

# INDIGENOUS



Advisory and Monitoring Committee  
Trans Mountain Expansion and Existing Pipeline

## Virtual Line-Wide Gathering

December 7-8, 2020

# REPORT



# INDIGENOUS

Advisory and Monitoring Committee  
Trans Mountain Expansion and Existing Pipeline

## EMERGENCY MANAGEMENT

Tina Donald, Chair  
Emergency Management Working Group, IAMC-TMX  
Dec 8, 2020



Tina.Donald, Simpcw



Trans Mountain  
**WARNING**  
HIGH  
PRESSURE  
PETROLEUM  
PIPELINE  
AVERTISSEMENT  
PIPELINE DE  
PRODUITS  
PÉTROLIERS À  
HAUTE  
PRESSION  
CALL BEFORE YOU BY  
1-800-474-6888  
TÉLÉPHONEZ  
AVANT DE CRÉDITER  
IN CASE OF  
EMERGENCY CALL  
1-888-976-9111  
EN CAS D'URGENCE  
VEUILLEZ COMPOSER  
1-888-976-9111  
DC ROW



TRANS MOUNTAIN  
**DEPLOYMENT  
EXERCISE  
ONLY**

# Acknowledgements

Láw | CENÁ | Nú | Deey | čáčim hihak kʷaa | ʔéx kʷ n | Weyt-kp | Kalhwá7acw  
gwetaʔaghunt'! | Hadih | Way' | Tansi | Ába wathtech | Aaniin | Dadanast'ada | Tawnshi

The 2020 line-wide gathering was made possible because of the many people who have worked tirelessly to adapt to a virtual environment.

We are grateful to the subject matter experts who delivered informative presentations.

Thank you to the panelists who imparted their knowledge and experience.

Invitations to this virtual event were sent to each of the 129 communities along the pipeline route.

The technical support provided by those who worked behind the scenes is truly appreciated.

To the many note-takers who listened diligently and summarized presentations, panels, and break-out sessions, we offer our sincere gratitude.

Finally, thank you to everyone who joined us as participants in a unique gathering to listen, learn, and share your perspectives.

The TMX Indigenous Advisory and Monitoring Committee extends our deepest appreciation for making the December 2020 Line Wide Gathering a success,

## Indigenous Caucus Members

Michelle Wilsdon, Co-Chair, Alberta First Nations  
Carleen Thomas, Burrard Inlet / Lower Fraser  
Chief Harvey McLeod, Okanagan  
Chief Marcel Shackelly, Mid-Fraser / Thompson  
Chief Robert Gladstone, Fraser Valley  
Noreen Saddleback, Alberta First Nations  
Chief Russell Chipps, Vancouver Island South  
George Lampreau, BC Interior  
Kristine Pearson, Vancouver Island Western  
Approach  
Ray Cardinal, Alberta First Nations  
Tracy L. Friedel, Alberta Métis  
Trina Sxwithul'txw, Vancouver Island Southeast

## Federal Committee Members

Kimberly Lavoie, Interim Co-Chair, Natural  
Resources Canada  
David Heap, Canadian Coast Guard  
Ian Chatwell, Transport Canada  
Saul Schneider, Environment and Climate Change  
Canada  
Tracy Sletto, Canadian Energy Regulator  
Tracey Sandgathe, Fisheries and Oceans Canada

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## The IAMC-TMX Indigenous Caucus – Welcome Message

We would like to take this opportunity to welcome you to our 3<sup>rd</sup> Annual Line Wide Gathering hosted by the Indigenous Caucus of the Indigenous Advisory and Monitoring Committee for the Trans Mountain Expansion Project and Existing Pipeline (IAMC-TMX). One purpose of the Gathering is to update Indigenous communities along the pipeline route on the work the Committee has completed over the past year, and our plans and priorities as we move forward. The other purpose is to hear from the communities about their interests and concerns to inform our work.

The Committee brings together 13 Indigenous and six senior federal representatives to provide advice to regulators and the government, and to monitor the TMX and existing pipeline. Members have a shared goal of safety and protection of environmental and Indigenous interests in the lands and water and to minimize the adverse effects of development for Indigenous communities, including the well-being of Indigenous women and girls. Participation by an Indigenous community does not mean that it supports or opposes the project, nor does it change the government's duty to consult.

It means all members have a shared interest in making the expansion, existing pipeline, and marine shipping as safe as possible in order to protect environmental and Indigenous interests in the lands and waters. The Committee also provides an opportunity for Indigenous communities to come together to identify and advance common priorities.

We learn a lot from each other. It also allows us to build relationships and share experience in areas such as Indigenous knowledge, community safety and government regulatory processes.

On June 18, 2019, the Government of Canada re-approved the TMX Project. The Project is subject to 156 conditions enforced by the Canada Energy Regulator (CER), formerly known as the National Energy Board. The Expansion Project involves twinning of an existing 1,150-kilometre pipeline between Strathcona County (near Edmonton), Alberta and Burnaby, BC. The expansion will result in the nominal capacity of the system going from approximately 300,000 barrels per day to 890,000 barrels per day.

The original Trans Mountain Pipeline was built in 1953, when there was no consultation or meaningful consideration of the view of Indigenous peoples. The Government of Canada and Indigenous relationships have come a long way since then. When the expansion project was first approved in November 2016, the Government of Canada announced its commitment to co-developing an IAMC. Co-development is a key part of this initiative. It means that when we make decisions about Committee activities, we make them together by consensus and informed joint learning.

We look forward to hearing your insights over the next two days. For more information on the Indigenous Caucus members that represent your region, please visit <https://iamc-tmx.com/committee-members/>.

Sincerely, The Indigenous Caucus of the IAMC-TMX

All PowerPoint presentations from the Gathering can be found at <https://iamc-tmx.com/iamc-tmx-line-wide-presentations/>

## Welcoming Ceremony

### Tribal Chief Tyrone McNeil, Chair

Tribal Chief McNeil welcomed participants from over sixty-five (65) communities and expressed gratitude to Elder McDonald for offering the opening prayer.

He outlined that the purpose of the Gathering is to provide an update on the activities of the IAMC, and to listen to community perspectives. This sharing of information is not a consultation. Participation in the gathering is does not constitute consent to the TMX project.

In summarizing recent legislation that has informed IAMC’s work, Chief McNeil discussed Prime Minister Justin Trudeau’s commitment to the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) with the introduction of Bill C-15; and that in 2019 the *Declaration on the Rights of Indigenous Peoples Act* (DRIPA) became law in British Columbia. The principles and framework of legislation have been applied in the activities of the IAMC including Article 18 (decision-making) and Article 19 (Free Prior and Informed Consent). While implementation of legislation will be challenging, this will pave the way for improved engagement with government, with federal and provincial regulators, and with industry proponents.

Chair McNeil thanked the Secretariat staff for their hard work.

### Seamus O’Regan, Minister of Natural Resources

Minister Seamus O’Regan delivered a pre-recorded video message and commented on the significant challenges that communities have faced over the past year.

He found hope and encouragement in the progress of their work to protect the environment and respect Indigenous interests.

Further, Minister O’Regan praised the IAMC model as it continues to break new ground and demonstrates how to approach major energy projects -- with Indigenous representatives at the table, with Indigenous “boots on the ground”, and with Indigenous knowledge.

The Minister expressed that there is a genuine commitment from the federal government to work together in the spirit of reconciliation and to set a new relationship among Indigenous communities, energy regulators and the Government of Canada.

He concluded by stating that the IAMC illustrates what is possible when we listen, see, and respect one another.

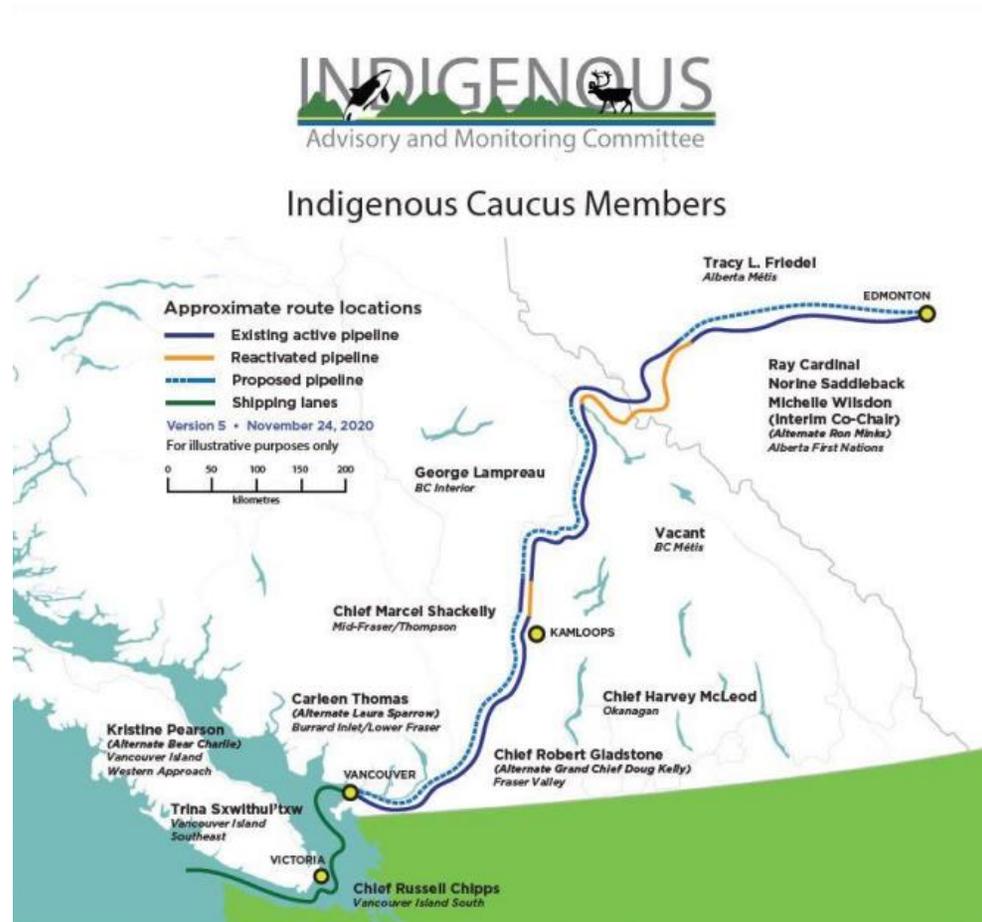
## IAMC-TMX Overview and Developments Since 2019 Gathering

IAMC-TMX Co-Chairs Michelle Wilsdon and Kimberly Lavoie

The Committee brings together Indigenous and government representatives to provide advice to federal regulators and to monitor the TMX project, the existing pipeline, and the associated marine shipping. The Committee's overarching goals include:

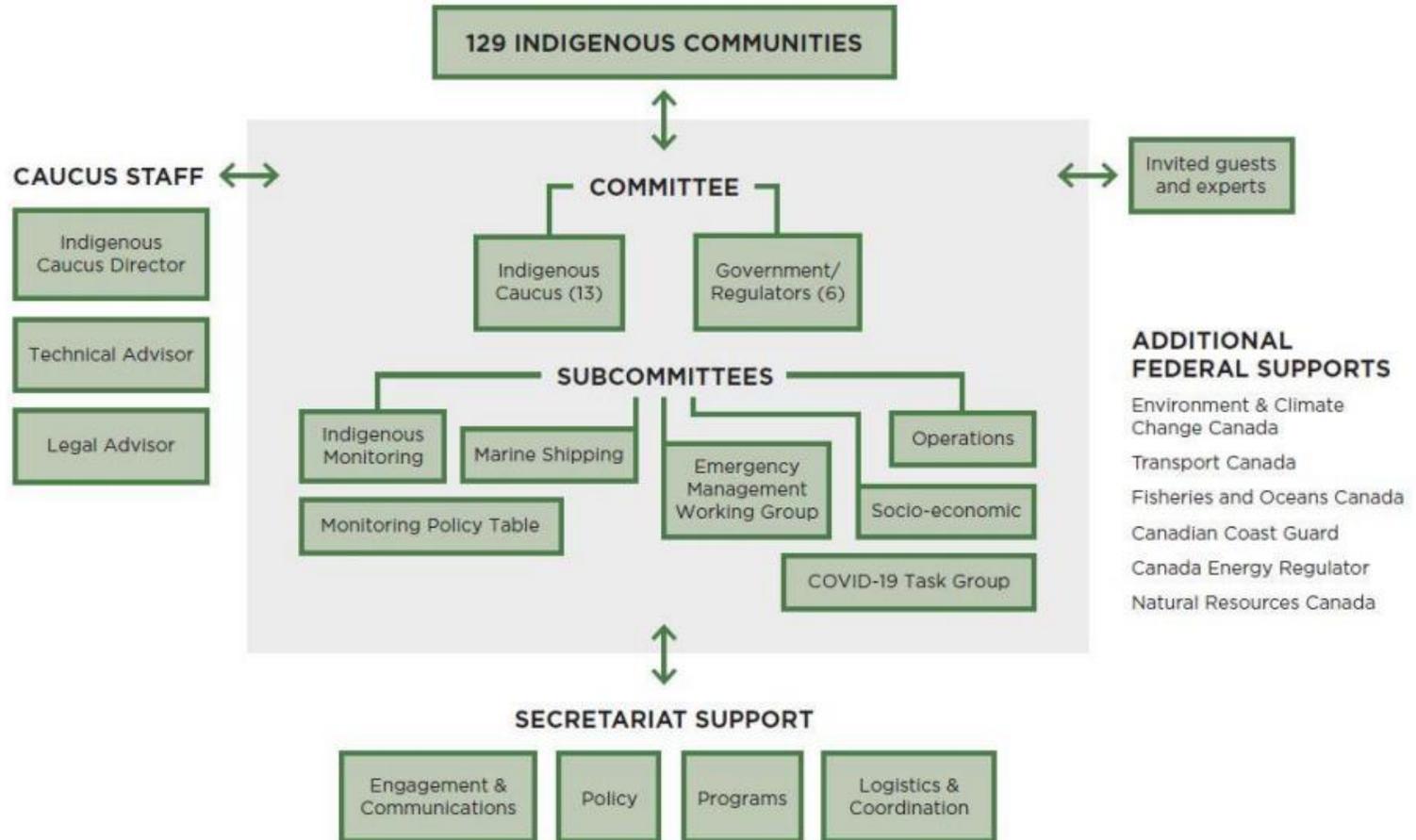
- Safe, environmentally, and socioeconomically sound Trans Mountain activities;
- Respect for Indigenous rights and perspectives in the monitoring of Trans Mountain activities;
- Well-informed and supported Indigenous groups engaging effectively with government, regulators, and the proponent in relation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

These overarching goals are supported by 5 Strategic Goals focused on: land and water monitoring; assessing proponent plans and providing advice; reviewing legislation, policy, and operational practices; enhancing Indigenous capacity; and optimizing governance and operations.





# Organization Chart



### Highlights since the 2019 Gathering

- Created a tri-lateral Monitoring Discussion Forum.
- Designed and participated in two major emergency management training exercises.
- Advanced the Temporary Work Camps and Influx of Workers Initiative.
- Enhanced the capacity of Indigenous communities by providing \$3.55M in community funding.
- Engaged with experts to enhance ability to assess Trans Mountain Corporation's compliance with CER conditions related to Indigenous rights and interests.
- Completed 84 Compliance Verification Activities through the Indigenous Monitoring program.
- Initiated visioning renewal sessions.

### Presenters' responses to participant questions

1. The Committee is currently developing a position on Bill C-15. The Committee's co-development approach embodies the spirit and intent of the UNDRIP.
2. The Committee's Terms of Reference created space for a BC Métis representative, however one has not been agreed to by Métis groups.
3. The monitoring of air quality is a concern that has been raised by the Committee. Although there has been limited focus on this, at least one community-based project is focusing on this issue.
4. Key learnings include: the time and patience needed for relationship-building; consensus and innovation is required to find solutions, but this can be challenging when working within government structures and processes; historical and systemic issues can present challenges; and relationships are being strengthened which will impact the future.
5. Forming an Operations Subcommittee will help the main Committee focus on strategic goals.
6. Mitigating concerns with temporary worker camps and the increase of violence in Indigenous communities is a priority for the Socio-Economic Subcommittee. The IAMC is also working with the Trans Mountain Corporation to address these issues as the safety and security of women and children is a priority.



# Indigenous Boots on the Ground

Panel: Ryan Arcand, Jonathan Wright, Tana Mussell

The IAMC Indigenous Monitoring Program is a partnership between the IAMC-TMX, the CER, Department of Fisheries and Oceans (DFO) and Parks Canada. The program supports Indigenous participation in the federal regulation of the TMX and its monitors are full participants in compliance verification activities and are separate from the Trans Mountain Corporation’s Indigenous Monitoring Program.

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 hired a well-respected company, BEHR Integrated Solutions, to support the development of a COVID-19 health and safety plan which was integrated in April 2020.

The IAMC-TMX Indigenous Monitor Program Training Matrix is used to build and enhance the skills and competencies of monitors. The Matrix outlines recommended skills for new hires and employer specific training requirements including mandatory orientation, mandatory operational requirements, and mandatory safety certifications. Eligible IAMC Indigenous Monitors then receive optional on-the-job training and career development in a number of areas including emergency response and management, investigations, archaeology and culture, health and safety, fisheries management, and environmental. A fourth cohort of IAMC Indigenous Monitors have been trained in preparation for peak construction.

2020 activities include joint planning of oversight activities, and Indigenous-led inspections and assessments which are a first for the Canadian Energy Regulator (CER). The IAMC is also working with CER to explore the role of IAMC IMs in incident investigations and emergency response as well as bridging into roles with the CER.

Over 50 IMs have been trained and have participated in over 90 federal compliance verification activities.

Poll Questions	Priority
1. <i>In what area should the IAMC focus on building Monitors’ skills and competencies next?</i>	
▪ <i>Emergency response and management</i> _____	3
▪ <i>Investigations</i> _____	--
▪ <i>Environmental science</i> _____	--
▪ <i>Health and safety</i> _____	--
▪ <i>Fisheries management</i> _____	--
▪ <i>Environmental monitoring</i> _____	2
▪ <i>Cultural heritage</i> _____	1
▪ <i>Archaeology</i> _____	4
2. <i>What other topics for Indigenous-led activities would you like to see in the future?</i>	
▪ <i>Indigenous workers training and career development</i> _____	1
▪ <i>Heritage sites</i> _____	4
▪ <i>Water course crossings and reclamation</i> _____	3
▪ <i>Wildlife conservation and mitigation measures</i> _____	2
▪ <i>Other</i> _____	--
3. <i>What are your priorities for growth of the IAMC Indigenous Monitoring Program?</i>	
▪ <i>Indigenous heritage</i> _____	1
▪ <i>Incident investigations with Transportation Safety Board of Canada (TSB) and CER</i> _____	2
▪ <i>Emergency management</i> _____	3
▪ <i>Other</i> _____	--

## Breakout Session #1

**Questions** How do we build communities of practice and standards for Indigenous Monitoring on this and other projects?  
How would you like IAMC IMs to engage and communicate with your community?

### Communication

- Aggregate information for effective communication to all Nations.
- Early notice of upcoming activity in a territory
- Develop and share community contact lists.
- Collegial sharing of information between Indigenous Monitors.
- Notify communities of reports and information prior to the media.
- Traditional language does not translate well to western science.
- Establish virtual meetings to get to know the Knowledge Keepers
- Government / community communication standards are needed

### Training

- Train staff to build capacity and to develop a hazard plan.
- Seek accreditation for industry training.
- Incorporate geographic-specific training for IMs.
- Ensure proper IM training of IMs in policies, procedures, and OH&S.
- Develop better education standards for inspectors and regulators.

### Collaboration

- Share IAMC collaboration on national projects with communities.
- Share monitoring learnings and best practices across regions.
- Transfer skills, experiences, and learnings amongst IMs.
- Consult with community leaders before and after inspections.
- Have an environmental and archeological monitor go to sites together.

### Emergency Management

- Establish emergency planning, standards, and training to ensure Nations are prepared for an emergency.
- Protect the cultural resources out on the land in the event of a crisis.

### Consultation, Rights, and Decision Making

- Consult with Chief and Council before and after inspections.
- Indigenous Monitors cannot be the sole decision makers.
- Communities and leaders must be at the decision-making tables.
- Regular meetings must include Elders and Knowledge Keepers
- Regulatory training and practices must include expertise and knowledge on rights and values.
- Respectful planning processes must include contingency plans.
- Nations can have common policies and with territory-specific sections.

### Culture

- Protect and respect of archeological and cultural sites.
- Train inspectors on archeological sciences and artifacts.
- More information pertaining to sites is required.
- Understand the purposes of plants and different uses by Nations.
- Respect and acknowledge different community environmental, cultural, core values, and local interests and priorities.
- Train proponents to respect culture and customs.
- Develop cultural competency standards.

### Standards, Protocols, and Practices

- Develop monitoring / harvesting practices and standards in CSAs.
- Increase attention to regional monitoring of SAR and invasive species.
- Respect and protect local lands and resources.
- Define what a monitor does and include their responsibility to take time to do research, respect the land and take care of the work site.
- Change the language in contracts such as “best efforts” to “we are committed to...” to make companies accountable for their actions.
- Standardize project funding for community capacity building.
- Make capacity funding available for duration of the project.

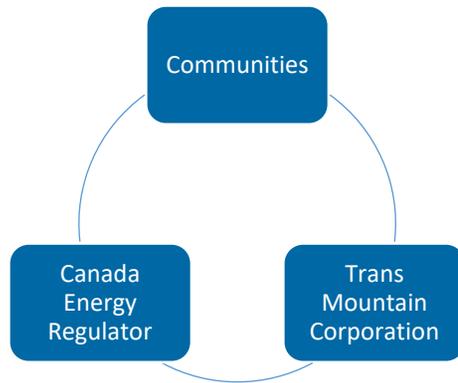
# Honouring the Hearts of our Nations

Tracy Friedel and George Lampreau, IAMC-TMX Indigenous Caucus

## Collaborating to enhance oversight through Temporary Work Camps and Influx of Workers Initiative.

Addressing the impacts of temporary work camps and influx of workers on Indigenous communities is a priority of the IAMC-TMX. The Socio-Economic Subcommittee (SESC), formed in January 2018, is responsible for addressing this and other social, cultural and economic-related areas of interest.

Simply put, socio-economic and cultural impacts are ones that affect people and communities – the diagram below depicts the three parties with a stake in understanding and addressing these impacts:



- The **Trans Mountain Expansion Project** and existing line are understood as creating both positive and negative impacts on communities. TM has created plans that focus on various impacts, as well as mitigation measures that can be implemented and adapted throughout the Project with the intention of avoiding or reducing adverse impacts where

possible. In addition, TM has created and is implementing enhancement measures focused on ensuring positive economic benefit for communities. In sum, the company’s Socio-Economic Effects Monitoring Plan (SEEMP) is in place to monitor and manage various effects associated with the expansion project.

- **Communities and their members** directly and indirectly experience both the positive and negative impacts of TM’s facilities and operations, including construction activities.
- The **Canada Energy Regulator (CER)** ensures that Trans Mountain is following all regulations and appropriately understanding and managing impacts on communities.

As mentioned above, a specific area of socio-economic effects that is of great interest to the IAMC is temporary work camps and influx of workers. Mitigating and addressing any and all associated impacts resulting from an influx of large numbers of non-local/non-regional workers is important to Indigenous communities as this represents both an economic opportunity in the form of joint venture partnerships, sub-contracts and employment opportunities, etc., and also a significant risk in the form of increased demand on social and health services and related infrastructure, increased incidences of violence with a focus on gender-based/sexualized violence, increased drug and alcohol use and trafficking, and heightened concern regarding protecting cultural heritage sites and traditional practices, etc.

To address these various impacts, the IAMC-TMX Temporary Work Camps and Influx of Workers Initiative focuses on:

- research and analysis, informed by communities, regarding TM’s policies and regulations;

- collaborating with TM regarding tracking of priority Indigenous-focused socio-economic indicators as an aspect of increasing Indigenous participation in oversight of TM’s Socio-Economic Effects Monitoring Plan,
- building capacity for Indigenous communities to participate directly in socio-economic effects monitoring and to enhance their capacity for preventing or mitigating adverse project impacts in their territory, and
- documenting lessons learned, including for the purpose of providing advice to the CER for consideration in their review of policies and regulations and to ensure more positive and less negative impacts in future projects.

This work is meant to position Indigenous communities to have a larger role in managing socio-economic matters with respect to Trans Mountain facilities and operations, as well as in relation to future resource development activities in their territory.

Currently, the SESC along with Simpcw First Nation, the Canada Energy Regulator and TM are co-developing a pilot initiative whereby a Simpcw community-based monitor will be hired, trained and mentored to do the work associated with monitoring socio-economic effects in the B.C. Interior, including those associated with temporary work camps and influx of workers. The monitoring framework 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 impact to Indigenous rights. The SESC is working in three other regions to identify opportunities for similar collaborations in Alberta, the Nicola Valley and the Fraser Valley.

The SESC relies on feedback from the Line Wide Gathering to inform its work as a part of the broader IAMC. The SESC will report back to communities regarding how the concerns and recommendations shared by communities at the Line Wide Gathering have informed this work in the year ahead.

Sixty Line Wide participants responded to the following poll question: *What is your top area of interest in relation to understanding, monitoring, and managing socio-economic effects?*

▪ <i>Number of temporary construction workers in a local area or region and types of accommodation</i> _____	13%
▪ <i>Rental vacancy rates and rent costs</i> _____	3%
▪ <b><i>Crime rates</i></b> _____	<b>23%</b>
▪ <i>Reported incidences of racism</i> _____	3%
▪ <b><i>Number of people trained and hired and average length of employment for project hires</i></b> _____	<b>22%</b>
▪ <i>School attendance rates</i> _____	0%
▪ <b><i>Access to/safeguarding of traditional sites and traditional resources</i></b> _____	<b>22%</b>
▪ <i>Traffic-related issues</i> _____	2%
▪ <i>Number of businesses securing contracts and average gross dollar value of business contracts</i> _____	7%
▪ <i>Usage of local health facilities and number of people affected by a notifiable or communicable disease</i> _____	5%



## Breakout Session #2

Valuable input was received from Line Wide participants through this breakout session regarding their concerns and interests in relation to TMX socio-economic effects. Below is a summary of the key themes that emerged.

### Questions

How has your community experienced major projects in the past? What has your experience been with Trans Mountain so far? What role should communities play in ensuring that major projects are well run in their territory?

Are certain populations in your community more vulnerable to adverse project effects? For example, women, youth, Elders? What types of supports could help to lessen adverse/negative impacts for these populations? What kind of supports might lead to enhanced economic benefits for your community?

What sort of information would you like to receive about the Trans Mountain Expansion Project and/or other major projects? How would you like to receive this information?

### Health and Safety

Collaboration with communities to address ongoing concerns related to COVID-19 was deemed important by participants, as is the ongoing issue of Missing and Murdered Indigenous Women and Girls (MMIWG), increased criminal activity associated with construction, worsening issues regarding drug and alcohol consumption, increased activity concerning drug trafficking, and additional pressures on social services and infrastructure affecting access to health care and housing, etc.

### Cultural continuity/Indigenous rights

Protection of land and resources was deemed important in relation to Traditional Land Use as well as protection of cultural heritage sites and recognition of rights and title.

Participants also pointed attention to the need to address systemic racism, including by incorporating Indigenous expertise and knowledge into regulatory training and practice, and through cultural competency/sensitivity training for TM workers.

**Communication and engagement:**

Line Wide participants expressed the need for increased, accessible and comprehensive communication involving TM, the IAMC-TMX and communities, both now and for the lifecycle of the project. There is a clear interest in the dissemination of socio-economic data relevant to Indigenous communities, as well as the sharing out of lessons learned from the IAMC Temporary Work Camps and Influx of Workers Initiative.

Communities along the line seek early and ongoing engagement and meaningful involvement by both TM and the IAMC-TMX on all aspects of the project, including but not limited to identifying opportunities to manage socio-economic and cultural effects wherever possible.

**Economic development**

Line Wide participants expressed the need for accessible federal funding and other supports to enable communities to better respond to major development in their territory and to ensure that economic benefits flow to communities, including in the form of enhanced employment opportunities and access to training and skills development.

# Indigenous Monitoring Policy

Raymond Cardinal and Tracy Sletto, IAMC-TMX

## Working with CER and TM to Improve Indigenous Monitoring

The IAMC and TMC Indigenous Monitoring programs engage communities in monitoring and impact mitigation during project construction and operation. The IAMC, TM, and CER established a forum aimed at: improving the system and practice of Indigenous monitoring on the TMX; testing a new way of working together; pursuing regulatory and operational excellence; and identifying areas for immediate action. Indigenous monitoring will ensure the TMX is built and operated safely and in regulatory compliance with Indigenous participation in project oversight, so that that disruption and risk to the environment and Indigenous interests are minimized in a manner that: respects and incorporates Indigenous knowledge and perspective; reflects Canada's commitments to Indigenous peoples; advances best practices and improves safety and environmental outcomes; and is part of a coherent, predictable and transparent operating environment.

The identification of 23 concrete joint improvements to the program relate to: participation and engagement; Indigenous knowledge; transparency and engagement; coherence; capacity; independence, integration, and influence.

A COVID-19 Task Group was formed to respond to concerns related to project safety during the pandemic. The Task Group builds on common understanding of roles and responsibilities, reviews the TMC COVID-19 measures and plans; and identifies and addresses remaining risks to Indigenous communities. The Task Group to host regional engagement sessions.

The joint commitments for improvements process has been challenging, but there have been notable successes with: joint compliance verification planning; aligning communications and engagement and on a discussion forum. Key priorities for early 2021 include creating opportunities for greater interaction between TM and IMs and work to enhance how IMs are supported to engage with others.

## Presenters' responses to participant questions

1. The work of the IAMC and TMX Indigenous Monitors are similar. The IAMC-TMX IMs go out on federal regulator inspections and surveillance activities. They have completed 90 in the past two years. Their work is tied to regulatory oversight. The TMX IMs are hired by the company and are onsite working in the company structure.
2. The IAMC put out an expression of interest for new community monitors and has recently completed a round of monitor training at the end of November 2020. A specific timeline for IM training in Alberta has not been developed. Before adding more IMs, the current levels need to be assessed. In some cases, IMs have taken on other jobs so additional training was required. Email [raymond.cardinal@gmail.com](mailto:raymond.cardinal@gmail.com) to inquire about additional rounds of training.
3. There have been many compliance verification inspections with respect to COVID-19. There have been notices of non-compliance and these are being scrutinized. The CER has put a lot of focus on this and they are making sure the company is following its procedures. The CER also works with other regulators to ensure that Occupational Health and Safety risks are addressed.
4. In the IAMC's Terms of Reference it envisions involvement on both the existing and new pipeline and anything in the corridor. New construction has been the priority focus and going forward there will be an increased focus on operations.
5. The IAMC will work with Environment and Climate Change Canada (EEEC) and the Department of Fisheries and Oceans (DFO) to develop a map of all the players (TMX, Government, IAMC, and CER) and their related activities and will share this with communities.



Poll Questions	Priority
<i>Which of the key areas for improvement is the highest priority for you and your community?</i>	
▪ Participation and engagement _____	1
▪ Indigenous knowledge _____	2
▪ Transparency and engagement _____	4
▪ Coherence _____	--
▪ Capacity _____	3
▪ Independence, integration, and influence _____	5

*Do you feel you have the information you need with respect to how the risks related to COVID-19 are being managed on this project?*

- |                  |    |
|------------------|----|
| ▪ Yes _____      | 2  |
| ▪ Somewhat _____ | 1  |
| ▪ No _____       | -- |
| ▪ Not sure _____ | -- |

*Does your community have Indigenous Monitors?*

- |   |    |
|---|----|
| ▪ Yes, we have an IAMC Indigenous Monitor _____             | 1  |
| ▪ Yes, we have a TM Monitor _____                           | -- |
| ▪ Yes, we have both an IAMC and TM Indigenous Monitor _____ | 3  |
| ▪ No _____  | 2  |

*How satisfied are you with the level of engagement your community has had with IAMC Indigenous Monitors?*

- |  |    |
|--|----|
| ▪ Very satisfied _____                     | 2  |
| ▪ Somewhat satisfied _____                 | 3  |
| ▪ Neither satisfied nor dissatisfied _____ | 1  |
| ▪ Somewhat dissatisfied _____              | -- |
| ▪ Very dissatisfied _____                  | -- |

Poll Questions	Priority
<i>How satisfied are you with the level of engagement your community has had with TMC Indigenous Monitors?</i>	
▪ Very satisfied _____	--
▪ Somewhat satisfied _____	--
▪ Neither satisfied nor dissatisfied _____	1
▪ Somewhat dissatisfied _____	2
▪ Very dissatisfied _____	3

*Would you or your community be interested in participating in a regional engagement session on COVID-19?*

- |             |    |
|-------------|----|
| ▪ Yes _____ | 1  |
| ▪ No _____  | -- |

*Would you or your community be interested in participating in a regional engagement session on other matters?*

- |  |    |
|--|----|
| ▪ Technical/operational matters on Indigenous Monitoring _____ | 1  |
| ▪ Policy development on Indigenous Monitoring _____            | 2  |
| ▪ Others _____   | -- |

# Marine Shipping

Trina Sxwithul'txw, Carleen Thomas, Chief Russell Chipps, IAMC-TMX

## Indigenous Monitoring in the Marine Space Marine Shipping Subcommittee

The IAMC-TMX is committed to achieving collaborative, inclusive and meaningful involvement in the review and monitoring of the environment, safety and socio-economic issues related to TM activities. The MSSC includes representation from 17 nations, four federal ministry members from the ECCC, DFO, Canada Coast Guard (CCG) and Transport Canada (TC).

Activities for 2020-2021 include community outreach and the hiring of a dedicated resource to assist the MSSC on their workplan. Community outreach included discussion on marine monitoring from an Indigenous and federal perspective and emergency management. Meetings have taken place with thirteen of the thirty-three communities in the impacted marine area.

The project will create a pipeline system with the nominal capacity of the system going from approximately 300,000 to 890,000 barrels per day. Tanker traffic will increase from one ship per week to one ship per day.

Federal marine monitoring includes the Department of Fisheries and Oceans Canada, the Canadian Coast Guard, Transport Canada, and Environment and Climate Change Canada, among others.

Indigenous perspectives on marine monitoring include:

- Emergency management and spill response
- Data collection and mapping
- Transboundary issues
- Cumulative effects
- Stewardship
- Protection
- Relationship-building with the federal government in the marine space

Considerations in exploring Indigenous marine monitoring include:

- exploring existing community based initiatives,
- identifying common priority areas,
- determining activities that require more oversight,
- researching potential approaches to monitoring,
- creating space for mutual learning opportunities, and
- redesigning and enhancing Indigenous oversight of the waters.

Poll Questions	Priority
<i>Which three questions would you like to discuss during the Breakout Session?</i>	
▪ <i>What is marine monitoring?</i> _____	--
▪ <i>What are communities doing in the marine space?</i> _____	1
▪ <i>What does oversight mean to you?</i> _____	--
▪ <i>How do the Indigenous participants feel about the accommodation measures put in place by Canada?</i> _____	--
▪ <i>What is the process to gather information about monitoring in the marine space?</i> _____	2
▪ <i>As stewards of the water, TMX aside, if you were an Indigenous Monitor what would you be doing?</i> _____	3
▪ <i>How do decisions get made about those activities?</i> _____	--

## Breakout Session #3

- Questions** What are communities doing in the marine space?  
What is the process to gather information about monitoring in the marine space?  
As stewards of the water, TMX aside, if you were an Indigenous Monitor what would you be doing?

### Community Activities, Ideas, and Issues

- Use historical information in research, data collection, and restoration.
- Protect culturally sensitive sites, environment, and species.
- Emergency preparedness and management.
- Gather baseline information on marine areas to detect change.
- Communicate between First Nations and interested parties.
- Build relationships with marine environment and industry.
- The water is an important source for community livelihoods.
- Malahat is developing GPS processes that can take photos, videos with geo-references and weather overlays; data will be in a central database.
- Training divers and partnering with CCG on water research activities.
- The Salish Sea Initiative is funding capacity development for marine concerns.
- Form partnerships with other communities on monitoring activities.

### Information Gathering Processes

- Determine, and advocate for, community monitoring priorities.
- Cross share information with terrestrial monitors.
- Traditional knowledge keepers are key when mapping out ceremonial and archeology sites.
- Trail Mark and other platforms are being used to collect data.
- TM is willing to accommodate information requests.
- Information on Indigenous Guardians Program is available at: PA234-ICE\_Report\_2018\_Mar\_22\_web.pdf (squarespace.com)
- More work needs to be done on baseline studies.
- Monitor all large ships that pass through the waters.
- Include communities on information being gathered by the government on monitoring projects.

### Role of Indigenous Monitors as Stewards of the Water

- Track unauthorized fishing and allocation numbers for commercial fishers.
- Whether terrestrial or marine, Nations all have an interest in protecting and ensuring the health of the marine space.
- Community monitoring priorities can be informed by traditional knowledge.
- Preservation of resources for future generations.
- Adequately equipped and informed about territory and issues.
- Work with Nations to record the information and to prioritize requests.

### Other Issues, Concerns, and Considerations

- Linkage between the rivers and streams connecting to the ocean.
- Training will be required for each monitoring area of focus.
- First Nations should take the lead on a BC marine coastal response.
- Further protection of streams and wetlands is needed above the usual legislation.
- Impacts of spills on economic development.
- Communication and relationship building cross linkage between marine and interior Nations.
- Upstream communities are being impacted.
- COVID-19 is creating barriers to discussions information sharing.
- Issues with funding.
- There is a need to expand emergency management and preparedness and general operational awareness in marine monitoring.
- Concerns with invasive species in the marine habitat
- Invest in community training and secure long-term funding for marine research.
- Concerns with pollution and illegal camping around the islands
- Monitoring of the marine space, above and below the surface of the water is important.



Emergency Management

Tina Donald, Corey Dekker, Kent Lien, Emergency Management Working Group (EMWG)

The EMWG includes 10 members with a wide range of skills and experiences and includes participation of representatives from First Nation Emergency Services Society, CER, NRCan and TMC. The role of the IAMC in EM is to: Identify opportunities for greater Indigenous inclusion; improve Indigenous emergency preparedness; increase Indigenous participation in EM planning and exercises; enable the IAMC to better understand issues and engage with communities, TMC and regulators on emergency matters; and inform policy development. EMWG 2020 activities included:

- Increased Indigenous capacity in EM through EMWG pilot project.
- Participated in 2 full-scale emergency response exercises.
- Provided input into TM and CER on spill exercises.
- Engaged with Transportation Safety Board (TSB) on investigations.
- Ongoing internal governance and planning.
- Community capacity proposals and funding of over \$7 million projects.
- Completion of an EM survey of 129 Indigenous communities.
- Call for Proposals in response to the COVID-19 pandemic; allocated \$14.5M to Indigenous communities.
- The IAMC funded 44 proposals from 53 communities with \$2.5 million in funding for planning activities, professional services, equipment purchase, and training or skill development.

EM Survey Results:

- 70% of respondents' communities had an EM plan in place.
- Concerns included outdated plans, insufficient training, and lack of resources.
- Most respondents stated they are interested in participating in a regional approach.
- The IAMC is preparing a plan to support these needs.

#### Presenters' responses to participant questions

1. Geographic water protection response plans include water, cultural sites, and land resources from Edmonton to Burnaby.
2. Emergency management is included in Valemont agreement.
3. TM is responsible for any community hardships resulting from a spill. Communities can apply for the \$50K CFP for training.
4. Communities must know how to apply for compensation and reimbursement for from emergency management costs.
5. It is important to have a coordinated response plan.
6. IAMC supports communities through an all-hazards approach.
7. TMC is required to have a \$1.2B available for emergencies.
8. TMC has shut-off valves at various control points.
9. PPE is available through the IAMC's \$50K community fund.
10. TMC and EOC notifies communities of emergency incidents.
11. Communities should review the maintenance contract and advise TMC of any concerns.
12. It took Simpcw several years to get to where they are at with EM; they had the support of Chief, Council, and staff.
13. Companies are always improving their systems and paying attention to the latest technology to prevent spills.

Link: CER website / Newsroom / What's News Archives / Fact Sheets / Emergency Management and the Polluter Pay Principle.

Link: <https://www.transmountain.com/emergency-response-plans>

## Perspectives from Leadership - Panel

Panelists: Chief Harvey McLeod, Upper Nicola Band; Chief Marcel Shackelly, IAMC-TMX, Mid-Fraser/Thompson Region; Chief Russel Chipps, IAMC-TMX, Vancouver Island South Region; Grand Chief Billy Morin, Treaty Six, Alberta; Gitaine De Silva, Chief Executive Officer (CEO), CER; Ellen Burack, Assistant Deputy Minister, NRCan; Bonnie Antcliffe, Associate Regional Director, DFO

**Question #1**    **The IAMC was co-developed with Indigenous communities and established in 2017. The Government of Canada relies on co-development for launching initiatives. what does co-development mean to you and how important is it to the relationship?**

**Ellen Burack, NRCan**

Co-development is about reconciliation and we cannot get to reconciliation without a focus on co-development. We need to work together on a path to partnership and our goal is to have government policies, programs and initiatives that are developed in close collaboration with the people that are affected by those policies, programs, and initiatives.

This requires that we work together and define the challenges together. Programs should be improved by improving our shared-understanding of the challenges and the potential solutions. We will not always agree but I hope that we would agree to learn from one another and agree to be open to evolving our views. Striving toward consensus involves compromise on all sides, reconciliation is about compromise.

Ultimately, we need to act together, and it is my hope that the invitation to participate in that dialogue will be accepted and that people will come to the table with open minds, open hearts and that we give each other the benefit of the doubt. We must be willing to listen, learn and adjust and think big while being pragmatic. It may at times feel risky, but we need to embrace and accept that in order to move in the important direction.

Relationships are the foundation for this reconciliation for co-development and my team works hard to demonstrate that they are worthy of trust; that they are listening, and hearing and they are looking for joint solutions. The IAMC is a model of co-development, leading the way that other initiatives and challenges can be addressed through relationship-building, co-development and through understanding.

**Question #2** You may recall that we welcomed leaders from Alberta to discuss our mandate. Chief Wilton Littlechild reminded us to look at the principles of the UNDRIP and treaty. From your perspective, how can the principles of treaty inform the work we do?

**Grand Chief Billy Morin**

As the Grand Chief of Treaty Six, I represent 17 First Nations located in central Alberta, this is what gives us our sovereignty. When we worked with Grand Chief Littlechild, he taught us that with every decision we make as a Nation, at the back of our minds we must consider how this decision will affect our Treaty. Treaty is our individual mandate, and we must use treaty to inform the work of the IAMC.

Treaty for First Nations in the prairie gives us our sovereignty. Canada speaks about nation-to-nation but for us, only nations can sign treaties. This is meaningful work that has been nation-to-nation and sovereign-based. I recognize that there is a notable difference with BC nations and Alberta nations in that in BC you have modern day treaties, self-government treaties or no treaties at all.

I only speak on behalf of Treaty Six and the article within our treaty is the Indigenous and the historic interpretation of treaty and the things that are easily extracted. The work of the IAMC is important and treaty defines it as a shared treaty. The IAMC upholds the original intent of treaty which is to work together, co-develop the work and uphold the principles of treaty and western interpretation of sovereignty.

When we consider sharing, we think about the depth of a plough. Our knowledge keepers tell us that 5” of a plough is shared with Canada and all under that is the ownership of Treaty First Nations. The pipeline goes below the 5”. What is the ownership of the pipeline? Treaty Six includes 17 First Nations and the IAMC-TMX project defines an engagement with 129 First Nations, of which 17 of them are not included.

The saying “as long as the sun shines, the grass grows and the river flows”, fits with the IAMC work. We must look for a solution that the IAMC works in principles of treaty. Alberta does not have a Treaty Commission mechanism in its negotiations with Crown. About 100 years ago the Treaty Commission favoured a Crown/western perspective but now we there are improved relationships with the Treaty Commission as seen in Saskatchewan. I see the work of the IAMC in a Treaty Commission-type role, to uphold that sovereignty and principles. The IAMC is bringing people together and creating spaces for regulators, First Nations, government, and business to come together and create this dialogue. We must share the land and use it in a good way.



**Question #3** An early priority of the Indigenous Monitoring Subcommittee was to get boots on the ground to protect areas of significance during construction. In what ways does an Indigenous Knowledge inform the committee?

**Chief Marcel Shackelly**

During this past year, we have not had any in-person meetings. We had the ability to experience that when we met prior to COVID-19, but we are losing some pieces without those face-to-face meetings. We are learning how to work with this. I have spent a lifetime reading people's energies and upon meeting them, getting a feel for whether I could trust them or not. There was a Harvard project on American Indian economic development, and they identified four areas that could help: sovereignty matters and making decisions; having capable institutions of governance; having engaged leadership who want to inspire change; and be culturally grounded. Our IMs in the field for example, how were they trained, selected, mentored, supported, and spiritually taken care of? I remember learning how long a peace pipe was and that the meaning of female names has the inclusion of water in their meanings. We are constantly looking at past models and comparing to what is happening today. With sensitive areas in the field, we need to ensure we practice protocols and protect community interests.

**Question #4** Concerns have been raised by communities regarding the existing pipeline that was built in 1953 under the National Energy Board (now CER), without Indigenous consideration or consultation. How can the new CER be leveraged to improve the system and address the systemic issues that have frustrated communities for decades?

**Gitaine De Silva, CER**

The CER has been tasked through our legislation, to build a system that inspires the trust and confidence of the Canadians and Indigenous people that are impacted. An Indigenous Advisory Committee, established as part of the CER governance, provides strategic advice to the CER Board on Indigenous perspectives and priorities. The group has met a few times since August 2020, and we have seen the benefits of their work. There are other mechanisms in the *CER Act* to advance reconciliation and drive systemic change and to commit the regulators and companies to early engagement. We drafted guidance for companies of how engagement should be conducted, and this engagement provides Indigenous the opportunity to highlight concerns so that we can identify and resolve issues early. The CER is now an agent of the Crown and has a mandate to work in an integrated part of the rest of government and at a systemic level. We consider Indigenous knowledge in our actions and use their knowledge to protect their rights and interests.

Our Board is committed to advancing reconciliation, demonstrating leadership, and empowering staff with tools such as cultural competency and awareness training. We are learning about the people in the system in order to make it better.

**Question #5** There are 26 Indigenous communities on Vancouver Island, which are not located on the pipeline route, but are greatly impacted by increased tanker traffic in the waters. How is the involvement of marine communities in this work unique?

**Chief Russel Chipps, IAMC-TMX, Vancouver Island South Region**

The people on the IAMC-TMX are all different and have different technical and traditional skills. We come together in a great way. We all have our own unique concerns for food, environment, community values and emergency response. At the IAMC-TMX table, silos come down and communication is healthy. There is no way to translate traditional knowledge into western knowledge, but the Committee takes the time to “learn the length of the peace pipe”. Often people do not take the time to learn that, but they do at this table and this is a move forward. It is a safe space to talk and to hear concerns. We get to contribute to the discussion and put our concerns out there. Without us, the focus would be on terrestrial concerns.

**Question #6** We heard about co-development and the new CER Act and the importance of including marine perspectives and concerns in the work of the IAMC-TMX. In August 2019, there were provisions made in the new Fisheries Act, including new protections for fish and fish habitat. How does the modernized Fisheries Act support reconciliation with Indigenous people?

**Bonnie Antcliffe, DFO**

The *Fisheries Act* was modernized and focuses on strengthening the role of Indigenous people in project reviews, environmental assessments, monitoring and policy development. Its articles uphold the rights of the Indigenous people of Canada and of Indigenous knowledge and strives to protect the confidentiality of that knowledge. We work together to analyze problems and solve them.

In terms of implementation of the legislation, we have added department capacity to meet the *Fisheries Act* commitments on how to deliver conservation and protection programs. The Indigenous Habitat Participation Program provides funding and support for Indigenous participation and provides the opportunity to support Indigenous community input into the development of our programs and policies. The strengthened *Fisheries Act* supports the Indigenous role in a new way of delivery of the programs, new capacity, and new programs to include Indigenous involvement. We work collaboratively through the IAMC and the MSSC to support reconciliation and strengthen the work of the committee.

## Participants' Discussion with Panelists

Questions / Comments	Panel Responses
<p>A few days ago, there was an announcement on Bill C-15, the UNDRIP legislation, 13 years after UNDRIP was passed by the United Nations (UN). The most contentious issue within the legislation was the FPIC clause. Some describe this as working together in partnership and respect and reflecting the ideals behind the relation of Indigenous people to strive for consensus on decisions that affect Indigenous rights and interests. What is your perspective of the UNDRIP legislation as it relates to the work of the IAMC-TMX?</p>	<p><b>Grand Chief Morin:</b> The UNDRIP and DRIPA legislations are good but come with more questions. The common theme out of the input in BC, is “what happens now?”. The legislation has a three-year mandate to create a workplan and that comes with question marks and uncertainties. What about an election? Could this bill be compromised or taken back? The work of the IAMC lends itself to the UNDRIP work, particularly in Articles 24, 27 and 29, and FPIC. I think the IAMC is doing that work and setting a precedent, with a path for implementation of the Declaration and bringing the relevant parties together. The IAMC and the work they do can set a template for the workplan of the implementation of the Declaration.</p> <p><b>Ellen Burack:</b> I think the communities that have generated the IAMC and the IAMC members themselves, are showing the way on UNDRIP, particularly the important elements of continuous dialogue and understanding of different perspectives. I believe that this work is ground-breaking and inspired by UNDRIP even before it was proposed to be law in Canada. This is thanks to the communities and participants on the IAMC. Together we will make change happen.</p> <p><b>Gitaine De Silva:</b> Our legislation references UNDRIP. As an organization, we are working to include the articles in the work that we do. The Indigenous Advisory Committee work is grounded in the principles of UNDRIP and the TRC’s Calls to Action. We are educating our staff on what that means and as a regulator, and how we put that into action. We see the work of the IAMC transform all of our work and the data collection process is ongoing. Some Indigenous knowledge was shared with us and we are protecting its confidentiality. We are giving some data used for the purpose of particular projects, back to the communities which is in keeping with the spirit of UNDRIP.</p>
<p>What role will the IAMC play after the completion of the TMX?</p>	<p><b>Chief Shackelly:</b> Strong leadership got us to where we are and Chief Littlechild worked on the ideology of the UNDRIP for over 20-years and never gave up. That idea and purpose had to remain a constant and the relationship had to be maintained in order to move it forward. Hopefully, it does not take 20 more years. In regard to the role of the IAMC, the TOR speaks to the pre-existing pipeline as well as the expansion. The IAMC will maintain an oversight role.</p>
<p>When the pipeline is constructed, marine activity will increase. Where do you see the role of the IAMC?</p>	<p><b>Chief Chipps:</b> The IAMC will switch to an oversight role. Indigenous concerns are long-term, and the pipeline is not going anywhere. Many of the marine issues have not been addressed and we will need to address all ship traffic and not just the 10% related to the TMX.</p> <p><b>Ellen Burack:</b> We have had an important start and we all hear a commitment to activity over the lifecycle of the pipeline. An important conversation begins in the IAMC on precisely this question and we look forward to that discussion and to learn for the groups that are most affected and what they believe is needed as the work transforms from construction to operation.</p> <p><b>Gitaine De Silva:</b> We see how the work of the committee will live on beyond this piece of infrastructure in the broader industry and with the regulatory bodies. People are valuing the monitoring work and seeing the benefits and want to see it used more broadly in the sector. We had a leak in the Enbridge pipeline this year, and the decision was made to inform all of the members of the IAMC and the Line 3 IAMC along the leak because it is becoming a habit to do so. Your work has impacted the broader industry and the regulators.</p>



## Participants

### Speakers, Presenters, Panelists

Bonnie Antcliffe  
Carleen Thomas  
Chief Harvey McLeod  
Chief Marcel Shackelly  
Chief Russell Chipps

Elder Isabel Hope  
Elder McDonald  
Elder Pearl Cardinal  
George Lampreau

Gitane De Silva Grand  
Chief Billy Morin  
Jonathan Wright  
Kimberly Lavoie

Martin Whitney Michelle  
Wilsdon  
Minister Seamus O'Regan  
Raymond Cardinal

Ryan Arcand  
Shawn Tupper  
Tana Mussel  
Tina Donald

Tracy Friedel  
Tracy Sletto  
Tribal Chief Tyrone McNeil  
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## Registrants

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Alvin Findlay	Chris Silver	EMILY CALLIOU	Joe Stepaniuk	Marie-Anick Elie	Roy Auger
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Bernadette Lalonde	Corynn Reveley	Gitane De Silva	Keith Henry	Morgan Jumbo	Stuart Jackson
Berneer Bolton	Crystal Davidson	Gordon Planes	Kelp Watson	Morgan Guerin	Tana Mussell
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Billy Morin	Danny Bellrose	Heather Adams	Kerri Jo Fortier	Nicholas Pearson	Todd Bailey
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Chad Stroud					



# INDIGENOUS



Advisory and Monitoring Committee

Trans Mountain Expansion and Existing Pipeline