

# **SHELLFISH AQUACULTURE MANAGEMENT ADVISORY COMMITTEE (AMAC) TERMS OF REFERENCE (TOR)**

## **Preamble**

This 'Terms of Reference' document dated April 25, 2022 was adopted on April 25, 2022 by committee members and replaces all previous versions.

## **Background**

The shellfish Aquaculture Management Advisory Committee (AMAC) was established by Fisheries and Oceans Canada (DFO) Pacific Region to provide advice to the Department and make recommendations related to planning, policy and operational decisions for aquaculture management in British Columbia. This process is designed to be stream-lined, representative, and cross-sectoral.

## **Purpose of Aquaculture Management Advisory Committees (AMAC)**

AMACs are the mechanism which bring together a range of interests related to aquaculture to provide coordinated analysis and advice to DFO with regard to aquaculture in British Columbia. AMACs provide a venue for discussion and dialogue, both between and among industry, First Nations, environmental non-governmental organizations, and local/provincial and federal governments. This advice will play an important role in DFO's ongoing development of the shellfish Integrated Management of Aquaculture Plans (IMAP) and management decision-making. Consistent with advisory committee processes established to support other fisheries, AMACs provide a transparent opportunity for all interested groups to better understand and participate in the planning and management cycle for aquaculture.

DFO also supports bilateral processes with First Nations and the aquaculture industry. It is envisioned that these processes will complement, inform and support work being done within the AMACs, and allow for more targeted discussions to identify and address specific issues. DFO also participates in other bilateral processes already in place in the Pacific Region with environmental non-governmental organization groups, recreational fishing advisory boards and commercial fishing industry advisory boards.

Consistent with legal obligations related to consultation and accommodation, DFO undertakes First Nations consultations outside of the AMAC process. Dealings with respect to consultation on Rights and Title as it relates to aquaculture licensing and management take place directly between DFO and local communities/Nations, outside of the aquaculture advisory processes.

## **AMAC Goal and Objectives**

The goal of the AMAC is to provide regular and ongoing advice to DFO on the management of aquaculture in British Columbia. AMACs are one tool that government uses to make decisions related to aquaculture management, and are the main venue for external stakeholders and aggregate First Nations groups to provide input into the management cycle.

AMACs serve as a vehicle to strengthen the management of aquaculture in British Columbia, through the following draft objectives:

- Set out, according to a determined planning cycle, key management issues and associated plans (set objectives, implementation, measure progress, evaluate) for the IMAP;

- Provide input and advice to DFO regarding aquaculture policies, the development of area and ecosystem-based planning processes, and general Conditions of Licence;
- Serve as a forum for collaborative dialogue and work aimed at improving Canada's management of aquaculture and performance of the industry from both an environmental and economic standpoint; and;
- Provide general advice to DFO on the overall management of aquaculture, which reflects a variety of perspectives from key groups.

## **Guiding Principles**

In general, DFO advisory processes operate according to an accepted set of principles, designed to guide participation of the parties in the advisory committee process. Drawing on many decades of experience, and with reference to other policies and processes, DFO provides the following principles to guide discussion and decisions on how AMACs are structured and will operate:

- Environmental and Social Sustainability
  - Participants will work to increase their individual and collective knowledge about the aquaculture industry and its possible impacts on the environment. The committee members will provide input to the process which seeks to ensure sustainable aquatic ecosystems, while recognizing that the activity of aquaculture and the success of the industry economically is broadly beneficial to the people of Canada.
- Respect for Process:
  - All participants will respect the terms of reference established for the role and conduct of advisory structures in general and this advisory committee in particular. The AMAC is not intended to duplicate or interfere with any other consultation process within DFO. The department should refer stakeholders and other outside parties who offer unsolicited recommendations and advice outside of the established process to the appropriate advisory body contact. DFO will inform the AMAC of any unsolicited advice it receives.
- Transparent:
  - There should be transparency throughout the process based on open lines of communication and the provision of timely, accurate, accessible, clear and objective information by both the department and participants. This information will be available to all participants in the process on an equal basis. Organizers will provide access to agendas and information needed as a starting point for an informed discussion well in advance of the meetings. In addition, this information and meeting summary notes will be made available to the public to ensure accountability to all Canadians.
- Accountable:
  - Participants who are representatives of a constituency are expected to bring to the discussions the general views, knowledge and experience of those they represent, and bring back an awareness and understanding to their constituencies about deliberations of the consultation activity and reasons for decisions taken. All participants share accountability for explaining how their input/advice was used and why and how decisions are taken.
- Broad Representation:
  - Representation on the advisory committee should relate to the mandate and function of the committee. Participation in advisory committees should reflect a broad range of

interests in aquaculture issues in Pacific Region, so that to the extent possible, a diversity of perspectives are engaged.

- Respectful participation:
  - Participation in the advisory committee process involves responsibilities. Members participate in good faith. Members of the advisory committee will establish an operating environment that promotes and supports civil and productive discussions.
- Effective:
  - All participants should be satisfied that the process can achieve the objectives of the committee. The process will not force consensus, but will seek consensus where possible through the collaboration of participants. This does not mean that participants will always agree with the final advice, outcome, or recommendation. Where there is disagreement, or conflicting opinion with respect to the work of the committee, these variations in opinion will be captured in the meeting notes. The process must be cost-effective, and set out and respect realistic timeframes.

### **Management Cycle**

The timing of the management cycle for IMAP will relate to the timeframe for required decision-making. Issues include the frequency of required science and policy reviews, and the length of aquaculture licences and related need for review of conditions of licence. AMAC meetings are expected to take place in the spring and fall of each year.

### **Committee Composition**

DFO's objective is that AMACs will be moderate in size, and comprised of a range of interests that would work together within the committee structure to advise DFO on matters related to aquaculture. Groups with interests peripheral to aquaculture, who have established linkages to DFO through other established processes, may link to the AMACs through a designated DFO aquaculture staff liaison. Non-members may also be invited to participate in specific meetings of the AMAC, either as observers or guests.

### **Membership and Participation**

Aquaculture industry	7 seats
First Nations	7 seats
Environmental Organizations	3 seats
Aquaculture Associations	1-2 seats
<u>Local Government</u>	<u>2 seats</u>
TOTAL:	20-21 seats

The Government of Canada and the Government of British Columbia will participate in the process of the committee, providing ex-officio representatives as required, but will not have appointed seats on the committee, which is expected to provide advice and recommendations to government. The DFO Director, Aquaculture Management, will act as Chair for AMAC while the Secretariat role will be provided by the DFO Aquaculture Engagement Coordinator.

In addition to the regular participants, ex-officio representatives or committee members may wish to invite guests or observers to participate in the process. This may include other

government departments with jurisdictions related to aquaculture, or other interest groups without seats on the Committee.

Meetings of the AMAC will be open to general observers, but only appointed members, invited guests, and governmental staff will be able to actively participate in meetings.

The AMAC will link with other processes, for example those where DFO works directly with industry or First Nations. These processes will continue to be part of the ongoing dialogue between DFO, and various partners related to aquaculture and may help limit the need for extensive representation on the advisory committee. Items that are shared in these processes may be shared at the AMAC.

## **Alternates**

Each of the participating organizations can identify alternate members for each sitting AMAC member, or for a group of members. Only these alternates will replace members, should they be unable to attend a meeting.

## **Committee Appointments**

### **Selection of Committee Members**

The following selection method will be used to appoint members to the AMAC process:

- An organization approaches DFO with a nomination for membership;
- DFO assesses a nomination against the selection requirements for a given nomination category (described below);
- DFO selects and appoints the most suitable or qualified nominees presented during the nomination cycle;
- If a member resigns as a member, loses the support of their nominating organization, or is absent for at least two consecutive meetings, DFO may initiate a new selection process.

### **Selection Requirements**

#### **Aquaculture industry**

Appointees from the aquaculture industry shall represent an active shellfish aquaculture operation, with an active DFO shellfish aquaculture licence. DFO will aim to appoint representatives from a diversity of shellfish operations and locations. Nominees shall be valid licence holders, or their authorized representative as recorded in the National Online Licensing System.

#### **First Nations**

Appointees representing First Nations shall be from Coastal British Columbia First Nations communities; or First Nation-owned or operated shellfish aquaculture facilities with an active DFO shellfish aquaculture licence. DFO will aim to appoint representatives from a diversity of locations.

#### **Environmental Organizations**

Appointees from environmental organizations will represent coast-wide or regional environmental groups.

### Aquaculture Associations

Appointees from aquaculture organizations will be representatives from the BC Shellfish Growers' Association, the Aboriginal Aquaculture Association and other organizations representing shellfish aquaculture industry interests.

### Regional Districts

Regional district representatives will be named by the Union of BC Municipalities, who take one recommendation from each of the Association of Vancouver Island and Coastal Communities and the North Coast Local Government Association.

### **Term of Members**

Each member or alternate will serve at the pleasure of the nominating host organization. The normal duration of an appointment will be three years, but if a member resigns or loses the support of their nominating organization a term may be shorter than three years. Decisions of this nature should take place through discussions between the nominating organization and DFO. DFO will remind committee members of their term end date approximately six (6) months in advance.

### Prolonged Absence

Committee member attendance is recorded for each meeting. If a member of the committee (or their designated alternate) misses two consecutive regular meetings, the member is deemed to have vacated the seat on the committee unless the member has been excused and this is entered in the minutes. A member wishing to be excused, should contact DFO AMAC Secretariat one month in advance of the meeting for consideration. A report summarizing attendance of all current committee members at AMAC meetings held during the previous calendar year is available to the Committee upon request.

### **Ad Hoc Working Groups/ Subcommittees**

The AMAC may convene ad-hoc working groups or subcommittees comprised of members, alternates, and other persons whose perspectives it may determine are required. In all circumstances where the AMAC agrees that a working group or subcommittee is to be instituted, the Committee will develop a written implementation plan, including a timeline for the working group that details the task to be undertaken and the reporting requirement. All working groups or subcommittees must appoint one active member to act as lead and report out to AMAC members as required.

### **Selection of a Facilitator**

The AMAC will be facilitated by a person that has the capacity and skills to manage the process. This person will not be required to fill another function related to the committee simultaneously and will not participate in content discussions. The facilitator may be a DFO representative, a member of the AMAC, or an independent individual. DFO will engage the members of the committee in process of selecting the facilitator.

## **Roles and Responsibilities**

### **In terms of the functioning of the Committee, the AMAC will:**

- I. Conduct meetings consistent with its Terms of Reference;
- II. Establish an annual meeting plan consisting of a schedule of meetings and anticipated agenda items;
- III. Develop feedback (advice and/or recommendations) relating to the management framework for aquaculture in British Columbia, including the development of the shellfish Integrated Management of Aquaculture Plan (IMAP), taking into account departmental priorities, the views of the interests represented on the committee, and supporting data and documentation where possible;
- IV. Provide advice to DFO;
- V. Fully explore all matters on its agenda in a manner that seeks to understand the interests of all concerned. The committee will seek, but not force consensus, and if it becomes apparent to the facilitator that further dialogue on a specific issue is not productive, the varying opinions of committee members will be recorded, and discussion will move forward;
- VI. Review and provide feedback on records of meetings within a limited time frame and accept those records of meetings before the records are made publicly available; and;
- VII. Review its Terms of Reference and engage in an evaluation at the completion of every two years.

### **AMAC Members will:**

- I. Clearly articulate the interest and concerns of their interest group and incorporate them into the committee's discussions;
- II. Contribute to clarifying perspectives and concerns in all discussions by listening carefully, asking pertinent questions, and educating themselves regarding the interests of other members whether or not they are in agreement with them;
- III. Encourage and allow members to test tentative ideas and exploratory suggestions without prejudice to future discussions;
- IV. Keep their constituencies informed of the role of the advisory committee;
- V. Obtain the input and guidance of their constituencies on the issues of discussion at meetings;
- VI. Encourage the engagement of their constituencies in dialogue which will contribute to the discussions at the committee table;
- VII. Represent information, views and outcomes of committee discussions accurately and appropriately, and;
- VIII. Share responsibility for the success of the committee.

### **DFO will:**

- I. Act as meeting Chair (Director, Aquaculture Management) and be responsible for meeting outcomes and work products;
- II. Respect the process by referring stakeholders and other outside parties who offer unsolicited advice outside of the process to the appropriate advisory committee contact;
- III. Respect the process by directing any unsolicited advice to the appropriate committee members;
- IV. Respect the process by informing the committee of any unsolicited advice it receives;

- V. Provide logistical support for scheduling, preparing agendas, securing facilities, copying materials, managing discussions, and drafting summary minutes of the advisory committee meetings;
- VI. Present information to the committee that enables it to engage in informed discussions on issues for which DFO is currently seeking advice, or that the advisory committee has included on its agenda;
- VII. Identify when issues are impacting upon DFO's legislative, policy, or program mandates;
- VIII. Communicate the outcomes of the advisory committee deliberations, including both common positions, and diverging perspectives, to other staff, other programs, and senior managers as appropriate; and;
- IX. Provide updates on how the department responds to the advice received during advisory committee meetings in a timely, open, and transparent manner that outlined the rationale for the department's response.

**The Province of BC will:**

- I. Respect the process by referring stakeholders and other outside parties who offer recommendations and advice outside of the established process to the appropriate advisory body contact;
- II. Identify when issues are impacting on the province's legislative, policy or program mandates;
- III. Communicate the outcomes of the advisory committee deliberations throughout the provincial ministries; and;
- IV. Respond to questions and requests for information arising from the deliberations of the advisory committee in a timely manner.

**The process facilitator will:**

- I. Be responsible for the process and flow of meetings.
- II. Manage the process consistent with the Terms of Reference and agreed upon agenda; promote interactive dialogue, and enable all perspectives to be heard within the constraints of the time available;
- III. Support bringing issues to closure by ensuring that there is clarity on the topics being discussed, a summation of the advice and recommendations of the committee, and acknowledgement of any outstanding issues or concerns;
- IV. Identify areas where there are conflicts and support processes through which those conflicts can be addressed; and;
- V. Prior to the conclusion of every meeting, engage the members in the identification of agenda items and scheduling for the next meeting of the committee.