

SLOCAN RIVER

RIPARIAN RESTORATION PROGRAM

Terms of Reference

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1. Background

Brilliant Expansion Power Corporation (BEPC) submitted a Community Preferred Proposal in July 2004, to meet the fish compensation requirements of Fisheries Authorization 5300-10-050 for the Brilliant Expansion Project. A component of this proposal was a riparian restoration program. The proposal was accepted by Fisheries and Oceans Canada (DFO) in a letter dated December 6, 2004.

BEPC has committed (and is required) to provide an annual funding of \$20,000 to a riparian restoration program starting in April 2005. The annual funding is to be escalated by the BC CPI. This funding is for third party project funding and does not include any administrative costs. Any portion of the contribution unused in one year is to be carried forward to the next.

This Terms of Reference has been developed to provide details and guide the operation of the riparian restoration program.

2. Goal and Objectives

The long-term goal of the program is to improve the long-term fish habitat condition of the Slocan River through riparian restoration sufficient to support an additional 250 sub-adult or adult rainbow trout. It is recognized that this goal will take many decades to fully achieve. The program has the following short-term objectives:

- To support community based efforts to protect and restore riparian areas;
- To compliment the use of in-stream habitat structures that provide immediate fish habitat;
- To provide a natural long-term source of large woody debris.

3. Eligible Activities

The riparian restoration program will provide funding grants to specific projects that work towards achieving the program goal and meet the program objectives. The program area is restricted to the Slocan River between the outlet of Slocan Lake and the Brilliant Headpond, and includes all habitat types within the floodplain. Side channels would be included, but tributary streams outside the Slocan River floodplain would not. Eligible projects include, but are not limited to:

- Tree and shrub planting;
- Protection of existing riparian vegetation;
- Fencing to exclude livestock from riparian areas;
- Provision of off-site livestock watering areas;
- Stream bank protection works; and
- Restoration of non-functioning sidechannels.

Projects must protect, restore or enhance a riparian zone with a minimum width of 10m.

Program funding can be requested for the following types of costs:

- Purchase of materials (e.g. plants, fencing material)
- Rental or contracting of any special equipment
- Services of specialist consultant if required for project planning/design

- Hired labour (note the applicant is expected to volunteer their time)

Funding may also be considered for providing some long-term tenure arrangement such as a conservation covenant. However, purchase of land would not normally be considered.

4. Roles and Responsibilities

BEPC

Columbia Power Corporation (CPC) acts as project manager for BEPC. CPC has overall responsibility for the program and retains the right to make unilateral changes to the program as it feels are required. This includes the final decision of which specific projects to fund under the program.

CPC will establish a steering committee to guide the operation of the riparian restoration program. This will include inviting members of other organizations or individuals to participate on the steering committee. CPC may make agreements with these other organizations to enable their participation on the steering committee or to deliver other program activities.

Specific CPC responsibilities include:

- establishing and chairing the Steering Committee;
- administering the project application process;
- financial management of the program
 - making the annual contribution
 - managing the program account
 - making payments from the account
 - providing an accounting of expenditures as required;
- conducting pre and post treatment riparian assessments;
- conducting an assessment of the program in 2010 (Year 6).

Slocan River Streamkeepers

The Streamkeepers are key participants in the implementation and delivery of this program. The Streamkeepers will participate on the Steering Committee providing local knowledge and a community perspective to the program. This includes providing site specific knowledge to the evaluation of project proposals and informal ongoing monitoring of funded projects, as well as the early identification of problem areas.

This riparian restoration program compliments the Streamkeepers' mission and other activities such as community outreach. It is expected that the Streamkeepers will act as the community liaison for the riparian restoration program and promote it as part of their broader message. A key element will be identifying potential project sites and working with proponents. [Note this does not preclude the Streamkeepers from acting as proponents themselves if it is appropriate.]

It is recognized that at some time in the future, the Streamkeepers may not wish or be able to continue their role as described above. At such time, CPC may seek another organization to fulfill this role in the program.

DFO

DFO will participate on the Steering Committee providing technical input and advice to ensure the program is meeting the goals of the compensation program. DFO will evaluate the program based on the Year 6 assessment report to determine if the program clearly demonstrates measurably improved riparian function in the program area.

Project Proponents

Project proponents are responsible for all aspects of their projects including planning, constructing, financing and long-term maintenance. This also includes obtaining all provincial and federal approvals that may be required. A funding agreement will be required between the proponent and BEPC that will detail the respective obligations.

The long-term goal of the program will be achieved as a result of the cumulative long-term effects of the individual projects. Project proponents will be expected to make a commitment to the long-term maintenance of their projects. The strength of that commitment will be a key element in the decision of which projects receive funding.

5. Steering Committee

A program Steering Committee will be established to:

- provide general guidance to the program;
- evaluate project applications and recommend those that should receive funding;
- review post-treatment monitoring assessments and recommend follow-up actions;
- review the program assessment methodology;
- make recommendations for program improvement.

The Steering Committee will be comprised of:

- 2 persons nominated by CPC;
- 2 persons nominated by Slocan River Streamkeepers;
- 1 person nominated by DFO (Nelson);
- a representative will also be invited from each of
 - the Canadian Columbia River Intertribal Fisheries Commission;
 - Water, Land & Air Protection (Nelson).

6. Project Application

Persons or groups thinking about applying for funding will be encouraged to discuss their project ideas with representatives of the program prior having them submit a formal application. The discussion, which may involve a site visit, should include:

- the landowner's/proponent's objectives for the project;

- the project's fit with the program objectives;
- the application process and form
- whether government approvals may be required.

A signed application must be received for each project proposal to be formally considered.

The program will be advertised by various means in the Slocan Valley in the Jan. – Feb. period with applications accepted until March 15th. Applications will be evaluated and prioritized by the Steering Committee in late March for funding in April. Applications received after March 15th may still be considered for funding in that year if there are unallocated program funds, otherwise the application may be held over to the following year.

Applications will be evaluated using the following criteria:

- Degree to which the proposal is likely to:
 - Improve long-term fish habitat conditions;
 - Support community based efforts to protect and rehabilitate riparian areas;
 - Complement the use of BEPC instream habitat structures;
 - Provide a natural long-term source of natural woody debris.
- Width of riparian zone protection (minimum 10 m)
- Benefit to other ecosystem components (than fish)
- Value for dollars contributed.
- Long-term landowner commitment.
- Probability of success.
- Value as a demonstration project.

A standard project funding agreement will be signed with each project proponent that is selected for funding setting out the obligations of the respective parties.

7. Project Monitoring

Each project that is selected for funding will undergo a standard riparian condition assessment pre-treatment, 2 and 5 years post-treatment, and at 5 year intervals after that. The riparian assessments will follow the procedures described in Watershed Restoration Technical Circular No. 6 for a Level 1 field assessment. A fish utilization survey will also be conducted pre-treatment and at 5 year post-treatment intervals.

CPC will contract the services of a consultant to conduct these monitoring activities.

8. Program Recognition

Projects that receive funding may be required to display project recognition signs on the upstream bank of the property and the normal road access point.

9. Program Assessment

An assessment of the program will be carried out in 2010 (Year 6) to clearly demonstrate measurable improvement in riparian function. The assessment will be based on site (project) specific riparian assessments conducted pre-treatment, 2 and 5 years post-treatment. The assessment may also incorporate surveys of fish life stage/species utilization at the restored sites, improved stream bank stability, riparian function or possibly a broader measure of improved watershed health due to increased awareness and stewardship in the watershed. The methodology for the assessment will be reviewed by the steering committee in 2009 prior to initiation.

The riparian program assessment will be combined with the evaluation of the instream structure component of the compensation program in a report to be prepared for DFO. If no definite trend appears in the assessment, or can reasonably be expected in the next 4 years (10 years in total) that would result in improved riparian function and instream fish production, then DFO may require alternate compensation (Kootenay Lake fertilization).

10. Termination

The Brilliant Expansion Project fisheries authorization requires that compensation be provided as long as the Brilliant Expansion Powerplant entrains fish. BEPC's approved proposal for this riparian restoration program was to conduct the program for the life of the project. Therefore the program has an indefinite life. However this program may be terminated by BEPC for the following reasons:

- DFO determines the program is not meeting the compensation requirements of the fisheries authorization;
- DFO determines the fish compensation objective of the fisheries authorization has been met and the program is no longer required;
- Fish are no longer being entrained by the Brilliant Expansion Powerplant;
- BEPC determines that there is a more efficient way of meeting the compensation requirements of the fisheries authorization.

11. Revisions to the Terms of Reference

These Terms of Reference have been developed by CPC as the Project Manager for BEPC. The Riparian Restoration Program, and this terms of reference, have been developed to meet the fish compensation requirements of the fisheries authorization for the Brilliant Expansion Project. BEPC is legally responsible for meeting the requirements of the fisheries authorization and financially accountable for the funds allocated to this program. Therefore, CPC retains the right to revise these terms of reference from time to time as may be required to ensure compliance with the terms of the fisheries authorization, or to improve the effectiveness and efficiency of the program. Revisions to the terms of reference may also be proposed by members of the Steering Committee. Any revisions will be reviewed by the Steering Committee prior to changes being made by CPC.