

Ministerial Advisory Committee
Lands and Forestry
Terms of Reference
March 2020

Background

In August 2017, the Department of Lands and Forestry (the Department) commissioned an independent review of forest practices in Nova Scotia by Professor William Lahey, President and Vice-Chancellor, University of Kings College University. Professor Lahey was tasked with making recommendations on forest practices to balance economic, social and environmental objectives.

In his final report, *An Independent Review of Forest Practices in Nova Scotia* (August 2018), Professor Lahey concluded that these objectives should be balanced within a forest management framework that gives priority to the protection and enhancement of ecosystems and biodiversity, guided by formal adoption of an ecological forestry paradigm.

In December 2018, the Government of Nova Scotia accepted Professor Lahey's report and agreed with the spirit and intent of his recommendations. In the response, the Department committed to a number of priority actions critical to implementation of ecological forestry on Crown land across the province.

In the response, the Department committed to improve and demonstrate a culture of openness, transparency, collaboration and accountability. As a first step, the Department engaged a consultant to seek advice on how it can achieve more meaningful stakeholder and public engagement. One of the recommendations from the consultant was to create a Stakeholder Advisory Committee which would play a key role in providing input into the Department's work in implementing the Lahey Report, including assisting with how the Department engages and communicates with stakeholders.

On June 25, 2019, the Minister of Lands and Forestry provided an update on the progress of the Department's implementation of ecological forestry to stakeholders gathered in Truro. Reflecting the emphasis that the Lahey Report as well as A Path We Share, the Natural Resources Strategy (2011-20) placed on transparency and multi-constituency engagement, the Minister said:

Our work needs to be consultative and collaborative. We will ask for your guidance and we will invite you for your thoughts.

Our first step echoes the Natural Resources Strategy action item to establish an external advisory panel. I believe our new advisory group follows through on the Strategy, Professor Lahey's recommended approach, and a recommendation of the recent consultants' report on engagement. Amongst other roles, an advisory group will help us identify opportunities to effectively deliver on Professor Lahey's recommendations. This process will lead to greater collaboration and more transparency. We will make a more formal announcement in the coming weeks, but I can tell you that Professor Lahey has agreed to advise us.

The Minister's emphasis on collaboration echoed the call in the Natural Resources Strategy, for collaborative leadership in the management and stewardship of natural resources, including the forests, which was described as requiring:

... a culture of shared stewardship and mutual accountability. The term stewardship refers to the responsible use and conservation of natural resources in a way that takes full and balanced account of the interests of society, future generations, and other species. The term shared stewardship describes the work ethic necessary to achieve the vision of a province rich in natural resources where government and interested groups work together and all Nova Scotians

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benefit. In a culture of shared stewardship, people do more than advocate for their own interests; they collaborate to find common ground and achieve a healthy balance in the choices they make and the actions they take. All parties are accountable to each other. They share responsibility for the wellbeing of the economy, the environment, and society.

The strategy recognized this was a “fundamental change – a transition from the limited partnerships that government and industry relied on in the past, to a broadly inclusive and collaborative way of working”. The strategy defined the groups to be involved in this new approach as including the Mi’kmaq of Nova Scotia; landowners; business and industry representatives; environmental groups; community groups; academics and municipalities. Similarly, the Lahey Report called for deep and pervasive embrace of a “culture of transparency and accountability”.

In response, the Department is establishing an Advisory Committee to the Minister of Lands and Forestry (the Committee).

Mandate

The Committee will advise on strategic decisions, policy and priorities relevant to implementing a system of ecological forestry on Crown land as recommended in the Lahey Report. Potential implications for private landowners will also be acknowledged and considered.

The Committee will aim to ensure compatibility between the implementation of ecological forestry on Crown lands and (a) the interests of all users of Crown lands; (b) the full range of the responsibilities of the Department of Lands and Forestry as stewards of Crown lands in the public interest; and (c) the interests and value of other sectors of the economy, including tourism.

Input and advice provided by the Committee will be considered by the Minister when making decisions associated with implementation of ecological forestry from this point forward. The committee will not be tasked with endorsing previous decisions made by the Minister with respect to implementation of ecological forestry.

In time, the role of the Committee will evolve to reflect the broader work of the Department in other areas of natural resources management.

The Committee will provide input and advice to the Minister of Lands and Forestry on all matters referred to the Committee by the Minister for its advice, which will include the information or briefings that should be provided to the Committee to enable the Committee to do its work. It will also provide advice to the Minister on issues concerning the implementation of ecological forestry, including:

1. Transparency and Accountability: Actions to achieve and maintain transparency and accountability regarding implementation of ecological forestry, including how the Department:
 - a. Provides information to the public and to those specifically interested in forestry on its progress towards ecological forestry (e.g. updates and other reporting)

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- b. Undertakes public participation in decision-making processes
 - c. Measures public understanding of ecological forestry intent and implementation
2. Overall Framework: The overall framework for implementation of ecological forestry, including:
 - a. the sequencing of actions on different recommendations and options for managing the interconnectedness of many of the recommendations,
 - b. the need for, formation and composition of smaller and more focused groups that should be created by the Department to consider and advise on specific recommendations, interrelated recommendations or issues
 - c. monitoring that should be put in place to track and measure the efficacy and consequences of implementation measures taken
 3. The Triad Model: Approaches and measures to be considered or taken in implementing the triad model of ecological forestry on Crown land, including the relationship with government initiatives on biodiversity, including the development of biodiversity legislation, and the development and management of Nova Scotia's network of protected forest areas
 4. Specific Recommendations: Approach to implementation of specific recommendations contained in the Lahey Report and issues arising from the implementation of these recommendations
 5. Required Research: The studies, analysis or research that should be undertaken or commissioned to ensure reliable data is being used to implement ecological forestry and/or to advance the implementation of ecological forestry in Nova Scotia
 6. Support for Sector: The actions the Department can take to enable, support and facilitate the transition to ecological forestry by those who conduct or want to conduct forestry activities in Nova Scotia, based on reliable research and data
 7. Governance: The legislation, policies, guidelines or other governing instruments that should be amended or put in place to implement ecological forestry in Nova Scotia, as well as changes that should be made in how legislation and other governing instruments are administered
 8. Other: Other issues relating to economically viable forestry that maintains or enhances ecosystems and biodiversity not addressed in the conclusions or recommendations of the Lahey Report, and other matters related to the general mandate of the Committee as collaboratively agreed to by the Committee and the Minister

In addition, the Committee will advise Professor Lahey and his evaluation team on: (a) how the first evaluation of the Department's implementation of the Lahey Report should be conducted and (b) on the framework that Professor Lahey has been mandated to propose for the evaluation of progress towards an ecological forestry paradigm in the longer term. The Committee will also be a forum through which Professor Lahey and his advisors can obtain qualitative information relevant to evaluation of

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implementation efforts taken between the release of the Government's response to his report in December of 2018 and the end of the data gathering stage of the first evaluation process.

The Committee will avoid overlap and duplication with the work of evaluation that has been assigned to Professor Lahey and his team of technical advisors, except to the extent it is asked to contribute to that process of evaluation. The Committee will also avoid overlap and duplication with the work of the Forest Biodiversity Science Advisory Committee and of the Biodiversity Council. The Committee can give advice on the kinds of questions that should be referred to, or the advice that should be sought from, these other processes or advisory bodies.

Similarly, the Committee will endeavour to avoid overlap and duplication with the advisory work of other more focused groups of partners asked to work with the Department on specific elements of implementation of the Lahey Report.

In general, except as requested, the Committee will not advise on operational issues or the administration of the Department. Operational issues, such as approvals of particular harvests, will be raised as examples of larger policy issues but the Committee is not intended to be a forum for advising or appealing operational approvals. It will not be the role of the Committee to carry out the work that would, under the model recommended in the Lahey Report, be the work of environmental assessment or of land use planning.

Membership

The immediate task of the Committee will be to provide advice to the Minister of Lands and Forestry on the implementation of ecological forestry. For that reason, the initial membership will primarily be people who have been active in discussions about forestry in Nova Scotia, with preference to those who have a demonstrated capacity to collaboratively contribute to the work of the Committee on providing advice on the implementation of the Lahey Report. In time, the membership will evolve to reflect the broader work of the Department in other areas of natural resources management.

The Committee shall have roughly 12-16 members. It shall be chaired by the Deputy Minister of Lands and Forestry and be supported by a secretariat chosen by the Deputy Minister from the staff of Lands and Forestry. It will report to the Minister of Lands and Forestry.

The Mi'kmaq shall participate in the work of the Committee or a parallel process as determined by the Mi'kmaq, in collaboration with the Department.

Members of the Committee shall be appointed by the Minister of Lands and Forestry, as advised by Lahey, to achieve:

- Representation of the regions of Nova Scotia;
- Representation of full range of views/interests pertaining to ecological forestry, with a balance among those holding or representative of the full range of views

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- Representation of women in forestry, academic study relating to forestry, conservation and forest--related advocacy
- Representation of different segments of the forestry industry, academic study relating to forestry, and of the different kinds of advocacy organizations active on forestry issues
- Emphasis on the ability of individuals to add value based on knowledge and experience, not as spokespersons or employees of organizations, companies, associations, etc.
- Representation of different kinds and categories of landowners
- Representation of a range of relevant professional expertise and experience;
- Demonstrated ability and willingness to be collaborative, to listen to others and to recognize the value in what others say, whether or not there is agreement in what they say
- Demonstrated capacity to contribute to the work of the Committee

Other members that fit within these criteria may be recommended by the Committee to the Minister of Lands and Forestry, on an as needed basis.

Members will be appointed for a minimum of 2 years and can serve a maximum of 2 terms.

Guiding Principles

- The Committee acknowledges that implementing ecological forestry is a long-term commitment for the Department that requires a significant shift in forest management on Crown lands. In time, the mandate of the Committee will evolve to reflect the broader work of the Department in other areas of natural resources management.
- The Committee recognizes the current requirements and strategic direction of existing legislation and policy at the Department.
- The Committee's work will complement existing scientific and policy expertise and advice within the Department by adding additional perspective and expertise.
- Collaboration, communication and knowledge sharing will be encouraged between Committee members and experts within the Department. Members will have a fair allocation of time to express their views, without interruptions, and with the full attention of all other Committee members.
- All Committee members have the same duty to serve the best interests of the Committee and to assist in fulfilling its mandate. This means making recommendations based upon an objective assessment of all information presented, and respecting confidentiality of discussions.
- In general, discussions at meetings should be treated as confidential in order to foster open communications and should strive for, but not require, consensus. Members should feel comfortable to bring perspectives of individuals in their existing networks to discussions.

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- Unless otherwise noted by the Department, information provided to Committee members by the Department can be shared outside of the Committee however members will respect confidentiality around draft documents, data and analysis not yet released to the public.
- Requests for information from the media relating to discussions at meetings will be referred to the Department.
- In case the Committee is asked to conduct or support public consultations, some degree of disclosure may be required. The members of the Committee shall in collaboration with the Department determine in advance what may and may not be disclosed for purposes of consultation.

Meetings

- The Committee shall meet 4 to 6 times per year, or as needed to achieve the objectives of the Committee outlined above. This may require additional meetings for the duration of the first year to support the Department in implementing ecological forestry.
- Additional operational details to be developed by the Committee and may include rules of order, quorum, etc.
- An honorarium of \$100.00 per meeting is available to Committee members that are volunteers, upon request. This is considered a taxable benefit as per government's Taxable Benefits Policy.
- The Department will reimburse Committee members for travel expenses incurred to attend meetings according to established government rates.
- For continuity of discussion and efficiency of the group's work, members will not have alternates attend on their behalf. Meeting dates will be scheduled well in advance.

Role of the Department of Lands and Forestry

The Department will actively listen and report back to the Committee about how input was considered and the extent and rationale for why it was or was not acted upon.

As requested by the Committee, the Department can support communications and updates to the public on matters relating to the Committee.

The Department will appoint a staff liaison to support and enable the effective functioning of the Committee by:

- Coordinating and providing administrative support for meetings
- Developing agendas, in consultation with the Committee
- Coordinating presentations by Department staff and/or experts in topic areas determined by the Committee or the Department

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- Providing materials and/or information to members in advance of meetings to support informed discussions

Review

The Committee will review these terms of reference after the first year, for achievement of objectives, change(s) in mandate, and membership criteria. All revisions shall be approved by the Minister of Lands and Forestry.

The Department will review function and role of the committee after two years.