

Record of Decisions

**MEETING #14: November 28-29, 2018
Stoney Nakoda Resort and Casino
Kananaskis, AB**

DAY 1: WEDNESDAY, NOVEMBER 28

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 24-25, 2018 was approved with no amendments.

ITEM: REPORT FROM INDIGENOUS CAUCUS MEETING: NOVEMBER 27, 2018

Discussion:

- Chief Ernie Crey, Caitlin Kenny, and Ray Cardinal presented oral evidence on behalf of the IAMC Indigenous Caucus at the NEB Reconsideration Hearing on November 27, 2018.
 - The presentation included the role and history of the IAMC, the Indigenous Monitoring pilot project, and the work of the Marine Shipping Subcommittee.
 - Caucus members highlighted the importance of including Indigenous communities in marine planning.
 - The NEB panel expressed interest in monitoring training and certification.
 - The transcript can be found here: <https://apps.neb-one.gc.ca/REGDOCS/File/Download/3716737>
- The Indigenous Caucus requested that the Committee re-engage with Trans Mountain Corporation (TMC) on a regular, continuous basis, to fill the need for communication about timelines and other important information regarding the current consultation efforts and project planning.
- The Indigenous Caucus requested a graphic representation of the roles of Canada (Owner/Proponent), Trans Mountain Corporation (TMC), regulators, and the IAMC that can be shared with communities.
- The Indigenous Caucus is considering writing a letter to the Government of Canada urging them, as owners of the pipeline, to negotiate or renegotiate Mutual Benefits Agreements (MBAs) with all groups who want to do so.
- The Indigenous Caucus discussed drafting a Non-Disclosure Agreement which would allow TMC and MBA holders to raise issues directly with the IAMC. Further discussion with TMC and the Committee are required.
- Meetings to select Indigenous Caucus members for the next term are underway. Chief Ernie Crey (Fraser Valley) and Chief Harvey McLeod (Okanagan) were the sole nominees in their regions and will continue to serve as IAMC members.
- The Indigenous Caucus plans to write a letter to the Prime Minister and other relevant ministers regarding coastal communities' concerns with Oceans Protection Plan (OPP).

Action Items:

- **The Committee Co-Chairs** to initiate engagement with TMC.

- **The Secretariat and Communications team** to create a graphic representation of Canada (Owner/Proponent), Trans Mountain Corporation (TMC), regulators, and the IAMC that can be shared with communities.

ITEM: LINE WIDE DEBRIEF AND NEXT STEPS

Discussion:

- Committee members felt the line wide gathering on November 5-6, 2018, was positive and well-organized, and the priorities established by the Committee were largely validated by community members.
- Committee members observed that attendees were engaged and provided a lot of valuable input.
- Further work is required to analyse the input from attendees (including approximately 400 notes and 150 survey responses). The Caucus Communications Manager (Walter Quinlan) and Secretariat Lead for Engagement (Bernée Bolton) will organize a workshop to review the material in depth, and all Committee members are invited to attend.
- Committee members expressed interest in having Watershed Partners facilitate the workshop.
- Walter and Bernée will then lead the development of a full report to communities reflecting what was heard at the Line Wide and how the IAMC is incorporating the feedback into its workplans.

Action Items

- **The Secretariat** to organize line wide follow up workshop with Watershed Partners as facilitators.

ITEM: SR. SCIENCE ADVISOR – INTRODUCTION AND SCOPE OF WORK

Discussion:

- Dr. Roy Crowther is an environmental ecologist with extensive experience working with Indigenous peoples and regulators.
- He has been contracted to develop a plan for the Committee to access various technical and scientific expertise, and will present the plan at an upcoming IAMC meeting.
- There may be opportunities to seek additional advice from Dr. Crowther through two mechanisms:
 - The approved resources for the Indigenous Caucus to develop advice related to the NEB Reconsideration Hearings and Phase 3 consultations
 - The approved resources for the G&C Subcommittee to access technical expertise related to project proposals

ITEM: REPORT ON INDIGENOUS MONITORING PILOT PROJECT

Discussion:

- The Committee received the Final Report on the IAMC Indigenous Monitoring Program Pilot, which ended on November 30th.
- Highlights from the report include the following outcomes of the pilot:
 - Protection of cultural sites through the inclusion of a mock chance find during an Emergency Management (EM) exercise.
 - Monitors' advice resulted in changes to TMC safety practices for workers.
 - A culturally appropriate dispute resolution process being explored for adoption across the NEB Development of roadmaps to meaningful line-wide Indigenous involvement in oversight of TM activities.
 - Six inspections with IAMC monitors and the NEB, 4 site visits with DFO, and 4 emergency management exercises.
 - The importance of strong coordinating and administrative capacity to the success of the program.

ITEM: INDIGENOUS MONITORING PROGRAM IMPLEMENTATION PLAN

Discussion:

- The Committee reviewed a draft plan to implement a line-wide terrestrial Indigenous Monitoring Program by spring 2019. In the plan, an Implementation Working Group will oversee the call for and evaluation of proposals from Indigenous communities or organizations to participate. The process will be administrated by the Secretariat. The Committee will approve final selection of program partners.
- The Implementation Working Group will consist of: 3-4 Indigenous Committee Members or their alternates without conflicts of interest, one representative each of the NEB and DFO, and one NRCan member.
 - Bill Adsit and Michelle Wilsdon volunteered to sit on the Implementation Working Group. The secretariat is seeking one additional Indigenous member.
- The Implementation Working Group will work with the leads of the proposed Indigenous Knowledge Training Workshop (Norine Saddleback and Bernadette Manuel) to ensure the workshop is appropriately integrated into training and capacity-building plans for new monitors and employers.
- The Implementation Working Group will explore the issue of IAMC monitor partner organizations' availability in the interim period between the pilot and full program implementation.
- The Monitoring Subcommittee will meet in Enoch on December 13. Bill Snow (Stoney Nakoda) will present on the policy work he and others have been doing with the Alberta government on Indigenous Knowledge.

Decision: The committee approved the Indigenous Monitoring Program Implementation Plan.

Action Item: The Secretariat to send an email request for one additional member of the Indigenous Monitoring Implementation Working Group.

DAY ONE ADJOURNED

DAY 2: THURSDAY, NOVEMBER 29

ITEM: WELCOME & OPENING PRAYER

Discussion:

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

ITEM: PROJECT STATUS & BUDGET UPDATE

Discussion:

- The Secretariat continues to work with project applicants to further scope projects under development with an emphasis on:
 - Identifying how large projects can be phased given current expansion project status
 - Outlining more clearly the linkages to the TMX project
 - Pathfinding to other funding sources where appropriate
- Jacqueline Béasse is the key contact for G&C Projects in the secretariat as Vananh Nguyen is taking a one year leave of absence beginning in the New Year.
- The Secretariat continues to work towards the implementation of the G&C Subcommittee.
- The Secretariat is expecting a decision on the previous reprofiling request and will share the outcome with the Committee when it is available.
- The deadline to submit a reprofiling request to move funds from 2018-2019 to 2020-2021 or beyond is May 2019.

ITEM: ANNUAL REPORT AND KEY COMMITMENTS UPDATE

Discussion:

- The Committee reviewed a revised annual reporting schedule that aligns with the work planning and financial cycle of April-March, the government fiscal year.
- The interim annual report produced in October 2018 will be distributed to the Minister of NRCan and CEO of the NEB to fulfill the requirement of the Terms of Reference.
- The proposed schedule moving forward is:
 - November 2018: Produce an Interim Annual Report covering August 2017 – October 2018 (complete)
 - March 2019: supplement the interim Annual Report content to produce a full 18-Month Report covering August 2017 – February 2019
 - March 2020: Produce a full Annual Report covering the 13 months from March 2019 – March 2020
 - April 2021 onward: Produce a full Annual Report covering April – March

Decision: The Committee approved the revised annual reporting schedule.

ITEM: COMMITTEE REVIEW & ASSESSMENT

Discussion:

- The Committee initiated discussion on performance objectives and related indicators of success.
- Committee members commented that assessment should:
 - Reflect the priorities and desired outcomes of all partners, and include feedback from the potentially impacted communities, either through the input from the annual line wide meeting, or by asking them directly.
 - Consider the full lifecycle of the project
 - Inform the Terms of Reference review

- Committee members suggested creating a Working Group to advance the development of an assessment framework.
 - Michelle Wilsdon, Norine Saddleback, Caitlin Kenny, and Carleen Thomas expressed interest in the working group. Further discussion will be scheduled.

Decision: The Committee decided to create a Working Group to advance the development of an assessment framework.

Action Item: The Secretariat to canvas federal members and confirm membership of Working Group, and to schedule an initial meeting.

ITEM: EVENT ATTENDANCE POLICY

Decision:

- The committee approved the draft Event Attendance Policy subject to the following amendments:
 - Edit clause 3.2 so the IAMC is accurately represented in a way that will fit on a small name tag
 - Clarify the meaning of “Cost-splitting” in clause 2.3
 - Fix a grammatical error in the third bullet of clause 1.1
 - Edit clause 1.2 and 1.4 to indicate requests will be sent to the G&C Subcommittee
 - Edit clause 1.5 to clarify that “Co-chairs” means the Committee Co-Chairs
 - Provide request templates in an annex
 - Provide contact information for questions and requests
 - Clarify that decisions are made by consensus
 - Edit clause 1.6 to replace limit of three with “a reasonable number”
 - Develop a process for tracking and reporting

Action Item: The Secretariat to edit and distribute the final Event Attendance Policy.

ITEM: G&C SUBCOMMITTEE MEMBERSHIP

Decision: The committee approved that the initial membership of the G&C Subcommittee will be the Committee Co-Chairs, the subcommittee chairs, and Bill Adsit as an advisor, with the condition that the subcommittee identify:

- A definition for quorum
- A process for detailed note-taking
- Appropriate timelines for providing materials and preparation time

ITEM: COMMUNICATIONS

Discussion:

- Two new communications staff members were introduced, Shaylen Smith and Kathy Liu.
- Priorities for the communications team include:
 - Launch the new website
 - Develop a social media plan
 - Continue orientation of the new staff members, including introducing them to the work occurring at the subcommittee level
 - Develop a newsletter for the Alberta Region

ITEM: INTERNAL INCIDENT COMMUNICATIONS

Discussion:

- The communication team will begin drafting an internal incident communications protocol to ensure timely notification to Committee members of incidents such as spills.
- The Committee is not responsible for notifying communities when incidents occur, this is a responsibility of proponents and/or regulators/responsible authorities. However, the Committee wants to ensure efficient communication and information sharing about incidents so that it may fulfill its mandate (monitoring, advice) related to incidents.

Action Item: The Communication team to draft and present an internal communications protocol at an upcoming IAMC meeting.

ITEM: NEB ABEYANCE DECISION

Discussion:

- On November 27, 2018, the NEB issued a letter to Trans Mountain Corporation dismissing their request for an abeyance for all existing Project-related orders, application review processes, and condition compliance determinations and processes, on the basis that it is premature.
- Committee members identified the need to have discussions at both the Indigenous Caucus and Committee about the process for providing advice on conditions, as well as the plans submitted to meet any conditions, if a new CPCN is granted.
- Committee members discussed inviting the Finance Department to provide an update and clarify the roles and responsibilities of TMC, the TMC Board, and the Minister of Finance related to the project to an upcoming meeting.

MEETING ADJOURNED

PARTICIPANTS

IAMC-TMX Members:

- Chief Marcel Shackelly (Mid-Fraser/Thompson)
- Michelle Wilsdon (Alberta First Nations)
- Carleen Thomas (Burrard Inlet/Lower Fraser) (by phone)
- Raymond Cardinal (Alberta First Nations)
- Norine Saddleback (Alberta First Nations) (by phone)
- Gillian Staveley (Alternate for Tracy Friedel, Alberta Métis)
- Caitlin Kenny (Vancouver Island – South)
- Chief Russell Chipps (Vancouver Island – Southeastern)

- Naina Sloan (Natural Resources Canada)
- Brian Chambers (National Energy Board)
- Ian Chatwell (Transport Canada)
- David Heap
- Garth Mullins (Environment and Climate Change Canada, alternate for Barry Jeffrey)
- Cheryl Webb (Fisheries and Oceans Canada)

Invited Guests:

- Roy Crowther (Sr. Science Advisor)

Observers:

- Bill Adsit, Socio-Economic Subcommittee
- Bill Snow (Stoney Nakoda First Nation)
- Conal Labelle (Stoney Nakoda First Nation)
- Elder Melvin (Stoney Nakoda First Nation) (Day 1)
- Elder Gilbert Francis (Stoney Nakoda First Nation) (Day 2)
- Dana Cornea (NEB)
- Tracey Sletto (NEB)
- Declan Starlight (Tsuut'ina First Nation)

Regrets:

- Chief Ernie Crey (Fraser Valley)
- Kristine Pearson (Vancouver Island – Western Approach)
- George Lampreau (BC Interior)
- Chief Harvey McLeod (Okanagan)

Support:

- Cathy Chalupa (Natural Resources Canada's Indigenous Partnerships Office – West (IPO-W))
- Bernée Bolton (IPO-W)
- Jacquie Béasse (IPO-W)
- Sandia Wu (IPO-W)
- Twyla Smith (IPO-W)
- Anthony Cotter (IPO-W)
- Morgan Braglewicz (IPO-W)
- Maxine Trennert (Regional Engagement Coordinator)
- Christina Coolidge (Regional Engagement Coordinator)

Indigenous Caucus Staff:

- Kyle Robertson (Technical Advisor)
- Walter Quinlan (Communications Manager)

Other Participants:

- Jeff Langlois (JFK Law)