

RECORD OF DECISIONS

IAMC-TMX Meeting: March 3 & 4, 2021
Zoom Videoconference

DAY 1: March 3, 2021 – Strategic Planning for 2021-22

ITEM: WELCOME & OVERVIEW

Discussion:

- Tribal Chief Tyrone McNeil opened the meeting with a prayer.
- Indigenous Co-Chair Michelle Wilsdon formally welcomed Government Co-Chair Tracy Fleck to the Committee.
- The Co-Chairs affirmed that the subcommittee chairs would be providing a high-level overview of their workplans that identified their priorities and planned spending.

Decisions:

- The proposed agenda was adopted by the Committee.
- The ROD from the January 14th meeting was **approved**.

ITEM: PURPOSE OF SESSION AND OSC RECOMMENDATION

Discussion:

- Government Co-Chair Tracy Fleck presented a slide deck and informed the group that the Operations Subcommittee (OSC) recommends that all work plans and budgets be endorsed by the IAMC-TMX, as proposed. It was noted that there was approximately a \$4M differential between planned spending and the total budget, and this overage will be risk-managed throughout the fiscal year.

ITEM: OPERATIONS WORKPLAN

Discussion:

- The Co-Chairs provided an overview of the OSC FY2021-22 work plan and notional budget request. The work plan is comprised of the Grants and Contribution Program, Communications, Effective Governance (of the IAMC-TMX), tracking advice and supporting renewal, Committee participation, and engagement and capacity supports.
- The total notional budget request for FY2021-22 for OSC is \$8,763,633 in G&C and \$613,000 in O&M.

ITEM: SOCIOECONOMIC SUBCOMMITTEE WORKPLAN

Discussion:

- Subcommittee chair Tracy Friedel provided an overview of the SESC workplan, which included the following three activities: (1) Increase Indigenous participation in the identification and oversight of socio-economic and cultural effects of major development projects, with a focus on the Trans Mountain Expansion Project (TMEP); (2) Build capacity for Indigenous communities to participate in community-driven socio-economic and cultural effects monitoring of temporary work camps and other influxes of workers, and to mitigate impacts, and: (3) Mobilize and disseminate information, research, lessons learned and knowledge for communities, and as advice to the CER.

- The notional budget request for FY2021-22 for the SESC is \$1,899,537 in G&C funds.

ITEM: MARINE SHIPPING SUBCOMMITTEE WORKPLAN

Discussion:

- Incoming subcommittee chair Carleen Thomas presented an overview of the MSSC workplan, which included the following activities: (1) Tier 1 Engagement Tour; (2) Regional Engagement Sessions; (3) Hire a Community Outreach and Engagement Specialist; (4) Complete a subcommittee Terms of Reference; (5) Visioning exercises; (6) Review conditions filings; (7) make connections with the emergency management and learn more about the regulatory system, and; (8) a Monitoring Pilot Project.
- Members commented on the lack of budget being allocated to the Monitoring Pilot Project activity and suggested that a dollar figure be assigned to it. Trina Sxwithul'twx suggested that \$500,000 in funding could be a starting figure to get the project off the ground; the group supported this amount.
- With the addition of \$500,000 in funds to support a marine monitoring pilot project, the final notional budget request for FY2021-22 for the MSSC is \$584,000 in G&C funds (note: a portion of the MSSC budget is covered through the Operations Work Plan and is not included in this figure).
- Michelle Wilsdon reviewed a Memorandum of Decision to appoint Carleen Thomas as the new Chair of the Marine Shipping Subcommittee; members expressed their support. The Committee also thanked outgoing Chair Trina Sxwithul'twx for her hard work and dedication to the subcommittee over the past two years.

Action Items:

- The Marine Shipping Subcommittee to include \$500,000 in its 2021-22 budget and work plan to support a marine monitoring pilot project.

Decisions:

- The Committee **approved** the Memorandum of Decision to appoint Carleen Thomas as the new Subcommittee Chair of the Marine Shipping Subcommittee.

ITEM: EMERGENCY MANAGEMENT WORKING GROUP WORKPLAN

Discussion:

- The EMWG chair Tina Donald and Program Manager Jeff Eustache provided an overview of the FY2021-22 EMWG work plan, which included the following activities: (1) Identifying opportunities for greater Indigenous inclusion in Emergency Management (EM); (2) Improving Indigenous Nation's emergency preparedness with an all-hazards approach to emergency response and focus on enhancing long-term capacities; (3) Increasing Indigenous participation in EM planning and exercises; (4) Enable the IAMC-TMX to better understand the issues and engage with communities, TMC and regulators on matters relating to EM, and; (5) Maintaining a relationship with the Marine Shipping Subcommittee.
- The notional budget request for FY2021-22 is \$450,000 in G&C funds.

ITEM: INDIGENOUS MONITORING SUBCOMMITTEE WORKPLAN

Discussion:

- Subcommittee chair Raymond Cardinal provided an overview of the FY2021-22 IMSC work plan, which included the following activities: (1) IM Program Manual; (2) Training and capacity building; (3) Community engagement; (4) Indigenous Monitoring Program contribution

agreements; (5) Indigenous Monitoring Program management; (6) Providing analysis and advice on policies, protocols and regulations, and; (7) developing an implementation plan.

- The notional budget request for FY2021-22 is \$3,242,858 in G&C funds.

ITEM: INDIGENOUS CAUCUS WORKPLAN

Discussion:

- Caucus Director Dean Cherkas presented on the Indigenous Caucus work plan, which included the following activities: (1) Providing advice to government and TMC; (2) communications and engagement, and; (3) Operations of Indigenous Caucus.
- The notional budget request for FY2021-22 of \$1,084,650 in G&C funds was approved by the Committee on February 21, 2021 via email.
- The group held a discussion about the importance of enhancing its communications and Co-Chair Tracy Fleck suggested a future meeting to discuss the matter.

ITEM: WORKPLAN WRAP-UP DISCUSSION

Discussion:

- Corey Dekker summarized the budget requests for each subcommittee and noted the ~ \$4.5M differential between planned spending (\$16,637,678) and the total budget (\$12,192,510). Ray Cardinal suggested that the budget might be a rolling agenda item; Co-Chair Tracy Fleck stated that the Operations Subcommittee would be risk-managing the budget on an ongoing basis.
- Co-Chair Michelle Wilsdon asked the group if they supported the workplans and budgets as presented and mentioned that the budget would be risk-managed via OSC and reported to the Committee on a quarterly basis; members expressed their support.
- In response to an inquiry from Michelle Wilsdon regarding the level of detail provided to Committee members, Grand Chief Doug Kelly suggested that a one page briefing note be included for each work plan and budget.

Action Items:

- The Operations Subcommittee to risk-manage the budget for FY2021-22 and report back to the Committee on a quarterly basis.

Decisions:

- The Committee **approved** the work plans and notional budget requests. The total value of the approved budget is \$16,024,678 in G&C Funds and \$613,000 in O&M funds

ITEM: PRESENTATION ON IAMC-TMX EVALUATION

Discussion:

- David Ash, Michel Gould and Olive Kamanyana from NRCan's Audit and Evaluation Branch (AEB) presented to the Committee on the horizontal evaluation of the IAMCs.
- Co-Chair Michelle Wilsdon encouraged the AEB group to use materials such as the IAMC-TMX's Terms of Reference or the Government of Canada's Principles respecting the Government of Canada's relationship with Indigenous peoples to guide their evaluation work. David Ash responded that the approach can be adjusted and noted that the group was looking to the Committee for guidance.
- Tribal Chief Tyrone McNeil noted the need to co-develop the objectives of the evaluation to break with colonial structures and to create a new space for the process. Tribal Chief McNeil also raised concerns around evaluating the two IAMCs through one process.

- Michel Gould noted that a horizontal working group comprised of an equal number of federal and Indigenous representatives will direct the evaluation team and is intended to be a flexible process. Tracy Fleck noted that Carleen Thomas, Grand Chief Doug Kelly and Michelle Wilsdon (with Tribal Chief Tyrone McNeil as proxy) had volunteered to sit on the horizontal working group and that the next steps are to arrange a meeting for the working group to begin the process.

DAY 1 ADJOURNED

DAY 2: March 4, 2021 – Renewal of IAMCs

ITEM: WELCOME & OVERVIEW

Discussion:

- Grand Chief Doug Kelly opened the meeting with a prayer song.
- Committee members did a roundtable introduction and NRCan Assistant Deputy Ministers Ellen Burack and Glenn Hargrove introduced themselves to the group.

ITEM: PRESENTATION FROM THE INDIGENOUS CAUCUS ON VISION FOR RENEWAL

Discussion:

- Co-Chair Michelle Wilsdon presented a slide deck on Indigenous Caucus' vision for renewal. She acknowledged Chief Ernie Crey's contributions to the Committee and noted that Chief Crey's vision was to work towards co-management. Michelle shared with the group the successes of the Committee to date including community connections, community capacity supports, an increase in Indigenous oversight of the TMEP and the provision of Indigenous advice to regulators and the proponent. Additionally, a systems approach to influencing systemic change was discussed that used the IAMC-TMX's work on Indigenous Monitoring as an example.
- Michelle Wilsdon noted that Caucus' vision is grounded in UNDRIP, the TRC Calls to Action, treaty rights and the inherent rights of Indigenous peoples. Michelle also shared that there were three areas of focus for the renewal process: relationships, policy and regulations and oversight.
- Under the focus area of relationships, the following were noted:
 - Regular meetings with Ministers/DMs
 - Letter to the Natural Resources Minister confirming support of renewal principles
 - An updated Terms of Reference to reflect Indigenous oversight and other aspirations
 - A culturally appropriate dispute resolution process
 - Code of conduct for Committee and staff
 - An updated organizational structure that is mindful of power imbalances and moves towards a shared secretariat
 - More resources for the Indigenous Caucus to mitigate burnout
 - Tier 1 communications and engagement
 - Continuance of grants and contributions programs for communities.
- Under the focus area of policy and regulations, the following were noted:
 - The continuation of Caucus advice to governments (fed/prov/muni) and TMC
 - CER filings manual review and engagement

- Further development on policies and protocols on planned disturbances, chance finds, heritage and cultural sites
- Defining regulatory excellence from an Indigenous perspective
- Strategic links to the CER Indigenous Advisory Committee
- Review of the broader regulatory framework
- Under the focus area of oversight, the following were noted:
 - Implementing the Policy Framework for improvements to the Indigenous Monitoring Program
 - Exploring an Indigenous Inspection unit model within CER
 - Transition planning from construction phase to pipeline operations monitoring for the life of the pipe (IM)
 - Continuance of existing programs under the IMSC/SESC
 - Indigenous “all hazards” emergency response program development
 - Marine shipping safety and aquatic marine monitoring for the marine-based nations
 - Involvement in the provincial regulatory activities as construction continues in both Alberta and BC
- Michelle Wilsdon also noted a desire to strengthen relationships with the other departments involved with the IAMC-TMX, as the primary relationship thus far has been with NRCan and CER.

ITEM: ROUNDTABLE AND DISCUSSION

Discussion:

- Assistant Deputy Minister Ellen Burack thanked Michelle for her presentation and the rest of the Indigenous Caucus for their input and emphasized NRCan’s commitment to the discussion. Ellen noted the fall time period for bringing forward options for consideration and recognized that there was a commitment through the lifecycle of the project. Additionally, Ellen signalled NRCan’s interest in understanding the range of changes that Caucus and federal departments are interested in seeing and emphasized that not everything needs to be solved through the IAMC-TMX’s Terms of Reference as the renewal conversation can identify issues that may need to be addressed through another forum.
- A roundtable discussion centred around two questions put forward by the Indigenous Caucus:
 - What has your department been thinking about with respect to co-development and renewal of the IAMC-TMX?
 - What are other areas of opportunity for collaborative work within your department that we can explore further?
- Each member of the Federal Caucus shared their department’s commitment to continuing the work at the IAMC-TMX table and a desire to work collaboratively.
- Indigenous Caucus members expressed concern that NRCan may slow the pace of change for the IAMC-TMX and for this reason, they were seeking interaction with the Minister and Deputy Minister. ADM Ellen Burack acknowledged members’ comments and asked what progress can be made in the short term while the group identifies where it would like to eventually go.

ITEM: NEXT STEPS

Discussion:

- Members discussed change in a broader sense and how it may apply to the Committee. Tracy Sletto (CER) told the group she would like to have a conversation about how to support the

future of the Committee and asked if there was need for another structure to steward the work along.

- Michelle Wilsdon invited ADM Ellen Burack to reflect on the critical path between shared interest and developing options for cabinet consideration. Michelle inquired if the government was interested in expanding the scope of the Committee. Ellen responded that it would be useful to hear from the Committee about what going further would entail and the value of doing so in the short-term; Ellen also reminded the group that she would not be the decision-maker and that this would be a cabinet decision in the end. Members drew attention to a trust deficit between the federal government and communities and the need to show communities that the government is not working against them.
- The Indigenous Caucus reiterated the need to engage with senior federal officials and the federal partners acknowledged this request.
- Members decided against an interim meeting and agreed to discuss the renewal process in more detail at the April 22 meeting.
- To close the meeting Co-Chair Tracy Fleck thanked everyone for their contributions and thanked them for the respectful discussion.

PARTICIPANTS

IAMC-TMX Members:

- Carleen Thomas (Burrard Inlet/Lower Fraser)
- Grand Chief Doug Kelly (Fraser Valley – alternate)
- Chief Marcel Shackelly (Mid-Fraser/Thompson)
- Michelle Wilsdon (Indigenous Co-chair, Alberta First Nations)
- Ray Cardinal (Alberta First Nations)
- Chief Russell Chipps (Vancouver Island – South)
- Tracy Friedel (Alberta Métis)
- Trina Sxwithul'twx (Vancouver Island – Southeast)
- George Lampreau (BC Interior)
- Tracy Fleck (Government Co-chair, NRCan)
- Saul Schneider (Environment and Climate Change Canada)
- Garth Mullins (Environment and Climate Change Canada - alternate)
- Ian Chatwell (Transport Canada)
- Cheryl Webb (Fisheries and Oceans Canada)
- Tracy Sletto (Canada Energy Regulator)
- Chad Stroud (Canadian Coast Guard – alternate)

Invited Guests:

- Tribal Chief Tyrone McNeil (Sto:lo Tribal Council)
- Bill Adsit (G&C Advisor)
- Chris Loewen (Canada Energy Regulator)
- Tina Donald (EMWG Chair – portion of day 1)
- David Ash, Michel Gould & Olive Kamanyana (NRCAN A&E Branch presenters – day 1)
- Kimberly Lavoie (Natural Resources Canada – day 2)
- Ellen Burack (ADM, Natural Resources Canada – day 2)
- Glenn Hargrove (ADM, Natural Resources Canada – portion of day 2)

Support:

- Anthony Cotter (IPO-W)
- Bernée Bolton (IPO-W)
- Corey Dekker (IPO-W)
- Katherine Filipic (IPO-W)
- Kathy Liu (IPO-W)
- Shaylen Smith (IPO-W)
- Lee Zamora (IPO-W)
- Jeff Eustache (IPO-W)
- Marie-Luise Ermisch (IPO-W)
- Kelp Watson (IPO-W)
- Vanessa Vredenburg (IPO-W)
- Eric Burpee (IPO-W)

Indigenous Caucus Staff:

- Dean Cherkas
- Tim Dickson
- Jeff Langlois
- Tejas Madhur

Regrets:

- Norine Saddleback (Alberta First Nations)
- Chief Harvey McLeod (Okanagan)
- Kristine Pearson (Vancouver Island – Western Approach - alternate)
- David Heap (Canadian Coast Guard)