

**IAMC TMX Meeting #4  
Record of Decisions  
Seabird Island, Gym, 2895 Chowat Road, Agassiz, BC  
October 16 and 17, 2017**

## **RECORD OF DECISIONS**

### **1. WELCOME AND OVERVIEW**

#### **1.1 Agenda IAMC TMX October 16 and 17**

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

#### **1.2 Record of Decisions: IAMC TMX September 18 and 19**

- The Record of Decision from the IAMC TMX September 18 and 19 meeting was approved with no amendments.

### **2. PROJECT UPDATE - REGULATORS**

- Diana Trager from Fisheries and Oceans Canada (DFO) delivered an update on recent permitting decisions made by DFO, and requests for approvals under the Fisheries Act and Species at Risk Act (SARA). On September 8<sup>th</sup>, a Fisheries Act Authorization (FAA) was issued for the Westridge Marine Terminal, construction started late September. DFO has received 9 referrals (5 for FAA; 1 SARA; and 3 salvage permits) which they are currently reviewing over the next several weeks.
- Brian Chambers from the National Energy Board (NEB) delivered an update on recent condition filings, the construction schedule, and construction activities, please refer to summary document in meeting package for further details.

### **3. FRAMEWORK FOR SUBCOMMITTEES**

- Naina Sloan (Natural Resources Canada) and Kyle Robertson (Technical Advisor) delivered a presentation to the Committee that outlined key considerations for subcommittee governance.
- A draft subcommittee framework policy will be brought to the November IAMC TMX meeting for decision.

### **4. INDIGENOUS MONITORING SUBCOMMITTEE**

- The Committee accepted the revised Indigenous Monitoring Subcommittee work plan and budget acknowledging that the plan will evolve over time and that regular updates will be provided.
- The subcommittee will bring a proposal on the IAMC pilot monitoring program for Committee decision at the November IAMC TMX meeting.

### **6. ENGAGEMENT SUBCOMMITTEE**

- The Engagement Subcommittee walked through the agenda for the evening Fraser Valley Community Visit. The Secretariat will prepare a summary of the community visit for the November IAMC TMX meeting.
- The Committee approved the proposed plan and budget for the November IAMC meeting in Alberta (up to \$10,100) to be hosted by Paul First Nation.
- The Committee agreed to move forward with an evening leadership dinner to be hosted by Enoch Cree Nation. Invitees will include Chief Crey and Naina Sloan as IAMC co-chairs; the Chiefs of Paul First Nation, Enoch Cree Nation, and Louis Bull Tribe; and the Alberta First Nations IAMC representatives.

### **7. INFORMATION MANAGEMENT AND WEBSITE**

- The Committee approved the proposed Information Management and Website budget and statement of work with no amendments (up to \$121,200).
- Committee members are encouraged to contact Vananh Nguyen if they are interested in being involved in the selection of the contractor.

## 8. COMMUNICATIONS UPDATE

- Information flow has been flagged as a critical topic for the Committee to examine. Specifically, the volume and velocity of information are some of the challenges to address. There was a suggestion to hold a workshop for Committee members to discuss the flow of information between the proponent, regulators, the IAMC, and communities.
- The Committee had a fulsome discussion on the IAMC logo and tagline. Some Committee members suggested including 'marine shipping' in the tagline. There was also a suggestion from an observer to include a salmon on the logo.
- A community member raised concerns about the issue of representativeness of the IAMC TMX Indigenous members for their region. It was stressed that the Indigenous members do not represent the communities within their region, but instead represent the shared interests of those communities. When appropriate, external communications should stress this distinction.

## 9. TIER 1 – INDIGENOUS CAUCUS; AND FEDERAL CAUCUS

- The Indigenous caucus expressed further interest in hiring more Committee staff. Possible positions that were identified include executive director, chief science advisor, science writer, policy analyst, and environmental consultants.
  - Chief Ernie Crey (Fraser Valley), Naina Sloan (NRCan), Carleen Thomas (Burrard Inlet/Lower Fraser), Kyle Robertson (IAMC TMX Technical Advisor), and Tim Dickson (JFK Law) will work together to develop a Committee resourcing proposal, which will be brought forward at a subsequent Committee meeting.
- The Secretariat is asked to provide the following tools to the Indigenous Caucus: a dedicated teleconference line, teleconference system, access to Dropbox, and a GoToMeetings account.

## 10. TRADITIONAL ECOLOGICAL KNOWLEDGE

- The protection and respect of traditional ecological knowledge should be a priority for the IAMC TMX.
- The Committee will invite representatives from other federal departments (e.g. Parks Canada), when appropriate, to discuss the regulation and legislation protecting historic sites. Concerning regulation and laws protecting historic sites.
- A representative from Ownership, Control, Access, and Possession (OCAP) will be invited to present at a subsequent IAMC meeting.
- The Committee will look at other ways to examine the best practices of how traditional ecological knowledge should be protected, used, and communicated; including striking a working group.

## 11. WHAT LESSONS CAN WE TAKE FROM THE SPAWNING MAT ISSUE?

- The Committee will explore a policy that will allow it to develop advice for regulators in an expedited manner. It will address how advice is to be prepared, reviewed and sent.
- A standing item will be added to each IAMC TMX agenda to provide a space for federal regulators to provide updates on their interactions with the project. Regulators will bring a proposal to the Committee outlining how they will engage with the Committee on the permits, authorizations and/or other matters for which they are responsible. It was

acknowledged that there may be constraints (e.g. time, procedural fairness, etc.) but where possible Committee members expect a “no surprises” approach.

## **12. MARINE SHIPPING SUBCOMMITTEE**

- The draft Marine Shipping Subcommittee work plan and budget was approved with no amendments (up to \$156,600).
- The Committee agreed to support the participation of two members each at the Oceans Protection Plan workshops (week of October 30), and Coast Guard exercise (October 25-27).

## **13. GROUND RULES**

- The ground rules policy will be decided on at the November IAMC TMX meeting. Committee members are encouraged to contact either Walter Quinlan or Chris Sheppard with their comments.

## **14. COMMITTEE BUDGET PRIORITIES**

- An email will be distributed shortly to all communities across the line describing the Committee’s Grants and Contributions program and how to apply.
- A representative from Ownership, Control, Access, and Possession (OCAP) will be invited to present at a subsequent IAMC TMX meeting.

## **15. CONFLICT OF INTEREST AND CONFIDENTIALITY POLICY**

- The sentence pertaining to all Committee information being strictly confidential was deleted.
- Tim Dickson will work with National Energy Board legal services to discuss and finalize policy, which will be brought forward to the November IAMC TMX meeting for approval.

## **16. IAMC REQUESTS INPUT FROM INDIGENOUS LEADERSHIP**

- Observers made a number of suggestions and comments to the Committee: (1) develop an information management tool to allow Committee members to share information with local community leaders; (2) strike a working group to review pre-construction conditions; (3) an offer to be part of the Committee evaluation process; and, (4) develop a dashboard to track commitments and actions to assist with transparency.
- Observers were interested in using the IAMC TMX as a vehicle to discuss the old pipeline, specifically concerning route variances and adjacent land access.

## PARTICIPANTS

### **IAMC Members:**

- Chief Ernie Crey (Fraser Valley)
- Chief Marcel Shackelly (Mid-Fraser/Thompson)
- Chief Harvey McLeod / Peter Hilton (Okanagan)
- Kristine Pearson (Vancouver Island – Western Approach)
- Caitlin Kenny (by phone) / Jack Smith (alternate) (Vancouver Island – South)
- Raymond Cardinal (Alberta First Nations)
- Norine Saddleback (by phone) (Alberta First Nations)
- Michelle Wilsdon (Alberta First Nations)
- Carleen Thomas (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 Jeffrey, Environment and Climate Change Canada)
- Diana Trager (Fisheries and Oceans Canada)
- David Heap (Canadian Coast Guard)

### **Observers:**

- Grand Chief Clarence “Kat” Pennier (Stó:lō Tribal Council)
- Grand Chief Doug Kelly (Stó:lō Tribal Council)
- Chief Clement Seymour (Seabird Island Indian Band)
- Chief Angie Bailey (Aitchelitz Band)
- Tyrone McNeil (Vice President, Board of Directors, Sto:lo Tribal Council)
- Ray N. (Sumas First Nation)
- Darwin Douglas (Cheam First Nation)
- Stephen McGlenn (Sumas First Nation)
- Patricia John (Chawathil)
- Ron G. John (Chawathil)
- Andy Phillips (Scowlitz (Sq'ewlets))
- Amber Kostuchenko (Stó:lō Research and Resource Management Centre)
- Mike Goold (People of the River Referrals Office)
- Murray Ned (Executive Director, Lower Fraser Fisheries Alliance)
- Jeanne Hughes (Lower Fraser Fisheries Alliance)
- Dionne Bunsha (Lower Fraser Fisheries Alliance)

### **Support:**

- Kyle Robertson (IAMC TMX Technical Advisor)
- Walter Quinlan (IAMC TMX Communications Manager)
- Margaret McQuiston (National Energy Board)
- Amy Jarek (National Energy Board)
- Sean Wouters (Natural Resources Canada, Major Projects Management Office – West (MPMO-W))
- David Murray (MPMO-W)
- Vananh Nguyen (MPMO-W)
- Anthony Cotter (MPMO-W)
- Karolina Pol (MPMO-W)
- Jacquie Béasse (MPMO-W)
- Chris Sheppard (MPMO-W)
- Tim Dickson (JFK Law)

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| <ul style="list-style-type: none"><li>• Janson Wong (Lower Fraser Fisheries Alliance)</li><li>• Harsha Sandhu (Lower Fraser Fisheries Alliance)</li></ul> |  |
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