



RECORD OF DECISIONS

IAMC-TMX Meeting: December 4-5 2019
Vancouver, BC

DAY 1: DECEMBER 4, 2019

ITEM: WELCOME, OVERVIEW & OPENING PRAYER

Discussion:

- An Elder opened the meeting with a prayer for the Committee.

Decisions:

- The proposed draft agenda was adopted by the Committee.
- The Record of Decision from October 23-24 was **approved** with no amendments.

Action Items:

- **Secretariat** to review the October 23-24 ROD for confidential content and post to the IAMC-TMX website.

ITEM: EMERGENCY MANAGEMENT WORKING GROUP UPDATE

- The Emergency Management Working Group provided a brief update stating that the ICS Pilot Project Report would be complete soon, and that the Sto:lo Pilot Project planning was underway for January.
- It was noted that the G&C subcommittee approved travel requests for Ray Cardinal and Tina Donald to attend the Clean Waterways Conference in Indianapolis in April 2020 since the last Committee meeting. They have been asked to participate in a panel.

ITEM: INTRODUCTION AND DIALOGUE WITH THE MINISTER OF NATURAL RESOURCES

Discussion:

- There was a round of introductions with each Committee member having a few minutes to speak. Many members expressed the importance and meaningfulness of senior-level government officials coming to take the time to hear from the Committee.
- Members told the Minister that the Committee has achieved a lot over 2 years by working together in partnership and stated that there is a lot for the federal government to learn from this model. Doug Kelly spoke to the vision of Chief Crey and Aaron Sam in proposing the IAMC – stating that if the Government wants TMX to move forward, the only way to overcome the fears and doubts of communities is to create structured processes for joint and shared decision making. Members are thinking about how to bring more Nations to the table.
- Minister spoke to growing up in a small town, where he knew that local leaders had limited capacity and that there are analogies to how Indigenous communities have big responsibilities and that many of their staff and leaders balance multiple portfolios. Minister was a proponent at ISC of the 10 year grant, to try and reduce operational burdens on communities and being sensitive to the people that we all serve. Minister stated that Governments need to be aware of

the capacity and resourcing challenges for communities, and recognize that they deserve to have their rights and responsibilities recognized.

- Members spoke to the silos that they see within the federal government, and in particular their desire to see the new accommodation measures be well-coordinated. It was noted that the lack of coordination creates burdens on communities' limited capacity.
- Indigenous Caucus Members told the Minister that finding new ways to work together is important and stressed how the work being done now is on behalf of future generations.
- Some members asked why collaborative tables like the IAMC do not exist in other natural resource sectors such as forestry.
- The Minister applauded the Committee for the difficult and good work they are doing and encouraged them to continue.

ITEM: INTRODUCTION AND DIALOGUE WITH CER BOARD CHAIRPERSON

Discussion:

- Cassie Doyle, the board chairperson for the CER, provided an overview of the new board and explained that they provide governance and strategic oversight to the regulator, but do not participate in the statutory decision-making processes on major projects. Ms. Doyle noted that in previous roles, she felt that court decisions were driving progress on Indigenous relations and reconciliation, and is excited to take part in the work of the CER to drive reconciliation through initiatives such as the IAMC.
- Ms. Doyle noted that the CER is standing up an Indigenous Advisory Committee as part of implementing the new Canada Energy Regulator Act (CERA), and sees an opportunity to build on the knowledge and expertise built at the IAMC in some way, e.g., through seeking advice on appointments or other avenues.
- Indigenous Caucus members questioned who makes the decisions about the “adverse impacts” to their rights and asked why they are not involved more in these decision-making processes at the CER.
- There was a discussion about spill and emergency response, including the importance of proper notification of Indigenous communities in the event of incidents.
- Committee members reflected on the importance and impact of Peter Watson’s engagement with the Committee and communities, and the meaningful progress that has been made under his leadership. Several members asked how the CER would ensure his legacy continued. Cassie responded that this is something that the Board has been thinking about as well.

ITEM: LINE WIDE GATHERING UPDATE

Discussion:

- Marcia Dawson, the facilitator for the Line Wide Gathering, attended the meeting to debrief about the Line Wide event that occurred November 13-14, 2019, with the Committee.
- Based on the data collected, approximately 61 Indigenous communities were represented at the event; however, there were fewer marine communities represented at this Gathering than at the 2018 event due to the location of the event.
- Overall, the main feedback from participants was that communities want to know more about the IAMC. The 3 key questions that were heard were: How can you involve me? How do we stay current? How are we going to do 2 way info sharing?
- Some IAMC representatives heard from communities that they wanted further engagement from the Committee.

Action Items:

- Contact lists need to be reviewed to ensure multiple representatives of communities receive invitations
- Buffalo Lake requested a presentation on the IAMC following the Line-Wide. Secretariat to work with Alberta Metis Member Tracy Friedel to follow up.

ITEM: WORK CAMPS STUDY PHASE 1 PRESENTATION**Discussion:**

- The Firelight Group presented on the draft Work Camp Briefing Notes. The Firelight Group has been doing work with Simpcw as part of the Committee's pilot project on work camps and is starting to turn attention to Alberta as work starts on Spread 1. Early discussions are also underway with Lower Nicola. The briefing notes are living documents, and are still in draft form, awaiting input from Trans Mountain.
- Overall, the review found that TMC meets basic standards, and made recommendations to further strengthen approaches to mitigate potential impacts. The Committee reviewed Firelight's draft findings and recommendations in the following areas: employment standards, drugs and alcohol policy, code of conduct, after-hours policy, worker accommodations strategy, transportation, and monitoring indicators. As a next step the socioeconomic subcommittee has requested TMC input on the draft notes.
- Members asked if Firelight had heard particular priorities from communities or had recommendations for further focus. Firelight indicated this would be an important discussion the Committee should have with TMC.
- The SESC is continuing to meet with TMC to discuss the draft briefing notes and potential improvements to plans to address Indigenous interests.

ITEM: SOCIOECONOMIC SUBCOMMITTEE UPDATE**Discussion:**

- The SESC has made good progress on its FY2019-2020 work plan and is considering its work plan for FY 2020-2021. The SESC work has been increasing significantly as Phase I of the work camps project is wrapping up, and the subcommittee is discussing the plan for Phase II. Activity and demands are also ramping up as planning and construction of the camps will begin early in 2020.
- The SESC values TMC's participation and is discussing with them some collaborative next steps on Work Camps and the influx of temporary workers, and potential Indigenous-specific reporting related to employment, training, and procurement.
- Activity and demands on the Co-Chairs are ramping up and the Co-Chairs are spending significant additional time between meetings to hold meetings/teleconferences, and review and edit documents.
- The Committee had a discussion on targets and if they are an effective way of achieving economic participation objectives or not. Some members were concerned about the lack of clear definition for "maximization" – the term used by TMC in their plans for Indigenous inclusion in economic opportunities related to the project. The CER members responded that when a number is set, that is what will be achieved; where with "maximize" the hope is that expectations are surpassed.
- Tracy Sletto, CER, noted that there is opportunity to improve socioeconomic monitoring on future projects as well, and invited the SESC to consider providing some advice to the CER on the regulatory framework related to socioeconomic factors.

Decisions:

- A budget increase of \$20,000 for additional work from December 2019 – March 2020 by the subcommittee co-chairs was **approved**.

ITEM: INDIGENOUS MONITORING SUBCOMMITTEE UPDATE**Discussion:**

- The subcommittee recommended the addition of current monitor Ryan Arcand to provide a new perspective as a member.
- The subcommittee tabled the IAMC/Parks Canada Monitoring Framework Agreement with the Committee for discussion and approval. The agreement requires the co-chairs signatures. The agreement was approved.
- Members who sit on the joint Monitoring co-development table between the IAMC, CER, and TMC reported that they felt progress was being made but there is still work to be done to build trust in a short time period and get the work done.
- The subcommittee brought up concerns regarding the variability in the pay rates of Indigenous monitors by their employers and communities. Some employers are paying their monitors different rates and this is causing tensions among monitors who regularly work together in the program and onsite. Members asked the subcommittee to provide more information and a recommendation on this issue to the Committee.

Decisions:

- The Committee **approved** the addition of Ryan Arcand to the subcommittee
- The Committee **approved** the proposed IAMC/Parks Canada Monitoring Framework Agreement

Action Items:

- Indigenous Monitoring subcommittee to prepare a briefing note with recommendations on pay rates for monitors

DAY ONE ADJOURNED

DAY 2: DECEMBER 5, 2019

ITEM: WELCOME, OVERVIEW & OPENING PRAYER

- Carleen Thomas opened the meeting with a prayer
- The Musqueam Coastal Wolfpack performed a cultural song and dance performance for the Committee

ITEM: MARINE SHIPPING UPDATE

Discussion:

- The Subcommittee co-chair suggested a regional meeting of marine communities in the spring of 2020; the subcommittee will discuss at their next meeting and make a recommendation.
- The Coast Guard representative pointed out the opportunity available to the marine shipping subcommittee to be a place to have discussions with communities about the various initiatives and accommodation measures available to them. Convening communities so they can determine how they wish to work together and what role they see for the subcommittee could be very valuable.

Decisions:

- The Committee approved funding for the MSSC Co-Chair Trina to attend the Clean Waterways Conference in April 2020.

ITEM: INDIGENOUS CAUCUS VIEWS ON ORGANIZATIONAL DEVELOPMENT

Discussion:

- There was agreement by all on the Committee that workloads were high and continuing to grow. A sub-group of caucus members met for two workshops to think through how to organize to get the work done.
- Two of the key questions considered were: (1) what do we need to firm up our organizational structure?; and, (2) how do we transition away from a working Committee to a strategic Committee that governs the work.
- There was discussion about how to ensure that the richness of Indigenous perspectives are retained in the work as professional support is brought in to implement.
- The core functions of the Committee were categorized into the following categories: monitoring, engagement and external communication, advice, operations, and governance.
- There was agreement that the Committee needs to start thinking through what the IAMC is going to focus on in the future and beyond the construction phase of the project. The Committee needs to consider the “what is next” for the Committee beyond 2022 in its strategic planning.
- Monitoring was identified as an area of priority to focus on first in regards to increasing capacity due to construction ramping up in January 2020. Work camps will also require greater effort beginning early in 2020.

ITEM: COMMITTEE PLANNING FOR 2020/2021

Discussion:

- The Committee discussed that they would like a smaller group to start working on workplanning processes and bring something to the table in January as a starting point for the whole Committee.
- Several members volunteered to participate in such a group.

- The calendar for next fiscal year is in development stages and will be ready to be discussed and approved in January.

Action Items:

- The secretariat to arrange for a workplanning working group to meet in early January to start the process ahead of the January 29-30 Committee meeting. Carleen Thomas, Michelle Wilsdon, Trina Sxwithul'twx, Dean Cherkas, Tracy Sletto, Tracey Sandgathe, Naina Sloan, and Corey Dekker will form the working group.
- The secretariat to send out a survey to Committee members regarding meeting frequency and locations for 2020/2021 and develop a draft schedule.

ITEM: COMMITTEE OPERATIONS

Discussion:

- Committee funds (\$6.2 million) were re-profiled from last year to next year. In 2020/2021 the Committee has \$14.5 million to spend. The Committee discussed the importance of prioritizing early planning in the New Year so they can effectively and appropriately disperse the funds available them in the way that makes the largest impact.
- Two project proposals were presented to the Committee:
 - (1) Montana First Nation was seeking funding to build capacity to participate in the Trans Mountain Project business opportunities through the development of corporate governance, developing corporate and employee procedures and policies, recruiting a general manager and support staff, explore and develop joint venture opportunities, community engagement, and provide occupational training to community members.
 - The project was conditionally approved.
 - (2) Leq'a'mel First Nation requested funding to build a communications system for emergency response that ties into the TMX response system into 59 full time residences in the community, as well as a truck for emergency management.
 - The project was approved.

Decisions:

- The Committee **conditionally approved** \$269,500 in funding for Montana First Nation to build their capacity to participate in TMX Business Opportunities.
- The Committee **approved** \$263,660 in funding for Leq'a'mel First Nation to develop their emergency response communications system and acquire an emergency management truck.

Action Items:

- G&C to ask Montana First Nation to clarify the immediate economic opportunities they are hoping to participate in, as well as the long-term benefits of the project.

DAY TWO ADJOURNED

PARTICIPANTS

IAMC-TMX Members:

- Chief Marcel Shackelly (Mid-Fraser/Thompson)
- Michelle Wilsdon (Alberta First Nations)
- Carleen Thomas (Burrard Inlet/Lower Fraser)
- Tracy Friedel (Alberta Métis)
- Trina Sxwithul'twx (Vancouver Island – Southeast) - *teleconference*
- George Lampreau (BC Interior)
- Ray Cardinal (Alberta First Nations)
- Grand Chief Doug Kelly (Fraser Valley)
- Naina Sloan (Natural Resources Canada)
- Tracy Sletto (Canada Energy Regulator)
- Ian Chatwell (Transport Canada)
- David Heap (Canadian Coast Guard)
- Garth Mullins (Environment and Climate Change Canada)
- Tracey Sandgathe (Fisheries and Oceans Canada)

Invited Guests:

- The Honorable Seamus O'Regan, Minister of Natural Resources
- Cassie Doyle – CER
- Ginger Gibson – Firelight Group
- Janelle Kuntz – Firelight Group
- Marcia Dawson – Consultant

Observers:

- Bill Adsit (SESC Chair)

Support:

- Anthony Cotter - Natural Resources Canada's Indigenous Partnerships Office – West (IPO-W)
- Bernée Bolton (IPO-W)
- Twyla Smith (IPO-W)
- Alex Barone (IPO-W)
- Shaylen Smith (IPO-W)
- Debbie Stone (IPO-W)
- Corey Dekker (IPO-W)
- Caleb Lam (IPO-W)

Indigenous Caucus Staff:

- Kyle Robertson
- Tim Dickson
- Dean Cherkas

Regrets:

- Norine Saddleback (Alberta First Nations)
- Chief Harvey McLeod (Okanagan)
- Chief Russell Chipps (Vancouver Island – South)
- Kristine Pearson (Vancouver Island – Western Approach)