



In partnership with



**COLUMBIA VALLEY LOCAL
CONSERVATION FUND**

TERMS OF REFERENCE

Approved by the RDEK Board of Directors on July 3, 2009
Amended August 6, 2010

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1. BACKGROUND

On November 15, 2008, electors from Regional District of East Kootenay (“RDEK”) Electoral Areas F and G, the District of Invermere, the Village of Radium Hot Springs and the Village of Canal Flats (collectively referred to as “the participating areas”) voted to establish the Columbia Valley Local Conservation Fund (“the Fund”). The Service Establishment Bylaw was subsequently adopted by the RDEK Board of Directors. Under this Bylaw, from 2009 to 2018, property owners in the participating areas will pay a parcel tax of about \$20 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 important 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.

3. FUND ADMINISTRATION

3.1 RDEK Responsibility

The RDEK is responsible for maintaining the integrity of the Fund and retains the responsibility for final approval of all matters related thereto. The RDEK will be responsible for final approval of all projects, grant payments, and financial audits of the Fund.

3.2 EKCP Responsibility

The East Kootenay Conservation Program (“EKCP”) is a partnership of 49 conservation, industry, and government organizations dedicated to conserving natural areas for Kootenay communities. Under a formal, written agreement, EKCP will be responsible for all aspects of Fund management, other than the direct financial administration. This will include drafting and revising the Fund design documents, advertising calls for proposals, responding to enquiries, technical review of applications and projects, project evaluation, and overall program evaluation. As noted in Section 3.1, the RDEK will hold the final approving authority for all documents related to the Fund.

4. CONSERVATION THEMES AND GOALS

4.1 Themes

The themes for the Fund are water conservation, wildlife and habitat conservation, and open space conservation. These themes are based on polling done by EKCP in 2006 to identify what people value in the East 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 crown land will also be considered. The biodiversity targets are those identified through the Canadian Rockies Natural Area Conservation Plan and include:

- large hydro-riparian systems (Columbia River)
- small to medium hydro-riparian systems
- grasslands
- dry, open mature to old forest
- moist, closed mature to old forest
- carnivore and ungulate connectivity
- upland marshes and shallow open water
- hot and cold springs
- upland hardwood forest

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 Columbia Valley:

(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, reduced snowfall, long dry summers, and sudden heavy rains are just some of the changes we are already observing (*Columbia Basin Trust 2006*). These changes will have a dramatic impact on

fire regimes, river flow, water availability, plant distribution, and wildlife populations.

(c) Invasive and Other Problematic Species

When natural areas are disturbed there is often an opportunity for invasive species to flourish. Invasive species, both plant and animal, can disrupt natural ecological processes as there are often no natural agents present to keep these species in check. Invasive species can affect wildlife habitat, food security, and timberland. The loss of native grasslands 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 Systems Modifications (Fire and Fire Suppression)

The ponderosa pine and interior douglas fir ecological zones are fire-maintained ecosystems. Fire control over the past century has resulted in dramatic changes to these systems, including forest encroachment onto grasslands and in-growth into open forests. These changes have had adverse impacts on wildlife, agriculture, and commercial timber values, and have heightened the risk of catastrophic wildfire.

(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.
- 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, and value for money**.
- **Regional equity will not be considered** in decision making. Projects will be ranked based on technical merit, regardless of where they occur within the Fund Service Area.
- 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 – September
- Technical review completed – November
- RDEK review completed – January
- RDEK Board of Directors final approval – February
- Successful applicants notified – February/March
- Documents finalized with successful proponents – 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 RDEK to review the proposals. All securement proposals will be treated as confidential unless other specific arrangements have been approved by all parties.

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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 RDEK.

The Technical Review Committee will be selected based on nominations submitted to the EKCP. 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. Selection will be made by the EKCP Program Manager, EKCP Chair, and EKCP Vice Chair based on qualification criteria as documented 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 RDEK will be responsible for reviewing the recommendations of the Technical Review Committee and for granting final approval. The RDEK will determine if the project meets the eligibility criteria of not being an existing responsibility of any level of government. The RDEK Directors representing the participating areas will, at their discretion, have the opportunity to review the proposals with the Electoral Area Advisory Commissions or Municipal Councils. Final approval of projects will be granted at a regular meeting of the RDEK 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 RDEK 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) and will be advertised based on criteria set by EKCP and approved by the RDEK Chief Administrative Officer or her designate.
- (2) Funds will be dispersed annually, based on responses to calls for proposals.
- (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 to ensure they are on track.
- (5) Projects must address IUCN threats to biodiversity targets and fall into at least one theme area (see Section 4).
- (6) Proponents must be a registered non-profit organization, local government, or First Nations Band. Unqualified groups or organizations may partner with a qualified organization.
- (7) Project evaluation by the Technical Review Committee includes consideration of conservation value for money.
- (8) Proposals should reflect relationship to the RDEK Regional Growth Strategy and 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 a written report.
- (10) Proponents will receive 50% of the grant upon signing a contribution agreement and 50% upon completion of the approved final report. Subject to RDEK approval, this requirement may be varied for organizations without the capacity to carry 50% of the cost.
- (11) For projects under \$5,000, the EKCP Program Manager will be given authority to allow proponents to change aspects of their work plan. For projects of \$5,000 to \$10,000, proponents must receive the support of the Technical Review Committee for any substantive changes to their work plan. For projects over \$10,000, approval for work plan changes must be given by the RDEK.

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9. REFERENCES

Columbia Basin Trust. 2006. *Climate Change in the Canadian Columbia Basin: Starting the Dialogue.*

Nature Conservancy of Canada. In Prep. *Kootenay Rockies Natural Area Conservation Plan.*

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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.

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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 RDEK.

2. COMPOSITION

The Committee will be comprised of five members with at least one member having expertise in each theme area of water conservation, wildlife and habitat conservation, and open space 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 review proposals on their technical merit and effectiveness only.
- (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 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 Committee chair will sign the ranked list and the Committee’s comments will then be forwarded to the RDEK.
- (h) The EKCP Program Manager 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 RDEK 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 (NACP)?
- 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 or regional growth strategies?
- 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) 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 EKCP Program Manager 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 Columbia Valley Local Conservation Fund, the Regional District of East Kootenay or the East Kootenay Conservation Program.
- (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 EKCP Program Manager, 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.