

**IAMC-TMX Meeting #3
Record of Decisions
BCIT, Room 825, 555 Seymour St, Vancouver, BC
September 18 and 19, 2017**

RECORD OF DECISIONS

1. WELCOME AND OVERVIEW

1.1 Agenda IAMC-TMX September 18th and 19th

- The proposed draft agenda was adopted by the Committee with no amendments.

1.2 Record of Decisions: IAMC-TMX August 29 and 30

- The Record of Decision from the IAMC-TMX August 29 and 30 meeting was approved with no amendments.

2. COMMUNICATIONS UPDATE

- Federal representatives will work with the Secretariat to develop an appropriate federal distribution list for Committee updates.
- The IAMC Communications Manager will develop a common text describing the purpose of the Committee, and that participation on the Committee is without prejudice. It is important that this be done in accessible language.
- The Communications Manager for the IAMC will develop a contact list of Indigenous political organizations to provide them with information and updates regarding the IAMC.

3. ECONOMIC PATHWAYS PARTNERSHIP

- Sandia Wu from Natural Resources Canada delivered a presentation to the Committee concerning the Economic Pathways Partnership (EPP).
- The Secretariat will continue to share information concerning EPP with the Committee.

4. DISCUSSION WITH VISITING FEDERAL SENIOR EXECUTIVES

- Annette Butikofer (Canada Revenue Agency), Daryell Nowlan (Atlantic Canada Opportunities Agency), Gary Robertson (Employment and Social Development Canada), Daphne Meredith from the Executive Leadership Development Program (ELDP) joined the meeting to learn about the Committee's formation and its purpose.

5. SUBCOMMITTEES

- The Secretariat and Caucus will meet regularly to ensure alignment and coordination of work between subcommittees and with the Committee.
- Subcommittees must identify proposed Contribution Agreement holders when seeking Committee approval for significant projects.
- The Committee must approve proposed Contribution Agreement holders for all significant projects before an agreement may be established. The Committee will work towards developing a roster of pre-approved organizations to expedite this process.

5.1 Indigenous Monitoring Subcommittee

- The Committee discussed the workplan and priorities presented by Candice Sawchuk, Kyle Robertson and Gregg Dahl. All agreed that organizing to have Indigenous Monitors accompanying NEB Inspectors was the top priority. Members discussed a number of other priorities (e.g. establishing protocols for the review of monitoring information and reports shared with the Committee, discussing opportunities with Kinder Morgan and the NEB to improve Aboriginal monitoring plans and ensuring connection to local knowledge holders, the importance of monitoring water crossings, etc.) and:
 - Indicated its support for the subcommittee to continue its work;

- Approved a notional allocation of up to \$385,000 (including support for honouraria) to enable the subcommittee to continue advancing the priorities;
- Requested that the subcommittee continue to refine the workplan to take into account Committee feedback, and submit a revised plan to the Committee at the next meeting;
- Agreed that the Co-chairs would engage with Kinder Morgan at a senior level to further build understanding of the Committee's goals and interests in effective monitoring.

6. TIER 1 (INDIGENOUS CAUCUS)

- The Indigenous Caucus and staff will work with the Secretariat on developing the IAMC meeting agendas.
- The Indigenous Caucus will prepare a plan outlining its needs for additional staff along with a proposed budget for Committee consideration at a subsequent IAMC meeting.

7. SUBCOMMITTEES

7.1 Engagement Subcommittee

- The Committee approved a budget of up to \$25,000 for the Engagement Subcommittee (E-SC) to hire an engagement specialist to work with the subcommittee to develop a work plan and budget. The workplan will include both short-term and long-term elements/intentions.
- The E-SC will refine the IAMC meeting calendar. Committee members, subcommittee work, and Kinder Morgan's construction schedule (when it becomes available) will inform the IAMC calendar.
- The E-SC will work to develop a protocols document, which will clearly differentiate this process from any form of consultation.
- The E-SC will help establish connections with other subcommittees.
- The E-SC will begin engagement efforts on behalf of the IAMC in October in two ways:
 - A community meeting will be organized to align with the next IAMC meeting taking place in the Fraser Valley in October.
 - Local Chiefs, Council and technical staff will be invited to the two-day IAMC meeting on October 16-17, 2017, as observers with part of the agenda open to questions from the observers.

7.2 Marine Shipping Subcommittee

- The Committee approved sending Caitlin Kenny and Kyle Robertson to the Southern Resident Killer Whale Symposium on the Committee's behalf. Caitlin and Kyle will report back to the Committee at the next IAMC meeting.

8. NEB OVERSIGHT OF EMERGENCY RESPONSE EXERCISES

- Don Logan from the National Energy Board (NEB) delivered a presentation to the Committee on NEB Oversight of Emergency Response Exercises.
- The NEB will conduct an analysis of proponents' Environmental Procedures Manual to identify practices with respect to indigenous involvement, e.g. Emergency Response.
- The IAMC will undertake, as a collective priority, the due diligence to prepare advice to the NEB regarding Indigenous participation in activities, such as Unified Command.
- The Committee will seek to clarify protocols for incident notification for communities, and consider the role of the Committee in relation to incidents.
- Transport Canada will bring information to the Committee concerning the age of ships, specification of hulls.

- The Canadian Coast Guard will present to the Committee lessons learned and other information from previous spills.

9. NEB PRE-CONSTRUCTION AUDIT REPORT OF TRANS MOUNTAIN AND CORRECTIVE ACTION PLAN

- Don Logan from the National Energy Board (NEB) delivered a presentation to the Committee on NEB Pre-Construction Audit report of Trans Mountain and Corrective Action Plan.

10. MEMBER SELECTION PROCESS UPDATES

- Michelle Wilsdon, the Alberta First Nation IAMC interim member, will host a meeting in October with local Chiefs and key Indigenous political organizations to share information about the IAMC.

11. COMMITTEE BUDGET UPDATE

- The Committee has agreed to the importance of evaluation and will set aside a portion of the Operations and Maintenance funds to conduct an evaluation of the IAMC.
- The Committee has requested the Secretariat to make several formatting changes to the budget sheet. These changes include adding a reference to the corresponding Record of Decision for each budget item.

12. COMMITTEE INTERNAL OPERATIONS

12.1 Conflict of Interest and Confidentiality Policy

- The proposed draft Conflict of Interest and Confidentiality Policy was adopted by the Committee with the following amendments:
 - The policy would apply to the Committee, subcommittees, and Indigenous Caucus and Secretariat staff.
 - Language concerning the impact on livelihoods will be included in the document.
 - Principles of general information sharing and protecting sensitive data will be included in the policy. Information that is confidential will be marked as such. Members and staff will govern themselves appropriately.
 - The policy will make reference to principles outlined in the IAMC – TMX Terms of Reference
 - The policy will clarify the phrase “closest public scrutiny”
- The Committee will further explore protocols and expectations between the Committee and the proponent.

12.2 Program Guide

- The proposed draft Program Guide was adopted by the Committee with the following amendments:
 - Principles of Traditional Ecological Knowledge will be included in both the priorities and outcomes.
- The Committee has requested the Secretariat develop a communications product that describes the program and how to apply.

13. OTHER

- The Secretariat and Caucus Staff will develop a basic information package and presentation deck that outlines what the Committee is, provides contact information, and describes capacity funding opportunities.
- Committee members will prepare concise biographies for communication purposes. These are to be sent by the subcommittee to the Secretariat before the next IAMC meeting (nrcan.tmxcommittee-comitetmx.rncan@canada.ca).

PARTICIPANTS

IAMC Members:

- Chief Ernie Crey (Fraser Valley)
- Chief Marcel Shackelly
- Kristine Pearson (Vancouver Island – Western Approach)
- Caitlin Kenny (Vancouver Island – South)
- Raymond Cardinal (Alberta First Nations)
- Norine Saddleback (Alberta First Nations)
- Michelle Wilsdon (Alberta First Nations)
- Carleen Thomas / John Konovsky (Burrard Inlet/Lower Fraser)
- Tracy Friedel (Alberta Métis)
- Naina Sloan (Natural Resources Canada)
- Brian Chambers (National Energy Board)
- Ian Chatwell (Transport Canada)
- Garth Mullins (alternate for Barry Jeffery, Environment and Climate Change Canada)
- Diana Trager / Tracey Sandgathe (Fisheries and Oceans Canada)
- David Heap (Canadian Coast Guard)

Support:

- Kyle Robertson (TMX IAMC Technical Advisor)
- Walter Quinlan (TMX IAMC Communications Manager)
- Sonia Talwar (Natural Resources Canada, Major Projects Management Office – West (MPMO-W))
- Cathy Chalupa (MPMO-W)
- Jacquie Béasse (MPMO-W)
- Chris Sheppard (MPMO-W)

Invited Presenters:

- Candice Sawchuk (by phone) (Indigenous Monitoring Subcommittee)
- Tim Dickson (JFK Law)
- Gregg Dahl (MPMO-W)
- Sandia Wu, (MPMO-W)
- Vananh Nguyen (MPMO-W)
- Don Logan (National Energy Board)