the Program Manager and Policy Committee may determine other appropriate courses of action to decide on the issue at hand, to resolve the Board dispute and to avoid recurrence.

Code of Conduct

All Board members agree to abide by the following:

1. Professional Conduct – Board members will conduct themselves in a professional manner that fosters confidence and reflects positively on the Board, the Program, and the Partners.
2. Board members will act in the best interest of the FWCP in making decisions and are committed to protecting Program integrity, accountability, and reputation. Members may bring the perspectives of the Partner groups or communities that they are members of (or are familiar with) to discussions but do not act as advocates for a specific group when exercising their duties.
3. Staying Informed – Board members will make every effort to become familiar with FWCP business practices, initiatives, and program areas and may also participate in field trips organized by the regional Program Manager or others, to learn more about projects and issues.
4. Confidentiality – Board members in discussion with applicants, potential applicants, program contractors, potential program contractors, the general public, their own organizations, or other parties, will use the utmost professional judgment and discretion related to confidential and sensitive aspects of their position as Board member. Confidential matters include all personnel matters, all Board and Technical Committee discussions related to review of applications, including details of project proposals not selected by the Board for funding. All draft documents are considered confidential. Legal issues, rationale for individual funding decisions, and other issues designated by the Board are treated as confidential.
5. Conflict of Interest – Board members will comply with the Conflict of Interest Guidelines set out in Appendix D.
6. Limits to Authority – Board members will recognize that they have no individual authority to direct program staff, committees, or contractors.
7. Respect – Board members acknowledge that there are multiple, legitimate objectives being addressed through the FWCP and will respect the rights of all members to be heard during discussions and decision processes.
8. Diversity in Discussion/Unity in Implementation – Board members will recognize that, while decisions or actions adopted by the Board may not fully reflect their views, it is their responsibility to support implementation of these decisions or actions as being the

considered direction of the Board. An individual member will have the right and duty to present additional evidence and argument to the Board for further consideration, and the Board will have the opportunity to reconsider its decisions and actions.

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Appendix C. Public and First Nations Regional Board Membership

Roles & Responsibilities

In addition to the general responsibilities of regional Board members outlined in Section 3.1 and Appendix B, the public and First Nations members shall:

1. as practical, garner the expectations of and perceptions about the Program from organizations and individuals dedicated to fish and wildlife conservation within their respective communities (e.g., as gained from ad hoc conversations, club meetings, FWCP events, or other opportunities that arise within their communities);
2. recommend actions to mitigate any negative perceptions about the Program or any misunderstandings about the Program's purpose, activities, and/or accomplishments held by their respective communities;
3. prepare a brief verbal report for Board meetings outlining regional activities and emerging public or First Nations issues; and
4. gain familiarity with FWCP-funded projects by attending presentations and project field trips in various locations around the .

First Nations Candidacy

Roles & Responsibilities

First Nations members on regional Boards bring First Nations perspectives to the Board's business and Program by bringing forward relevant issues, concerns, and ideas. First Nations representatives also create awareness, understanding, and support for the Program within their respective communities.

The primary skills or assets of First Nations representatives are:

1. familiarity with fish, wildlife, and environmental issues, especially within their respective territories and communities.
2. ability to bring a traditional knowledge perspective (including cultural and heritage values) to incorporate into decision making.
3. excellent communication skills.

Recruitment: Application and Appointment Process

First Nations nominees for membership on regional Boards shall be determined by means chosen by the First Nations themselves and will each serve an indefinite term. Every attempt is to be made to nominate First Nations members who can effectively represent the interests of their respective Nations and to provide appropriate geographical representation within each region. Where required, the Secretariat will seek advice through existing First Nations Board members and the agency Partners on approaching First Nations for membership nominations.

Where a First Nation needs to change its representative, the name of the nominee as replacement for the retiring member shall be forwarded to the Program Manager. The nomination shall be

accompanied by a letter of support identifying the suitability of the nominee for this role. The Program Manager will forward the name and supporting letter to the Policy Committee. An incumbent First Nation member of the regional Board may serve for an unlimited period provided the member continues to have the support of the Nation.

If the Policy Committee has any questions regarding the nomination, a meeting will be arranged with appropriate First Nations representatives to address questions and to make a decision regarding the First Nations nominee. The names of newly nominated First Nations members will be communicated within the region, with the agreement of the First Nation, through the Program's newsletters or other communications materials.

Public Candidacy

Roles & Responsibilities

Public representatives on regional Boards represent the public in their region by bringing forward relevant issues, concerns, and ideas. Public representatives also create awareness, understanding, and support for the Program. Representatives are appointed to offer a broad regional perspective rather than have a single issue, single interest group, or single organization focus.

The primary skills or assets of public representatives are:

1. familiarity with fish, wildlife, and environmental issues, especially within their region;
2. excellent communication skills; and
3. extensive network of contacts among the region's stakeholders, across a broad range of interests and not one constituency.

Recruitment and Appointment Principles

The recruitment, selection, and appointment process for public representatives will reflect and balance the following principles:

1. Simple, transparent, and accessible – the application opportunity and process is a public process, open to public and stakeholders and free from the political bias of specific interest groups.
2. Informed – potential appointees are provided sufficient information to understand the job; information on appointees is brought forward to the Selection Committee (which may consist of the Board as a whole or a selection sub-committee; see following section) before appointment.
3. Responsible – reflect legitimate mandates and interests of agencies and others affected by this Program.
4. Professional – provide professional standards and best practice in Board accountability, partnering, and multi-stakeholder decision making.

5. Fair – ensure that Program integrity, accountability, and reputation are protected and avoid political bias or entrenchment of interest groups.
6. Open – ensure that a range of groups, interests, and geographic areas is represented at the Board table, complementing other Program mechanisms for input from the public and stakeholders.
7. Time and cost-appropriate – control time and costs of the selection process commensurate with Program scope and benefits.

Recruitment and Appointment Process

Board recruitment and appointment processes will include at least the following steps:

1. The Board will review current Board representation needs to meet Board composition targets (Appendix B). This should result in the Board defining the desired qualities and considerations to balance members on the Board and fill gaps in current representation needs. Possible considerations may include:
 - balancing access to and involvement on the Board across the region, for example by geographic area or interested stakeholder groups (e.g., academic or scientific community, general public, resource end-users); and
 - balancing skills and experience.
2. Formal notification of seats available shall be made through advertisement, website, and circulation of relevant information on the recruitment and selection process to the public and a broad range of contacts in Partner and stakeholder organizations and community groups.
3. Application packages shall be developed by the Program Manager on behalf of the Board and made available to all interested applicants responding to the notification above. The application package shall include:
 - notice of public member position availability, and instructions for applying (including application form, resume, and letters of support or reference);
 - summary of the roles and responsibilities of Board members;
 - expectations of sitting Board members (attendance at meetings, code of conduct, and conflict of interest guidelines);
 - selection criteria; and
 - remuneration information.
4. At the Board's discretion, an ad hoc Selection Committee may be formed from among the standing Board members, or a decision made to have the entire Board involved in the selection process.
5. Upon receipt of applications, the Program Manager shall collate the applications, including a high-level summary and application review materials to support the Selection Committee or Board in reviewing and ranking the application.
6. The Selection Committee or Board will conduct a fair review of information on all potential applicants to determine best fit.

7. The Selection Committee will recommend candidates for appointment to the Board (if selection done by committee).
8. The Board will recommend candidates for appointment to the Policy Committee. The Policy Committee will review the recommendation and either endorse the appointment or seek additional input from the Board if there are outstanding questions regarding the recommendation. The Policy Committee may request an alternate recommendation and will be ultimately responsible for the appointment. Once made, the appointment decision will be communicated to all nominees. With the appointee's agreement, the appointments will also be communicated within the region through the Program's newsletters or other communications materials. If the Policy Committee has questions regarding the recommended appointment, the questions will be directed to the Selection Committee to clarify expectations. If the Policy Committee does not endorse the recommended appointment, the Selection Committee (or Board) will be asked to review candidates again.
9. The Program Manager will be an advisor and coordinator to the recruiting process and an ex officio member of any group with responsibilities related to recruiting, and may attend all meetings. The Program Manager will ensure that all required and appropriate liaison with applicants, external communications, and formal notifications related to recruiting are carried out.

The Program Manager will ensure that all required and appropriate liaison with applicants, external communications, and formal notifications related to recruiting are carried out.

In the absence of a functioning Board, a Recruiting Chair will be named by the Policy Committee.

Evaluative Criteria

The following criteria are used to evaluate candidacy of public representatives:

1. Involvement in conservation activities and/or organizations
 - Number of years involved as active member of organizations
 - Variety of public involvements across range of organizations and constituencies
 - Relevance of candidates' work-related activities
 - Current and past responsibilities
 - References/letters of support
2. Fisheries, wildlife, and environmental technical/biological knowledge
 - Affiliation and range of fish/wildlife group participation
 - Academic credentials and work-related experience
 - References and an optional interview (i.e., each regional Board will determine if an interview is part of the selection process for each potential candidate)
3. Oral and written communication skills
 - Clarity of application

- Publications, speaking engagements
4. Ability to effectively communicate with stakeholder groups and the public
 - References demonstrating proven ability to present regional perspective
 - Experience with regional Boards or Boards of other organizations an asset
 - Types of organizations participated in (community-based/region or provincial-wide)
 - Positions held
 5. Experience and extent of network within stakeholder groups
 - Number of groups the candidate currently has links with
 - Number of groups candidate receives formal communications from
 6. Experience in Committee/Board work using consensus decision-making
 - Types of organizations and decision-making processes participated in
 - Some knowledge of administrative law
 - Business knowledge and ability to approve and oversee expenditures and make effective financial decisions
 7. Knowledge of the Program
 - Knowledge of Program goals and objectives
 - Knowledge of Program Partners
 8. Availability and time
 - Ability to commit to attend meetings
 - References
 9. Residency of applicant
 - Length of time residing in the Basin
 - Is sub-basin currently represented on Committee?

Once Board appointments are made, the Recruiting Chair, with Board input and support of the Program Manager, will ensure that all new Board members receive orientation.

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Appendix D. Conflict of Interest Guidelines

Note: The following guidelines are designed to be in addition to, rather than in replacement of, any existing conflict of interest policies in place by the Program agency Partners. All staff members of Partner agencies remain subject to their own organization's Conflict of Interest policies, procedures, and penalties.

All Policy Committee, regional Board, Technical Committee, and First Nations Working Group members, the Program Manager, and any Partner agency staff involved in the Program (in roles other than Board or Technical Committee members, herein all called Program Representatives) will conduct themselves in a way so as to preserve and retain the confidence of stakeholders, First Nations, and the public in the Program's ability to discharge its responsibilities properly, accomplish its purpose, and carry out its functions in a fair, objective, and transparent manner, without actual or apparent conflict of interest. In particular, they will avoid any situation where they might be in a position of actual or apparent conflict of interest in relation to the Program.

A Program Representative has an actual conflict of interest when, in performing a duty or function of the position, he/she has the opportunity to further his or her private interests or the interests of relatives or personal friends. A private interest means pecuniary or economic interest or advantage, and includes any real or tangible benefit that personally benefits the Program Representative.

A Program Representative has an apparent conflict of interest when, in performing a duty or function of the position, he/she has an appearance of an opportunity to further his or her private interests or the interests of relatives or personal friends.

Guidelines

All Program Representatives will:

1. Declare a conflict of interest for any situation that arises where they might be in a position of actual or apparent conflict of interest in relation to the Program, and absent themselves from further decision-making involvement with the particular issue.
2. Declare any apparent or actual conflict of interest at the start of each meeting, immediately following a review of the agenda, or if not recognized during agenda review, at the time an item is being considered as soon as the person recognizes they may be in actual or perceived conflict. Any declarations, or the absence of declaring a conflict of interest, are to be recorded in the meeting record.
3. Perform their duties conscientiously and not put themselves in a position in which their private, family, or business interests and those of the Program might be, or perceived to be, in conflict;
4. Ensure that any relationship or involvement with a project application or applicant is fully disclosed before participating in any evaluation or decision relating to that application or applicant;

5. Remove themselves as a voting member if it is determined there is a real or perceived conflict of interest. The Program Manager, however, is not restricted from discussing the Program and proposed projects with applicants.
6. Where a Committee member perceives the potential for conflict of interest with respect to a specific proponent's project, that member should indicate to the proponent that:
7. advice on preparation of applications can be obtained from the Program Manager; and
8. a personal view of a committee or staff member may not reflect consensus views developed during the review process.

Examples

In the performance of official duties by a Program Representative, examples of conflict of interest or unfair advantage may include:

1. giving preferential treatment to an individual, corporation, or organization in which he/she has an interest, financial or otherwise;
2. benefiting from, or is reasonably perceived by the public to have benefited from, a Program transaction or decision over which the individual(s) in question can influence decisions; and
3. requesting or accepting from an individual, corporation, or organization, directly or indirectly, a personal gift or benefit that arises from his or her activities with the Program, other than:
 - the exchange of hospitality between persons doing business together;
 - token exchanges as part of protocol;
 - the normal presentation of gifts to persons participating in public functions; or
 - the normal exchange of gifts between friends.

Program Representatives do not have a conflict of interest when they:

1. represent the views of their respective organizations;
2. are directly or indirectly involved in a Program project but have no 'private interest' in the project as defined above. Representatives should still declare their involvement in projects to avoid the appearance of conflict of interest. Representatives should not take part in rating and ranking projects for which they have submitted proposals.
3. provide services required by their employer as part of their normal job function (e.g., technical or design input, permits, licences, safety plan, or other aspect of an application);
4. act in a fair and objective manner such that real conflicts of interest and/or bias do not occur; or
5. refer requests, such as for "letters of support" or "pre-application project planning," to other appropriate individuals within their organization.

Process for Dealing with Perceived or Real Disclosed Conflict of Interest

Step One: The person who believes he/she may be in a situation of perceived or real conflict of interest outlines the situation to the Committee (or the Committee Chair if it is before the meeting).

Step Two: The person who has disclosed a potential conflict of interest removes him/herself from the room.

Step Three: If consensus cannot be achieved, the viewpoints are recorded in the minutes and the matter is tabled and presented, via the Program Manager, to the Board Chair who will make the final determination.

Process for Dealing with Perceived or Real Undisclosed Conflict of Interest

Step One: Program Manager collects all pertinent information from relevant sources and prepares a written briefing.

Step Two: Program Manager briefs Board Chair.

Step Three: Board Chair determines whether there is a perceived or real undisclosed conflict of interest.

Step Four: If there is determined to be an undisclosed conflict of interest and it is a:

- **Public Representative:** The matter is forwarded to the Policy Committee to recommend the course of action, which could include removal of the person in question from the committee.
- **First Nations Representative:** In FWCP-Peace, the matter is forwarded to the First Nations Working Group for review, which will recommend a course of action to the Policy Committee. In other Programs, the matter is forwarded directly to the Policy Committee to recommend a course of action, which could include removal of the person in question from the Board/Committee.
- **Agency staff member:** The matter is referred to the supervisor of the person in question and dealt with internally by the agency.

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Appendix E. Remuneration

Regional Board Members – Remuneration and Expenses

Employees of the Partner agencies assigned to the regional Boards will not be reimbursed for time but may recover expenses related to travel costs from the FWCP.

Honorarium

Public and First Nations members will receive remuneration at the following rates:

- \$350 per day (minimum seven hours);
- \$175 for a partial day of four to seven hours;
- \$87.50 for a partial day of two to four hours; and
- for activities less than two hours, no remuneration will be provided.

The eligible activities for claiming remuneration at the above rates include:

- attendance at regional Board meetings;
- preparation time for each annual work planning and project review meeting (typically the January Board meeting each year); actual time period for reimbursement to be determined annually by the Program Manager based on number of applications and agenda review package;
- attendance at up to two (maximum) scheduled Board field trips per year;
- attendance at scheduled all-region Board meetings, which may be held bi-annually or at another suitable frequency; and
- reasonable travel time to scheduled regional Board meetings, plus reasonable vehicle distance charges at current BC Hydro rates (with appropriate documentation), regardless of meeting duration.

Board members requesting these charges will discuss their travel time and distances with the Program Manager for prior approval; travel costs will typically not be paid for Board meetings of less than two hours scheduled duration that are held by teleconference.

Expenses

Reasonable administrative expenses (e.g., long-distance charges, photocopying) will be reimbursed at cost, with appropriate documentation and with prior approval of the Program Manager.

Accommodation and other travel expenses such as meals, taxi, parking, and airfare will be reimbursed at cost, with appropriate documentation/invoices. Mileage and meals will be paid consistent with BC Hydro's current mileage and meal per diem rates (see "Reimbursement" section below).

Where air travel is available and appropriate in the circumstances but an FWCP member chooses to travel by vehicle, the mileage claim is limited to the lesser of actual mileage, and the lowest

equivalent airfare available. For sites with no airport, “lowest equivalent fare” is determined from the nearest appropriate airport to the destination. The mileage claim is limited to the lesser of actual mileage, and the lowest equivalent airfare available plus mileage to and from the meeting site and the nearest airport.

Note that an element of public service is implied in accepting an appointment to a regional Board. This is reflected in the fact, for example, that no per diem honorarium will be paid for either public consultation activities and associated outreach/communications conducted by Board members, or for short-duration (less than two hours) teleconferences that are held to address ad hoc issues. Remuneration will be reviewed as part of five-year Program evaluation in all three regions.

Technical Committee and First Nations Working Group Members – Remuneration and Expenses

Employees of the Partner agencies assigned to Technical Committees will not be reimbursed for time but will be reimbursed for expenses (reasonable accommodation, mileage, and meal expenses) when attending formal Technical Committee meetings for the Program. Mileage and meals will be paid consistent with BC Hydro’s current mileage and meal per diem rates (see “Reimbursement” section below).

Honorarium

Public and First Nations Technical Committee members and First Nations Working Group members will receive remuneration as follows for scheduled Technical Committee or Working Group meetings, at the following rates:

- \$350 per day (minimum seven hours);
- \$175 for a partial day of four to seven hours;

Expenses

Reasonable administrative expenses (e.g., long-distance charges, photocopying) will be reimbursed at cost, with appropriate documentation and with prior approval of the Program Manager.

Accommodation and other travel expenses such as meals, taxi, parking, and airfare will be reimbursed at cost, with appropriate documentation/invoices. Mileage and meals will be paid consistent with BC Hydro’s current mileage and meal per diem rates (see “Reimbursement” section below).

Where air travel is available and appropriate in the circumstances but an FWCP member chooses to travel by vehicle, the mileage claim is limited to the lesser of actual mileage, and the lowest equivalent airfare available. For sites with no airport, “lowest equivalent fare” is determined from the nearest appropriate airport to the destination. The mileage claim is limited to the lesser

of actual mileage, and the lowest equivalent airfare available plus mileage to and from the meeting site and the nearest airport.

Reimbursement

Public and First Nation Board, Working Group, and Committee members will use the current FWCP Invoice form created for this purpose and maintained current by BC Hydro. The Invoice form will be updated from time to time to reflect any changes to current rates or other matters. Electronic copies of the Invoice forms can be obtained from the FWCP Program Administrator or Program Manager.

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Appendix F. First Nations Working Group (Peace) Terms of Reference

The First Nations Working Group (FNWG) is unique to the FWCP-Peace. With membership from all First Nations signatory to the First Nations MOU,¹⁴ the FNWG is responsible to ensure that First Nations considerations and input are provided to all aspects of planning and delivery of the FWCP-Peace. This includes participation in strategic planning, development of Annual Operating Plans for approval, project initiation and review, project delivery, community liaison, and capacity building.

Purpose

Operating under the FWCP policy, strategic framework, and driven by the MoU, the FNWG works to facilitate the collaborative implementation of the FWCP-Peace to conserve or enhance fish and wildlife and their habitats that have been and continue to be adversely affected by the creation of the Williston and Dinosaur Reservoirs as a result of the construction of the WAC Bennett and Peace Canyon Dams. More specifically, the purpose is to:

- actively participate in the strategic planning process and support in developing strategic Basin and Action plans for the FWCP;
- ensure that the decision-making process is incorporating local knowledge, First Nations traditional knowledge, and cultural and heritage values and not being solely directed from a scientific approach, as outlined in the MoU;
- take recommendations from the Fish and Wildlife Technical Committees and advise on cultural components;
- advise the regional Board on priorities for implementing the Basin and Action Plans and/or any proposed project or study work;
- advise the Technical Groups, and the regional Board if needed, on any issues of alignment or potential conflict with respect to proposed activities; and
- protect the value of the Program's investments by continuing to build on the relationships of the Partners as outlined in the MoU and creating value through the implementation of quality fish and wildlife enhancement, conservation, and study work within the Governance Structure also as outlined in the MoU.

¹⁴ A Memorandum of Understanding titled, "MEMORANDUM OF UNDERSTANDING FOR THE PEACE/WILLISTON FISH AND WILDLIFE COMPENSATION PROGRAM Between British Columbia Hydro and Power Authority (BCHPA) And The Province of British Columbia (the "Province") As represented by the Minister of Environment (the "Minister") And [Participating First Nation]," has been signed between BC Hydro, the Province of British Columbia, and multiple First Nations in the Peace Region, to provide a framework for collaboration between the Parties related to First Nations participation in FWCP-Peace; capacity building and resourcing; and the use of scientific knowledge, local knowledge and traditional, cultural, and heritage values in the Program.

Roles and Responsibilities of First Nations Working Group

Reporting to the regional Board, the FNWG will:

1. Support development, maintenance, and implementation of regional Basin and Action Plans.
 - Provide guidance for developing strategies for the Program for their resource areas compatible with policies and objectives created during the strategic planning process as endorsed by the Partners, as well as recognizing First Nations Aboriginal and Treaty Rights as outlined in the MoU and affirmed by the Constitution Act, 1982 – section 35.1.
 - Participate in workshops, and review and make recommendations to the regional Board regarding content, technical, and cultural merit of draft plans.
 - Provide advice to the regional Board on implementing Action Plans by identifying potential priorities for enhancement or any other initiatives related to fish and wildlife as part of the Annual Operating Plan development cycle.
 - Assist the Program Manager with the development and oversight of any directed “studies” (priority projects directed by the regional Board to be developed through a “Request for Proposal” or similar approach).
 - Assist the Program Manager and participate where appropriate in project evaluations including setting quality assurance and performance measures for projects.
2. Review proposed compensation projects
 - Supported by the Program Manager,¹⁵ the FNWG provides an objective evaluation of all fish and wildlife projects proposed from a cultural, historical, traditional, or scientific knowledge based approach and provide a ranked list of sound projects for regional Board review and approval, including summaries of evaluations.
 - The FNWG uses the review criteria, maintained and kept current by the FNWG with support from the Program Manager, to evaluate and rank projects considering:
 - proposal quality (i.e., cultural, traditional, technical and ethical soundness; feasibility; priority; and cost effectiveness);
 - advice if projects potentially conflict with the Partners, as outlined in the MoU or objectives, or will be impacted or confounded by other projects;
 - alignment with Program Basin and Action Plans and whether the project duplicates existing projects/research or understanding; and
 - whether project teams have the appropriate level of traditional ecological knowledge as well as technical experience and skills to deliver the project.
3. Review and provide input to any, or all, proposed documents produced for the FWCP-Peace.

¹⁵ The Program Manager will assist with meeting logistics, facilitation, and record keeping if requested by the First Nations Working Group.

4. Is available in an advisory role for the regional Program Manager, Technical Committees, and the regional Board.
5. Provide comment on Program communications materials and participate in consultation processes as required and where appropriate (i.e., community engagement).
6. Participate in Program reviews.

Role of the Chair

The First Nations Working Group will elect a Chair and notify the regional Board, who will then have it set before the Policy Committee for ratification. The Policy Committee may choose to engage the FNWG about their decision for Chair or make recommendations to the Group concerning. The Chair of the FNWG must commit to a renewable two-year term minimum.

Specific responsibilities of the Chair are to:

1. lead the FNWG in fulfilling its mandate and following established procedures for the review of proposals and other documents.
2. act as a facilitator, and if needed, a mediator to the FNWG. As a mediator, the Chair will assist the Group in reaching consensus; however, the Chair will not vote unless required in case of a tiebreaker vote.
3. act as the primary contact between the FNWG and the regional Board; liaise with the Program Manager or regional Board as needed.
4. co-ordinate with the Program Manager on meeting preparation and logistics.
5. ensure that the FNWG, as a whole or a collective, is determining the requirements for, and approach to, any external consultations.
6. sign off on results of FNWG reviews, including project lists and evaluations as documented for the regional Board with support from the Program Manager.
7. communicate advice, concerns, or recommendations of the Group to the Program Manager, the regional Board, or the Policy Committee for appropriate distribution.
8. receive recommendations from Partner Nations with regard to recruitment of new FNWG members and distribute information to the Group before any decision-making processes or planned meetings.
9. the Chair will not take on any action items as set forth by the Group during planned meeting sessions, as all action items will be delegated to Group Membership to carry forward.
10. the Chair will commit to a minimum of two years to keep consistency within the Program.
11. the FNWG may elect to terminate a Chair's term by way of vote if it is proven that the responsibilities of the Chair are not being upheld and prior corrective action has been ineffective.

Membership

The FNWG will be comprised of members from the signatory Partner Nations as named in the MoU.

The number of FNWG members is limited to two per Nation as it must be a functional size to operate efficiently and cost effectively.

Appointment process

The Chair will facilitate the process for appointing members of the FNWG. She or he will ensure an open, fair, and accessible process for bringing forward names, as nominated by individual Nations, for appointment and approval by the FNWG. Then, the FNWG will review the nomination and either endorse the appointment or may seek additional input from the Nation who is putting forth the nomination if there are outstanding questions regarding the nomination. Nominated individuals must have the appropriate skills and experience to fulfill the FNWG duties as outlined in the “Roles and Responsibilities” section of this document.

Term

First Nations Working Group appointments will be for an indefinite period, where that appointment relates directly to the appointee’s organizational role or until the member resigns, or steps down, or the Nation nominates a new representative.

The minimum commitment of FNWG appointees will be two years. If a seat is vacated, the Group may direct the Chair to initiate the recruitment procedure to fill the vacancy.

Mode of Operation

Funding

The First Nations Working Group submits an annual proposal to the regional Board for an operational budget for the upcoming fiscal year.

Capacity funding (to participate on the First Nations Working Group) is an eligible expense based on the needs of any respective signatory First Nation and supported by the FWCP, and will be included as part of the annual operating request.

Meetings

The number and frequency of meetings will be determined by the FNWG, as represented by the Chair, in consultation with the Program Manager, and will reflect regional Program timelines for annual planning and any emerging issues.

Meeting agendas for Group meetings will be set 10 working days in advance of meetings and materials provided by the Chair at least one week before the meeting.

Agenda items may be referred to the FNWG by the regional Board and Program Manager and will match all agenda items referred to the technical groups in an effort to keep consistency within the three working groups/committees.

Only nominated and authorized members of the Group, and any approved observers (e.g., the Program Manager, external reviewers, designated contact persons, or other persons approved in advance by the Group or as represented by the Chair) will attend meetings. Observers or alternates will participate in discussions only as approved by the group and will not have voting power unless approved prior at a previous Group meeting or before the creation of an agenda.

Brief minutes of meetings will be kept, summarizing matters discussed and decisions made. The minutes will not attribute views on external project funding applications to specific FNWG members. A Group member, who is elected prior to each meeting, will record minutes. The position held by the minute taker will be filled on a meeting-to-meeting basis with each member Nation taking turns in the role. After being elected by the Group, the member in the role of minute taker will work with the Chair to prepare the agenda for the next meeting.

Minutes and the results of funding review deliberations will be available to the regional Board and Technical Committees if requested. The Program Manager shall communicate recommendations from the FNWG to the regional Board as appropriate.

Task Groups

The regional Board may form regional or Program-wide task groups to deal with a range of issues, which could include members of the FNWG. Once formed, task groups may be requested to develop a terms of reference for approval by the regional Board.

Decisions

The Group will strive for consensus decisions. Consensus is defined as a general agreement that all members can accept. Members may not agree with all the specific details of a decision reached by consensus, and it may not fully incorporate everyone's views, but it is a decision that members can and will support both within and outside the team. When consensus cannot be achieved, differing views will be recorded in the meeting's minutes and other relevant documents. At its discretion, the Group may choose to use a structured decision process for contentious or difficult decisions as outlined above in instance of a tiebreaker if it is determined to put the issue to vote.

For expedience, certain administrative decisions of the First Nations Working Group may be made by a simple majority vote, such as the approval of minutes. However, in no case will the Chair unduly restrict discussion and consensus building.

Code of Conduct

All First Nations Working Group members agree to abide by the following:

1. Professional Conduct – Group members will conduct themselves in a professional, objective manner, which fosters confidence and reflects positively on the Group, the Program, and the Partners.
2. Group members will be guided by the MoU, and act in the best interest of the Program and its Partners in making decisions they are committed to protecting Program integrity, accountability, and reputation. Members will bring the perspectives of the Nations that they represent to discussions but do not act as advocates for a specific group when exercising their duties.
3. Prepared and Responsive – Group members will make every effort to become familiar with the MoU, FWCP business practices, initiatives, history of the Program, other Nations territories, territory agreements, and Program areas. Members will prepare for meetings by reviewing agendas, associated materials, and proposals ahead of time and respond to requests for reviews of minutes or other materials within reasonable timeframes (or accept their finalization without input).¹⁶
4. Confidentiality – Group members in discussion with applicants, potential applicants, program contractors, the general public, their own organizations, or other parties will use the utmost professional judgment and discretion related to confidential and sensitive aspects of their job. Confidential matters include all personnel matters, and all Board, Technical Committee, and FNWG discussions related to review of applications, including details of project proposals not selected by the Board for funding. All draft documents are considered confidential. Legal issues, rationale for individual funding decisions, and other issues designated by the Board are treated as confidential.
5. Conflict of Interest – Group members will comply with the Conflict of Interest Guidelines set out in Appendix H.
6. Respect – Group members acknowledge that there are multiple, legitimate objectives being addressed through the FWCP and will respect the rights of all members to be heard during discussions and decision processes.

¹⁶ Group members may, from time to time, need to confer with others in their respective Nations before being able to provide the First Nations Working Group with an opinion on a specific issue. Members will respect the confidential nature of the group's business when conferring with others and will report back to the First Nations Working Group in a timely manner.

Appendix G. Technical Committee Terms of Reference

The Peace and Columbia regions each have one Wildlife Technical Committee and one Fish Technical Committee. The Coastal region also has a single Wildlife Technical Committee but has three Fish Technical Committees to cover the geographically diverse locations of the BC Hydro facilities within its purview: one for Vancouver Island, one for the Coast/Lower Mainland, and one for the Southern Interior. The Peace region also includes a unique First Nations Working Group that works collaboratively with the Technical Committees to advise on local knowledge, First Nations traditional knowledge, and cultural and heritage values associated with project proposals and the development of the Annual Operating Plan. The Terms of Reference for this Working Group are in Appendix F.

Purpose

Operating under the FWCP policy and strategic framework and direction from the regional Board, the purpose of Technical Committees is to provide technical assessment and advice related to the planning and implementation of the FWCP at the regional level. More specifically, the purpose is to:

- support the development of strategic Basin and Action Plans for the FWCP;
- ensure the technical soundness of projects proposed and consider alignment with approved Basin and Action Plans;
- advise the regional Board on priorities for implementing the Basin and Action Plans;
- advise the regional Board and the First Nations Working Group (Peace region) on any issues of alignment or potential conflict with respect to proposed activities; and
- identify partnership or leveraging opportunities to extend the value of the Program's investments.

Roles and Responsibilities of Technical Committees

Reporting to the regional Board, Technical Committees:

1. Support development, maintenance, and implementation of regional Basin and Action Plans.
 - Provide guidance for developing strategies for the Program for their resource areas compatible with federal/provincial management agency policies and objectives;
 - Participate in workshops, and review and make recommendations to the regional Board regarding content and technical merit of draft plans;
 - Provide advice to the regional Board on implementing Action Plans by identifying potential priorities for investment as part of the Annual Operating Plan development cycle;
 - Assist the Program Manager with the development and oversight of any “directed studies” (priority projects directed by the regional Board to be developed through a “Request for Proposal” or similar approach); and
 - Assist the Program Manager and participate as appropriate in project evaluations including setting quality assurance and performance measures for projects.

2. Review proposed compensation projects
 - Technical Committees receive direction from regional Boards (through the Program Manager) on budget availability and strategic program priorities for the upcoming fiscal year.
 - Supported by the Program Manager, Technical Committees provide an objective, scientific evaluation of all fish and wildlife projects proposed and provide a ranked list of technically sound projects for regional Board review and approval, including summaries of technical evaluations. Technical Committees use the review criteria detailed in Appendix E to evaluate and rank projects considering:
 - proposal quality (i.e., technical and ethical soundness, feasibility, priority and cost effectiveness);
 - conformance to statutory regulations, government resource management policies, and the goals and objectives of the Program; and advise if projects potentially conflict with individual Partner objectives or will be impacted or confounded by other projects;
 - alignment with regional Basin and Action Plans and whether the project duplicates existing projects/research or understanding; and
 - the project proponents' appropriate experience and skills to deliver the project.
3. Review and provide technical input to technical documents produced for the FWCP.
4. Are available in a technical advisory role for the Board, the regional Program Manager, and the First Nations Working Group (Peace).
5. Provide technical comment on Program communications materials and participate in public consultation processes as required and appropriate.
6. Participate in Program reviews.

Role of the Chair

The Policy Committee will appoint the Chair for each Technical Committee with the input of the regional Board and the Technical Committee membership. As the Technical Committee Chair must work closely with the Program Manager, regular availability is necessary. The Policy Committee can choose to delegate Chair selection to the Technical Committee itself. The Chair of the Technical Committee serves a renewable two-year term.

Specific responsibilities of the Chair are to:

1. lead the Technical Committee in fulfilling its mandate and following established procedures for the technical review of proposals and other documents;
2. act as a facilitator, and if needed, a mediator to the Technical Committee. As a mediator, the Chair will assist the Committee in reaching consensus;
3. act as the primary contact between the Technical Committee and the regional Board, the Program Manager, and the First Nations Working Group Chair (Peace) as needed;
4. co-ordinate with the Program Manager on meeting preparation and logistics;
5. determine requirements for, and approach to, any external consultations;

6. sign off on results of Technical Committee reviews, including project lists and technical evaluations as documented for the regional Board with support from the Program Manager;
7. communicate advice, concerns, or recommendations of the Committee to the Program Manager, for appropriate distribution; and
8. make recommendations to the Board with regard to recruitment of new Technical Committee public members including advice on key experience or expertise that would improve committee functioning and advise on prospective members identified through the recruitment process.

Membership

Technical Committees will be comprised of members from BC Hydro, the Province of BC, DFO (Coastal region only), First Nations, and the public. All members will have the appropriate technical background, experience, and skills to fulfill their duties as a Committee member as outlined previously in the “Roles and Responsibilities” section.

The number of committee members is not fixed but it must be of a functional size to operate efficiently and cost effectively. Technical Committees will typically include two members from each of BC Hydro and the Province and one member from DFO (Coastal Region Fisheries Technical Committees only). First Nation participation will be determined in consultation with First Nation Board members and appointed by First Nations. Public participation will typically be limited to one or two qualified representatives.

Appointment Process

BC Hydro, the Province, DFO (Coastal region) and First Nations will appoint Committee representatives from their respective organizations, ensuring that appointed individuals have the appropriate technical background, skills and organizational role to fulfill their duties as a Committee member.

The Program Manager will facilitate the process for appointing non-agency (i.e., public) members of the Technical Committee with Board input as required. She/he will ensure an open, fair, and accessible process for bringing forward names for public Committee appointments for Policy Committee approval. Nominated individuals must have the appropriate skills and experience to fulfill in the Technical Committee duties as outlined in the “Roles and Responsibilities” section of this document.

Term

BC Hydro, government agency and First Nations appointments will be for an indefinite period, where that appointment relates directly to the appointee’s organizational role. The standard term of Technical Committee appointments for public members will be three years with the option of renewing for a second term. Reappointments are subject to Policy Committee

approval. The Board will consider input from the appropriate Technical Committee on the need to balance continuity in Committee work with the need to provide an opportunity for different parties or skill sets to participate.

If a seat is vacated, the Board may direct the Program Manager to initiate the recruitment procedure to fill the vacancy. The term of the member so appointed will be defined by the Policy Committee in consultation with the Board.

Mode of Operation

Meetings

The number and frequency of meetings will be determined by the Chair of the Technical Committee in consultation with the Program Manager and will reflect regional Program timelines for annual planning and any emerging issues.

Meeting agendas for Committee meetings will be set 10 working days in advance of meetings and materials provided by the Chair with support of the Program Manager will be provided at least one week before the meeting.

Agenda items may be referred to the Technical Committees by the regional Board and Program Manager. In the Peace region, the Chair of the First Nations Working Group may also refer agenda items to the Technical Committees via the Program Manager or Chair to Chair.

Only members of the Committee, the Program Manager, and approved observers (e.g., Board members, external reviewers, designated contact persons, or other persons approved in advance by the Committee or the Chair) will attend meetings. Observers will participate in discussions only as approved to do so by the Chair.

Minutes of meetings will be kept, summarizing matters discussed and decisions made. The minutes will not attribute views on external project funding applications to specific Technical Committee members.

Minutes and the results of funding review deliberations will be available to the regional Board and upon request, to the First Nations Working Group (Peace). The Program Manager shall communicate recommendations from the Technical Committee to the Board as appropriate.

Task Groups

The Technical Committee may form regional or Program-wide task groups to deal with a range of issues. Once formed, task groups may be requested to develop Terms of Reference for approval by the Committee.

Decisions

The Committee will strive for consensus decisions. Consensus is defined as a decision that all members can accept. Members may not agree with all the specific details of a decision reached by consensus, and it may not fully incorporate everyone's views, but it is a decision that members can and will support both within and outside the Committee. When consensus cannot be achieved, differing views will be recorded in the meeting's minutes and other relevant

documents and dissenting views will be made known to the regional Board when the particular item is presented to the Board for discussion and/or approval. At its discretion, the Committee may choose to use a structured decision process for contentious or difficult decisions.

For expedience, certain administrative decisions of the Committee may be made by a simple majority vote, such as the approval of minutes. However, in no case will the Chair unduly restrict discussion and consensus building.

Code of Conduct

All Technical Committee members agree to abide by the following:

1. Professional Conduct – Committee members will conduct themselves in a professional, objective manner that fosters confidence and reflects positively on the Committee, the Program, and the Partners.
2. Committee members will act in the best interest of the FWCP in making decisions and are committed to protecting Program integrity, accountability, and reputation. Members may bring the perspectives of the Partner groups or communities that they are members of (or are familiar with) to discussions but do not act as advocates for a specific group when exercising their duties.
3. Prepared and Responsive – Committee members will make every effort to become familiar with FWCP business practices, initiatives, and Program areas. Members will prepare for meetings by reviewing agendas, associated materials, and proposals ahead of time and respond to requests for reviews of minutes or other materials within reasonable time frames (or accept their finalization without input).
4. Confidentiality – Committee members in discussion with applicants, potential applicants, program contractors, the general public, their own organizations, or other parties will use the utmost professional judgment and discretion related to confidential and sensitive aspects of their position as a Committee member. Confidential matters include all personnel matters, all Board and Technical Committee discussions related to review of applications, including details of project proposals not selected by the Board for funding. All draft documents are considered confidential. Legal issues, rationale for individual funding decisions, and other issues designated by the Board are treated as confidential.
5. Conflict of Interest – Committee members will comply with the Conflict of Interest Guidelines set out in Appendix G.
6. Respect – Committee members acknowledge that multiple, legitimate objectives are being addressed through the FWCP and will respect the rights of all members to be heard during discussions and decision processes.

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Appendix H. Technical Review Criteria and Process

General Guidelines for the Technical Review Process

1. Proposals are reviewed based on the application and proposal submitted by the proponent (applicant), existing technical evaluation criteria, and the Technical Committee members' knowledge and familiarity with site-specific information and considerations that affect project feasibility.
2. The Technical Committee reviews proposals on technical and scientific merit only, and will not address other issues (e.g., community interest). Technical Committee members conduct their evaluations with reference to existing technical review criteria and regional Strategic Plans (Basin/Watershed and Action Plans) as defined and approved by the regional Board. Technical review criteria are maintained by Program Managers with input from Technical Committees and are updated from time to time.
3. Reviewers are not to introduce bias in evaluations based on personal views of priorities, ensuring a high level of fairness and accountability in the project review selection process.
4. Committee members will evaluate projects against the Program's priorities as set out in regional Strategic Plans (Basin/Watershed and Action Plans).
5. All Technical Committee members will review and rank each project application individually before each meeting. Consensus-based decision making on final evaluations and ranking of the projects will then occur at the Technical Committee meetings.
6. If a proposal requires specific technical expertise for review, further detailed review and analysis may be delegated to one or more members of the Technical Committee, as selected by the Chair.
7. Technical Committee members may consult with external expert reviewers for individual proposals, if they deem it to be important in their review process. The Technical Committee will consider the results of the expert input in the overall assessment.
8. Recommendations for external involvement may be made by the Program Manager, individual Technical Committee members, or others; however, the Technical Committee or Chair will make decisions as to appropriate approach.
9. Technical Committee members will exclude themselves from the review and ranking of any proposal they are directly involved with as a proponent or project advisor.
10. Technical Committee members will carry out their review responsibilities in accordance with the Conflict of Interest Guidelines set out in Appendix D.
11. Technical Committee members may be consulted and/or participate in the development of the scope of work for directed studies and projects, as requested by the Program Manager at the direction of the Board. This may include participating in drafting the scope of work, recommending scoring criteria, participating in the proposal review and selection process, and reviewing any draft reports and/or other deliverables.

Specific Technical Review Criteria

The technical review criteria will be posted and maintained current at the FWCP website.

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Appendix I. Regional Program Managers' Roles and Responsibilities

Regional Program Managers play a key role in managing and administering Program operations in each region. The Program Managers are employees of one of the Partner agencies (BC Hydro, the Province, or DFO) and are dedicated to work on the FWCP full time. The Program Managers are accountable to the regional Board and report to the Board (through the Chair/co-Chairs) on all operational matters.

Reporting to each regional Board, Program Managers are responsible for managing all aspects of the Fish and Wildlife Compensation Program (FWCP) in their respective region, including work planning, Board and committee coordination, budget management, procurement and administration, proponent liaison, strategic planning, and special projects or initiatives related to the Program. Program Managers support the FWCP Boards by enabling them to carry out their responsibilities and by executing their decisions.

In addition to other responsibilities set out in this Manual, regional Program Managers have overall responsibility for the following:

1. facilitating the development of the Strategic Plans (Basin and Action Plans) that set the long-term direction of the Program in the region (revisited every five years);
2. developing an Annual Operating Plan that defines what will take place within the Program each fiscal year, for approval by the Board. The approved Annual Operating Plans will be communicated to the Policy Committee by the Program Manager on behalf of the Board.
3. ensuring that there is an appropriate Project Identification and Definition process and it is followed. The process includes application for grant funding; the intake of applications and RFP processes; and the planning, review, and development of core, operational activities.
4. Coordinating logistics and facilitating Board and Technical Committee meetings and processes;
5. ensuring the delivery of approved capital or discrete projects;
6. managing ongoing operations through coordination with Partner agencies, proponents, contractors, and other program delivery Partners or organizations. Given that Boards typically hold formal meetings two times per year, the decision-making process for and substantial changes to the Annual Operating Plan that come up during the year shall consist of a decision note circulated by the Program Manager to the Board; Board deliberation and decision-making may be by teleconference or email depending on the nature of the decision and at the discretion of the Board Chair/co-Chair;
7. maintaining overall financial control of the Program including set-up of annual program accounts for regular review and oversight by the Board. For proponent projects and contracts, Program Managers have the discretion to implement increases to project budgets up to 5% per project within a given year without seeking approval from the Board (ensuring that a contingency budget is available to support such an increase);
8. ensuring applicable accounting, procurement, and administrative procedures meet BC Hydro (public sector) requirements;

9. leading the annual delivery of the Community Engagement and Communications Plans approved by the regional Board;
10. maintaining and ensuring good relations with First Nations (consistent with the FWCP-Peace MOU in the Peace region);
11. developing an Annual Report for the region, outlining the Annual Plan and outcomes, including a reporting of projects conducted, alignment with Strategic Plans, and an accounting of expenditures in relation to approved budget. The Report will be approved by the Board and can be used to demonstrate that the Annual Plan meets all Program commitments and obligations, including the water licence conditions in the Peace and Columbia regions; and
12. advise and coordinate the Board public member recruiting process; serve as an ex officio member of any committee with responsibilities related to Board recruiting.

Reporting and Management

As noted above, the Program Manager is accountable to the regional Board, and reports to the Board (through the Chair/co-Chairs) on all operational matters. For employment and labour relations matters, the Program Manager will report to the Partner agency manager with responsibility for the FWCP (the “reporting manager”).

Performance management remains the obligation of the employer and the reporting manager will be directly accountable for this. The reporting manager will seek input from the Board regarding Program Manager performance during the annual performance review cycle, and will remain open to suggestions and feedback from the Board during the year. Should issues arise that require a significant decision, including hiring, promotion, transfers, and/or dismissal, the reporting manager will conduct that process per established labour relations methods.

If the Program Manager position becomes available, the reporting manager will conduct the recruiting with Board input. A hiring subcommittee may be considered for this purpose, with input from the Board. Final decisions will be at the discretion of the Policy Committee.

Appendix J. FWCP Program Delivery Guidelines

Fish and Wildlife Compensation Program (FWCP):
Guidelines for the development of a new delivery model and renewed governance structure
Revised June 2012

The Partners¹⁷ to the Fish and Wildlife Compensation Program (FWCP) acknowledge the need for a renewed delivery model for all three chapters, both in response to BC Hydro restructuring decisions and to implement the recommendations from the 2008 Program Evaluation Report and subsequent strategic planning processes.

In response to BC Hydro's need to reduce revenue requirements, BC Hydro undertook a comprehensive restructuring of the entire environmental portfolio in October 2011, which resulted in reduced staff levels. In light of the reduced availability of human resources within BC Hydro, there is a need to redesign the FWCP Program delivery model, with due consideration to the following drivers:

- the need for an effective and efficient delivery model consistent with available resources;
- the need to ensure consent to operate; and
- the requirement to meet BC Hydro's licence obligations.

In 2009, the FWCP developed a new strategic framework around five Operational Principles. These were approved by the Policy Committee and will continue to guide the FWCP moving forward:

- Approach – The Program has a forward-looking, ecosystem-based approach that defines the desired outcomes and takes actions to restore, enhance, and conserve priority species and their habitats.
- Decision Making – The Program efficiently uses its resources and works with its Partners to make informed and consensus-built decisions that enable the delivery of effective, meaningful, and measurable projects that are supported by the impacted communities.
- Geographic Scope – Within the watersheds, basins, and ranges of the populations of species affected by generation facilities owned and operated by BC Hydro.
- Objectives – The Program defines and delivers on compensation objectives that reflect the partnership's collective goals and align with provincial and federal fish and wildlife conservation and management objectives in the areas where we work.
- Delivery – The Program strives to be a high performing organization with skilled and motivated staff and Partners delivering efficient, effective, and accountable projects.

Further, the FWCP developed three strategic objectives to guide future planning. The new delivery model and supporting Administrative Agreement should incorporate these objectives:

- Conservation: maintaining or improving the status of species or ecosystems of concern; restoring or enhancing valued fish and wildlife populations; and maintaining or improving the integrity and productivity of ecosystems and habitats for fish and wildlife.

¹⁷ The FWCP Partners are BC Hydro; the Province of British Columbia represented by Ministry of Environment (MOE) and Ministry of Forest, Lands and Natural Resource Operations (MFLNRO); and the Federal Department of Fisheries and Oceans (DFO).

- Sustainable Use: maintaining or improving opportunities for sustainable use, including harvesting, wildlife viewing, and other cultural or non-consumptive uses.
- Community Engagement: building and maintaining relationships with stakeholders and aboriginal communities.

Building on the above, the Partners have provided draft guidelines for developing a new delivery model and renewed governance structure. The goal is to have a common set of guidelines to apply to this process across the three FWCP areas (Columbia, Peace, and Coastal), while allowing enough flexibility so that each area can customize the delivery model to meet any unique regional requirements.

Guidelines for the development of a new delivery model and renewed governance structure:

1. The FWCP funding formula will be retained in each of the regional Program areas and funds will not be transferred between regions.¹⁸
2. The Partners recognize the value of better, more robust engagement of First Nations and the public in both decision making and delivery of Program activities. The Partners also recognize the need for local decision making on Program investments. To this end, the governance structure should:
 - define a consistent and strong committee structure with representation from at least the following groups: the three agency Partners, First Nations, the public, and local/regional communities;
 - establish clear roles and accountabilities of each committee and the members of the committee;
 - provide for adequate resources to facilitate the oversight/coordination of the Program, in alignment with the reduced availability of resources within BC Hydro to provide for regional program management and local input to support the functioning of the committees;
 - create a clear distinction between the FWCP and other BC Hydro and agency Partner environmental programs to ensure resilience of Program design and delivery; and
 - enable open, interactive, and direct dialogue between the committees especially for the public and First Nations committee members and the Policy Committee.
3. The delivery model should ensure the delivery of on-the-ground work:
 - aligns with federal and provincial fish, wildlife and ecosystem objectives (provincial and regional level), as identified in the Strategic Plans (Basin and Action Plans) and updated from time to time;
 - considers regional priorities/initiatives and environmental objectives;
 - effectively completes and implements the Strategic Plans in a timely way;
 - tracks and reports on progress (performance measures) against the stated objective – both for internal and external accountability, engagement, and transparency purposes;
 - coordinates, communicates, and shares data, information, and reporting with other organizations, program participants, and the public; and

¹⁸ This guideline was revised in October 2013 to clarify the intent.

- enables third party verification of progress.
4. The delivery model should be flexible in the approach for on-the-ground work delivery and may use a combination of approaches to determine annual funding priorities and to deliver FWCP projects including:
 - an intake of proposals from project proponents with an effective process to evaluate and prioritize proposals against the Strategic Plans;
 - where specific projects or activities are deemed to be critical to effectively implementing Strategic Plans, advertise a specific request for proposal to undertake the work; and
 - where there are long-term operational projects (such as spawning channels or nutrient restoration), use longer-term funding agreements (with the Province or other delivery body) where such agreements are determined to be the most cost-effective way of sustaining the long-term continuity and scientific integrity of the project.
 5. The governance structure must recognize that the Peace and Columbia chapters of the FWCP are water licence requirements and that MOE and MFLNRO have a distinct role in advising the Comptroller regarding the effectiveness of the FWCP in these basins. As such, the regulatory agencies must ensure that their objectives for fish, wildlife, and ecosystem values are clearly articulated during FWCP planning processes. Also, the Partners will retain an oversight role at the Policy Committee level with respect to the overall delivery and effectiveness evaluation of the Program.

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Appendix K. Data and Report Management Ownership of FWCP Project Information and Intellectual Property

To facilitate the management and distribution of data and information created using FWCP funds, all contracts or contribution agreements issued by the FWCP will contain wording that ensures that any intellectual property (IP) rights associated with the project deliverables will be signed over to the Province for stewardship. Without the assignment of rights, the Province will be limited in its ability to distribute data and related information for use by others. Where projects are funded by more than one organization (i.e., other funding sources than FWCP), the Province would be responsible to negotiate the sharing of IP rights with the other organizations.

Despite this assignment of rights, the proponent will retain unlimited access and use of the data, including publication. The province's Secure Data Policy and Procedures include provisions for facilitating the proponent's exclusive ability to publish data. The data can be effectively treated as "proprietary" to hold such data secure for a defined period of time (usually no more than three years) to allow for publication. At that time the data would be made public and open. This arrangement is managed under a Data and Information Sharing Agreement (DISA) between the proponent, BC Hydro, and MOE. Note that this arrangement does not delay publication and release of the proponent's FWCP project report, but secures the raw data on which the report is based.

When undertaking studies on private land, proponents should discuss the data and information sharing requirements with land owners. Proponents may work with the Province before project initiation to determine whether data and information collected may be considered sensitive and subject to restrictions on how it is released.

The following is an example of suitable, more specific wording regarding assignment of IP rights to the Province (as described above) that would be suitable for use in a contribution agreement:

Any information, data, programs and products created by the recipient of FWCP funding (the "Recipient") agrees that the Province of British Columbia (the "Province") shall own any information, data, programs, and products developed by the Recipient in relation to the Project (the "Project Information") and Recipient irrevocably assigns to the Province all of Recipient's right, title, and interest in the Project Information and hereby waives in favour of the Province all rights (including, all moral rights), and shall cause all of its personnel working on the Project to waive in favour of the Province such rights, in and to the Project Information. The Recipient retains ownership of the Embedded IP,¹⁹ if any, but grants the Province and its other contractors and consultants an irrevocable, perpetual, assignable, royalty free right to load, transmit, access, execute, use, store, display, modify, alter, or otherwise change the Embedded IP for the Project or for such other projects as the Province may undertake. Any and all

¹⁹ Embedded IP refers to pre-existing intellectual property (such as data sets or analytical tools) that may have been used by the proponent to generate, analyze, or report on the data/information collected for the FWCP-funded project.

modifications of the Embedded IP prepared by or on behalf of the Province shall be owned by the Province.

Standards for Reporting

Proponents are required to submit to the FWCP technical reports detailing the objectives, outcomes, and deliverables of their projects. These reports could include maps, spreadsheets, and databases. Reports should be submitted in PDF format. Spreadsheets should be compatible with MS Excel and databases should be compatible with MS Access. Mapping products should be consistent with submission requirements for TEIS (Terrestrial Ecosystem Information System). Reports should include a description of study area, study objectives, methods used, results and study outcomes, and conclusions.

Where applicable, projects should conform to the appropriate RISC (Resource Inventory Standards Committee) standards. Where projects wish to deviate from RISC standards, the proponent should provide an explanation and rationale for the use of the alternate methods. If alternative methods are used, the minimum data submission requirements must be fulfilled to allow the data to be loaded to corporate data systems.

Additional reports may be required for FWCP project management purposes to meet reporting requirements for project status, completion, or budget expenditures.

Submission of Project Information

Project Information developed or collected in relation to the Project must be submitted to the Province in an appropriate electronic format(s). Requests for clarification on acceptable formats can be direction to the Ecosystem Information Section, Ministry of Environment. The Project Information must be submitted to the Province using submission sites managed and maintained by the province for this purpose.

Recognized Submission Sites

Wildlife Species Information (WSI) website -
<http://www.env.gov.bc.ca/wildlife/wsi/contributions.htm>

Terrestrial Ecosystem Information (TEI) website -
http://www.env.gov.bc.ca/tei/Data_Submission.shtml

Fish Data Submission - http://www.env.gov.bc.ca/fish_data_sub/index.html

Ecosystem Information Portal - http://www.env.gov.bc.ca/wld/ecobranh_info_portal/