

**INDIGENOUS ADVISORY AND MONITORING COMMITTEE (IAMC)
TRANS MOUNTAIN EXPANSION PROJECT (TMX)**

Meeting #5

Record of Decisions

Ironhead Golf and Country Club, Wabamun, Alberta

November 9 and 10, 2017

RECORD OF DECISIONS

1. WELCOME AND OVERVIEW

1.1 Agenda: IAMC TMX, November 9 and 10

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

1.2 Record of Decisions: IAMC TMX, October 16 and 17

- The Record of Decision from the October 16 and 17 Committee meeting was approved with no amendments.

2. TRADITIONAL KNOWLEDGE: PRESENTATION ON OWNERSHIP, CONTROL, ACCESS, AND POSSESSION (OCAP™)

- Bonnie Healy, from the Alberta First Nations Information Governance Centre (AFNIGC), delivered a presentation on the importance of knowledge governance for Indigenous communities. The Centre's mandate is to promote, protect and advance the First Nations Ownership, Control, Access, Possession (OCAP™) principles. How information is collected, stored, accessed, analyzed, and presented were all key topics discussed during the presentation.
- The Secretariat will include OCAP™ as a future agenda item to discuss the implications of OCAP™ for the Committee's mandate, including questions such as:
 - What are the valued components that the subcommittees and Committee want to monitor?
 - How would the Committee involve communities in defining indicators, gathering, and sharing data?
- The Indigenous Monitoring Subcommittee will examine the concept of data sharing agreements with local communities as they relate to the Committee's monitoring program.
- The Secretariat will distribute the full-length Alberta First Nations Health Trends document to the Committee, at Bonnie Healy's request.
- The Secretariat will follow up on the suggestion to ask Dr. Reg Crowshoe to present on, "Parallel Worldviews."

3. ENGAGEMENT

3.1 Medium-term Engagement Activities

- The Committee has asked the Engagement Subcommittee (E-SC) to develop a draft community engagement strategy. The Committee agreed that a professional, strategic, clear, and well-designed community engagement strategy would ensure common objectives, coordination, and consistency (through training and orientation) of community engagement in each region.
- The Committee approved the E-SC's recommendation to move forward with a longer-term contract to hire an engagement expert to develop the community engagement strategy, and potentially be involved in its implementation. This contract would be a competitive process that can be advertised widely. The Secretariat will draft a revised

Statement of Work, engage with NRCan procurement experts, and draft assessment criteria.

3.2 Interim Engagement Activities

- The Committee agreed there is a need for additional community engagement support for the regions.
- The Secretariat, with input from the Communications Manager, will develop an information package to distribute to communities. The package will include the Committee's Terms of Reference, Capacity Funding program, an overview of the Committee and subcommittees, and an introduction to each regional representative. This package will be approved by the co-chairs and distributed to communities before the December Committee meeting.
- Vananh Nguyen will follow up with Caitlin Kenny to discuss developing a capacity funding pilot project, which will be brought for decision to the January Committee meeting. The project will address a number of concerns including the capacity funding needs of communities, and funding for community technicians to attend conferences and workshops related to the Committee's mandate.

3.3 Calendar

- The Committee approved the following calendar changes:
 - **December 12-13:** Committee will hold its December meeting in Vancouver;
 - **January 15-16:** Committee will hold its January meeting in the Victoria area at Songhees or Sooke (*Note: Dates moved from January 16-17);
 - **January 17:** An engagement activity will be organized in Vancouver to coincide with the Joint Gathering, taking place January 16-19, in Vancouver;
 - **January 17:** Marine Shipping subcommittee members will hold its next in-person meeting (members will be invited to the January 15-16 meeting);
 - **January 18:** Pacific Business and Law Institute event on indigenous monitoring will be added to the IAMC shared calendar.

3.4 Report from Alberta First Nations Dinner Hosted by Enoch Cree Nation (November 8th)

- Michelle Wilsdon provided a summary of the November 8, 2017 Alberta First Nations dinner, hosted by Enoch Cree Nation. The dinner was attended by Grand Chief Wilton Littlechild (Treaty 6); Chief Morin (Enoch Cree Nation); Chief Bull (Louis Bull Tribe); Aaron Bird (Councillor, Paul First Nation); Allison Adams-Bull (Louis Bull Tribe); the three Alberta First Nation members (Michelle Wilsdon, Norine Saddleback, and Raymond Cardinal); the Committee co-chairs (Chief Ernie Crey and Naina Sloan); Communications Manager (Walter Quinlan); legal counsel (Jeff Langlois, JFK Law); and NRCan's TMX lead (Cathy Chalupa).
- The Alberta leaders expressed support for the Committee's work. This included a recommendation for the Committee to demonstrate concretely how its approach and work is consistent with, and helps to advance, relevant principles from UNDRIP and the Calls to Action from the Truth and Reconciliation Commission; and to ensure that the principle and government-to-government relationship reflected in Treaty is recognized in all of the Committee's communication.

4. COMMUNICATIONS

- The Secretariat and the Communications Manager will work on purchasing domain names required by the Committee to host the website.
- The Secretariat will develop a draft protocol addressing incoming correspondence to the NRCan inbox. The protocol will outline procedures of when to involve Committee members and Indigenous Caucus staff. Until a protocol is adopted, the Secretariat and Communications Manager will continue to work directly with the co-chairs.

6. INDIGENOUS MONITORING SUBCOMMITTEE (IMSC)

- The Committee agreed the IAMC pilot program is a priority and agreed the project should be further developed and submitted for decision at the December meeting.
- The pilot will be designed to address the need for community outreach, recruitment and reporting, so communities in the region understand how the pilot is taking place, and how to connect with the program.
- The co-chairs will meet with Kinder Morgan to discuss Committee priorities, including the monitoring program objectives.
- After the development of the monitoring pilot program, the subcommittee will turn its attention to Kinder Morgan's Aboriginal Monitoring Program, for review. The subcommittee will bring this item forward at a future Committee meeting.

7. TIER 1 – INDIGENOUS CAUCUS & FEDERAL CAUCUS

- The Indigenous Caucus expressed interest in better understanding how the IAMC funding operates across fiscal years. The Secretariat will prepare an information package for the December Committee meeting that outlines the funding program and includes strategies for utilizing budgets.
- Prior to the next Committee meeting in Alberta (February 2018, TBC), the Indigenous Caucus would like to request a meeting with Grand Chief Littlechild from the Treaty Six Nations. The Secretariat will assist in coordinating this meeting.
- Following the presentation by Bonnie Healy on OCAP™, the Indigenous Caucus expressed interest in inviting other relevant indigenous thought leaders and organizations to future Committee meetings to share items of interest (e.g. Trailmark on cumulative effects and traditional knowledge). Please forward suggestions to the Secretariat at nrcan.tmxcommittee-comitetmx.nrcan@canada.ca.

8. UPDATE ON COMMITTEE RESOURCING AND RECRUITMENT

- Naina Sloan, Natural Resources Canada, presented an update on Committee resourcing and recruitment. She outlined a plan to create staff positions for the Committee (Executive Director, Science Director, and Engagement Staff), and to set up a contracting mechanism for the Committee to draw from specialized resources when appropriate. A detailed plan, statements of work and budget will be brought to the December Committee meeting for decision.
- Committee members expressed interest in involving Elders in its work. Members discussed organizing regional Elders meetings and other options. Committee members are encouraged to contact the Secretariat (nrcan.tmxcommittee-comitetmx.nrcan@canada.ca) if they are interested in being involved on a working group to develop a proposal to involve Elders.

9. GROUND RULES

- The proposed Ground Rules policy has been approved by the Committee with the following additions:
 - Please mute cell phones and take calls outside of the meeting room, and;
 - Meetings conducted as per the Committee's Policy on Conflict of Interest and Confidentiality (approved November 2017).
- The Ground Rules policy will be shared with subcommittee members and staff.

10. REPORT BACK FROM SPAWNING DETERRENTS WORKSHOP

- Kyle Robertson, Technical Advisor, provided an overview of the Spawning Deterrents Workshop. There are still concerns about the efficacy of this mitigation technique, as research in this area has been limited.
- The proponent was expected to remove the mats immediately; however in some areas, this has been delayed due to weather conditions. The NEB has issued an information request to the proponent, inquiring when the mats will be removed. The NEB will share the proponent's response with the Committee once it has been made public.
- The Committee will investigate developing other workshops to obtain a better understanding of complex subject areas in order to provide digestible information to communities, and informed policy advice to regulators. The Committee may seek to develop a project to support the involvement of community technicians at these workshops (see item 3.2). There was a suggestion to contact appropriate members of the provincial governments to invite them to participate.
- A workshop has been proposed to examine the potential impacts on watercourse crossings associated with the construction of the new line and approved mitigation techniques. The Secretariat will follow up with Indigenous Caucus staff, the NEB, DFO, and others who are interested, to begin planning for a workshop in 2018. A plan and budget will be brought forward for decision at the January meeting.

11. UPDATE FROM REGULATORS

- **National Energy Board**
 - Brian Chambers, from the National Energy Board (NEB), delivered an update on recent condition filings, the detailed route hearing process, ongoing maintenance and operation work on the existing line, and other construction activities. *(Please refer to summary document in meeting package for further details.)*
- **Fisheries and Oceans Canada**
 - Diana Trager, from Fisheries and Oceans Canada (DFO), delivered an update on recent permitting decisions made by DFO, including watercourse referrals and the department's Monitoring Plan for the Marine Terminal construction. *(Please refer to summary document in meeting package for further details.)*
 - DFO will share its Monitoring Plan with the Committee once it has been finalized, and extended an offer to the Committee to appoint a member to accompany its monitors.
- **Environment and Climate Change Canada**
 - Barry Jeffrey and Garth Mullins, from Environment and Climate Change Canada (ECCC), delivered an update on relevant NEB conditions and permitting activities, including an emergency order application filed under the Species at Risk Act, concerning Caribou in the interior.
 - In response to a request, Barry Jeffrey and/or Garth Mullins will explore whether ECCC or Parks Canada could provide training on identifying species at risk to indigenous monitors.
- Committee members raised concerns about the installation of a razor wire on a boom recently installed at the Westridge Marine Terminal. Ian Chatwell, from Transport Canada, committed to provide the permitting information on the boom.
 - The Committee co-chairs will be meeting with Kinder Morgan representatives in the near future to discuss priorities and will take the opportunity to raise concerns with this installation.
- Committee members expressed interest in hearing from Parks Canada on monitoring in Parks and on the work of the Jasper Indigenous Forum.

12. COMMITTEE BUDGET REVIEW

- As communities begin to engage with capacity funding, the Secretariat will continue to provide support and guidance in developing proposals. Once ready, the Secretariat will bring proposals for Committee decision.
- Committee members have suggested the Committee sets aside a budget for when the new line has been activated.

13. POLICY ON CONFLICT OF INTEREST AND CONFIDENTIALITY

- The proposed Policy on Conflict of Interest and Confidentiality has been approved with the following amendment:
 - The phrase "Acting with integrity at all times" will be changed to "Act with integrity in performing his or her role with the Committee, subcommittee, Caucus and Secretariat."
- The Policy on Conflict of Interest and Confidentiality will be shared with subcommittee members and staff. On the request of subcommittee chairs, Tim Dickson or Jeff Langlois (JFK Law), can provide an overview of the policy for the subcommittee members.
- The Committee will revisit the policy within 6 months, as needed.

14. MARINE SHIPPING SUBCOMMITTEE UPDATE

- Caitlin Kenny and Carleen Thomas delivered an update on the work done by the Marine Shipping Subcommittee. Since the last meeting, subcommittee members have attended several workshops and events within the region, including participating in a Coast Guard exercise (October 25-26); presenting at two Oceans Protection Plan Workshops (October 30 and November 1); and hosting its first in-person subcommittee meeting (October 31 in Duncan).

15. OTHER

- The Secretariat continues to develop and refine tracking and reporting tools (e.g., Action Item Tracker spreadsheet, dashboard, calendar and work plan). Please provide the Secretariat with input on what type and level of information you would like to see tracked and if you would like to see this information at the regular meetings.
- The Kinder Morgan Communications Protocol was presented and considered approved with the following adjustments:
 - a. Changes to ground rules consistent with approval of same at this meeting (see item 9), and;
 - b. Clarifying that for subcommittees, the lead for communications may not be the chair but will be someone tasked with the role on behalf of the subcommittee.
- The co-chairs provided an update on membership. Discussions regarding the Interior seat are taking place with the Shuswap Nation Tribal Council. With respect to the BC Métis seat, the co-chairs reported that the parties are not able to come to consensus and therefore the Committee will look to the Métis Nation of British Columbia to resolve the matter.

PARTICIPANTS

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| <p><u>IAMC Members:</u></p> <ul style="list-style-type: none"> • Chief Ernie Crey (Fraser Valley) • Chief Russ Chipps (Vancouver Island – Southeast) • Chief Marcel Shackelly (Mid-Fraser/Thompson) • Carleen Thomas (Burrard Inlet/Lower Fraser) • Raymond Cardinal (Alberta First Nations) • Caitlin Kenny (Vancouver Island – South) • Tracy Friedel (Alberta Métis) • Darryl Tate (alternate for Kristine Pearson (Vancouver Island – Western Approach) • Michelle Wilsdon (Alberta First Nations) (<i>Day 2</i>) • Peter Hilton, Upper Nicola (alternate for Chief Harvey McLeod) (<i>phone</i>) • Naina Sloan (Natural Resources Canada) • Brian Chambers (National Energy Board) • Ian Chatwell (Transport Canada) • Garth Mullins (ECCC, alternate for Barry Jeffrey) • Diana Trager (Fisheries and Oceans Canada) • David Heap (Canadian Coast Guard) <p><u>Indigenous Caucus:</u></p> <ul style="list-style-type: none"> • Kyle Robertson, IAMC TMX Technical Advisor • Walter Quinlan, IAMC TMX Communications Manager <p><u>Other Participants:</u></p> <ul style="list-style-type: none"> • Jeff Langlois, JFK Law | <p><u>Support:</u></p> <ul style="list-style-type: none"> • Cathy Chalupa, Natural Resources Canada (NRCan), Major Projects Management Office – West (IPO-W) • Gregg Dahl, IPO-W • Chris Sheppard, IPO-W • Jacquie Béasse, IPO-W • Margaret McQuiston, National Energy Board • Mieke VanOosterom, National Energy Board |
| <p><u>By teleconference:</u></p> <ul style="list-style-type: none"> • Barry Jeffrey (ECCC), (<i>Day 2</i>) <p><u>Regrets:</u></p> <ul style="list-style-type: none"> • Norine Saddleback (Louis Bull Tribe) (<i>joined by phone for part of Day 2</i>) | <p><u>Observer:</u></p> <p>Tammy Moonias (observer, Louis Bull Tribe; also attending for Norine Saddleback)</p> |

16. CONFIDENTIAL DECISIONS

- The Committee approved the E-SC's recommendation to move forward with a longer-term contract of \$135,000 (to end of FY 2018-19) to hire an engagement expert who will develop a community engagement strategy, create a budget, and oversee implementation, based on the direction of the Committee. [The procurement process assess the monetary and non-monetary elements of the bid, therefore the approved maximum value of the contract must be kept confidential in order to ensure a fair process.]