

RECORD OF DECISIONS

IAMC-TMX Meeting: September 11- 12, 2019
Vancouver, BC – 800 Burrard Street (IPO-West Offices)

DAY 1: September 11, 2019

ITEM: WELCOME, OVERVIEW & OPENING PRAYER

Discussion:

- An Elder opened the meeting with a prayer for the Committee.
- Approved Records of Decision (RODs) are posted on the IAMC website. After the ROD is approved by the Committee and before it is posted to the website, the Secretariat reviews the ROD and removes or generalizes any confidential information.

Decisions:

- The proposed draft agenda was adopted by the Committee.
- The Record of Decision from July 30 -31 was approved with no amendments.

Action Items:

- **Secretariat** to review the July 30 – 31 ROD for confidential content and post to the IAMC website.

ITEM: INDIGENOUS CAUCUS REPORT

Discussion:

- The Indigenous Caucus is planning a meeting to discuss Caucus organizational structure and resourcing in October.
- The Indigenous Caucus discussed how to support communities to participate meaningfully in the Department of Finance-led engagement on economic participation. The Caucus suggested one way would be to provide a general FAQ including definitions of equity participation and revenue sharing, and asked the Socioeconomic Subcommittee to scope further and bring back to the table for further discussion and decision.
- The Indigenous Caucus discussed spawning deterrent mats. The Caucus was notified that mats would be installed in Jasper, and Ray Cardinal, Chair of the Indigenous Monitoring Subcommittee was on site to monitor the installation by invitation of TMC.

Action Items:

- **Socio-economic Subcommittee** to scope out and further discuss a possible FAQ on economic participation in TMX for communities.

ITEM: ACCOMMODATION MEASURES & OTHER INITIATIVES

Discussion:

Accommodation Measures and NEB Recommendations

- As part of the re-initiated Phase III consultations, the government put forward eight accommodation measures that focus on building capacity and long-term relationships, marine safety, spill prevention, response capacity, cumulative effects, fish and fish habitat, and quieter vessels, as well as further terrestrial studies. Departmental leads from CCG, TC, DFO, ECCC, and

NRCan provided an overview of the accommodation measures and touched briefly on relevant NEB recommendations.

- As five of the eight measures are marine-focused, the largest impacts are in the marine regions, both for the Indigenous communities and for the Committee. The Marine Shipping Subcommittee (MSSC) has been on hold since March of 2019 due to the focus on marine issues in the renewed Phase III consultations, and capacity constraints at the nations.
- Committee members were asked to consider how the Committee's work interacts with the implementation of the accommodation measures, if at all, and how to approach work in the changed marine landscape, given that capacity demands on communities will continue to be high in the implementation of the measures.
 - It was noted that some communities have requested to engage with the accommodation measures on a bi-lateral basis, while others are more open to working in aggregates or on a Nation basis (as opposed to Indian bands). Since the Committee's mandate is to advance common interests, there may be some instances where the existing structures and relationships of the Committee can be leveraged, and other instances where it may be inappropriate for the Committee to engage. Opportunities will need to be discussed further with communities and the Committee.
 - It was suggested that the MSSC map out all the existing and new initiatives to understand if there are gaps and where the Committee can add value for communities. Desire was expressed to dive deeper into some of the accommodation measures at the MSSC.
 - It was suggested that Tier 1 engagement could support Indigenous communities to understand each others' interests, strengths, and tools, so that communities can respond in a strategic, coordinated manner.
- There was a wide ranging discussion that touched on content and process of implementing the accommodation measures, consultation and engagement, co-development, incorporating Indigenous knowledge, and community-specific concerns.

Phase IV Partnerships Office

- The Phase IV Partnerships Office was established to facilitate a whole of government approach to the implementation of the accommodation measures, and other initiatives and processes that require attention and capacity from Indigenous groups.
- The Partnerships Office is a service window for Indigenous groups, and also works closely with all implicated federal departments to coordinate engagement and program delivery.
- It was suggested that Phase IV engagement should go beyond leadership to providing capacity for communities to engage their citizens.

Engagement Process on Indigenous Economic Participation

- In August 2019, the Department of Finance engaged with Indigenous groups along the pipeline route to explore their interests in economic participation in TMX.
- A majority of those engaged supported further engagement prior to any negotiations, and many requested more information about potential options for participation, and information about TMX and its financials.
- The Department of Finance is preparing a "What we Heard" report and determining next steps.
- In addition, an Advisory Committee of experts was established to support the government in its engagement and provide advice and recommendations.
- It was acknowledged that the process is in early stages and likely to take several years.

ITEM: REGULATOR UPDATES

Discussion:

- The National Energy Board officially transitioned to the Canada Energy Regulator (CER) on August 29th, 2019.

- On September 6th, CER issued a letter to the IAMC and TMC indicating that CER has a mandate, rooted in reconciliation, to meaningfully engage with and enhance the involvement of Indigenous peoples in the oversight of CER-regulated energy projects. The CER requested a meeting with TMC and the IAMC in the near future to discuss how TMC's Indigenous Monitoring program could be improved, and better address the concerns of the Indigenous Caucus of the IAMC.
- CER emphasized the need for buy-in at the leadership level from CER, TMC, and the IAMC in order for significant change to take place. CER is seeking to make significant improvements to the regulatory process that extend beyond the TMX project.
- Indigenous Caucus Co-Chair Michelle Wilsdon noted that the letter had been discussed in the Indigenous Caucus meeting and there was a sense of encouragement that they were being heard, and the letter and resulting process to deepen and strengthen monitoring and oversight to the project was a welcome development.
- In order to provide both input from leadership and adequate support for the work, the Caucus suggested the formation of two groups: a Leadership Group, to include leadership from the IAMC, TMC and CER; and a Technical Group to support to direction provided through the Leadership Group.
- The proposed IAMC representatives on the Leadership Group are Chief Harvey McLeod, Tribal Chief Tyrone McNeil, and Michelle Wilsdon. The proposed IAMC Representatives on the technical group are Ray Cardinal, Chief Marcel Shackelly, and Bear Charlie. The membership and roles of the groups may shift as the scope of the work is further defined. The Caucus requested the support of Kyle Robertson for the Technical group, and support from Anthony Cotter for both groups.
- Continued discussion may have outcomes that have implications for the IAMC TOR.

Action Items:

- **Secretariat** to coordinate the scheduling of an initial meeting between the Leadership Group and TMC and CER leadership.

ITEM: COMMITTEE PRIORITY UPDATES

Discussion:

- **Emergency Management:**
 - Simpcw First Nation is partnering with the IAMC on a pilot project to increase Indigenous participation in ICS and specifically in TMC's September 18-19 Full Scale Emergency Response exercise. 21 Participants from nine communities have registered for the full scale exercise.
 - A second pilot project, to increase All-Hazards Emergency Preparedness, is expected to launch this fall in partnership with Sto:lo communities.
 - A Pilot Project focused on Alberta is in the very early stages of development.
 - The EMWG sought approval and funding of up to \$4780 to send one person to the Emergency Preparedness and Business Continuity Conference this fall.
- **Work Camps:**
 - Phase I of the Work Camps project was recently launched. In Phase 1, the Committee is working with the Firelight Group who will complete a review of TMC's Worker Accommodation Strategy and related policies, engage with Simpcw First Nation and Lower Nicola Indian Band, who are hosting work camps, and provide recommendations to the IAMC on next steps.
 - Looking ahead to Phase 2, Committee members noted that the IAMC can play an important convening role in bringing together the multiple interested communities, departments/agencies, and other stakeholders.
- **Monitoring:**

- At the July meeting, the Committee approved the structure and funding for most of the line-wide implementation of the IAMC Indigenous Monitoring Program.
- The Monitoring Implementation Working Group sought approval for up to \$73,504 in Grants and Contributions funding for Whispering Pines/Clinton Indian Band to participate in the program. This allocation is consistent with the approved program structure.
- Structure and funding has not yet been finalized in the Fraser Valley region as conversations continue with communities in this region.
- The first round of training for monitors began on September 9 in Calgary.

Decisions:

- The Committee approved up to \$4780 in Contributions funding to send one EMWG member to the Emergency Preparedness and Business Continuity Conference.
- The Committee approved up to \$73,504 in Contributions funding for Whispering Pines/Clinton Indian Band to partner in the IAMC Indigenous Monitoring Program.

DAY ONE ADJOURNED

ITEM: TERMS OF REFERENCE REVIEW

Discussion:

- The Committee engaged third party consultants Purple Oak to conduct a series of interviews to gather feedback on the Committee's impact on monitoring, early learnings on Committee operations, and consideration for changes to the TOR.
- The results show that while it is too early to identify whether or not the Committee has had a positive impact on Indigenous participation in monitoring, there have been some good examples to date.
- There is a need to continue to engage with leadership, both Indigenous and Federal, to get a more fulsome sense of the views from leadership. There is also a need to consider the impacts of external changes, such as the introduction of Bill C-69, to the Mandate and activities of the IAMC.
- There is a desire to revisit the relationship between the IAMC and proponent, now that the proponent is a Crown Corporation, and consider possible implications for the TOR.
- There is a desire to revisit the role and responsibilities of Committee and Subcommittee members, given the high workload.
- The Committee needs to find effective ways to continue to fulfill its core functions while considering larger issues such as Committee structure and mandate.
- There is a need for some continuing work to determine how best to engage communities on these issues at the Line Wide Gathering.

Action Items:

- **TOR Review Working Group** to discuss a strategy or approach to engaging with communities on the TOR and related concerns at the Line Wide Gathering.

ITEM: COMMITTEE OPERATIONS

Discussion:

- **IAMC Budget / Grants and Contributions Report:**
 - The Committee was provided with an update on the budget, expenditures and planned spending for the fiscal year. Six months in to the 2019-2020 fiscal year, the Committee's planned spending is less than its budget and actual expenditures are much lower than both planned spending and budget.
 - There is a need to revisit the Work Plans to better understand the unused budget that may be available for Community project applications. Additionally, the Committee will need to make decisions on spending soon so that money can be committed within this fiscal year.
 - A workshop is planned in the fall to discuss how to streamline processes for the grants and contributions program, increase clarity for and guidance for applicants, and increase the Committee's ability to make fair and transparent decisions.
- **Project Decision:**
 - Samson Cree Nation is seeking contribution funding of up to \$347,107 to train 15 Samson Cree members for Building Environmental Aboriginal Human Resources (BHEAR) environmental monitoring to increase participation in employment opportunities related to TMX in monitoring. The Grants and Contributions Subcommittee recommended that the Committee approve the project subject to Samson Cree meeting some conditions and requests for clarification already submitted to them by the GCSC.
- **Communications Update:**

- A number of key communications products have been released since the last meeting, including the 2018 Line Wide Report, Caucus Selection report, and the first IAMC “Annual” report (covering the first 19 months of Committee operations). All are available on the IAMC website.
- The Committee approved the Communications Transition Plan which outlines the roles and responsibilities of the Communications team members.
- There will be a communications planning meeting in late September or early October which Committee members are welcome to participate in.

Decisions:

- The Committee gave conditional approval for up to \$347,107 in contribution funding for the project application from Samson Cree Nation to build environmental Indigenous human resources.
- The Committee approved the Communications Transition Plan as proposed.

ITEM: LINE WIDE GATHERING

Discussion:

- Committee members provided feedback on the draft Line Wide agenda.
- The event will be Tier 2 and bring together Federal and Indigenous partners. There is also interest in having TMC at the event to provide a project update.
- There is a desire to include an opportunity for Federal departments to provide information on Accommodation Measures, possibly by having exhibition-style booths set up.

Decisions:

- The draft Line Wide agenda was approved pending changes suggested at the Committee table:
 - Increase the length of breaks
 - Move the TMC presentation to a different time
 - Have concurrent workshops in the afternoon of Day 2
 - The entire event changed to Tier 2
- The Committee decided to invite partner departments and organizations to have booths where they can engage with participants during break times.

Action Items:

- **Line Wide Steering Committee** to finalize the Line Wide agenda and identify leads for each session to begin planning and preparing materials.

DAY TWO ADJOURNED

PARTICIPANTS

IAMC-TMX Members:

- Chief Robert Gladstone (Alternate, Fraser Valley)
- Chief Marcel Shackelly (Mid-Fraser/Thompson)
- Chief Harvey McLeod (Okanagan)
- Chief Russell Chipps (Vancouver Island – South) (by phone)
- Michelle Wilsdon (Alberta First Nations)
- Carleen Thomas (Burrard Inlet/Lower Fraser)
- Tracy Friedel (Alberta Métis)
- Trina Sxwth'ult'xw (Vancouver Island – Southeast)
- Kristine Pearson (Vancouver Island – Western Approach)
- Naina Sloan (Natural Resources Canada)
- Tracy Sletto (Canada Energy Regulator)
- Ian Chatwell (Transport Canada)
- Lindsay Funk (Alternate, Canadian Coast Guard)
- Saul Schneider (Environment and Climate Change Canada)
- Tracey Sandgathe (Fisheries and Oceans Canada)

Invited Guests:

- Grand Chief Doug Kelly (Stó:lō Tribal Council)
- Tribal Chief Tyrone McNeil (Stó:lō Tribal Council)
- Robert Dick, Assistant Deputy Minister, Pacific (Transport Canada)
- David Murray (Natural Resources Canada)
- Holly Herald (Environment and Climate Change Canada)
- Averil Lamont (Fisheries and Oceans Canada)
- Alston Bonamis (Fisheries and Oceans Canada)
- Kirsten Querbach (Natural Resources Canada) (by phone)
- Sam Millar (Finance Canada) (by phone)
- Deanna George (Tseil-Waututh Nation)

Observers:

- Chris Loewen (Alternate, Canada Energy Regulator)
- Garth Mullins (Alternate, Environment and Climate Change Canada)
- Leoni Rivers (Canada Energy Regulator)
- Tina Donald (Simpco, EMWG Chair)

Regrets:

- Raymond Cardinal (Alberta First Nations)
- Norine Saddleback (Alberta First Nations)
- George Lampreau (BC Interior)

Support:

- Cathy Chalupa (Natural Resources Canada's Indigenous Partnerships Office – West (IPO-W))
- Bernée Bolton (IPO-W)
- Twyla Smith (IPO-W)
- Morgan Braglewicz (IPO-W)
- Kathy Liu (IPO-W)
- Maxine Trennert (Regional Engagement Coordinator)

Indigenous Caucus Staff:

- Kyle Robertson (Technical)
- Tim Dickson (JFK Law)
- Advisor)