

FRAMEWORK FOR SUBCOMMITTEES

TRANS MOUNTAIN EXPANSION PROJECT INDIGENOUS ADVISORY AND MONITORING COMMITTEE

PURPOSE OF SUBCOMMITTEES

The purpose of subcommittees is to execute detailed work as directed by the Committee, providing a mechanism to bring focus to, and advance the Committee's mandate and priorities.

ESTABLISHMENT AND MANDATE

As stated in Section 47 of the Terms of Reference, the Committee can "form and oversee subcommittees to work on specific issues or regional concerns".

Subcommittees take direction from and report to the Committee. They undertake work that requires specific expertise or focus on a particular issue.

Establishment

The Committee makes the decision to establish a subcommittee when:

1. A significant amount of resources i.e. time, human, and financial are required to adequately address a specific topic of interest to the Committee.
2. The topic could not otherwise be addressed within the work plan of an existing subcommittee(s).
3. The advancement of the Committee's mandate and priorities would otherwise be delayed or hindered.

To inform the establishment of a subcommittee, the Committee will develop:

1. A high-level Statement of Purpose, including Objectives and Scope
2. A high-level list of Action Items and Deliverables.
3. A timeline indicating the period over which the subcommittee is expected to operate.

The newly formed subcommittee will be responsible for completing the full work plan for Committee approval. See section entitled *Work Plans*.

Subsequent identification of additional action items and deliverables

Following the establishment of a subcommittee, through the course of its work, the Committee and/or subcommittee may identify additional Action Items and Deliverables, which the subcommittee is required to complete, but represent a material change in scope of the subcommittee. In this case, the Committee will request, and the subcommittee will present, a revised work plan complete with budget revisions for the Committee's approval prior to the subcommittee undertaking any new work.

Existing subcommittees

To date, the Committee has struck four subcommittees:

- **Indigenous monitoring:** to address issues related to construction monitoring.
- **Marine shipping:** to address issues related to marine shipping from the Western Approach to the Westridge Marine Terminal.
- **Engagement:** to coordinate engagement and information sharing with Indigenous communities.
- **Socio-economic effects monitoring:** to address issues related to the socio-economic impacts of construction and operation.

MEMBERSHIP

As stated in Section 49 of the Terms of Reference, the Committee determines the membership of subcommittees.

Eligibility

Subcommittees will be comprised of members or representatives of Indigenous communities impacted by the Trans Mountain Expansion Project, and a representative from relevant federal departments. Indigenous Caucus staff participate in all subcommittee meetings as per the requirements of the subcommittee and at the direction of the Caucus, who will consider Caucus staff's tasks at hand and current priorities in providing direction to Caucus staff.

Committee members may also serve on subcommittees. Each subcommittee will include at least one representative from the IAMC Secretariat (NRCan)

The Committee may invite the temporary participation on subcommittees of non-members including, but no limited to, Indigenous individuals and representatives of Indigenous communities, representatives of the federal, provincial and local governments; Kinder Morgan representatives; and technical experts when specific expertise is required to execute the Committee's mandate. As non-members, they will be informed by the chairperson and expected to abide by the IAMC-TMX Policy on Conflict of Interest and Confidentiality.

Similarly, a subcommittee may invite representatives of Indigenous communities to participate as "Observers" in an effort to inform Indigenous communities not directly involved in the IAMC, of the work being undertaken by the IAMC.

For any decision going forward to the Committee for approval, there must be a minimum number of subcommittee members from the Indigenous Caucus equating to no less than 50% of total subcommittee membership, that participate in the decision process.

Subcommittee members must receive pre-approval from the Committee for any planned activities requiring the payment of honorarium or reimbursement of travel expenses and any other expenses.

Guiding principles on membership

Selection of subcommittee members will be determined according to the following guiding principles:

1. *Ability to contribute and achieve outcomes:* Members will be selected based on technical expertise or knowledge base relevant to the mandate.
2. *Representative (relevant regional Indigenous connections).* Members will be selected to adequately represent potentially impacted communities and all relevant Indigenous groups (but not necessarily replicate the full spectrum of representation of the Committee).
3. *Effective:* Subcommittees will strive to have only so many members as is required to complete the work assigned. As a guideline, subcommittees should aim to have between 8-12 members.
4. *Integration of Indigenous perspectives:* Subcommittees will facilitate the integration of Indigenous knowledge, values and perspectives into the monitoring, regulation and performance of the TM activities. To this end, subcommittees will be guided by s. 35 of the *Constitution Act, 1982* and the principles of the UN Declaration on the Rights of Indigenous Peoples. The subcommittees will also work to support honourable and respectful relationships; reconciliation; recognition of Indigenous and treaty rights; and the meaningful participation of Indigenous Communities in the oversight of the TM Activities

Nomination procedures

Committee members, subcommittees, Caucus staff, and the IAMC Secretariat will work together to communicate the opportunity to sit on subcommittees. Subcommittee members will be nominated by either:

- A Committee member
- The Subcommittee
- An Indigenous Community

Subcommittees and individual Committee members can nominate individuals for consideration by the Committee. Indigenous communities will nominate individuals by working through their respective representative on the Committee, who will in turn, nominate an individual on behalf of the Indigenous community. Alternatively, Indigenous communities can nominate individuals by contacting the Committee directly.

Nominations should be sent directly to the IAMC Secretariat. The Committee has sole authority for making appoints to subcommittees.

Informed nominees: Nominees for membership should be fully informed by nominators prior to formal nomination, of the mandate, objectives, activities, and current membership of both the Committee and subcommittee in question.

Expectations of members: Nominees for membership should be fully informed by nominators prior to formal nomination of the level of commitment and effort expected of them by the Committee. See *Roles and Responsibilities Subcommittee - Members (Indigenous Caucus)*.

Support: Nominees for membership should be fully informed by nominators prior to formal nomination of the supports provided for subcommittee members e.g. honorarium and travel expenses

Term: Subcommittee members participate on the subcommittee for up to one year. Subcommittee members may renew their term; subcommittee membership renewal will be approved for all subcommittee members annually when the Committee approves the work plan and budget.

ROLES AND RESPONSIBILITIES

Chairperson

Once membership of a subcommittee is established, the Committee will appoint a chairperson. The chairperson will ensure that the subcommittee functions properly, that there is full participation during meetings that all relevant matters are discussed and that effective decisions are made and carried out.

As internal spokesperson, the chairperson will be responsible for providing updates to the Committee on the subcommittee's progress, including presentation of the work plan, bringing forward items for decision by the Committee, and making formal recommendations to the Committee on behalf of the subcommittee. The chairperson will also be responsible for liaison with other subcommittees.

As external spokesperson, the chairperson of the subcommittee will act as spokesperson on matters pertaining to the area of focus for the subcommittee, when communicating with stakeholders. Communications with the media must be referred to the Committee's Communication Manager and Committee as per the *IAMC Communication Protocol*.

Subcommittee Members (Indigenous Caucus)

Subcommittee Members from the Indigenous Caucus identify and monitor issues and concerns, particularly from the area in which they represent, that are suitable for discussion with the subcommittee, gather and evaluate information, and recommend courses of action to the subcommittee based on the expertise they can contribute. Subcommittee members will also review, evaluate, and provide feedback on, projects being proposed for IAMC funding. Projects will be discussed during subcommittee meetings prior to presentation to the IAMC for approval. Any comments and recommendations will be presented to the Committee prior to the project being submitted for approval by the Committee.

Subcommittee Members from the Indigenous Caucus will maintain the level of commitment and effort expected of them by the Committee that is in keeping with constructive, efficient, and effective subcommittee practices related to: time commitment, meeting attendance, level of participation during meetings, preparation for upcoming meetings, contribution to the work of the subcommittee, participation on working groups within the subcommittee, use of alternates, etc.

Secretariat Leads

The IAMC Secretariat will identify a Secretariat Lead to support the work of the subcommittee.

Secretariat Leads will work closely with the chairperson to provide support drafting work plans, drafting record of decisions, establishing linkages with other federal departments, and making logistical arrangements for meetings.

Secretariat Leads will also provide support to applicants drafting project proposals for the IAMC Contribution Program. Support does not include the actual writing of proposals on behalf of applicants, but rather advice and feedback to applicants during proposal development related to eligibility (project type, recipient, and costs), current priorities, informational requirements, and the general application process.

Subcommittee Members (Federal)

The Committee will identify relevant federal departments to participate on the subcommittees. Federal representatives will provide general support to the chairperson and subcommittee mostly in terms of

providing subject matter expertise to inform the work of the subcommittee, including participation on Working Groups.

Indigenous Caucus Staff

Indigenous Caucus staff participate in all subcommittee meetings as per the requirements of the subcommittee and at the direction of the Caucus, who will consider Caucus staff's tasks at hand and current priorities in providing direction to Caucus staff.

Communication with Kinder Morgan

With the overarching goal of facilitating constructive information exchange and understanding, consistent with the Committee's Terms of Reference, subcommittee members will follow the protocols as outlined in the Committee's *Protocols for communication with Kinder Morgan*.

WORK PLANS

As stated in Section 48 of the ToR, "the Committee may request subcommittees to develop terms of reference and/or work plans for approval by the Committee".

Each subcommittee will submit a work plan using the template provided, for the Committee's approval.

Work plans will be submitted within two months of being formed, and at a minimum annually after that.

Work plans will contain the following:

1. Objectives;
2. Scope;
3. Key Issues and Considerations;
4. Activities;
5. Deliverables;
6. Membership List;
7. Communication Plan; and,
8. Budget.

Revisions to work plan: Throughout the course of the work plan period, circumstances may dictate changes to components of the work plan. For substantive changes to e.g. objectives, scope, activities, and deliverables, a revised work plan will be submitted to the Committee for approval.

Budget: Any increase in budget would be considered a substantive change and therefore would require Committee approval. For budget changes involving the movement of funds between budget line items, Committee approval is not required unless the changes amount to more than a 10% change in any of the line items.

RELATIONSHIP WITH COMMITTEE AND OTHER SUBCOMMITTEES

Communication between subcommittees and between subcommittee and Committee will be the responsibility of the respective chairpersons.

Subcommittees will strive to have open communication with other subcommittees to use available resources efficiently and effectively.

Engagement Subcommittee

The Engagement Subcommittee, as the interface between the Committee and Indigenous Communities, has a special role in identifying high-level information on the concerns, issues, priorities and expected deliverables of Indigenous Communities.

This information will be conveyed to the Committee and the relevant subcommittee to action. Subcommittees should strive to work closely with the Engagement Subcommittee to coordinate interactions and communications with Indigenous Communities.

FRAMEWORK REVIEW

The Subcommittee Framework is considered a working document and therefore is likely to be revised according to the needs of the Committee. The Committee will be advised of, and may be asked to approve, substantive changes to the Framework, prior to a formal review of the Framework scheduled for July 2018.