

CANADIAN OKANAGAN BASIN TECHNICAL WORKING GROUP

TERMS OF REFERENCE

- A) Recognizing the desirability of ensuring the conservation of fish stocks originating in the Canadian section of the Columbia River drainage and deemed critical to the health of the Okanagan ecosystem, and recognizing the potential for mutual benefits arising from the facilitation of cooperative assessment, conservation, and restoration activities for such fish stocks, the Parties agree to establish a domestic Canadian Okanagan Basin Technical Working Group (COBTWG). The COBTWG will:

- 1) Review the status of Canadian origin fish stocks from the Okanagan Basin with a focus on salmon, kokanee, steelhead, and other fish species deemed highly important from a biological, social, cultural, and economical perspective. In the course of this review, the Parties will exchange information and provide recommendations regarding:
 - i. spawning escapement requirements of the stocks;
 - ii. action or projects being undertaken to manage, restore or enhance stocks or their habitat;
 - iii. other actions that may affect the status of these stocks,
- 2) Identify and prioritise information and research needs and recommend new studies, projects, and programs for assessment and improvement of the status of Canadian origin fish stocks from the Okanagan Basin;
- 3) Identify and prioritise restoration and enhancement opportunities, providing an analysis of any biophysical impediments to undertaking such activities, as well as providing recommendations for resolving or overcoming such impediments;
- 4) Identify potential impacts on other indigenous species of the Okanagan River ecosystem in Canada from the projects or

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programs in (a), (b) or (c) and, if detrimental, provide advice regarding such impacts;

- 5) Identify policy issues that impede smooth and effective functioning of the COBTWG and apply a process outlined in Annex 3 of this document to resolve such issues.

- B. The COBTWG will adhere to the structure and operational guidelines outlined in Annex 1 of this document.
- C. Implementation by the Parties of studies, projects, and programs pertaining to Canadian origin fish stocks in the Okanagan River basin will be consistent with ecosystem principles and procedures outlined in Annex 2 of this document.

On Behalf of the Parties:

Fisheries and Oceans Canada

John C. Davis

Name

Regional D.G.

Title

[Signature]

Signature

Ministry of Water, Land, and Air Protection

TED DOWN

Name

Manager, Biodiversity
Branch

Title

[Signature]

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Okanagan Nation Alliance

Pauline Terhast

Name

Executive Director

Title

[Signature]

Signature

PRINCIPLES OF OPERATION

1. The structure of the COBTWG ('working group') shall consist of up to three (3) representatives each from Fisheries and Oceans Canada (DFO), Okanagan Nation Alliance represented by the Okanagan Nation Fisheries Commission (ONFC), and the B.C. Ministry of Water, Land, and Air Protection (MoWLAP). These organizations will be referred to as the 'Parties' for purposes of these Terms of Reference.
2. Additional representation on the Working Group may occur upon agreement by all of the Parties. The Parties shall strive to ensure a balance of representation to the Working Group.
3. Each of the Parties will designate up to three individuals (or alternates) who will act as Party representatives to the COBTWG.
4. The Parties shall identify support staff as required to attend meetings of the working group. The role of support staff shall be to provide technical advice and administrative support to the working group representatives.
5. Decisions of the COBTWG as specified by the Terms of Reference (TOR) will be achieved by consensus. Where consensus cannot be achieved on any issue, the Parties will articulate the issue with a resolve to seeking solutions acceptable to the working group as a whole or refer to TOR Section A5.
6. Two thirds (2/3) of the Working Group membership, with at least 1 representative from each of the Parties, must be available for meetings dealing with issues that impact their mandate in order to constitute a quorum for conducting formal in person meetings or conference calls. Parties may request a re-visitation of a decision if representation at the meeting at which the decision was made is unfavourable to them.
7. The position of 'Chairperson' for the COBTWG shall be reviewed on an annual basis or within alternate time frames deemed acceptable to each of the Parties. The Parties shall strive to rotate the position of

chairperson wherever possible. Transfer of the role of chairperson shall have majority support of the Parties. Alternate chairs shall be appointed as required to insure effective operation of the Working Group process.

8. The Working Group shall meet in person or via telephone conference call as required to facilitate good communication and partnership between the Parties. In-person meetings or telephone conference calls may occur on a more frequent basis as identified by the Chairman on the recommendation of the Parties.
9. The COBTWG shall meet with the Bi-lateral (U.S. / Canada) Okanagan Basin Technical Working Group (BOBTWG) at least once each year. Upon agreement by the bi-lateral parties, additional meetings may be held as required.
10. Wherever possible, the Parties shall strive to contribute equally to costs associated with secretariat functions for the working group. Each party shall contribute to the functions of the secretariat to the extent possible.
11. The Parties shall maintain individual responsibility for Working Group communication requirements associated with each of their respective programs and mandates. The Working Group will support this communication function to the extent deemed practical and reasonable by the Parties. Communication initiatives undertaken by the Working Group must have support of the Parties.
12. Any Party may cease participation in the COBTWG on one (1) month notice in writing to the other Parties. Upon cessation of participation in the Working Group, the Party will not be bound by any component noted within these Terms of Reference.
13. The participation of the Okanagan Nation Alliance and Okanagan Nation Fisheries Commission in this working group is without prejudice to the Aboriginal rights of the Okanagan Nation or the Aboriginal rights of any Okanagan Band or any members thereof. Furthermore, the participation of the Okanagan Nation Alliance is without prejudice to its position that it holds aboriginal title to the whole territory within which the COBTWG operate and any claim

that the Okanagan Nation may take thereof, including a claim for fair compensation for any infringement on that title.

14. The participation of DFO and MoWLAP in this working group is without prejudice to the position of the Government of Canada and the Province of BC with respect to any aboriginal rights, including aboriginal title.
15. Nothing in this arrangement should be considered a delegation of provincial or federal government responsibility to the COBTWG.

**PRINCIPLES AND PROCEDURES GUIDING ACTIVITIES OF THE
CANADIAN OKANAGAN BASIN TECHNICAL WORKING GROUP
(COBTWG)**

1. The Canadian Okanagan Basin Technical Working Group (COBTWG) is committed to developing an ecosystem and science based fish stock and habitat restoration program to:
 - a) conserve and protect indigenous fish stocks and habitats that in the absence of active intervention are considered to be at imminent risk of loss (e.g. Okanagan River sockeye salmon, remnant wetlands, and riparian habitat);
 - b) rehabilitate and /or restore highly valued indigenous fish populations or segments thereof that have been degraded or lost such that restoration will satisfy both historic and / or new sustainable use patterns subject to the laws or agreements of the people of Canada or their representatives;
 - c) rehabilitate or restore natural aquatic and riparian habitats or segments thereof that have been degraded or lost (e.g. river meanders, oxbow lakes, natural communities of riparian flora and fauna) and;
 - d) maintain and / or re-establish within practical limits, components of natural or “normative”¹ ecosystem processes (e.g. sediment recruitment and loss, natural river flows, large woody debris recruitment, riparian zone succession) considered by best available science to be essential to the long-term persistence of the desired ecosystem configuration.
 - e) The sum of our conservation and restoration activities will not be restricted to single species resource management values and over time will reflect a balance of multi-species ecosystem concerns

¹ Coutant, Charles, 2000. Science Overview of Salmon Restoration in the Columbia.

2. The COBTWG will adopt an adaptive management framework for implementation of any project considered to involve moderate to high levels of risk or uncertainty to long-term sustainability of indigenous species within a healthy aquatic ecosystem. The adaptive management approach will include:
 - a) adoption of a 'stepwise' approach to project implementation;
 - b) a commitment to assessment and monitoring prior to, during, and after completion of the project and;
 - c) a cyclical review of incoming assessment information to support a stepwise decision making process that includes the option of project termination or reversal at any point where information clearly indicates the costs are likely to outweigh the benefits.
3. In addition to the elements noted under items 1 and 2 above, the COBTWG acknowledges support for adherence to the set of general ecosystem principles and operational guidelines adopted in May 2000 by Canada as one of the Parties to the United Nations 1992 Convention on Biodiversity²

² Anonymous. 2000. Decision V6: Ecosystem Approach pp.565-571 of the report from the fifth meeting of the Conference of the Parties held in Nairobi, Kenya, 15-26 May, 2000. Full text available at www.biodiv.org/doc/handbook

**PROCESS TO RESOLVE POLICY ISSUES IMPEDING EFFECTIVE
OPERATION AND FUNCTION OF THE CANADIAN OKANAGAN
BASIN TECHNICAL WORKING GROUP (COBTWG)**

1. The Canadian Okanagan Basin Technical Working Group (COBTWG) shall identify policy issues that impede or would facilitate the effective and smooth operation of the working group. Upon identification of a potential policy issue, the working group shall initiate the following actions:
 - a) Clearly identify and articulate the nature of the policy issue;
 - b) Determine the technical information required to support a policy decision;
 - c) Identify the appropriate policy contacts responsible for dealing with policy issues on behalf of the parties and the appropriate policy referral mechanism; and
 - d) Recommend timelines for policy response and determine follow up steps for the working group.
2. The 'Parties' shall strive to resolve policy issues in a manner that is consistent with the goals and objectives of the working group as outlined in the Terms of Reference.