

RECORD OF DECISIONS

COMMMITTEE MEETING #20 | July 30-31, 2019
SAWRIDGE INN & CONFERENCE CENTRE, EDMONTON SOUTH

DAY 1: July 30, 2019

ITEM: WELCOME, OVERVIEW & OPENING PRAYER

Discussion:

- An Elder from Enoch Cree Nation opened the meeting with a prayer for the Committee.

Decisions:

- The proposed draft agenda was adopted by the Committee.
- The Record of Decision from June 25-26, 2019 was approved with no amendments.

ITEM: REPORT FROM INDIGENOUS CAUCUS MEETING

Discussion:

- The Indigenous Caucus met for a full day on July 29, 2019.
- The Caucus finalized the Indigenous Caucus Selection Report, which summarizes the processes used to select the caucus members. The Caucus noted that the BC Métis seat remains open despite their efforts to facilitate a selection process. The Caucus feels it is not their role to resolve conflicts between groups, and so are not proposing a solution at this time, but will remain open to facilitating a selection process when the BC Métis groups come to consensus on a selection process.
- The Caucus is developing a letter with advice to the NEB with respect to preconstruction filings and related conditions.
- Ensuring the Caucus has the necessary resources to do its work continues to be a priority.

Action Items:

- **Secretariat** to post the Indigenous Caucus Selection Report on the IAMC-TMX website.

ITEM: INDIGENOUS MONITORING PROGRAM

Discussion:

- Indigenous Caucus members affiliated with communities that provided expressions of interest recused themselves from Committee decisions on the program.
- Since the June 26-27, 2019 Committee Meeting, the Indigenous Monitoring Implementation Working Group continued to engage with applicants to the program to build understanding of the program, and receive input on preferred structure of the program in their regions. Recommendations for program structure were finalized in some regions, and engagement continues in other regions.
- In addition to implementing the decisions noted below and finalizing the program structure in the remaining regions, other priorities for the Indigenous Monitoring Program are to hire a Program Manager, establish Conflict of Interest and Confidentiality policies, and work with the NEB on compliance verification planning.

- The Committee discussed how to involve the new additions to the Crown Consultation List. Members expressed a desire to include them in the Indigenous Monitoring Program in a way that does not disrupt the current processes underway. The Implementation Working Group was tasked with developing clear communication to both the current applicants and additional communities.
- It was noted that through these sessions, some communities expressed confusion about the distinction between TMC and the IAMC's monitoring programs. The Committee agreed that clear communication continues to be important.

Decisions:

- The Committee made a series of decisions on the implementation of the IAMC Indigenous Monitoring Program:
 1. **Principles:** Inclusivity, collaboration, and feasibility will guide the finalization of structure in the remaining regions (Fraser Valley, BC Interior, Alberta), which will be decided on in August or at the September meeting.
 2. **Structure:** The Monitoring Implementation Working Group met with eligible applicants to the program over June and July to build understanding of the program, and seek input on preferred structure in their regions. At this time, the Committee approved proposed structure for the program in the Lower Mainland and Mid-Fraser Thompson / Okanagan regions. The approved structure is as follows:
 - Lower Mainland: Musqueam to provide two monitors for each inspection
 - Mid-Fraser Thompson Okanagan: Scw'exmx Tribal Council / Esh-kn-am Cultural Resources Management to rotate through each inspection; Upper Nicola / OKIB to rotate through each inspection.
 3. **Funding:** Up to \$1,107,742 was approved to establish Contribution Agreements with groups participating in areas of priority for construction.

ITEM: COMMITTEE PRIORITY UPDATES

Discussion:

Emergency Management:

- The Emergency Management Working Group is partnering with Simpcw First Nation and First Response on a pilot project to increase Indigenous participation in ICS and specifically in TMC's September 18-19 Full Scale Emergency Response exercise.
- First Response held an ICS Workshop on July 22 which was attended by 10 participants from 5 communities. A second workshop is scheduled for September 5.
- A second pilot project, to increase All-Hazards Emergency Preparedness, is expected to launch in the early fall in partnership with Sto:lo communities.

Work Camps:

- The Socioeconomic Subcommittee is very close to launching Phase 1 of the Work Camps study in collaboration with the Firelight Group, Simpcw First Nation and Lower Nicola Indian Band.
- While Phase 2 of the study has not yet been scoped, Committee members noted that the IAMC could play an important convening role in bringing together the multiple interested Indigenous communities, departments/agencies, and other stakeholders.

Engagement Coordinator Pilot Assessment

- The Engagement Subcommittee awarded the contract to complete the Engagement Coordinator Pilot assessment to Reciprocal Consulting, an Indigenous company based in West Vancouver.
- The Engagement Subcommittee met with Reciprocal Consulting to further refine the scope, and the assessment will begin in late August/early September.

Decisions:

- The Committee approved one Committee member, one Emergency Management Working Group member, and one Indigenous Monitoring Subcommittee member to attend the TMC Full Scale Emergency Response Exercise as observers.

- The Committee approved an increase to the budget for the Engagement Coordinator Pilot Project Assessment to accommodate a refined scope of work.

ITEM: 2019-2020 WORKPLANS

Discussion:

- Draft Workplans and Budget Estimates were presented at the April 10-11 Committee meeting, and plans have now been revised based on the feedback provided.
- Workplans and budgets may need further refinement based on Committee discussion of the new measures to be implemented to address Indigenous interests in the project, the Terms of Reference Review, and operational needs and resourcing.
- While these discussions take place, core activities associated with advancing Committee priorities (Monitoring program implementation, Emergency Management, Work Camps, etc.) continue based on Committee decisions and direction.

Action Items:

- **Federal Departments** to discuss the new measures at the September IAMC meeting.

ITEM: TERMS OF REFERENCE – ANNEX A

Discussion:

- Through Phase III Consultations, 10 additional communities were added to the Crown Consultation list, which forms Annex A of the Committee TOR, the list of communities eligible to participate in the IAMC. In addition, several communities which were initially consulted in groups requested to be consulted separately, resulting in a total of 129 Indigenous groups in Annex A.

Decisions:

- The Committee agreed to the placement of the new communities in the IAMC regions as follows:
 - Alberta First Nations:
 - Papaschase First Nation
 - Aseniwuche Winewak Nation
 - Driftpile Cree Nation
 - Swan River First Nation
 - Tsuu T'ina Nation
 - Alberta Métis:
 - Buffalo Lake Métis Settlement
 - East Prairie Métis Settlement
 - Kikino Métis Settlement
 - BC Interior
 - Esk'etemc First Nation
 - Vancouver Island Southeast
 - Hwlitsum First Nation

Action Items:

- **The Secretariat** to draft communications to the new communities informing them of the opportunity to participate in the Committee.

ITEM: COMMUNICATIONS & 2019 LINE WIDE GATHERING

Discussion:

- The Communications Manager for the Indigenous Caucus resigned as of August 7, 2019. While the Caucus considers staffing, the Secretariat will provide communications support to the Caucus and Committee.
- The 2019 Line Wide Gathering will be held on November 13-14 at the Coast Capri Hotel in Kelowna. Naut'sa mawt Tribal Council will coordinate the event. The Committee reviewed the budget request for the event.
- The Committee viewed a draft introductory video produced by the Communications Team. The video will be finalized, posted on the website, and shared through social media.

Decisions:

- The Committee approved the budget of up to \$400,000 to deliver the Line Wide Gathering.

ITEM: COMMUNICATIONS WITH TRANS MOUNTAIN CORPORATION

Discussion:

- The Committee had an initial discussion on working with TMC to clarify how the parties (including IAMC Subcommittees) will address non-monitoring related issues (there is an established process for monitoring issues) and interact on issues and questions that arise in an effective and efficient way.
- Committee members agreed that in seeking to formalize communications with TMC the following be considered:
 - A need to streamline and track requests from the Committee to TMC
 - Communication Protocols be guided by principles that foster relationship and build trust.
 - Balance TMC concerns with respect to confidentiality and the IAMC need for transparency.
 - Identify resources on both sides
 - Reiterate that Indigenous rights are a common interest
 - IAMC priorities to be shared with TMC to build understanding and illustrate why the requests are important

Action Items:

- **Co-Chairs** to meet with senior representative of TMC to discuss working relationship with TMC.
- **The Secretariat** to develop a draft communications protocol to be shared with the Committee and TMC.

ITEM: NEB TRANSITION TO CER

Discussion:

- NEB Chair/CEO Peter Watson attended the meeting and affirmed the NEB's commitment to the IAMC through the transition to the CER.
- The IAMC thanked Peter Watson, Brian Chambers, and Margaret McQuiston for their contributions.

DAY ONE ADJOURNED

ITEM: WELCOME, OVERVIEW & OPENING PRAYER

Discussion:

- Elder from Enoch Cree Nation opened the meeting with a prayer for the Committee.

ITEM: GRANTS & CONTRIBUTIONS

Discussion:

- The Committee discussed a series of amendments to the G&C Policy Framework, which guides the Capacity Funding Program. The amendments are intended to streamline processes, increase clarity for and guidance for applicants, and increase the Committee's ability to make fair and transparent decisions. Some of this work will be completed in a facilitated workshop in the fall.
- The two Program Officers on the G&C team are both moving on to new positions. Work is underway to replace them, however, the G&C team will be without staff for the month of August.

Decisions:

- The Committee approved amendments to the G&C Policy Framework as follows:
 1. Eliminate the requirement for a project concept
 2. Develop a project assessment grid or matrix including key program objectives, criteria, definitions, and weighting scale.
 3. Applicants will be provided an opportunity to present to the GCSC should they wish to do so (at their own expense). The GCSC will work with JFK Law to ensure a process is developed that follows the Conflict of Interest and Confidentiality policies.
 4. No Call for Proposals will be implemented for 2019-2020 due to demand on G&C resources/budget availability.
 5. The GCSC will determine an expiry date for Offers of Funding, balancing the objectives of providing flexibility to communities and making effective use of resources.
 6. The GCSC will develop an Honoraria Framework to guide eligible expenditures for project proposals/contribution agreements for community capacity projects.
 7. The Committee will not fund Traditional Land Use / Traditional Marine Use and Cumulative effects studies. Projects related to the use, conversion, coordination or gathering of TLU/TMU data may be considered depending on the circumstances.
 8. Engage in additional discussion regarding priorities for funding.
- The Committee approved funding to support a G&C Subcommittee facilitated workshop to advance the work above.
- The Committee approved funding to establish Contribution Agreements that support Indigenous Caucus members' participation on the Committee and Subcommittees from October 1, 2019 to the end of their existing term (March 31, 2022) (Honoraria).

ITEM: LABOUR MARKET DEMAND STUDY

Discussion:

- Jessica Dickson, Vice President Governance and Policy from the Castlemain Group, attended to present their draft report on Labour Demand for the expansion project and operations, an initiative of the Socioeconomic Subcommittee.
- The report provides an overview of the expected labour demand, but it was noted that there are several gaps in the data.
- The Socioeconomic Subcommittee was asked to focus further work it could do how to monitor filings related to business, employment, and training.

ITEM: REPORT FROM ALBERTA FIRST NATIONS REGIONAL ENGAGEMENT SESSION

Discussion:

- The Regional Engagement Coordinator for Alberta First Nations presented an overview of the regional engagement session held on May 31, 2019:
 - Representatives from 9 of 15 eligible Alberta First Nations attended. Low turnout was attributed to the Friday time slot, and nearby forest fires.
 - Delivering the event was a collaborative effort between the Alberta First Nations IAMC members, the Regional Engagement Coordinator, and the Secretariat.
 - Topics of interest included Indigenous Monitoring, Emergency Management, Work Camps, Aquatic Species at Risk, capacity funding, and advice to government.
 - Participants appreciated that Transport Canada and Department of Fisheries and Oceans attended with information booths.
- Caucus members were encouraged to think about engagement needs in their regions and work with the Secretariat to plan any events with ample time in advance.

ITEM: NRCAN DEVON RESEARCH CENTER TOUR**Discussion:**

- The Committee toured the NRCan Devon Research Center to learn about the facility, and its current research on oil and oil spill recovery. Researcher's suggested a future meeting to further explore the specific interests of Caucus members.

DAY TWO ADJOURNED

PARTICIPANTS

<p><u>IAMC-TMX Members:</u></p> <ul style="list-style-type: none">• Tribal Chief Colin Pennier (Fraser Valley) (by phone)• Chief Marcel Shackelly (Mid-Fraser/Thompson)• Sarabjit Parmar (Okanagan) (Alternate for Chief McLeod)• Michelle Wilsdon (Alberta First Nations)• Carleen Thomas (Burrard Inlet/Lower Fraser)• Raymond Cardinal (Alberta First Nations)• Tracy Friedel (Alberta Métis)• Trina Sxwth'ult'xw (Vancouver Island – Southeast) (by phone, Day 2)• Chief Russell Chipps (Vancouver Island – South) (by phone, Day 2)• George Lampreau (BC Interior) • Naina Sloan (Natural Resources Canada)• Brian Chambers (National Energy Board)• Ian Chatwell (Transport Canada)• Lindsay Funk (Canadian Coast Guard) (Alternate for David Heap)• Garth Mullins (Environment and Climate Change Canada, alternate for Saul Schneider)• Tracey Sandgathe (Fisheries and Oceans Canada) <p><u>Invited Guests:</u></p> <ul style="list-style-type: none">• Peter Watson (National Energy Board) (Partial Day 1)• Margaret McQuiston (National Energy Board) (Partial Day 1)• Tracy Sletto (National Energy Board) (Partial Day 1)	<p><u>Support:</u></p> <ul style="list-style-type: none">• Bernée Bolton (IPO-W)• Sandia Wu (IPO-W)• Twyla Smith (IPO-W)• Anthony Cotter (IPO-W)• Morgan Braglewicz (IPO-W)• Angela Priessl (IPO-W) (by phone)• Kathy Liu (IPO-W)• Shaylen Smith (IPO-W)• Maxine Trennert (Regional Engagement Coordinator) <p><u>Indigenous Caucus Staff:</u></p> <ul style="list-style-type: none">• Kyle Robertson (Technical Advisor)• Walter Quinlan (Communications Manager) (by phone) <p><u>Other Participants:</u></p> <ul style="list-style-type: none">• Mae Price (JFK Law)• Bill Adsit (Socio-Economic Subcommittee)• Chris Loewen (National Energy Board)
<p><u>Regrets:</u></p> <ul style="list-style-type: none">• Norine Saddleback (Alberta First Nations)• Kristine Pearson (Vancouver Island Western Approach)	