BCMCA PROJECT TERMS OF REFERENCE 2011 -2013

1. INTRODUCTION

This document is the BC Marine Conservation Analysis (BCMCA) Project Terms of Reference for the term 2011-2013. This document provides the following information:

- project leadership,
- project phase I background,
- current project goal and objectives,
- principles,
- code of conduct,
- Project Team roles and responsibilities,
- Steering Committee roles and responsibilities
- meetings,
- decision-making approach,
- conflict of interest,
- Human Use Working Group,
- communications,
- data storage and sharing arrangements, and
- a process for amendments.

2. PROJECT LEADERSHIP

The Project leadership develops, coordinates, and implements the BCMCA in a way that is collaborative, inclusive, and transparent. There are two aspects to the BCMCA Project Leadership: the Project Team and the Steering Committee.

Project Team
Project Team members are invited to join the Project Team to represent a sector of interest. Sectors of interest have been formed for the purposes of streamlining and organizing discussions on interests, issues, and possible options, while ensuring representation of the diverse expertise among sectors with an interest in ocean resources, planning, and management.

The Project Team reflects these sectors of interest, with representatives from First Nations, the Federal Government, Provincial Government, environmental non-government organizations, user groups, and academia.

Each Project Team member reserves the right to reconsider their involvement in the project at any time. The Project Team is made up of the following representatives:

- **Academia** - James Cook University;
- **Environmental Non-Governmental Organizations** - Living Oceans Society representing Canadian Parks and Wilderness Society, David Suzuki Foundation, Sierra Club BC, and World Wildlife Fund Canada;
- **Federal Government** - Fisheries and Oceans Canada and Parks Canada;
- **Provincial Government** - Forests, Lands and Natural Resource Operations; and
- **User Groups** – BC Seafood Alliance, Sport Fishing Advisory Board,

The Project Team is also made up of representatives who have chosen to participate as observers. The West Coast Vancouver Island Aquatic Management Board is an observer. There are also **First Nations** representatives who have chosen to participate as observers:

- Coastal First Nations,
- Haida Fisheries Program,
- Island and Approach First Nations Fisheries, and
- North Coast-Skeena First Nations Stewardship Society.

Steering Committee

As of May 23 2012, the BCMCA has implemented a new project structure to ensure that the project meets Tides Canada Initiative charitable standards requirements and any potential issues related to conflict of interest.

The BCMCA now has implemented a Steering Committee drawn from current PT representation. The Steering Committee responsibilities are in addition to Project Team duties and Steering Committee members will continue to participate as members of the Project Team. Anyone who may receive financial benefit from the project will not participate in the Steering Committee.

The Steering Committee membership reflects the various sectors who have participated in the BCMCA: First Nations, federal and provincial governments, and the academic and conservation sectors. If a Human Use Working Group representative wants to become a Steering Committee member, then there is a seat open to them.

3. BACKGROUND

The overall purpose of Phase I the BCMCA project was to collaboratively identify marine areas of high conservation value and areas important to human use in Canada's Pacific Ocean. The BCMCA study area will comprise all of British Columbia's marine waters to the extents of Canada's Exclusive Economic Zone (0-200nm), including the North Coast, Central Coast, Haida Gwaii, the Strait of Georgia and the West Coast of Vancouver Island.

There are several marine planning initiatives underway or in preparatory stages in BC. The project did not seek to replace these processes. Rather, results of the project were intended to inform and help advance marine planning initiatives in BC by providing collaborative, peer-reviewed scientific analyses based on the best available ecological and human use spatial data at scales relevant to a BC coast-wide analysis.

The Phase I of the project generated two main products: Marine Atlas of Pacific Canada, illustrating known ecological values and human uses; and examples of Marxan analyses. The Marxan analyses used the data from the BCMCA Atlas to identify areas of high conservation value (using ecological data only), and to identify areas of high human use (using human use data only). The products of the BCMCA project are intended to help advance marine planning initiatives in BC.

4. PROJECT GOAL AND OBJECTIVES

The current goal of the BCMCA project is to ensure that the integrated marine management and marine spatial planning processes in British Columbia, including but not limited to the Pacific North Coast Integrated Management Area (PNCIMA) Initiative and West Coast Vancouver Island (West Coast Aquatic Initiative), understand and have access to the expert-driven and peer-reviewed BCMCA products.

There are also three main objectives of this phase as follows:

  i.   to ensure that the British Columbia marine planning community and marine user community is aware of and has reliable access to BCMCA products[1] and understands how these products can be used (Output 1.1);
 ii.   to provide a record of additional or revised data products and analysis work needed and requested by users of BCMCA products, with new, refined, improved or extended products to meet these needs, as prioritized by BCMCA Project Team (Output 1.2); and
iii.   to strengthen relationships and to continue collaboration between agencies and organizations represented on the new Project Team, and continued relationship building with the marine user community (Output 1.3).

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[1] Products include best-available ecological and human-use data, associated data gaps and shortcomings, example results of Marxan analyses for entire Canadian Pacific illustrating potential uses of Marxan as a decision support tool in marine planning processes, and lessons learned from the BCMCA collaborative project experience.

5. PROJECT PRINCIPLES

To achieve the project goal, the Project Team, Steering Committee, consultants and staff will adhere to these principles:

i. use the best available knowledge and information to inform project design and implementation, including the latest in marine conservation planning theory for specific Marxan scenarios;

ii. assemble and use the best available biological, ecological, oceanographic, and human use data to inform the atlas and analysis;

iii. comprehensively and transparently reflect the accuracy, scale and completeness of the data;

iv. draw on the knowledge and expertise of governments (federal, provincial and First Nations), other resource managers, user groups, the conservation community, academics, and other scientists to develop sound, scientifically defensible methods and products;

v. utilize methods which are transparent in their application;

vi. provide guidance for additional analysis or other use of BCMCA products that is consistent with comments and caveats provided during review of the Marxan scenario results;

vii. work cooperatively to achieve project goals; and

viii. create products which are widely supported by the Project Team.

6. CODE OF CONDUCT

Participation in the BCMCA Project Team and Steering Committee entails responsibilities for each member to their sector's interests, the broader public, the Human Use Working Group, the Project Team itself, and the BCMCA project.

To ensure that Project Team and Steering Committee interactions are effective and efficient, a code of conduct is outlined. Members should ensure that they adhere to the following:

i. demonstrate a commitment by working cooperatively and in good faith to move the BCMCA towards its goals and products, respecting the principles and objectives described above;

ii. demonstrate a commitment m by planning for the continuity of their membership in the group until the end of the BCMCA project (May 2013);

iii. demonstrate respect for other members by: respecting their values and interests, avoiding inflammatory language, listening to others without interrupting, and being punctual;

iv. ensure honest and open communication and the timely sharing of information or concerns relevant to the BCMCA;

v.   ensure appropriate communication with external audiences that: accurately describes the BCMCA and is consistent with the BCMCA Communication Procedures and this Terms of Reference;

vi.   ensure accountability to the interests of their sector by: attempting to fulfill all of the responsibilities outlined in these Terms of Reference, communicating the project' progress to these and other audiences, and communicating their sectors issues and information to the Project Team; and

vii. upon request of a Project Team member, the Terms of Reference may be reviewed for accountability and amendments may be considered.

7. ROLES AND RESPONSIBILITIES

Project Team
The overarching responsibilities of the **Project Team** are the following:
- to collaborate and oversee the BCMCA project,
- to review and approve the work plan, terms of reference, communications procedures, all BCMCA products and other relevant documents as required;
- to assist in the evaluation of the outcome indicators of success,
- to advise the Project Manager and Steering Committee of any concerns that may arise during the project, and
- to provide direction to BCMCA project staff and contractors.

The responsibilities of the **Project Team Members and Alternates** are the following:
- to participate in Project Team meetings,
- to read and respond to communications about the project in between meetings,
- to collaborate with other Project Team members during meetings and in between meetings as required,
- to assist with the project outreach and/or networking with individuals, groups, organizations, First Nations and government agencies involved in integrated marine management and marine spatial planning processes in British Columbia,
- to be the liaison between the Project Team and the sector/agency/organization that they represent,
- to disseminate information about the BCMCA project and products to their own networks;
- to consult and liaise with their sector/agency/organization on project related issues; and
- to communicate any concerns or questions to the Project Team.

The responsibilities of the **Project Team Observers** are the following:
- an Observer is a Project Team member who represents a constituent group;

- an Observer is invited to speak, question, and participate fully in Project Team meetings; however, the observer can choose whether or not to be part of a decision;
- if the Observer chooses to be part of a decision, then they agree to follow the decision making procedures;
- if an Observer chooses not to attend meetings or participate in decisions, then the Project Team will make the decisions necessary to move the project forward in their absence; and
- each Observer self-designates and as such and are recognized as an observer on the BCMCA website and relevant correspondence.

Steering Committee

The Steering Committee are the project's final decision-makers on aspects of the project including financial management, administrative aspects including contractor hiring approaches, liaising with Tides Canada Initiative. The SC responsibilities are outlined in TCI Terms of Reference as follows:

- defining project purpose goal and objectives, strategic planning including budget and work plan development,
- developing resources to ensure expenditures are met,
- evaluating success in achieving deliverables on all contracts, and
- supervising project director (project manager) including performance evaluation, and advising TCI of concerns, irregularities.

There are **BCMCA staff and consultants** who coordinate the planning and implementation of the BCMCA project. Their responsibilities are outlined in their respective contracts.

8. PROJECT MEETINGS

Project Team

The Project Team meetings will be held on a bi-monthly basis by teleconference, with in-person meetings once year or more as required. Additional meetings may be scheduled to address specific issues as required. Meetings will be scheduled and located to minimize travel time and expense to all participants.

For each meeting, BCMCA Project Manager will the draft and distribute agendas. The agenda will be distributed to all Project Team members one week in advance of the meeting date. The Project Team members have the opportunity to add agenda topics by advising the Project Manager before or at the Project Team meeting.

The Project Manager will arrange for meeting minutes to be taken and distributed to all Project Team members. In addition there will be a follow up action list distributed after each meeting to identify tasks to be accomplished prior to the next meeting.

In the interests of efficiency and continuity, attendance at all meetings is desirable. If a member of the Project Team is unable to attend a meeting an alternate should attend on their behalf. Alternates are welcome to observe regularly scheduled meetings, subject to availability of meeting resources. If both a Project Team member and their alternate attend the same meeting, they must declare who the acting representative is at the start of the meeting.

Steering Committee

The Steering Committee meetings will be held bimonthly after the Project Team meeting. Steering Committee members are expected to share their perspectives on matters in the course of Project Team meetings to facilitate open and complete discussion of topics. Additional meetings may be scheduled to address specific issues as required such as consideration of the process to hire contractors, hiring of contractors, and financial matters. Meetings will be scheduled and located to minimize travel time and expense to all participants.

For each bimonthly meeting that is held after the regular Project Team meeting the agenda will be the Project Team agenda items that receive a Project Team decision/recommendation to the SC to make the final decisions. For each additional meeting, BCMCA project manager will the develop agendas in collaboration with the Steering Committee Chair. The Steering Committee additional meeting agenda topics should be topics that the Project Team is aware of and has had the opportunity to discuss. Emails which request comments are considered valid forms of notification; comments will be collated and provided to the SC for consideration. The additional meeting agendas will be distributed to Steering Committee members one week in advance of the meeting date. The additional Steering Committee meeting agenda topics will be distributed to the Project Team for their information.

The Project Manager will arrange for meeting minutes to be taken and distributed to all Steering Committee and Project Team members. The key topics and rationale for the decisions will be recorded if the SC decision is not consistent with the PT recommendation. As required there will be a follow up action list distributed after each meeting to identify tasks to be accomplished prior to the next meeting.

9.   DECISION MAKING

The Project Team and Steering Committee will work cooperatively to advance the project and will strive to obtain consensus on all decisions (see Appendix 2). Consensus is achieved when all Project Team members are willing to accept a decision, even if some members might have a different preference. In reaching a decision, all Project Team members should feel that their positions on the matter have been fully understood and given due consideration.

Project Team and Steering Committee members will ensure that dialogue around decisions is framed by the Project Principles. Objections to decisions will likewise be rooted in these

Principles. It is understood that members of the Project Team may take recommendations back to their constituencies or to a higher decision-making authority for approval where appropriate. Decisions that have been made can only be revisited when all members agree to revisiting them.

Where consensus cannot be reached for a project Team decision/recommendation, then the Project Manager may suggest that a separate facilitated discussion be scheduled between those who need to resolve an issue. The Project Manager will facilitate the meeting and assist those involved to develop options and solutions that will be acceptable to those involved and the Project Team. If this approach of a facilitated discussion is not able to find options or solutions acceptable to those involved and the Project Team, then Project Team may consider other forms of problem solving such as an external mediation or arbitration as required and with procedures approved by the Project Team at that time.

Quorum for SC decisions is 3 of the 5 members. In the unlikely event where consensus cannot be reached for a Steering Committee financial/hiring decision and for situations that require a timely decision, then the Steering Committee will conduct a vote.

10. CONFLICT OF INTEREST

Any Project Team or Steering Committee member must recuse themselves when they "could benefit, disproportionally from others, directly or indirectly, from access to information or from a decision over which they might have influence, or where someone might reasonably perceive there to be such a benefit or influence" (Reference: TCI Conflict of Interest Policy, 2011).

The following are suggested guidelines for members to consider if the potential for conflict of interest may occur:

- **Ask the Question** - Project Manager should ask the question when or if there are situations when there may be potential conflict of interest (before the discussion occurs);
- **Recuse by Leaving Meeting** - Any PT members or contractors who may have received financial gain must recuse themselves by leaving the meeting so that the PT may continue the discussion.
- **Recusal Timing -** Anyone may participate in providing background information and the general discussion about a topic to ensure that all relevant information is made available. Once the discussion moves beyond the conceptual stage to the discussion stage about contract amounts, budget allocations contractor requirements (and before any decision making occurs about) then those who may receive financial benefit must recuse themselves from the meeting.

11   HUMAN USE WORKING GROUP

The Human Use Data Working Group (HUWG) is a committee of user group representatives convened by the Project Team as a means of soliciting input from each of the six human use sectors identified by the BCMCA in Phase I of the project. Two seats are available on the HUWG for each sector.

The human use sectors and the user group representatives involved in this phase of the project are the following:

- **Commercial Fisheries -** Underwater Harvest Association and BC Seafood Alliance (alternate Underwater Harvesters Association),
- **Recreational Fisheries** - Sport Fishing Advisory Board,
- **Shipping and Marine Transport -** Council of Marine Carriers,
- **Marine and Foreshore Tenures** - Coast Forest Products Association and BC Salmon Farmers Association,
- **Recreation and Tourism -** BC Marine Trades Association and Wilderness Tourism Association, and
- **Ocean Energy -** Shell Canada and Ocean Renewable Energy Group.

Two of the sector representatives will participate in the Project Team for this phase of the project: commercial fishing and recreational fishing. A third seat is available on a provisional basis for instances where other Working Group members have an interest in specific Project Team agenda items. Priority for the provisional third seat will be given to sectors not represented by the two Working Group members already on the Project Team.

Also in this phase of the project, the HUWG sector representatives will provide recommendations and advice to the Project Team on the human use component of the BCMCA such as the Marxan Analysis Report. The Project Team will incorporate their advice and recommendations wherever possible while respecting the goals, intended products, principles, budget, and timelines of the BCMCA.

Further details of the HUWG's responsibilities and structure related to the previous phase of the project are described in the HUWG Terms of Reference.

12.   COMMUNICATIONS

There is a separate BCMCA Project Team Communications Procedures document which provides a detailed description of communications protocols, including communications objectives, key messages, procedures for the Project Team's internal and external communications, and guidelines for the public release of documents.

These procedures stipulate that the Project Team will not circulate any communications materials to external audiences until all Project Team members have had an opportunity to review and approve their content. The standard period for this review is 5 working days. Where the Project Team identifies a need to consult within their organizations prior to a particular decision, the review period will be lengthened to accommodate this.

13. DATA STORAGE AND SHARING

The following is the data sharing protocol for the BCMCA project:

    i.   Living Oceans Society will store all data and data use agreements on a BCMCA computer and act as stewards until project completion;

   ii.   the original data holders will remain custodians of the source data unless source data use agreements indicate otherwise. The source data will not be distributed beyond the Project Team and data shared among Project Team members will be used only for purposes agreed to by the Project Team;

  iii.   requests for data held by the BCMCA for purposes other than BCMCA work should be directed through the online data library and/or referred to the data custodian spreadsheet (online);

14. AMENDMENTS TO THE TERMS OF REFERENCE

These Terms of Reference can be amended by the Project Team at any meeting when all members of the Project Team present at the meeting agree to the amendment.

APPENDIX 2 – CONSENSUS DECISION-MAKING

2.1   Excerpts from: Consensus Decision Making

By Ellis Melton - http://ellis.melton.com/meetings/Consensus.html

Make sure the group understands the nature of consensus. It's usually not everyone's first choice, but it's a decision everyone can live with. If someone can't live with it, it's up to them to make a counterproposal.

Consensus means that every member can say...
- "I believe that you understand my point of view and that I understand yours;
- Whether or not I prefer the group decision, I support them because:
- They were reached fairly and openly;
- They are the best decisions at this time;
- We all share in the final decision."

Consensus decision making takes more time and energy. However, most groups find that energy spent on the "front-end" (during the consensus process) results in a far more efficient and effective implementation of the decision later on.

Reaching consensus means...
- All participants contribute resources.
- Encourage use of one another's resources and opinions.
- Views different as helpful rather than as a hindrance;
- Everyone understands the issue;
- Everyone has a chance to describe their feelings about the issue;
- All share in the final decision.

2.2   Excerpt from: Using consensus decision-making to increase team effectiveness

By Judith Stein - http://web.mit.edu/hr/oed/learn/teams/art_decisions.html

Now that we know that consensus decision-making is not necessarily unanimous support for a particular decision, it is important to define just what consensus decision-making is. Consensus is achieved when everyone on the team has had ample opportunity to have his or her ideas considered and can fully support the team's decision.

Consensus decisions mean that the entire team has come to agreement on a course of action, even if individuals might have a different preference. Consensus decisions often lead to completely new solutions that the team arrives at in the course of its discussion.

In the course of the discussion leading to consensus, individual team members may change their ideas (based on new information or perspectives from their team) or they may decide to defer their individual feelings or needs to those of the team. The key point is that this process is deliberate and fully voluntary on the part of the team member.

Positive reasons why individuals modify their positions to support a team's decision include:
- Agreement with most parts of the proposed decision;
- A decision to let go of a non-crucial element of their point of view in order to strengthen team alignment on the topic;
- Understanding that the final decision does not compromise their values;

- An assessment that the final decision has the best chance for successful implementation because so many members of the team support it.

Reaching consensus can take time, although consensus-based decision-making gets easier with practice. Teams using a consensus-based decision-making model will need to develop good meeting practices to make sure that every individual has an opportunity to participate in the decision-making process. The ability to define the decision topic clearly, and the ability to build agreements and sensitivity to the team's process will all help successful decision-making by consensus.

It is important that the team pay attention to group process so that no team member changes his or her mind because they fear repercussions for disagreement, or they are somehow "bullied" by the team (through hostile remarks or "friendly teasing") into changing their views.
Team members can check for consensus by seeing if each member of the team can agree to the following four statements:

- I've heard your positions;
- I believe you've heard my position;
- The decision does not compromise my values;
- I can fully support the proposed decision and its implementation.
- In good consensus decision-making, every member of the team must feel that they have been listened to and that their ideas have been given a fair assessment.

2.3   Excerpts from "Team Problem Solving"
By Sandy Pokras - These article excerpts are adapted, in part, from materials from Interaction Associates, LLC, Mastering Meetings.
A consensus decision is one which everyone on the team...

- Sees as a fusion of the information, logic, and feelings expressed;
- Understands and essentially agrees it represents a common reality;
- Can live with, go along with, support and accept;
- Believes is a worthwhile approach in the best interests of the team.