

INDIGENOUS

Advisory and Monitoring Committee
Trans Mountain Expansion and Existing Pipeline

2020/2021

IAMC-TMX ANNUAL REPORT

Indigenous Advisory and Monitoring Committee for the
Trans Mountain Expansion and Existing Pipeline



Welcome to the IAMC-TMX's
third Annual Report, which
covers the period from April 1,
2020 to March 31, 2021

CAUTION
WATER
COURSE
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Message from the Minister of Natural Resources

This past year has been one we won't soon forget. COVID hit, we sheltered in place, and everything changed. We've learned to live through uncertainty, but it hasn't been easy. That was certainly true for the members of the Indigenous Advisory and Monitoring Committee for the Trans Mountain Expansion and Existing Pipeline (IAMC-TMX). Yet you've carried on with your important work throughout this difficult time.

Created in 2017, the IAMC-TMX ensures Indigenous People have a meaningful role to play in monitoring and oversight throughout the entire lifecycle of major projects.

Shortly after being appointed Minister of Natural Resources in 2019, I sat down with members of the Committee. It was important to me to learn more about the Committee's efforts to ensure the building of our critical energy infrastructure is safe, the environment is protected, meaningful dialogue takes place, and Indigenous interests are respected.

What struck me most was the genuine commitment to work together in a spirit of reconciliation. And while its mandate may be to monitor and advise on a particular project, the IAMC-TMX's impact goes far beyond one pipeline; it is an example of how the Government of Canada is working to establish a new relationship with Indigenous communities.

I would like to thank the Committee for its enormous contributions over the past year, including completing its one hundredth Compliance Verification Activity, consulting all 129 Indigenous communities on emergency management, and advancing the Temporary Work Camps and Influx of Workers Initiative.

This report, chronicling all of the Committee's achievements in 2020-21, is a testament to the dedication and commitment of a remarkable group of people.



Seamus O'Regan Jr.
Minister of Natural Resources

Message from Canada Energy Regulator CEO

The past year has been one of changes, challenges and progress for the Canada Energy Regulator (CER).

Reconciliation is a foundational element of the *CER Act*. We have worked hard to build upon our commitments to Indigenous peoples—based on the recognition of rights, respect, co-operation and partnership—and turn those commitments into action.

This commitment can be seen through the CER's work and accomplishments with the Indigenous Advisory and Monitoring Committee for the Trans Mountain Expansion and Existing Pipeline (IAMC-TMX) and our continued support for the committee and subcommittees. Work—including December's line-wide meeting—that has been done almost entirely in virtual format through video conferences and emails, as we adjusted to the new business as usual during the pandemic.

Part of that adjustment occurred in April and May of 2020, in creating the COVID-19 Task Group to address concerns from the Indigenous Caucus regarding the potential impact of COVID-19 on communities and workers during the ongoing Trans Mountain expansion project construction. This represented a collaborative effort between the IAMC-TMX's Indigenous Caucus, CER and Trans Mountain to ensure pandemic related risks and the project were managed transparently and to develop a better understanding of the regulatory system and how different regulators and government agencies would work together. This included a workshop on regulatory

oversight responsibilities and approaches among federal, provincial and local authorities, as well as Indigenous communities.

In June, Indigenous monitors from the IAMC-TMX joined CER Inspection Officers to monitor the site of a crude oil release at Trans Mountain's Sumas Pump Station. These collaborative inspections, and joint participation in emergency management exercises, improve transparency and understanding of regulatory activities with the goal of building confidence and trust between the CER and Indigenous communities. They also improve how Indigenous values, knowledge, and perspectives are integrated into all aspects of the CER's regulatory oversight.

Later in the year, CER Inspection Officers and IAMC-TMX Indigenous monitors completed their 50th joint Compliance Verification Activity on the expansion project and existing Trans Mountain pipeline. Leading up to this milestone, IAMC-TMX Indigenous monitors led two inspections which focused on assessing the company's mitigation of impacts on sites of importance to Indigenous peoples in British Columbia and Alberta. These are some of the first Indigenous monitor-led joint inspections with a Canadian federal regulator, and an exciting step forward in the CER and the IAMC-TMX's partnership.

Work has begun on the very important issue of identifying and protecting Sites of Indigenous Significance, and this was one of several critical co-developed policy development initiatives that moved forward in 2020. Other key files that are ongoing include the joint work on developing increased transparency of

reporting between company and the IAMC-TMX, developing profiles for communities along the entire route of the pipeline, and the Indigenous Monitoring Bridging Program. Over the course of the year, many new Indigenous monitors have been trained, with the IAMC-TMX and CER working together to deliver that training online.

In February 2021, the CER's new Indigenous Advisory Committee co-endorsed its terms of reference with the CER's Board of Directors. This significant development marked the beginning of a groundbreaking new chapter for the CER. The Committee's work and advice will be grounded in advancing reconciliation by helping to transform the relationship between the CER and the Indigenous peoples of Canada. Its advice will bring a broader perspective to the CER reflecting the worldviews of First Nations, the Métis Nation and Inuit.

Advancing Reconciliation means driving meaningful change in how the CER and the Industry we regulate works with Indigenous peoples, with a commitment to implementing the United Nations Declaration on the Rights of Indigenous Peoples as well as the Calls to Action of the Truth and Reconciliation Commission. Working together, the CER and the IAMC-TMX will continue to demonstrate what can be achieved in support of these efforts.

Sincerely,

Gitane De Silva
Chief Executive Officer
Canada Energy Regulator



Co-Chairs' Message

The Indigenous Advisory and Monitoring Committee for the Trans Mountain Expansion and Existing Pipeline (IAMC-TMX) is at a key point in its history. We have just gone through an extremely challenging and unexpected year due to the COVID-19 pandemic and are still operating in very much uncertain circumstances as we enter the final year of our original mandate. That being said, the spirit is strong, as we look to evolve from being an advisory body to one with an oversight function.

This is the IAMC-TMX's third Annual Report, which covers the period from April 1, 2020 to March 31, 2021. The year began with the Committee adapting to working under the shadow of the COVID-19 pandemic and it ended with all of us still very much under the same shadow. Our first priority has always been the health and safety of our communities, families and workplace, and it is a testament to the resilience of the Committee members that we have been able to carry on using only virtual platforms to communicate and yet still get so much done. This alone could be classified as a tremendous achievement.

Under the umbrella of managing to carry on during the pandemic, one of the highlights of the year has to be the third annual Line Wide Gathering, which was conducted using an integrated virtual platform. The Line Wide is a very important annual event as it is where we get to update communities about the work the Committee has completed over the past year and to hear from them about their interests

and concerns which informs our work moving forward. We were extremely pleased with the turnout of about 180 participants representing 65 communities, several federal departments or agencies, and the CER.

Some other key achievements for the Committee in 2020/2021 include:

- Completing our 100th Compliance Verification Activity, an emergency management exercise, at Trans Mountain's Westridge Marine Terminal;
- Advancing the Temporary Work Camps and Influx of Workers Initiative by increasing Indigenous participation in the identification and oversight of socio-economic and cultural effects of the Trans Mountain Expansion (TMX) project;
- Conducting an emergency management survey of all 129 Indigenous communities to hear from them about their needs and interests and to inform future program development;
- Participated in two full-scale emergency response exercises and provided input to Trans Mountain and the CER on spill exercises. IAMC-TMX involvement has evolved from observers to full participation in planning and management;
- Engaging with the Transportation Safety Board following the Sumas incident and participating as an Expert Reviewer; and

- Met virtually with representatives from 13 communities along the marine shipping route to discuss engagement, marine monitoring, emergency management and funding opportunities available through the IAMC-TMX.

Of particular significance this past year was the acknowledgment by the CER of systemic racism within its organization and a commitment to systemic change. On behalf of the Committee and those who work closely with the CER in the oversight of the TMX project, we applaud the CER for its leadership. This is something that would not have happened in 2016 when TMX was first approved.

In the following pages, we will take a more in-depth look at the work we have undertaken over the past year to advance our goals. In particular, we will focus on our three priority areas, as outlined by communities, which are: monitoring and oversight, emergency management (terrestrial), and work camps and other influx of temporary workers and its impacts on communities.

In closing, we would like to express our sincere gratitude to Naina Sloan, former Federal Co-Chair of the Committee for her leadership and work for the Committee. Working with the Committee since its inception in 2016, Naina worked tirelessly to advance its goals and strategic directions.



Michelle Wilsdon
Indigenous Co-Chair



Tracy Fleck
Federal Co-Chair

About the Committee

Who We Are

The Committee brings together Indigenous and government representatives to provide advice to and support oversight with federal regulators and to monitor the proposed TMX project, the existing pipeline and the associated marine shipping. The Committee was co-developed over six months by a working group made up of representatives from Indigenous communities, the federal government and the CER. When the TMX project was approved in November 2016, the Government of Canada announced its commitment to co-developing an Indigenous Advisory and Monitoring Committee. Importantly, the commitment was for the life cycle of the project—signaling that this would be a long-term relationship.

The Committee is made up of a 13-member Indigenous Caucus and six senior federal representatives from Natural Resources Canada (NRCan), the CER, Transport Canada (TC), Fisheries and Oceans Canada (DFO), Canadian Coast Guard (CCG) and Environment and Climate Change Canada (ECCC). There are two Co-Chairs, one from the Indigenous Caucus and one from NRCan.

Our Terms of Reference (TOR), which are available on our website, were co-developed by Indigenous and federal government representatives and endorsed by the Chair of the CER and the Minister of NRCan in July 2017. The TOR is the Committee's guiding document. It outlines the ways in which we have agreed to work together to accomplish our common goals. It establishes a shared set of expectations and outlines accountabilities of members.

Our Role

The Committee is an additional collaborative forum for engagement between regulators

and Indigenous communities. Our role is to ensure a collaborative, inclusive and meaningful Indigenous involvement in activities related to the Trans Mountain pipeline and proposed expansion.

Our Vision

Our vision is a new relationship between Indigenous communities, the federal government and the CER in respect of the review and monitoring of the life cycle of Trans Mountain activities.

Our Purposes

1. To provide a collaborative forum supported by technical resources for Indigenous communities, the government and regulators to enhance environmental protection and the safety of Trans Mountain activities.
2. To support Indigenous communities' effective and meaningful participation in the monitoring of the environmental, safety and socio-economic aspects of Trans Mountain activities.
3. To enable Indigenous communities to come together to identify common priorities and perspectives related to Trans Mountain activities and to voice those interests to the government and regulators.
4. To build an understanding of issues of concern to Indigenous communities in order to develop a common perspective between the government, the CER and Indigenous communities regarding Trans Mountain activities and to provide informed advice to the government and the CER on how to address those issues.
5. To share information in a cooperative and transparent manner relating to the environmental, safety and socio-economic issues of Trans Mountain activities.

Overarching Goals

- Safe, environmentally and socio-economically sound Trans Mountain activities
- Respect for Indigenous rights and perspectives in the monitoring of Trans Mountain activities
- Well-informed and supported Indigenous groups engaging effectively with government, regulators and the proponent in relation to Trans Mountain activities
- Collaboration, shared learning and integration of knowledge

How We Work

The Committee is a partnership—Indigenous and federal government representatives working together towards a shared vision and purpose. Committee members take the time to listen to all viewpoints and build upon the diversity, strengths and experiences around the table. We learn and work together in a safe and respectful way. In our work, we also endeavour to honour all Treaties, respect Aboriginal rights and title and support nation-to-nation relationships.

We seek to advance the principles underlying the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) and the Truth and Reconciliation Commission's Calls to Action.



Learning

- Joint learning activities
- Ability to convene experts
- Knowledge sharing



Issues Identified

- Through discussion, engagement, workshops, etc.



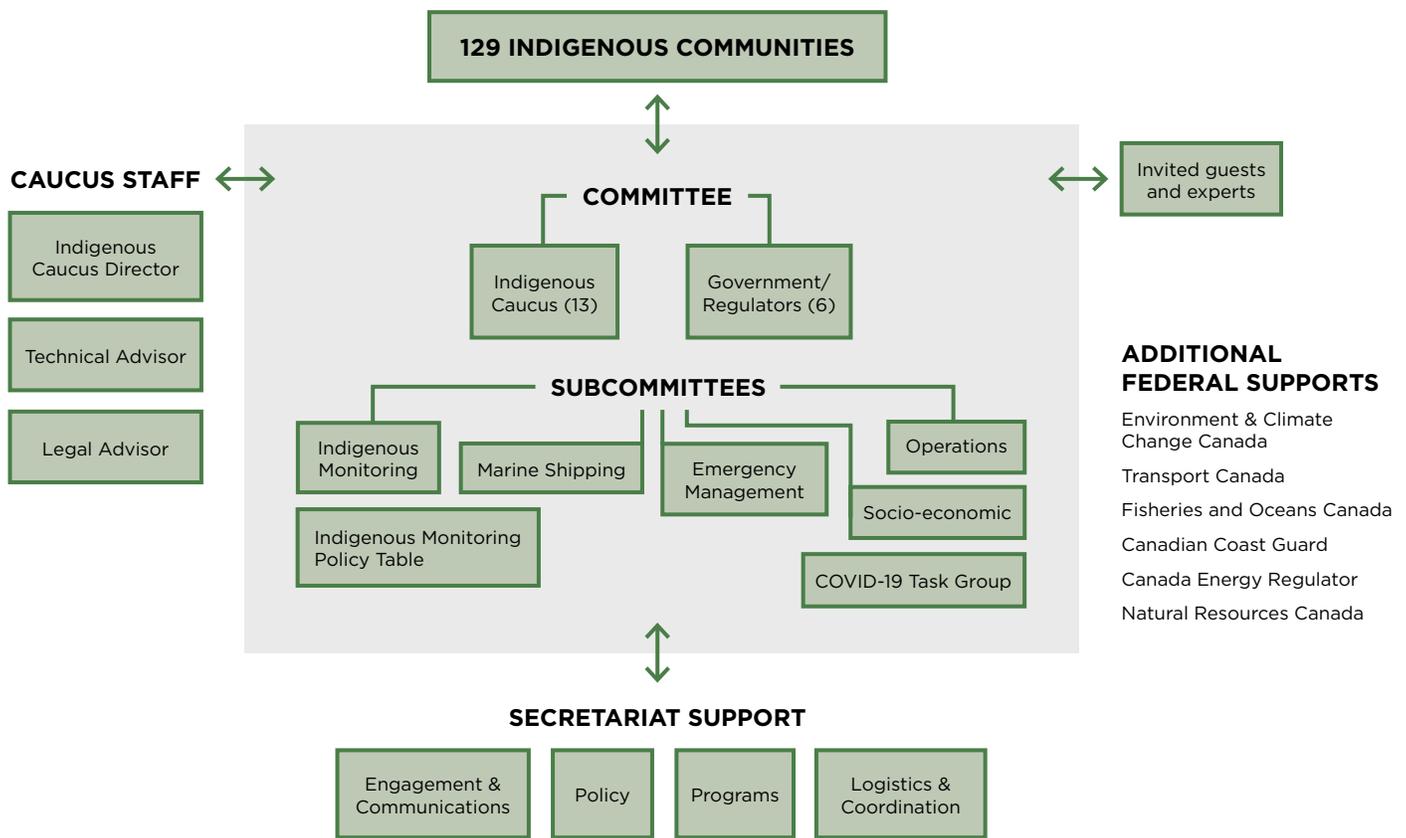
Gaps Identified

- How to incorporate Indigenous perspectives?



Resolution

- Actions needed to be taken by the IAMC-TMX
- Recommendations to other (appropriate) agencies



Indigenous Caucus

Indigenous communities along the pipeline route and shipping lanes select the 13 members of the Indigenous Caucus. Members of the Indigenous Caucus are not federal appointees. The Indigenous Caucus engages with community members to learn about their priorities and perspectives on the TMX project. The Indigenous Caucus meets regularly to discuss how best to advance community and regional interests and concerns at the IAMC-TMX table. The Prime Minister of Canada, the Minister of NRCAN, the Chair and CEO of the CER and other senior federal officials have all met with the Indigenous Caucus. It is part of an ongoing dialogue and effort by all to build a productive, trust-based working relationship between Indigenous communities,

federal regulators and Trans Mountain. The Indigenous Caucus has made formal submissions to the federal Standing Committee on Environment and Sustainability to provide advice on the Federal government’s environmental and regulatory reviews, specifically, proposed changes to the *Canadian Environmental Assessment Act* (CEAA), 2012 and the *Fisheries Act*. The Caucus also provided a written submission and oral evidence at the CER’s Reconsideration Hearings. The work of the Indigenous Caucus provides the IAMC-TMX with a broader understanding of the extensive range of views and issues of Indigenous communities. This work supports a collaborative approach to build a relationship based on trust and respect.

Federal Members

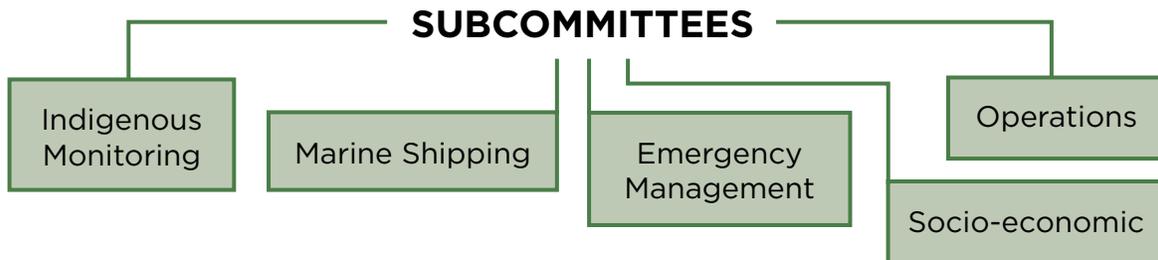
Partnership is a critical principle for the Committee. It was part of the vision of the Indigenous Leadership, the Chair of the CER, and the Minister of NRCan when they endorsed the formation of this Committee. It was important then, as it is now, to strengthen relationships and to change the ways in which we work together. There are six federal members on the Committee including the regulator and departments involved in the TMX Project. These include the CER, NRCan, CCG, TC, ECCC and DFO.

Subcommittees

The IAMC-TMX forms and oversees subcommittees and working groups to work on specific issues or regional concerns. The subcommittees undertake work that requires more expertise or focus on a particular issue. These include

Indigenous Monitoring, Marine Shipping, Socio-economic, Operations and the Emergency Management Working Group. Each subcommittee and working group develop work plans, budgets and activities that are approved by the Committee.

Subcommittee members are appointed by the Committee and must demonstrate they have the expertise, skills and experience relevant to the work of that particular subcommittee. Membership may also include other individuals and representatives, such as: Elders, youth, Indigenous knowledge-holders, other community members or staff from Indigenous communities or other Indigenous groups; representatives of the federal, provincial and local governments; and technical experts, including Trans Mountain representatives.



Strategic Directions

In order to achieve our overarching goals, we identified five strategic goals as a Committee. The remainder of this report will outline the work we have undertaken to advance these goals:

Strategic Goal 1: Conduct land and water based monitoring and provide advice;

Strategic Goal 2: Assess proponent plans and provide advice;

Strategic Goal 3: Review legislation, policy and operational practices and provide advice;

Strategic Goal 4: Enhance Indigenous groups' capacity; and

Strategic Goal 5: Optimize governance and operations.



Indigenous Caucus Activities

The 2020-2021 fiscal year has been a year like no other. So much of the Indigenous Caucus' and the Committee's work depends on the kinds of relationships and discussions that are best fostered in-person and face-to-face. This year has upended that mode of work and forced all of us to reinvent new means of moving our complex, multilateral work forward.

We hold up our hands in honour to all members of the Committee, its subcommittees, the affected Indigenous communities and our government partners who have adapted to this past year's challenges and continued to put their drive and commitment into the Committee's work.



In addition to all of its activities as part of the Committee generally, 2020-2021 was a busy year for the Caucus in its Tier 1 (Indigenous only) work. Three areas where the Caucus has played a distinct role are outlined below.

Indigenous Monitoring Policy Table

The Indigenous Monitoring Policy Table was established in response to concerns raised by the Committee's Indigenous Caucus regarding the Trans Mountain Indigenous Monitoring Program. This Table represents a new way of working together to improve the system and practice of Indigenous monitoring on the Project.

The Indigenous Monitoring Policy Table brings together representatives of the Indigenous Caucus, the CER and Trans Mountain to co-develop improvements to Trans Mountain's and the IAMC-TMX's respective Indigenous monitoring programs. The process is facilitated by NRCan and overseen by senior leadership from the Indigenous Caucus, the CER, Trans Mountain and NRCan.

The pace of this work is substantial, with the parties generally meeting every two-weeks. An interim result of the work was the parties' agreement, in January 2020, to a framework of 23 short-term deliverables to improve the two monitoring programs. These included participation and engagement, Indigenous Knowledge and transparency.

During the 2020-2021 fiscal year the Table's main work has been to further define and implement the deliverables. The onset of the pandemic in the middle of March 2020 significantly slowed down that work, however, as some of the parties' attention shifted more to responding to the pandemic. In the fall of 2020 the Caucus called for a meeting of the parties' leadership in order to recommit to the Table's work, which the leadership did in November of 2020.

The Table made considerable progress in the last quarter of the 2020-2021 fiscal year, and as of the end of the year 19 of the short-term deliverables were underway or completed. The process continues. The process has not resulted in all the changes the Caucus has advocated, but overall it has improved the Indigenous monitoring on the project.

COVID-19 Table

The onset of the COVID-19 pandemic, coincident with ongoing construction activities, caused grave concern amongst Indigenous communities. The Caucus provided formal and informal advice to regulators and Trans Mountain regarding the risks posed by the pandemic and ongoing project activities during the early days of COVID-19, and has remained engaged in collaboration on addressing the ongoing risks.

The Caucus wrote to Minister O’Regan on April 20, 2020 to outline the Caucus’ concerns with construction proceeding during the COVID-19 pandemic. The Caucus’ chief concerns were (i) that project activities could increase the risk of transmission in vulnerable Indigenous communities, (ii) that Trans Mountain’s health and safety measures appeared not to be adequate given these heightened risks, and (iii) that the CER and the DFO had ceased in-person inspections due to COVID, but that construction proceeded nonetheless.

The Caucus sought engagement on these concerns from both regulators and Trans Mountain. This led to initial discussion at the IAMC-TMX and directly with regulators and Trans Mountain in a number of forums. Ultimately, the parties struck a COVID-19 Task Group, a separate stream of trilateral (proponent-regulator-Indigenous, or “Tier 3”) work aimed at responding to Indigenous Caucus concerns related to project safety during the COVID-19 pandemic. That work helped to increase attention on preventing transmission of COVID-19 to Indigenous communities, as well as highlighting the need for greater communication with those communities and the development of a COVID-19 Health and Safety Plan. The Task Group is planning to meet in the near future to determine the need for this group going forward.



Visioning for Renewal and Evolution

The federal government’s first five-year budget for the Committee runs until the end of the 2021-2022 fiscal year. In addition, construction of the TMX project will be completed and operations will commence sometime in 2023. The Caucus has therefore been working toward the renewal of the Committee’s budget and the evolution of the Committee in the operations phase.

The Caucus held a number of Tier 1 (Indigenous only) “visioning” sessions during the fall of 2020 and beginning of 2021 in order to inform its engagement with the federal government within the budget renewal process.



The engagement with the federal government on budget renewal then began in January of 2021. The budget process will be informed by a federal Audit and Evaluation, with which the Caucus is involved. The Caucus has also been engaging with our federal partners, both at the Committee and the political level. Caucus Chair Michelle Wilsdon set out the Caucus’s longer-term vision for the evolution of the Caucus at a presentation to the Committee on March 8, 2021. And on March 30, 2021, the Caucus wrote to Minister O’Regan to share its views on renewal, both as related to funding and the evolution of the Committee.

The Caucus’s vision for the evolution of the Committee has various components, which were summarized in its letter and accompanying memorandum to Minister O’Regan. One component is the need to respond to the operations phase of the project, which will require emergency preparedness and response, marine advice

and monitoring, pipeline operations monitoring and continued socioeconomic monitoring. Another component includes making structural improvements to the functioning of the Committee and finding opportunities to leverage the Committee’s capacity and expertise beyond the Trans Mountain context. A last component of the Caucus’s vision is deepening the Committee’s role in oversight of the Trans Mountain pipelines and marine shipping, which is a long-standing objective that is embedded in section 14 of the Terms of Reference.

The Caucus looks forward to working with the Committee and its partners at the political level to co-develop the renewal of the Committee’s budget and, subsequently, the evolution of the Committee’s Terms of Reference.



Indigenous Monitoring Subcommittee

Overview of the Indigenous Advisory and Monitoring Committee (IMSC)

Since the fall of 2019, the IAMC-TMX has been implementing an Indigenous Monitoring (IM) Program to provide opportunities for Indigenous communities to participate in accompanying regulators in verifying Trans Mountain Corporation's compliance with regulations.

The IM Program currently supports 44 Indigenous monitors from 21 Indigenous partner communities and organizations across the pipeline route to participate in oversight with federal regulators, including the CER, DFO and Parks Canada.

Monitors work with federal staff to complete inspection reports that are publicly available on the IAMC-TMX website.

Boots on the Ground

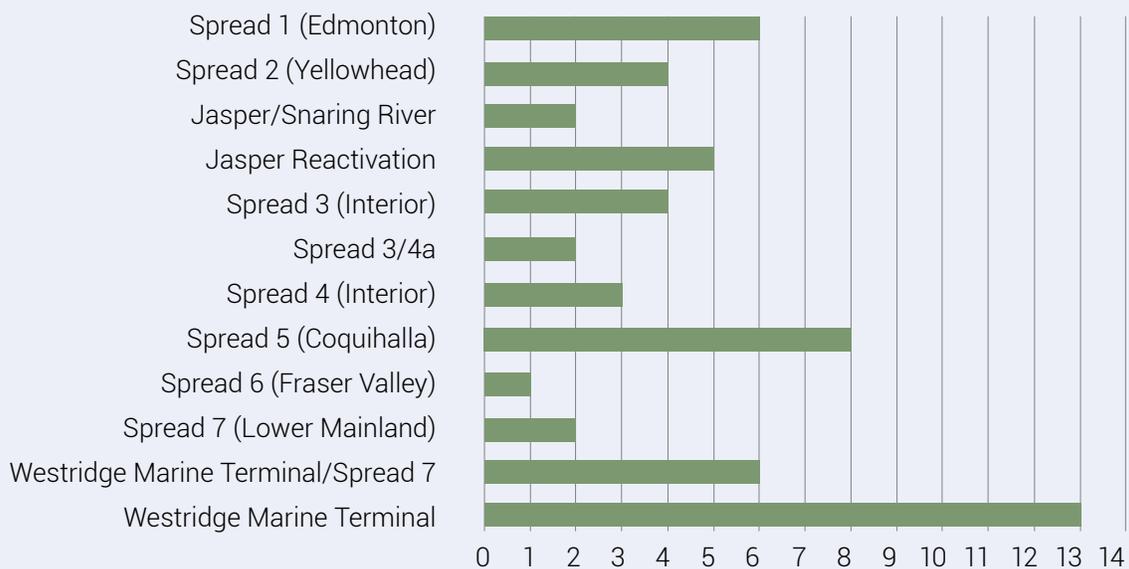
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Days with Indigenous Monitors in the field

Compliance Verification Activities

CER: **40** Parks: **5**
 DFO: **14** Total CVAs: **59**

CVAs by Segment



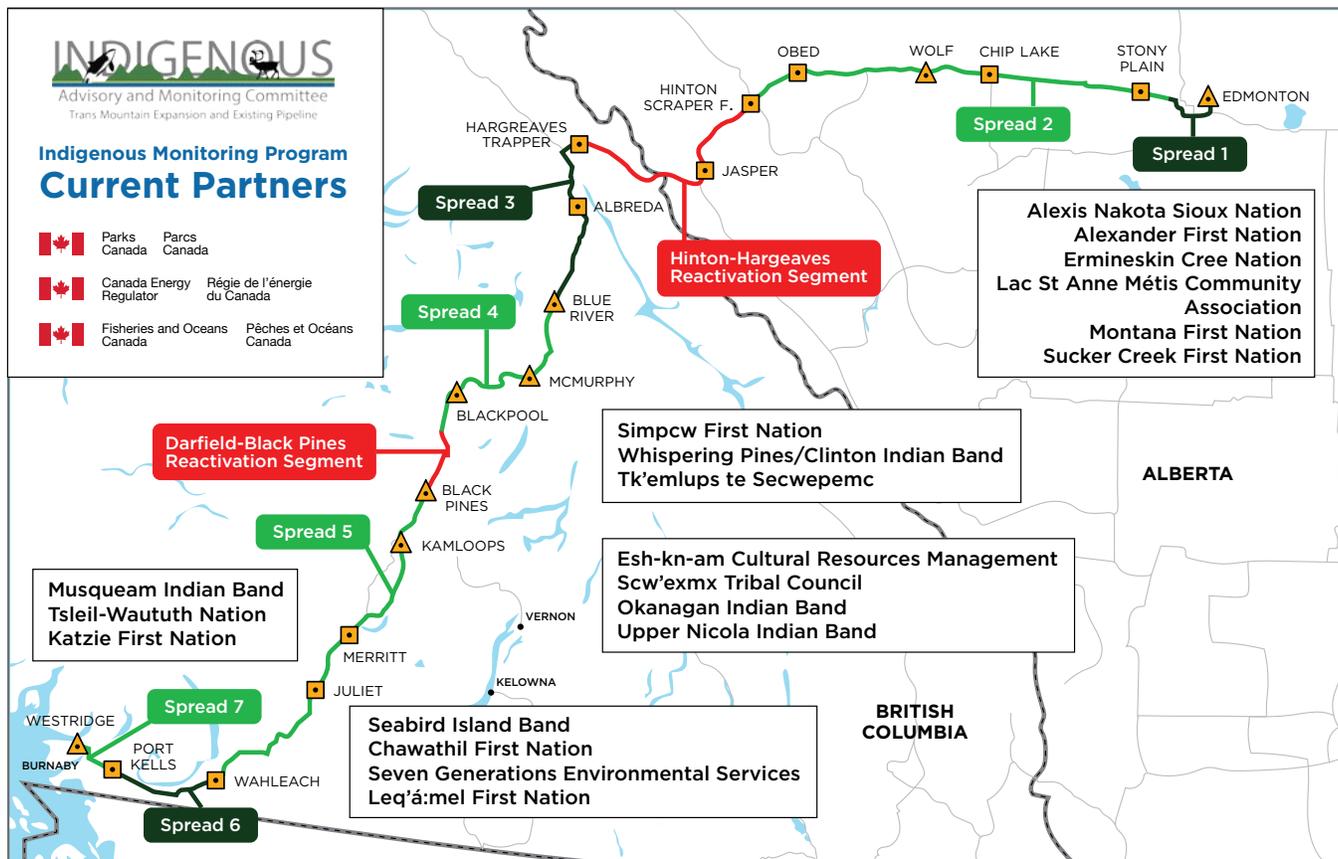
Building Monitoring Capacity

44 Indigenous Monitors Trained
(by regulators/IAMC-TMX)

22 Indigenous Monitors
Qualified (trained +
safety certifications)

Indigenous Monitors trained by regulators (green indicates Partner with qualified IM)

Alexis Nakota Sioux First Nation	2	Scw'exmx Tribal Association	2
Lac St Anne Metis	2	Okanagan Indian Band	2
Montana First Nation	2	Seven Generations Environmental	2
Sucker Creek First Nation	2	Leq'á:mel	2
Simpcw First Nation	2	Seabird Island Band	4
Whispering Pines/Clinton Indian Band	1	Esh-kn-am Cultural Resources Management	2
Erminskine Cree Nation	1	Musqueam	2
Alexander First Nation	3	Chawathil First Nation	4
Katzie First Nation	2	Tsleil-Waututh First Nation	2
Upper Nicola	1	Tkemplups te Secwepmc	3



Monitoring During the Pandemic

Early in the pandemic the focus was on safety, remote inspections and creating new roles for monitors in assessing the Trans Mountain's line-wide plans. This quickly progressed to restoring Indigenous and federal on-site presence in a safe manner. The IAMC-TMX hired a well-respected company, BEHR Integrated Solutions, to support the development of a COVID-19 health and safety, which has been implemented since April 2020. Following the implementation of the COVID-19 Health and Safety Plan in April 2020, all Indigenous monitors are required to attend COVID-19 safety training prior to being able to attend in-person Compliance Verification Activities (CVA). All Indigenous monitors are required to follow provincial health and safety measures along with those outlined in the COVID-19 Health and Safety Plan.

Indigenous Monitor Perspectives

Over the last year, an Indigenous Monitoring Weekly Gathering has been created to create a space for the IAMC-TMX and Trans Mountain Indigenous monitors to meet, share information and discuss issues that arise on investigations. Originally, this gathering included Indigenous monitors, Employers, Regulators, IMSC members and Indigenous Caucus members. More recently, the Indigenous monitors requested that this gathering be a place for just the Indigenous monitors, to provide a safe space to share and learn from each other. In addition, a group of experienced Indigenous monitors has come together to create a Mentorship team to support and mentor other Indigenous monitors.

In the last year, the IAMC-TMX IMs have been involved in two Indigenous-led CVAs. The first was a CVA that was triggered by two Indigenous monitors having concerns that a Traditional Land Use (TLU) site may not be properly protected. The Indigenous monitors raised it to the inspection officers who brought the issue to the IAMC-TMX and CER. It was determined that an Indigenous monitor-led CVA should be conducted to investigate how Trans Mountain was addressing TLU sites and how company Indigenous monitors were being trained and mentored. The second Indigenous-led CVA was an Information Exchange focused on a variety of concerns shared by Indigenous monitors and the IMSC including Sites of Indigenous Significance in Spread 5.

Coming out of the Indigenous-led CVAs, there is now an Enhanced Issues Management process in which Indigenous monitors have the ability to raise issues and request Indigenous-led CVAs. The Indigenous monitors and inspection officers work collaboratively to determine how best to address the issue through designing a CVA.

These are some of the first Indigenous-led joint inspections with a Canadian federal regulator and an exciting step forward in the CER and IAMC-TMX partnership.

"Our top priority is to ensure that Indigenous monitors are working safely and return home safely to their families and communities. With the arrival of COVID-19, we face a new risk to the health and safety of monitors... Our communities have been clear; so long as construction is continuing, inspections need to continue. Where inspections continue, our monitors need to be boots on the ground, addressing critical issues and risks on behalf of our communities. In order to support a safe return to the field, the IAMC-TMX supported the creation of a COVID-19 safety plan for monitors. It was developed in collaboration with our communities, with input and advice from federal regulators, and with occupational health and safety experts and emergency management expertise. Our goal has always been to have monitors on-site protecting our lands and waters, and return home safe. COVID-19 adds another layer of responsibility to protect the safety of our monitors, their families and their communities."

RAY CARDINAL

Chair, Indigenous Monitoring Subcommittee,
IAMC-TMX Member (from COVID Safety Plan)

"I am excited to be involved in the beginning of an Indigenous-led CVA, we have already identified concerns that will need to be addressed and I believe that this CVA will improve practices and protocols around Sites of Indigenous Significance"

STEPHENIE DICK
IAMC-TMX Indigenous Monitor



"I was very honoured and blessed to be a part of the very first ever Indigenous-led inspection of traditional land use sites. Never in my lifetime would I think there would be a pipeline inspection where not only Indigenous sites were on the forefront of a federal regulatory inspection but also Indigenous values, ideas and workers and I would be a lead in it. We focused not just on Sites of Indigenous Significance, but we also looked at Indigenous workers, commitments to Indigenous communities and its employees. We worked side-by-side with the CER on this CVA and for the first time the company didn't see two CER inspectors and two Indigenous monitors, but four inspection officers working on a collective goal. I am very hopeful for the future, and I am very honoured and proud to be walking this path."

JONATHAN WRIGHT
IAMC-TMX Indigenous Monitor and Mentor



Indigenous Communities

Indigenous knowledge, values and perspectives



**Trans Mountain
Indigenous
Monitors**



**IAMC-TMX
Indigenous
Monitors**

+

Company

TMC Environmental Inspectors

**Trans Mountain Indigenous
Monitor Program**



Trans Mountain Environmental Compliance Management Program

(Indigenous monitors integrated into Company's internal daily construction monitoring.)

Program Objectives

- Collaborate with Indigenous groups to monitor protection of traditional use/cultural resources during construction
- Meet Project commitments
- Employment, training and skill development

+

Regulators

CER / DFO / Parks Canada staff

**IAMC-TMX Indigenous
Monitoring Program**

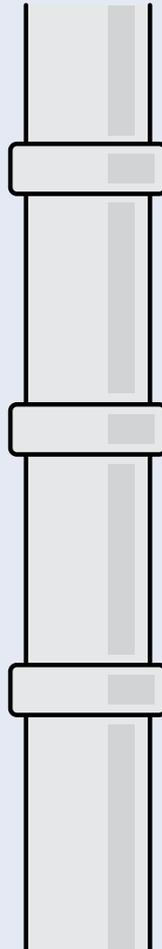


Federal CVAs

(Indigenous monitors participate in 'external regulatory' in field inspections, emergency management audits, etc.)

Program Objectives

- Indigenous participation in oversight
- Protection of environment and Indigenous interests
- Increased trust/confidence in regulators



Highlights of the IMSC in the Last Year

On September 25, 2020 the Indigenous Caucus Co-Chair Michelle Wilsdon and CER CEO, Gitane De Silva conducted a tour of Spread 1 to get a firsthand experience on the complexity of the project in the Edmonton area. It was also an opportunity for them to meet in person.

On June 13, 2020, Trans Mountain's Sumas Pump Station released up to 1,200 barrels of crude oil from the existing pipeline. Once the spill was detected, the pipeline was immediately shut down. The spill was contained and cleanup activities began immediately. The IAMC-TMX does not have a direct role in responding to emergencies involving the Trans Mountain Pipeline, however, due to the advocacy of the Indigenous Caucus at the time of the incident, the CER partnered with the IAMC-TMX Indigenous monitors to conduct a joint CVA. A Joint Statement from the IAMC-TMX and CER was issued following the CVA.

The IMSC conducted several training sessions in the last year. As mentioned above, the COVID-19 safety training has been ongoing. In addition, Indigenous monitor training was provided by the CER and DFO as a prerequisite to participating in CVAs. In November 2020, ECCC, DFO and Indigenous representatives provided training on Species at Risk (including terrestrial, freshwater and marine).

In November 2020, the CER inspection officers and Indigenous monitors for the IAMC-TMX completed the 50th joint CVA of the Trans Mountain Expansion Project and existing line.

The first Regional Workshop was held with Indigenous groups in the Lower Mainland/ Fraser Region on March 11, 2021. The purpose of the workshop was to provide Indigenous communities affected by the TMX project with an overview of how the IAMC-TMX is advancing Indigenous inclusion in monitoring and oversight, an opportunity to meet IAMC-TMX Indigenous monitors and hear about their work on the ground and an opportunity to discuss how communities would like to be involved in oversight going forward. Additional workshops are anticipated in Alberta and the BC Interior in the 2021-2022 fiscal year.

The first Trans Mountain IM and IAMC-TMX IM Workshop was held on March 30, 2021. It was an opportunity for IMs from both programs to gain an understanding of the IAMC-TMX and Trans Mountain Indigenous Monitoring Programs and an opportunity for a two-way dialogue for Indigenous monitors from both programs to get to know each other and the work that they do.

"With gratitude resonating from my heart, my hands go up to the finned, the winged, the two- legged, the four-legged, the rooted, the flowing, and my Chawathil Leadership and community, to be their eyes, ears, voice and boots on the ground."

BOBBI ELLEN ROBERTS
IAMC-TMX Indigenous Monitor

Plans for the Next Year

Going into year five of the IAMC-TMX, the Committee is looking to continue to safely participate in investigations with CER, DFO and Parks Canada. The Committee has the following priorities for the next year:

1. Enable Indigenous participation in and integrate Indigenous knowledge, values, and perspectives into Federal oversight of the TMX project.
2. Communicate and engage in two-way dialogue with all affected Indigenous communities to determine what is monitored and how impacts to rights and interests are mitigated.
3. Increased capacity of Indigenous monitors to effectively and safely carry out their responsibilities and obtain long-term career benefits.
4. Provide effective governance for the IM Program and opportunities to provide advice to regulators.



"I'm very proud of the relationship that we have built with the IAMC-TMX and the Indigenous monitors. The advancements we have made with the IMSC on our oversight of the Project is making the CER a better regulator and improving how we work with other Indigenous communities on other projects across Canada. The partnership between CER inspection officers and Indigenous monitors will continue to grow and I look forward to working together on the opportunities and challenges ahead."

CHRIS LOEWEN

Vice President Field Operations,
CER Member IMSC

"With the skills and competency development of Indigenous monitors, collaboration among the employers of those monitors and policy work of the IMSC, Indigenous communities are occupying policy and monitoring space we have been seeking for a long time."

TRIBAL CHIEF TYRONE MCNEIL

IMSC Member, Stó:lō Nation

Socio-economic Subcommittee

The social, cultural and economic impacts of major resource development projects are of significant interest to Indigenous people and must be understood within the context of ongoing systemic issues, including stereotyping, stigmatization, violence and racism in the Canadian context.

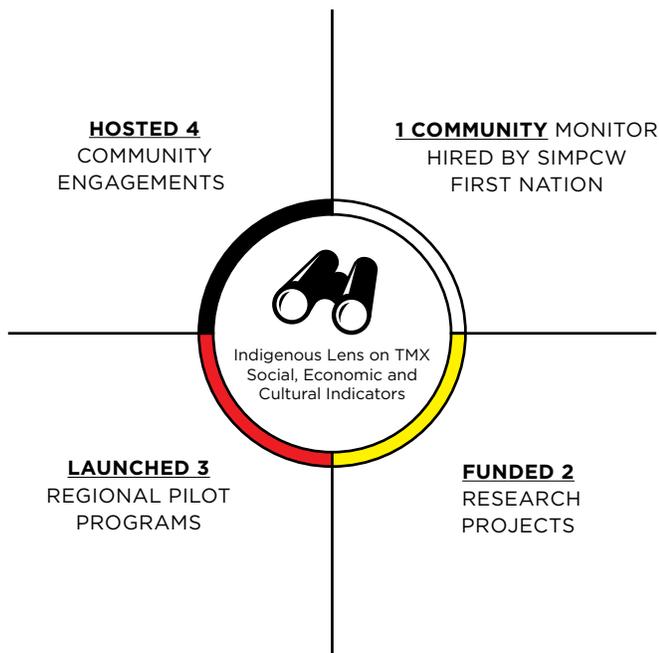
With this awareness, the Socio-economic Subcommittee (SESC) has continued to advance the Temporary Work Camps and Influx of Workers Initiative over the past year with the expectation of:

1. Increasing Indigenous participation in the identification and oversight of socio-economic and cultural effects of the Trans Mountain Expansion Project (TMX) project;
2. Collaborating with Trans Mountain to enhance their Socio-Economic Effects Monitoring Plan (SEEMP) through an Indigenous lens;
3. Building capacity for Indigenous communities to participate directly in socio-economic and cultural effects monitoring;
4. Enhancing the role and capacity of communities in preventing or mitigating adverse project impacts in their territory; and
5. Developing advice to the CER on socio-economic effects for consideration for future major resource development projects.

Key to achieving these goals is working in partnership with Indigenous communities along the pipeline corridor, as well as with the CER and Trans Mountain.

Over the last year, the Socio-economic Subcommittee focused on four key areas of work:

1. **Conducting research and analysis**, with input from communities, on Trans Mountain's policies and regulations, as well as on topics focused on improving community-readiness to participate in and benefit from major resource development projects, and to effectively manage their impacts.
 - The SESC worked on an environmental scan of existing community and corporate issues-response mechanisms, with a focus on managing issues related to the socio-economic and cultural impacts of the Project. This work includes exploring matters or disputes with potential connections to structural and other types of racism.
2. Working with Trans Mountain on the tracking of Indigenous-focused socio-economic indicators as an aspect of **increasing Indigenous participation in oversight** of Trans Mountain's Socio-Economic Effects Monitoring Plan (SEEMP).
 - Following work done together to identify Indigenous socio-economic indicators, the SESC and Trans Mountain are working in partnership to track indicators related to procurement, employment and training and temporary workforce accommodation. The SESC and Trans Mountain regularly meet to discuss this information, allowing the SESC to track trends and ask questions of Trans Mountain as an aspect of increasing Indigenous participation in the oversight of the Project.
 - Two IAMC-TMX members continued to participate in Trans Mountain's Circle for Indigenous Involvement, which is focused on the company's Worker Accommodation Strategy.



3. **Building capacity for Indigenous communities**

to participate directly in socio-economic monitoring and to enhance their role in preventing or mitigating adverse project impacts in their territory for this project and in future.

- **Alberta:** The SESC conducted a rapid assessment of key social, economic and cultural issues associated with the Project in the Edson/Hinton region to provide information for the development of a community-driven monitoring initiative. An initial meeting was held with community partners to identify issues, opportunities and mechanisms related to the influx of non-local workers and to identify next steps for advancing community-based socio-economic effects monitoring in the region.
- **BC Interior:** Simpcw First Nation has hired their first ever community monitor under the Simpcw First Nation Socio-economic Monitoring Program (SFN SEMP). The monitoring framework to be developed through this pilot will include identifying and tracking indicators of interest to Simpcw First Nation regarding economic, social, health, and cultural impacts in their territory, as well as impacts to Indigenous rights.

- **Nicola Valley:** A particular priority in the Nicola Valley is addressing community fears about the connections between Missing and Murdered Indigenous Women and Girls (MMIWG) and the extractive industry more broadly. In consideration of this, the SESC is exploring opportunities for delivering workshops and training focused on women's safety and situational awareness and developing a joint regional approach to monitoring.
- **Fraser Valley:** The SESC held three community meetings in the Fraser Valley to establish an interagency working group focused on advancing community-driven socio-economic effects monitoring in the region. Key areas of concern identified through these meetings were COVID-19, ongoing issues related to MMIWG and crime rates, among others. The RCMP, First Nations Health Authority and Trans Mountain participated in these meetings alongside community representatives

4. Documenting lessons learned, including for the purpose of **providing advice to the CER** for consideration in future major projects with a focus on enhancing the CER's approach to assessing and managing socio-economic effects.

- The SESC continues to document lessons learned related to Indigenous socio-economic effects monitoring with the goal of developing advice to the CER as they undertake a review of guiding documents and policies.
- The SESC met with representatives from Women and Gender Equality Canada (WAGE) and Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC) to better understand linkages between the work of the SESC and federal commitments to addressing Gender-based Violence (GBV) and MMIWG, and implementing Gender-based Analysis Plus (GBA+).

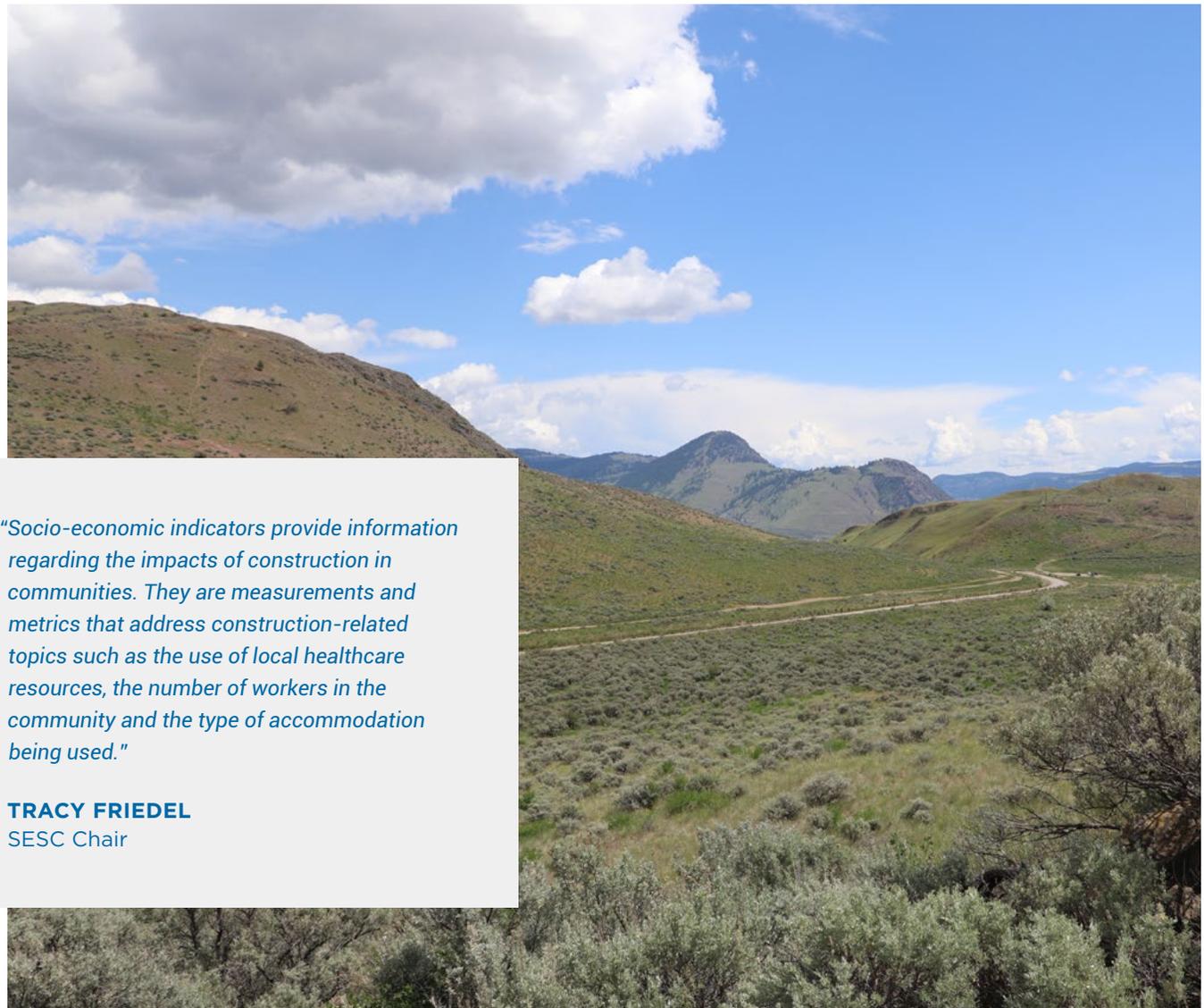
Looking ahead

In the year ahead, the SESC will continue to collaborate with communities, the CER, Trans Mountain and other initiatives within the IAMC-TMX to enhance Indigenous participation in compliance verification and oversight of socio-economic and cultural effects associated with the Project.

A key priority for the SESC is to ensure that the community-based socio-economic monitoring initiatives are developed in a collaborative and sustainable manner, with applicability beyond the Project. The SESC will continue to explore how to address concerns around Gender-based violence,

Missing and murdered Indigenous women and girls incidents of racism and connections to the extractive industry. This work will be grounded in an analysis premised upon GBA+. Developing advice to the CER will remain a strong focus, by way of documenting lessons learned, conducting research, and collaborating with relevant partners.

The SESC would like to thank everyone who contributed to this work over the past year. We look forward to continuing to strengthen our relationships as we advance this important work in the year ahead.



“Socio-economic indicators provide information regarding the impacts of construction in communities. They are measurements and metrics that address construction-related topics such as the use of local healthcare resources, the number of workers in the community and the type of accommodation being used.”

TRACY FRIEDEL
SESC Chair

SESC and Trans Mountain regularly discuss 11 co-developed Indigenous-focused priority indicators covering key themes, allowing the SESC to ask questions of Trans Mountain as a means of increasing Indigenous participation in oversight of the Project.



Training

of Indigenous, non-Indigenous, local and regional participants who receive training in Project-specific programs



Health and Health Services

of people affected by a notifiable disease in a work camp



Accommodation Usage

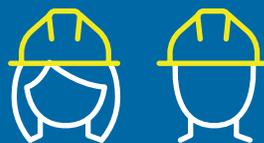
of worker-days for non-local staying in camps, non-local NOT staying in camps, and local or regional residing at home



Business Contracts

of Indigenous, local and regional businesses hired by TMEP and contractors

Total value of contracts issued to Indigenous, local and regional businesses



Jobs

of Indigenous, non-Indigenous, local and regional worker-days

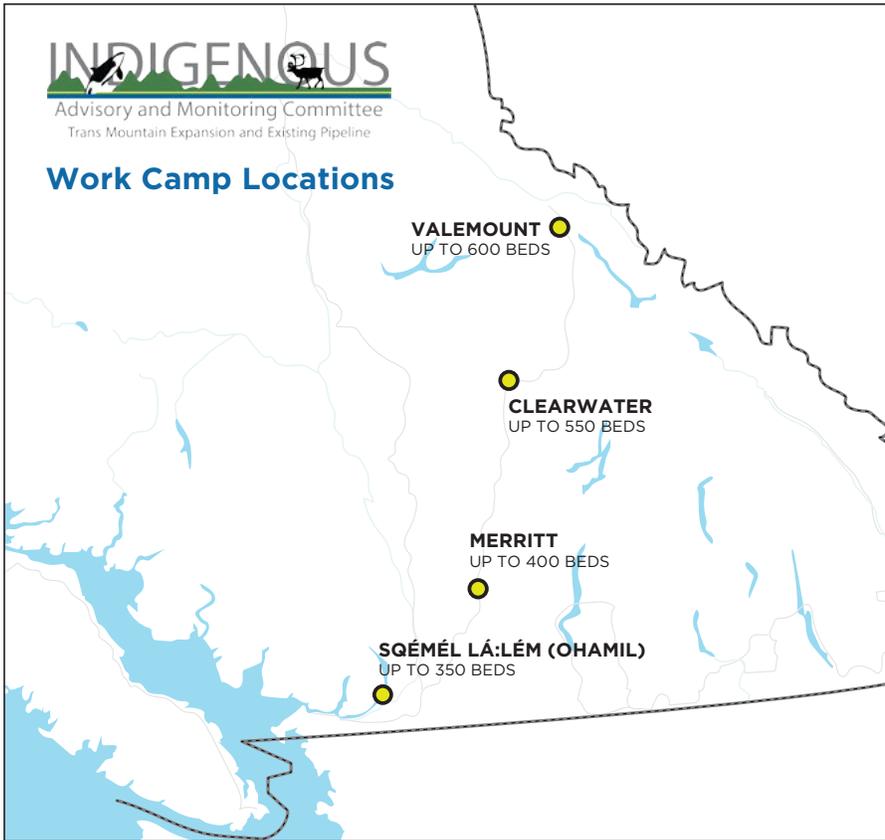
% of Indigenous, local and regional hires by TMEP contractors, per occupational requirement

% of Indigenous, local and regional hires by TMEP contractors demobilized prior to completion of contract



Concerns and Complaints

Indigenous concerns received by TM feedback line (re: racism, access, traffic, noise, dust, worker conduct, TLRU/TMRU and cultural sites, vacancy rates, rental rates, employment etc.)



Work Camp Locations

In addition to these four work camps in BC, a large number of non-local workers are being accommodated across the breadth of the line in hotels, rental housing, B&B's, RV parks, etc., the impacts of which are uniquely felt by Indigenous communities.



Emergency Management Working Group

In March 2018 the Emergency Management Working Group (EMWG) was formed. Their priorities have been to:

1. Identify opportunities for greater Indigenous inclusion in emergency management (EM);
2. Improve Indigenous communities' emergency preparedness with an all hazards approach;
3. Inform the IAMC-TMX on issues related to EM; and
4. Inform policy development.

The 2020-21 fiscal year placed an extreme challenge before the EMWG as with other IAMC-TMX initiatives and activities, due to COVID-19. The greatest impact was the ability to carry out face-to-face workshops, engagements and meetings. The restrictions for gatherings and face-to-face events increased as the year progressed and eventually all events were cancelled and rescheduled. Mid year and fall resulted in virtual events and meetings becoming the normal process of communicating and engaging.

The following activities were completed that assisted in meeting the EMWG objectives listed above:

1. Emergency Management Survey

- Between October and November 2020 the EMWG surveyed all 129 Indigenous communities to hear from them about their needs and interests, to inform future program development;
- The results of this survey have been analyzed and assessed with key recommendations identified and presented to the EMWG;
 - Recommendations that came out of the presentation were identified as priority activities to be implemented in the 2021-22 workplan and budget;
- Development of a GIS online mapping tool to highlight Emergency Management community capacity, skills training and resources available was requested by the EMWG, which is in progress;



- The survey also noted the priorities for approved community capacity funding, for specific funding utilization, is assisting with highlighting areas of greatest capacity gaps and resource need;
- The Committee has funded over \$7.5M in emergency management related projects (“non-CFP”) since 2018;
- Call for Proposals (“CFP”)
 - In response to the COVID-19 pandemic, the IAMC-TMX allocated \$14.5M to Indigenous communities to effectively and quickly to respond to emergency management needs using an all-hazards approach. Every community was offered up to \$50K in a Call for Proposals, which involved a simplified and expedited application process.

2. Participation in two full-scale emergency response exercises in Spread 4 and Spread 5

- Provided input to Trans Mountain and Canada Energy Regulator on spill exercises;
- IAMC-TMX involvement has evolved from observers to full participation in planning and management.

3. Engaging with the Transportation Safety Board on Investigations

- In 2020, participating as an Expert Reviewer following Sumas incident.
- Met with Transportation Safety Board in August 2020 following the Sumas incident, and have plans to continue discussions, including about formalizing a role for the IAMC-TMX as an observer on future investigations.

- Summaries of reports were provided to the EMWG, identifying gaps, recommendations and observations for greater inclusion within the process of responding to spills and emergency management events.

4. Ongoing internal governance and planning

- Transition from a working group to an IAMC-TMX subcommittee;
- Final draft Terms of Reference presented to EMWG, expectation to be endorsed by the Operations Subcommittee by the fiscal year end;
- Consolidate learnings from the pilot projects into an EM Program;
- An Emergency Management Program Manager was hired on January 11th, 2021 to support the activities of the EMWG.

5. EMWG conduct monthly meetings with members, which include representatives from Trans Mountain Canada and Canada Energy Regulator

- The meetings have focused on addressing process, policy and procedures regarding Indigenous inclusion within Emergency Management, response to spills, training and live exercise regarding emergency management events;
- Support capacity building to engage with Emergency Management preparedness, response, planning, recovery and planning;
- Seek to support and develop an all hazards approach to Emergency Management.

Marine Shipping Subcommittee

Community outreach

In light of the TMX reconsideration and the introduction of new accommodation measures in the marine environment, the Marine Shipping Subcommittee has focused its attention on outreach and engagement. This year, the subcommittee met virtually with representatives from 13 communities along the marine shipping route through Tier 1 (Indigenous-to-Indigenous) engagement sessions. During these sessions, representatives from the Marine Shipping Subcommittee focused on four themes: engagement, marine monitoring, emergency management and funding opportunities available through the IAMC-TMX.

The subcommittee was interested in learning: how communities and leadership in the marine space would like to be engaged by the IAMC-TMX; about existing community-based marine monitoring initiatives; and, about community capacity in emergency management and response.

Interim Outcomes

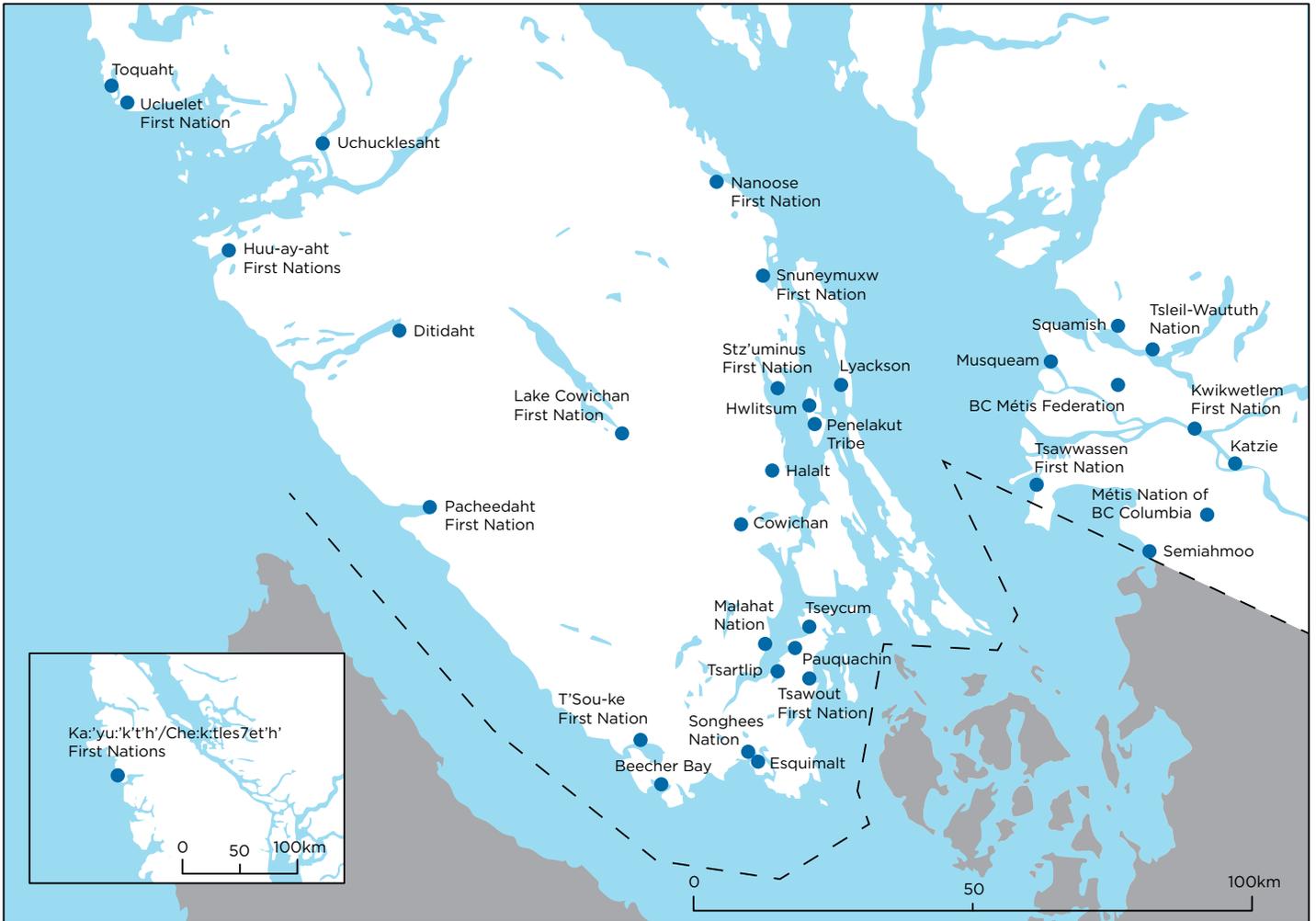
Through the recent Tier 1 engagement sessions, the subcommittee has increased marine representation in the IAMC-TMX through the onboarding of additional subcommittee members. In addition, the sessions have informed the subcommittee about Indigenous communities' desires to learn more about Parks Canada's role in the marine environment. As such, the subcommittee is working towards including a Parks Canada representative at the subcommittee table. This aligns with the IAMC-TMX goal of ensuring that Indigenous groups are supported in engaging effectively with government in relation to TMX activities.

Future work and plans going forward

Engagement and outreach is set to continue. The subcommittee has contracted a Community Outreach and Relationship Specialist to aid in this endeavour and looks forward to connecting with the remaining marine communities. Some of the important work that lies ahead is having a more meaningful understanding of where marine communities are at with respect to marine monitoring in their community. Once the subcommittee has gathered this information, it will be able to decipher what the future looks like in terms of where Indigenous communities fit into the marine regulatory regime, and conversely, where there are gaps. There may be opportunities for nations to work together regionally or continue to work independently; perhaps there may be other opportunities in the marine space to work together in a manner that remains to be unfolded.

Upon completion of the community meetings, the subcommittee is planning to hold a larger regional session that will seek to include the 33 marine communities and relevant federal departments with the goal of sharing knowledge, celebrating successes, strengthening relationships and building capacity for marine monitoring. In addition, the subcommittee is hoping that information gained through its outreach will contribute to a marine monitoring pilot project.

Proposed Trans Mountain Pipeline Expansion Project - Marine



Operations Subcommittee

Brief introduction of Operations Subcommittee

In the summer of 2020, the IAMC-TMX established an Operations Subcommittee to consolidate a number of other subcommittees and working groups and to improve organizational efficiency. The subcommittee focuses primarily on three streams of work: operational functions, communications and engagement and finance (grants and contributions). Subcommittee membership is comprised of both the IAMC-TMX Co-Chairs, the CER representative, chairs from each of the IAMC-TMX subcommittees, an IAMC-TMX member-at-large and the Indigenous Caucus Director. The advent of this subcommittee has allowed the IAMC-TMX to focus on high-level strategic discussions.



Engagement with Indigenous communities along the pipeline corridor

The Committee hosted its third annual Line Wide Gathering on December 7th and 8th, 2020. The two-day virtual event was conducted entirely over an integrated digital platform (Chime Live) and Zoom. Chaired by Stó:lō Tribal Chief Tyrone McNeil, one purpose of the gathering was to update the Indigenous communities along the pipeline route on both the work the Committee has completed over the past year and its plans and priorities as it moves forward. The other purpose was to hear from communities about their interests and concerns to inform the IAMC-TMX's work. The Honourable Seamus O'Regan Jr., Minister of Natural Resources, provided opening remarks on Day 1 of the event and praised the IAMC-TMX for continuing to break new ground and demonstrating how to approach major energy projects with Indigenous representatives at the table and boots on the ground. The Minister expressed a genuine commitment on behalf of the federal government to work together in the spirit of reconciliation to set a new relationship among Indigenous communities, energy regulators and the Government of Canada. The event was well attended with over 180 participants representing 65 Indigenous communities, federal departments and the CER.

The gathering was structured around the IAMC-TMX's three priorities: Indigenous monitoring; emergency management; and work camps and the influx of temporary workers. The Committee is also actively looking at the marine safety system, given the marine shipping aspect of the project. On Day 2 of the event, the Committee hosted a leadership panel, moderated by Co-Chair Michelle Wilsdon. The panel consisted of Chief Chipps (Vancouver Island Region), Chief Shackelly (Mid-Fraser/Thompson Region), Grand Chief Billy Morin (Treaty Six), Ellen Burack (NRCan),

Gitane De Silva (CER), and Bonnie Antcliffe (DFO). The panelists discussed the importance of co-development, the principles of Treaty and Indigenous Knowledge and how they inform the work of the Committee and what reconciliation means and how it is best advanced.

The Committee received valuable observations, insights and recommendations from participants. In particular, the IAMC-TMX heard that communities would like to be able to continuously and independently monitor pipeline infrastructure and activities. As construction accelerates in the coming year, prompt communication will be even more vital. In addition, communities also need more capacity to be able to respond and get involved in emergency management and an all hazards approach. This feedback, as well as all of the other contributions made by participants, will help guide the Committee's work and shape the 2021 Line Wide Gathering. A full report on Line Wide 2020 is available on the Committee's website.

Grants and Contributions

The Committee's 2020-21 budget included \$14.5M for the Capacity Funding Program, which supports Community and Committee-led initiatives. Due to the COVID-19 pandemic, the Committee looked at how to best disperse funds to Indigenous communities effectively and quickly to respond to emergency management needs using an all-hazards approach.

The Committee decided on a Call for Proposals for Projects less than \$50K aligned with the Committee priority of Emergency Preparedness and Response. A streamlined application process was designed with the intent of ensuring that funds were available expeditiously to communities. The funding was intended to enhance the community-based capacity for emergency response capabilities. By enhancing

emergency response capability, communities will be better able to engage with Trans Mountain in response and recovery in the event of an incident and ensure community concerns are understood and addressed by Trans Mountain.

The Call for Proposals opened in July 2020 and accepted applications over the course of five months. During this time, the Committee funded 48 proposals representing 57 communities. The four streams of applications were as follows: planning activities, equipment purchases, training skills and development and other (combined streams for a customized or multi-community application).

Additionally, the Committee approved over \$1.8M in funding through the ongoing intake of community capacity proposals. The projects included a diverse range of training initiatives (from archeology to employment readiness), an innovative environmental monitoring program and enhanced communications plans.



\$1.8M
approved funding for a diverse range of training initiatives, environmental monitoring program and communications plans

Budget

IAMC-TMX Five Year Budget Profile^[1]: \$42M

Fiscal Year	2017-18	2018-19	2019-20	2020-21	2021-22	TOTAL
Budget	\$2,249,077	\$4,705,958	\$6,968,455	\$16,255,208	\$11,821,302	\$42,000,000
Commitments	\$2,249,077	\$4,705,958	\$6,968,455	\$9,224,265	\$6,156,177 ^[2]	\$29,303,932

During the Fiscal Year 2020-21, the IAMC had committed approximately \$12M to new and ongoing Community and Committee-initiated projects; however as of March 31, 2021 this was reduced by \$3M to \$9M. This reduction was due to the continuation of the COVID-19 pandemic, which caused further project implementation delays in communities and community capacity challenges. As a result, some funding recipients withdrew their proposals or requested a delayed start date/extension to their projects past March 31, 2021, impacting both FY 2020-21 and FY 2021-22 funding commitments.

^[1]Treasury Board approved the Committee's request to move unspent funding from 2017-18, 2018-19 and 2019-20 to future years. The revised budget is in this chart. The original funding profile approved in June 2017 was:

Fiscal Year	2017-18	2018-19	2019-20	2020-21	2021-22	TOTAL
Budget	\$5,000,000	\$11,000,000	\$11,000,000	\$9,000,000	\$6,000,000	\$42,000,000

^[2]2021-22 Actual Expenditures are based on the actuals + funds commitments in SAP as of June 28, 2021





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