



REGIONAL DISTRICT OF CENTRAL KOOTENAY
KOOTENAY LAKE LOCAL
CONSERVATION FUND

Terms of Reference

November 2015

Amended: February 1, 2017

Amended: January 17, 2019

Amended: June 17, 2021

Approved by the RDCK Board of Directors on
January 17, 2019

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1. BACKGROUND

In November 2015, electors from Regional District of Central Kootenay (“RDCK”) Electoral Areas A, D and E, (collectively referred to as “the participating areas”) voted to establish the Kootenay Lake Local Conservation Fund (“the Fund”). The Service Establishment Bylaw was subsequently adopted by the RDCK Board of Directors. Under this Bylaw, from 2015 to 2024, property owners in the participating areas will pay a parcel tax of \$15 per parcel per year towards a dedicated fund for conservation projects in the service area.

2. FUND PURPOSE

Natural lands in both rural and urban areas filter our water, supply open spaces for wildlife and people, and provide quality of life to communities. Unfortunately, these systems are under stress. The current generation must take action now to ensure a healthy physical environment for future generations.

The purpose of the Fund is to provide local financial support for relevant projects that will contribute to the conservation of our valuable natural areas; one step towards restoring and preserving a healthy environment. The intent is to provide funding for conservation projects that are not the existing responsibility of the federal, provincial or local governments with a focus on integrating the variety of projects into a cohesive approach that will have greater impact.

3. FUND ADMINISTRATION

3.1 RDCK Responsibility

The RDCK is responsible for maintaining the integrity of the Fund and retains the responsibility for final approval of all matters related thereto. The RDCK will be responsible for final approval of all projects, grant payments, and financial audits of the Fund. The RDCK will engage a Consultant to assist with direct administration of the Fund as described below and will appoint a Technical Review Committee based on the recommendation of the Consultant. The RDCK will engage the Kootenay Conservation Program (KCP) to fulfill the role of Consultant for an initial four-year term.

3.2 Consultant Responsibility

Under formal written agreement, the Consultant will be responsible for all aspects of Fund management, other than the direct financial management. This management includes drafting the Fund design documents, preparing and advertising the call for proposals, responding to enquiries, vetting Technical Review Committee applicants, technical review of applications and projects, project evaluation and overall program evaluation. As noted in Section 3.1, the RDCK will be the final approving authority for all documents relating to the Fund.

4. CONSERVATION THEMES AND GOALS

4.1 Themes

The themes for the Fund are aquatic systems, water conservation, wildlife and habitat conservation. These themes are based on polling done by the Kootenay Conservation Program (KCP) in 2013 and 2014 to identify what people value in the Central Kootenay region.

4.2 Targets

Projects that can demonstrate a reduction of a known threat to a biodiversity target will be given priority (see Appendix 1 for a list of ineligible projects). The focus is on private land, but projects on both Crown and private land will be considered. Conservation priorities for the KLLCF are outlined in the KLLCF Guidance Document¹. This fund supports an ecosystem-based approach to conservation (an environmental management approach that recognizes the full array of interactions within an ecosystem, including humans, rather than considering single issues, species, or ecosystem services in isolation). The biodiversity targets are:

- Connectivity habitat
- Hydro-riparian systems (Large, Medium, Small)
- Wetlands
- Fish habitat
- Old-growth Moist Interior Cedar-Hemlock forests (ICHmw)
- Dry Interior Cedar Hemlock forests (ICHxw and ICHdw)
- Cottonwood-dominated floodplain
- Brushlands/grasslands
- Shrub and herb-dominated floodplain
- Species at Risk
- Karst (Hot and cold springs)

4.3 Classification Scheme

The aim is to “think globally; act locally.” The framework for Technical Review (see Appendix 2) will be based on the International Union for the Conservation of Nature (IUCN) classification of direct threats. The value of this classification scheme is to provide nomenclature for practitioners world-wide to describe the common problems they are facing and solutions they are using in a mutually intelligible way. The issues outlined below are those that currently have the highest relevance to the area around Kootenay Lake in the Central Kootenay Region. This is only a partial list and other IUCN threats will be considered in evaluating proposals:

(a) Residential and Commercial Development

Development activity continues to lead to conversion and fragmentation of habitats, loss of productive timber and agricultural lands, and greater demands on water.

(b) Climate Change

Climate change will have a dramatic influence on Kootenay ecosystems over the next 20 years. Higher summer and winter temperatures, declining mountain snowpack,

¹ Amec Foster Wheeler and Pandion Ecological Research. 2018. *Kootenay Lake Local Conservation Fund Guidance Document*. Report prepared for Regional District of Central Kootenay, Nelson, BC. 15 May 2018. 63 pp + 43App. AFW Report No. VE52678-2017.

reduced snowfall, long dry summers, and sudden heavy rains are just some of the changes we are already observing. These changes will have a dramatic impact on fire regimes, geo-hazards and flooding, river flow, water availability, plant distribution, and wildlife populations.

(c) Terrestrial and Aquatic Invasive Species

When natural areas are disturbed there is often an opportunity for invasive species to flourish. Invasive species, both terrestrial and aquatic, can disrupt natural ecological processes as there are often no natural agents present to keep these species in check. Invasive species can affect fish and wildlife habitat, food security, and timberland. The loss of native vegetation can result in soil degradation and thus negatively impact water quality as invasive plants frequently do not have deep roots to bind soil.

(d) Natural System Modifications (Dams and Water Management and Use)

When natural systems are modified and flow regimes are altered, the ecological degradation and loss of biological diversity can be widespread. Alterations for water supply, flood control, agriculture, and power generation all result in ecological impacts. Current management approaches often fail to recognize the fundamental scientific principle that the integrity of flowing water systems depends largely on their natural dynamic character.

(e) Transportation and Service Corridors

Wildlife mortality and habitat fragmentation are direct consequences of road and rail corridors. These corridors are concentrated in valley bottoms and traffic volumes are increasing over time thereby increasing the risk. Habitat quality for aquatic species can also be degraded by transportation corridors.

(f) Human Intrusions and Disturbance (Recreational Activity)

Recreational activity, particularly increasing off-road activity, can lead to a range of impacts including soil compaction, erosion, spread of invasive plants, and disturbance to wildlife.

5. GUIDING PRINCIPLES

To best support the most effective projects, the guiding principles of the *Conservation Framework for British Columbia* will be followed:

- **Acting sooner** – before species and ecosystems are at risk.
- **Acting smarter** – priority setting is science-based; the results move us from reactive conservation to prevention using appropriate management actions.
- **Acting together** – coordinated and inclusive action.
- **Investing more wisely** – align conservation investments, priorities, and actions among conservation partners and stakeholders.

The following guiding principles will also be used:

- Projects that fall into the **existing responsibilities of federal, provincial or local governments will not be eligible** for funding.

- Projects with **multiple funding partners** will be given preference.
- The review process will be as **simple** as possible, particularly with the recognition that a relatively small Fund is being administered.
- Projects will be ranked on **technical soundness, technical effectiveness, priority of conservation action, and value for money**.
- Projects will initially be ranked based on technical merit, regardless of where they occur within the Fund Service Area. Subsequently, regional equity may be considered in decision-making
- Only **highly ranked projects** will be funded. If there are not enough high quality projects in any given year, funds will be carried forward to future years.
- **Changes to program design** will be considered as more is learned about the needs of the areas, provided always that the goals of the Fund are still met.

6. TIME LINES

6.1 General Projects

- Call for proposals – October
- Technical review completed – November/December
- RDCK review completed – January
- RDCK Board of Directors final approval – February
- Successful applicants notified – March
- Contribution Agreements between the RDCK and applicants are finalized – March/April

6.2 Land Securement Projects

Land acquisition or covenant proposals may be submitted at any time during the year provided there is sufficient time for the Technical Review Committee and RDCK to review the proposals. All securement proposals will be treated as confidential unless other specific arrangements have been approved by all parties.

7. GOVERNANCE

The governance model is based on three guiding principles:

1. This is a tax-based Fund; therefore, in the decision-making process, taxpayers will be represented through their elected officials.
2. The Fund was created to provide a conservation service. Technical merit is of utmost importance to determine which projects are supported.
3. There is a relatively small amount of annual funding available and it is important to design a simple, cost effective decision-making structure.

The governance model may be modified as necessary to accommodate the goals of the Fund. A two-tiered process will be employed, with a Technical Review Committee (see Appendix 2) making recommendations to the RDCK.

The Technical Review Committee will be selected based on nominations submitted to the Consultant or in response to an open call to fill a vacancy. Five committee members will be selected

with a maximum term of three years. Some members will be asked to serve for only one or two year terms to ensure membership continuity in each year. Once selected and recommended to the RDCK, the RDCK Board will officially appoint them to the Technical Review Committee based on qualification criteria found in Appendix 2. Given the small geographic area and high level of engagement in conservation projects, it may be difficult to find Technical Review Committee members who will not, at some point, have a conflict of interest by virtue of the fact that they may also be interested in submitting proposals, or working on successful projects. In such cases, the Conflict of Interest Guidelines (see Appendix 4) will be followed.

The RDCK will be responsible for reviewing the recommendations of the Technical Review Committee and for granting final approval. The RDCK will determine if the project meets the eligibility criteria of not being an existing responsibility of any level of government. The RDCK Directors representing the participating areas will, at their discretion, have the opportunity to review the proposals with the Electoral Area Advisory Commissions. Final approval of projects will be granted at a regular meeting of the RDCK Board of Directors. Only the Directors representing the participating areas will be entitled to vote on the projects using the weighted vote system. In the case of acquisition proposals, the RDCK may be required to maintain confidentiality in which case, proposal review and approval will take place at a closed meeting of the Board.

8. FUND DESIGN

- (1) A call for project proposals will be issued annually (September/October) and will be advertised based on criteria set by the Consultant and approved by the RDCK Chief Administrative Officer or her designate.
- (2) Funds will be dispersed annually, based on responses to calls for proposals. Any funds not dispersed can be carried forward to the next fiscal year.
- (3) Projects must be in the Fund Service Area.
- (4) Multi-year projects are acceptable to a maximum of three years. Such projects will receive annual funding approval, and will be subject to annual review by the Technical Review Committee to ensure they are on track.
- (5) Projects should address IUCN threats to biodiversity targets and priority KLLCF Conservation Actions and fall into at least one theme area (see Section 4).
- (6) Proponents must be non-profit, have registered society status or must partner with an organization that has registered society status.
- (7) Project evaluation by the Technical Review Committee includes consideration of conservation value for money.
- (8) Proposals should reflect relationship to the RDCK Official Community Plans.
- (9) Proponents must be prepared to make a 10-minute presentation on the outcomes of their work on an annual basis, in addition to submitting written interim and final reports.
- (10) Proponents will receive 80% of the grant upon signing a contribution agreement and 20% upon completion of the approved final report.
- (11) For minor changes to projects, or where the RDCK has awarded less than the proposed amount under the recommendation of the Technical Review Committee, the Consultant has authority to allow proponents to change aspects of their work plan. For substantive changes to the workplan, proponents must receive the support of the Technical Review

Committee. For a major change in the goals of the project, approval must be given by the RDCK.

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APPENDIX 1 INELIGIBLE ACTIVITIES

The following types of projects will not be considered for funding:

- (a) Existing federal, provincial or local government responsibilities;
- (b) Capacity building or operating expenses for organizations;
- (c) Projects with recreational benefits only;
- (d) Community infrastructure services;
- (e) Lobbying or advocacy initiatives;
- (f) Wildlife feeding programs;
- (g) Non-applied research (research not related to a conservation action goal);
- (h) Training costs for contractors;
- (i) Enforcement activities;
- (j) Fish rearing, farming, stocking or hatchery projects;
- (k) *Rehabilitation, captive breeding or control of wildlife species;
- (l) *Mapping only projects;
- (m) *Inventory only projects;
- (n) *Planning only projects;
- (o) Education only projects;
- (p) Fishing and hunting tour or curriculum guides;
- (q) Information projects on regulations or stocking;
- (r) Conferences;
- (s) Production or sponsorship of commercial programs;
- (t) *Interpretive services;
- (u) *Creation or management of electronic databases, websites or file systems.

*These activities will be considered if they are part of an eligible project that will lead to 'on-the-ground' implementation or if they provide knowledge which is vital to achieving the overall objectives of the Fund.

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APPENDIX 2 TECHNICAL REVIEW COMMITTEE

1. PURPOSE

The purpose of the Technical Review Committee (“the Committee”) is to ensure that:

- (a) All proposals to the Fund receive a sound technical review based on a fair assessment of proposal merit and project effectiveness;
- (b) There is a high level of accountability in the review process; and
- (c) Recommended lists of technically appropriate proposals are provided to the RDCK.

2. COMPOSITION

The Committee will be comprised of five members with at least one member having expertise in each theme area of water conservation, climate change, forestry and fish and wildlife conservation. To ensure consistency and continuity, some members may be asked to serve on the Committee in consecutive years.

3. PROPOSAL RANKING GUIDELINES

- (a) Each proposal will be independently reviewed by each Committee member and be rated on what is submitted by the proponent.
- (b) The Committee will only review proposals on their technical merit and effectiveness.
- (c) Experts in fields related to the activities within proposals may be consulted as necessary.
- (d) Each proposal will be discussed collectively and Committee members will have an opportunity to change their scores based on input from other members.
- (e) Scores from each Committee member will be used to determine the final evaluation score for the proposal. The proposals will be ranked from highest to lowest score.
- (f) New funding proposals will be rated on whether they are meeting the Fund criteria and if the project should be considered for funding. For continuing projects, ratings will be based on whether the project should be continued.
- (g) The RDCK acknowledges information in reports produced through this fund will become part of the public scientific database and the information will be used in a professional and respectful manner as opposed to supporting a specific lobbying effort. The Technical Review Committee will make an assessment of each application and where concerns around lobbying are raised they will not recommend the project for funding; AND FURTHER, that staff prepare a letter to the Kootenay Conservation Program outlining the RDCK's explanation that the amendment (addition) to the Terms of Reference is noted within the individual contracts for projects.
- (h) The Committee chair will sign the ranked list and the Committee's comments will then be forwarded to the RDCK by the Consultant in a summary report.
- (i) The Consultant will participate in the technical review process, but will not rank proposals; will provide additional file information as requested by the Committee members before and at

review meetings; and will be available to answer questions from the RDCK on behalf of the Committee.

4. TECHNICAL EVALUATION CRITERIA

4.1 New Projects

(a) Feasibility (i.e., is the project doable – Yes or No)

- Is the overall proposal well written?
- Are the objectives clearly defined?
- Are the techniques and methods proposed the most appropriate ones to address the threat?
- Does the proponent clearly understand the challenges they may face in completing the project?
- Has the proponent demonstrated that the project will be able to overcome these challenges?
- Are the proposed timelines reasonable?
- Do the proponents have the capacity to deliver the project?
- If applicable, are plans in place to get required permits or authorizations?
- Have any possible negative implications or effects on other targets been identified and minimized?

Based on the answers to the above questions, rank the feasibility of the project from 0-10 with 10 being the highest ranking.

(b) Cost Effectiveness (Yes or No)

- Is there value for the funding being requested?
- Are the benefits as described in the proposal in line with the cost of the project?
- Are the project budget and in-kind rates realistic?

Based on the answers to the above questions, rank the cost effectiveness of the project from 0-5 with 5 being the highest ranking.

(c) Outside Participation / Cost Sharing (Yes or No)

- Do the proposed activities involve other agencies and organizations?
- Does the project leverage funds from other sources?

Based on the answers to the above questions, rank the leverage potential of the project from 0-5 with 5 being the highest ranking.

(d) Project Effectiveness (i.e., is the project worth doing?)

- Is there a clearly demonstrated ability for the results of this project to reduce an identified threat (IUCN) to a biodiversity target and address a KLLCF Guidance Document priority action?
- Is the project outside of the realm of regular government responsibilities?

- Is the project rationale science-based and do the results move us from reactive conservation to prevention using appropriate management actions?
- Does the project build on conservation measures from relevant official community plans?
- Does the project align conservation investments, priorities, and actions among conservation partners and stakeholders?
- Is there an evaluation of project benefit or other measurables or indicators identified in the proposal?
- Is there a clearly described extension component of the project (e.g., communicating results to the community, resource managers, workshops, reports, presentations, etc.)?

Based on the answers to the above questions, rank the effectiveness of the project from 0-20 with 20 being the highest ranking.

(e) KLLCF Guidance Document Priority

- Does this project address one of the priority conservation actions as outlined in the KLLCF Guidance Document (Table 5: Conservation Actions Summary).

Based on the Conservation Action and Habitat Target, allocate points from 0 to 10 (based on Table 5) with 10 being the highest ranking.

(f) Other Comments

- Are there any other technical concerns?
- Are there any technical conditions to funding?
- Are there any other general comments from reviewers?

4.2 Continuing Projects

Each Committee member answers Yes or No to the following criteria and on whether the project should continue to be funded. Continuing projects have undergone an extensive review to receive original approval; therefore, no evaluation score is needed.

(a) Progress to Date

- Has there been satisfactory progress to date in terms of the project's scheduled activities?
- Does the proposal build on past accomplishments?
- If difficulties arose in the previous or current year, will they affect proposal activities?
- Should the proposal be modified to address any problems arising from the previous year?
- Are any budget changes justified?

(b) Overall Evaluation

- Should the project continue to be funded?

- Are there any conditions to continued funding?

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APPENDIX 3 TECHNICAL REVIEW COMMITTEE CONFLICT OF INTEREST GUIDELINES

1. GENERAL GUIDELINES

- (a) Technical Review Committee (“Committee”) members will act at all times with due diligence, honesty, and in good faith, for the public interest.
- (b) The conduct and language of Committee members will be free from any discrimination or harassment prohibited by the *Human Rights Code of Canada*.
- (c) The conduct of Committee members will reflect social standards of courtesy, respect, and dignity.

2. CONFIDENTIAL INFORMATION

- (a) Committee members will not reveal or divulge confidential information (defined as that which cannot be obtained from other sources) received in the course of Committee duties.
- (b) Confidential information must not be used for any purposes outside that of undertaking the work of the Committee.

3. DUTY TO INFORM

- (a) Committee members will inform the Consultant of any circumstances, be that an actual conflict of interest or an appearance of conflict, which may have a negative or harmful effect on their ability to perform the duties required of the appointment or the reputation of the Committee. The member will advise all other members and staff, in writing (email accepted), well in advance of Committee meeting: (a) that there is a potential conflict; (b) the nature and scope of the conflict; and (c) the specific project to which the conflict may apply.
- (b) For some proposals, Committee members may have a direct involvement in the project. In this case, the Committee member will be asked to leave the meeting during the discussion of such proposals.

4. STATEMENT OF INTENT

- (a) Participation in Committee work should not result in any personal or private financial or other substantive gain. Private gain does not include honoraria for Committee work.
- (b) Members of the Committee will avoid any conflict of interest that may impair or impugn the independence, integrity or impartiality of the Kootenay Lake Local Conservation Fund, the Regional District of Central Kootenay or the Consultant.
- (c) There shall be no apprehension of bias based on what a reasonably knowledgeable and informed observer might perceive of the actions of the Committee or the actions of an individual member of the Committee.

5. PRACTICAL CONSIDERATION IN DETERMINING CONFLICT

- (a) Activities undertaken as a citizen must be kept separate and distinct from any responsibilities held as a member of the Committee.
- (b) Activities undertaken as a Committee member must be kept separate and distinct from other activities as a citizen.
- (c) Other memberships, directorships, voluntary or paid positions, or affiliations remain distinct from work undertaken in the course of Committee work.
- (d) Committee members will not assist anyone in their dealings with the Committee if this may result in advantageous treatment or the perception of advantageous treatment by a reasonably knowledgeable and informed observer.
- (e) Actions taken in the course of Committee duties can neither cause nor suggest to a reasonably knowledgeable and informed observer that members' ability to exercise those duties has or could be affected by private gain or interest.
- (f) All personal financial interests, assets, and holdings must be kept distinct from and independent of any decision, information or other matter that may be heard by or acted upon by the Committee.
- (g) Personal employment shall not be dependent on any decision, information or other matter that may be heard by or acted upon by the Committee. If such a situation arises, Committee members must disclose to the Committee and the Consultant, any involvement in a proposal or issue before the proposal or issue is discussed by the Committee. Members will be excused from discussion of the project at the discretion of the Committee.
- (h) The Committee will determine whether or not a Committee member can submit a project proposal or assist a proponent in the preparation and submission of a proposal that does not result in financial or other direct or indirect gain to the member.

DECLARATION

I hereby acknowledge that I have read and considered the conflict of interest guidelines for Technical Review Committee member of the Kootenay Lake Local Conservation Fund and agree to conduct myself in accordance with these guidelines.

Name of Committee Member (print): _____

Signature of Committee Member: _____

Date Signed: _____