

Columbia Basin Regional Advisory Committee

Terms of Reference

Updated: April 24, 2023

Background and Purpose

Community involvement in activities that affect the Columbia River Basin has been a long standing tradition for Columbia Basin residents. During Columbia River Treaty (CRT) community engagement activities hosted by Columbia Basin Trust (CBT) in 2011 and early 2012, and Columbia River Treaty Review consultation meetings hosted by the Province’s Columbia River Treaty Review Team and the Columbia River Treaty Local Governments’ Committee (LGC) in 2012 and 2013, participating Basin residents identified two areas of community interest:

1. Improved understanding of and information sharing with respect to Columbia Basin hydroelectric operations with the goal of better informed operations planning, and
2. Continued engagement of Indigenous Nations on a without prejudice basis, and communities throughout any future Columbia River Treaty negotiation process.

Principles

The Local Governments’ Committee (LGC), Ministry of Energy, Mines and Low Carbon Innovation (EMLI), and BC Hydro¹ agreed to work together to address the two interests by establishing a Columbia Basin Regional Advisory Committee (CBRAC), a Basin-wide cross-sectoral group, representing a broad range of perspectives, interests and geography. This agreement is based on the following principles:

- **Steering Committee Collaboration** – The LGC, EMLI and BC Hydro will work openly and collaboratively together, with distinct and clearly defined roles and responsibilities.
- **CBRAC Collaboration** – CBRAC members will utilize their knowledge and expertise of the Columbia Basin and Basin interests to collaborate in a constructive and productive way to share and disseminate information with the goals of informing the modernization of the CRT, CRT-related community interest projects and Columbia Basin hydroelectric operations planning, and working toward strengthening related community awareness and knowledge.
- **Advice** – CBRAC members will provide advice on modernization of the CRT to federal and provincial negotiators involved in Canada-U.S. CRT negotiations, and to BC Hydro on matters that are regionally important and that should be taken into consideration in BC Hydro’s operation planning. Subject to

¹ See Roles and Responsibilities on page 4.

confidentiality requirements, negotiators will provide updates, feedback and dialogue with CBRAC during the CRT negotiation process. BC Hydro will take this advice under consideration when balancing multiple interests in operations planning and provide feedback on its ability to accommodate the advice in operations.

- **Recognition of Aboriginal rights** – CBRAC members will be mindful of federal and provincial commitments to the United Nations Declaration on the Rights of Indigenous Peoples², and to reconciliation.
- **Reasonable commitment of time and resources** – Information sharing and engagement mechanisms will be selected that do not unreasonably burden the resources, or make unrealistic demands on participants.
- **Realistic expectations** – The activities of the CBRAC will respect and not alter the responsibilities, rights and obligations of BC Hydro and other hydroelectric facility operators to make planning and operational decisions, considering the advice and input provided.
- **Adaptive approach** – This initiative will start small and build on activities as and when needed, based on learning which activities are most effective.

Membership

Members are expected to be able to take a broad perspective and work collectively to contribute positively and constructively to discussions on Columbia Basin issues and concerns, including the future of the Columbia River Treaty and Columbia Basin hydroelectric operations planning. Members will have interest in, knowledge and/or experience with hydroelectric operations planning and/or will be recognized in Columbia Basin communities (of interest or geography) as knowledgeable in one or more key areas of interest identified by Basin residents during the CBT, LGC or the Province's Columbia River Treaty Review processes. The goal is to involve representatives from each of eight to ten impacted areas who collectively span the range of interests.

Membership will consist of 30-35 members who include, but are not limited to, geographically and interest balanced representation from:

- A wide range of Columbia River Basin municipalities and regional districts;
- Columbia River Basin Indigenous Nations;
- Basin businesses and economic development agents;
- Basin recreation, environmental, tourism, business, agricultural or community organizations;
- Columbia Basin Trust;
- Ministry of Energy, Mines and Low Carbon Innovation;

² <https://www.un.org/development/desa/indigenouspeoples/declaration-on-the-rights-of-indigenous-peoples.html>

- BC Hydro and other Columbia Basin hydroelectric facility owners³.

CBRAC Steering Committee members are also members of CBRAC.

In order to develop a legacy of knowledge about the CRT and hydroelectric operations and planning in the Columbia Basin, younger representatives are encouraged to become members of the CBRAC. To further enable youth participation, CBRAC will offer opportunities for young people to attend meetings in full or in part, and to connect with CBRAC members outside of a meeting environment to learn more about the CRT and/or hydro operations, as well as local and regional interests and the impacts of hydro operations on those interests.

Member selection will be conducted as follows:

- Each of the four regional districts in the Basin will designate two local government representatives from impacted areas. The Regional District of Central Kootenay will have the option to appoint three representatives, reflecting that there are more dams and reservoirs in this regional district than in the others. The Village of Valemount will designate one representative.
- Each Basin Indigenous Nation is invited to designate two representatives.
- A public invitation will be made for interested citizen representatives from business, Chambers of Commerce, economic development, recreation, environmental, tourism, agriculture and community organizations, to apply to become a CBRAC member. EMLI and the LGC will evaluate applications and select CBRAC members based on clearly defined criteria.
- Agencies will appoint their representatives.

A minimum two year commitment is suggested of members selected to the CBRAC. At the discretion of EMLI and the LGC, members will normally be appointed to serve for an unspecified term. Replacement of members will be from an expression of interest list and will be selected by EMLI and LGC to ensure equitable representation of geographical and other interests within the region covered by the CBRAC. The CBRAC Steering Committee will conduct a membership review on an annual basis to explore gaps in membership and ensure member requirements are being met.

CBRAC is an ongoing group and will remain operational as long as its members and the CBRAC Steering Committee see value in doing so, and there are resources to support it.

Member Code of Conduct

CBRAC members commit to following the CBRAC Code of Conduct, approved by CBRAC on March 12, 2015. See Appendix A.

³ Other Basin-based hydro owners including FortisBC, Columbia Power Corporation, Teck, and Nelson City Hydro could also be involved.

Duties

The CBRAC will:

- a) Serve as a forum for dialogue between the participants, provincial and federal representatives responsible for the CRT, hydroelectric facility owners and community interests;
- b) Complement BC Hydro's public engagement in the Columbia Basin region;
- c) Gain community insight and input regarding current and future hydroelectric operational issues, including their impacts on residents, customers, and the environment;
- d) Identify positive ways for responding to community needs and concerns;
- e) Become familiar enough with the realities of BC Hydro and other Columbia Basin hydroelectric facilities owners;
- f) Become familiar with the federal and provincial governments' commitments to the United Nations Declaration on the Rights of Indigenous Peoples and to reconciliation;
- g) Advise BC Hydro on matters that are regionally important and that should be taken into consideration in BC Hydro's operation planning. BC Hydro will take this advice under consideration when balancing multiple interests and provide feedback on its ability to accommodate the advice in operations; and
- h) Become familiar with the Columbia River Treaty and related activities in Canada and the U.S. and provide input and advice on potential future changes and improvements to the CRT.

Meeting Frequency and Compensation

CBRAC is expected to meet two times a year in person and an additional two times (or as needed) via webinar or conference call. Members are expected to attend the equivalent of two out of three activities per year, except in extenuating circumstances. Members are encouraged to attend BC Hydro's and other owner's public operational update meetings and teleconferences.

Meeting agendas will be set 14 days in advance of any meeting. The CBRAC Steering Committee, participants and the Secretariat⁴ will jointly propose the content of the agenda, which will be based on priorities set by CBRAC, and circulate for input prior to the meeting.

CBRAC members wishing to raise an issue with the rest of CBRAC, either to gain the Committee's support or for any other reason, can contact any member of the CBRAC Steering Committee⁵ and ask that the issue be added to the agenda for the next CBRAC meeting. The Secretariat will work with the member(s) who made

⁴ See Secretariat Roles and Responsibilities on page 5.

⁵ Steering Committee members are included on the CBRAC Member List, found on the [CBRAC webpage](#).

the request to ensure the issue and the reason for raising it with CBRAC and any responses requested from CBRAC are well defined.

Meetings will be held at varying locations in communities in the Columbia Basin. Mileage, accommodations and meals for committee members will be funded by EMLI. Reasonable child care expenses will also be reimbursed when such expenses are incurred for the purpose of participating in a meeting. Where appropriate and feasible, video-conferencing and teleconferences will be utilized to minimize time commitments and travel costs for members.

CBRAC Member Responsibilities

CBRAC members are responsible for:

- a) Regularly attending scheduled meetings and preparing for meetings;
- b) Actively participating in CBRAC discussions and activities;
- c) Developing a clear understanding of the:
 - I. Principles, purpose and objectives of the CBRAC – it must be clear from the beginning what issues are, or are not, on the table; and
 - II. Member Code of Conduct and Duties;
- d) Seeking input and opinion from their communities and/or interested parties and reporting to each meeting of the Committee on relevant issues;
- e) Reporting back to their community or interested parties on Committee discussions and activities;
- f) Developing practical and workable input for Local Governments, EMLI, Global Affairs Canada and BC Hydro's consideration;
- g) Respecting confidentiality of certain information as may be required from time to time;
- h) Participating in training that may enhance their abilities to serve on the Committee; and
- i) Submitting an expense claim form, together with applicable receipts, detailing all expenses claimed in support of Committee activities.

Roles and Responsibilities

The CBRAC Steering Committee, which consists of representatives from EMLI, LGC and BC Hydro, will provide direction to the CBRAC Secretariat. This includes proposing CBRAC meeting dates; assessing CBRAC meeting frequency; drafting agendas based on priority topics identified by CBRAC; determining how to address action items raised at CBRAC meetings; and identifying materials and resources to help support CBRAC's learning and ability to provide informed advice regarding the Columbia River Treaty and hydro operations. The Steering Committee meets every 1 – 2 months.

EMLI and LGC will oversee CBRAC membership to ensure broad representation and sufficient attendance. This includes conducting an annual membership review, developing plans for addressing low attendance and filling vacant positions, and evaluating expressions of interests to fill vacant citizen member positions.

EMLI will provide resources for a Secretariat for CBRAC to convene and facilitate activities as agreed by the Steering Committee.

BC Hydro and EMLI will provide staff expertise and actively participate in CBRAC meetings.

The LGC will liaise with local governments when appropriate.

EMLI will liaise with federal and other provincial government agencies when appropriate.

Roles and responsibilities may be revised as needed.

Secretariat Roles and Responsibilities

The Secretariat is responsible for:

- a) Providing CBRAC with adequate background and timely information on relevant issues;
- b) Scheduling regular meetings and ensuring appropriate representatives are present;
- c) Arranging response in a timely manner to CBRAC questions and advice;
- d) Paying all reasonable travel, meals, child care and incidental expenses of the members;
- e) Paying a stipend to CBRAC members who incur lost income to attend meetings: and
- f) Providing administrative support as required.

Review

These terms of reference will be reviewed annually, consistent with the principle of implementing an adaptive approach to Columbia Basin initiatives.

Appendix A

Columbia Basin Regional Advisory Committee Code of Conduct

May 18, 2021

1. PURPOSE OF CODE OF CONDUCT

The purpose of this Code of Conduct is to ensure that members of the Columbia Basin Regional Advisory Committee (“the Committee”) have a clear understanding of proper practices, and appropriate individual and collective behavior for the Committee.

Further details on the Committee, including background, purpose, and member roles and responsibilities can be found in the Committee’s Terms of Reference.

2. PRINCIPLES OF THE COMMITTEE PROCESS

The Committee process will be guided by the following principles:

- Recognition of multiple interests: Consistent with sustainable development, a clear statement of all interests and the full range of environmental, community, Indigenous Nations, recreation and economic management objectives will be incorporated into the Committee process.
- Respect for purpose and scope: Issues and interests concerning topics that are outside of the scope of the process will be documented separately (e.g., ‘parking lot’) and forwarded to the relevant body (e.g. EMLI, BC Hydro).
- Strive for consensus: The Committee process will strive for consensus among participants. Every effort will be made to explore, understand and accommodate the interests of dissenting viewpoints. If consensus is not achieved, differences in opinion amongst committee members will be included in the Committee meeting summary.
- Recognition of existing legal and constitutional rights and responsibilities: The process recognizes existing legal and constitutional rights and responsibilities. These include existing rights and responsibilities under current licenses; constitutionally protected treaty rights, aboriginal rights and title and environmental regulations.
- Use the best available information from all sources: The best available information will be sought to support the Committee process.

3. CODE OF CONDUCT

All Members of the Committee will endeavor to:

- Treat others with courtesy and respect;
- Listen attentively with an aim to understand other interests;
- Speak in terms of interests instead of positions;
- Be concise in making your point;
- Challenge ideas not people;
- Let opposing views co-exist;
- Use the “parking lot” for issues that fall outside the day’s agenda;
- Act in “good faith” in all aspects of the process;
- Avoid disruption of meetings (e.g. use of cell phones, caucusing at the table, etc.); and
- Keep in mind that some Members represent a larger organization or constituency that may itself have divergent views and interests.

4. CONFLICT OF INTEREST

A conflict of interest occurs when a CBRAC member’s private affairs or financial interests are in conflict, or could result in a perception of conflict, with the member’s CBRAC duties or responsibilities.

CBRAC members who find themselves in an actual, perceived, or potential conflict of interest must disclose the matter to the CBRAC Steering Committee. The Steering Committee will consider the situation and determine whether a conflict exists.

5. DECISION RULE FOR THE COMMITTEE

Consensus is a goal, but not a requirement of the Committee. Consensus is viewed as a decision that all Committee Members can accept, even if the total outcome, or smaller elements of the outcome, are not supported enthusiastically by every Member. A non-consensus outcome is one that does not meet the minimum needs of some of the members.

On topics or items where no consensus is reached, differences of opinion and reasons for disagreement will be documented without assigning names to the various positions taken.

6. ROLE OF THE FACILITATOR

The Facilitator of Committee Meetings is responsible for:

- Assisting the Members in achieving their purpose, tasks and deliverables as outlined in this Terms of Reference and Code of Conduct.
- Ensuring that the information and methods used during the process support the Committee.

- Making every endeavor to ensure that all parties are heard and that all differences are resolved fairly.
- Making every endeavor to be, and remain, completely impartial and accord equal attention and courtesy to all persons involved.
- Ensuring that the Code of Conduct is followed by all Members.

7. CHANGES TO THE CODE OF CONDUCT

The Code of Conduct may be amended at any time based on a consensus decision of the Committee.