



Advisory and Monitoring Committee  
Trans Mountain Expansion and Existing Pipeline

# IAMC-TMX Line Wide Gathering 2023

Report prepared by



# Contents

|   |    |
|---|----|
| Acknowledgements  | 3  |
| Executive Summary   | 5  |
| Summary: Forces of Change   | 7  |
| 1. The unfolding journey of the United Nations Declaration Act Action Plan and its guiding steps called "Action Plan Measures."       | 7  |
| 2. The TMX project's shift from the construction phase of work (nearing completion) into the post-construction and operations phases. | 13 |
| 3. Community voices asking for the IAMC to "be more, do more and be better."  | 15 |
| I. Scope of work  | 16 |
| II. Intensity of Work   | 17 |
| III. Structure and Processes  | 18 |
| Context: About IAMC-TMX   | 19 |
| What is the IAMC?   | 19 |
| Working "Without Prejudice"   | 21 |
| IAMC-TMX Line Wide Gathering Overview   | 22 |
| Agenda Overview   | 23 |
| 1 - Welcome and Opening   | 24 |
| Opening Ceremony & Facilitators Welcome   | 24 |
| Co-Chairs Welcome   | 25 |
| 2 - Indigenous Caucus, Setting the Scene: Panel and Q&A   | 27 |
| Indigenous Caucus – Questions, Answers & Comments   | 30 |
| 3 - Regulators Panel  | 35 |
| Advancing Indigenous Oversight to Benefit All Canadians   | 35 |
| Slido – Participant perspectives based on the panel discussion  | 38 |
| Regulator's Panel - Questions, Answers & Comments   | 39 |
| 4 - UNDA Action Plan Fireside Chat  | 43 |
| What are the Action Plan Measures (APMs)?   | 44 |
| Bringing Others Along in Achieving the APMs   | 47 |
| Ideas of Success  | 48 |
| Slido - Participant perspectives based on capacity building and funding   | 49 |

|   |            |
|---|------------|
| <b>5 - Indigenous Institution Building</b>                              | <b>50</b>  |
| Stories of Institution Building – First Nations Health Authority (FNHA) | 51         |
| Stories of Institution Building   | 53         |
| Emergency Management and the First Nations Education Steering Committee | 53         |
| Institution Building – Questions, Answers and Comments                  | 55         |
| <b>6 - Reflections on the Day</b>                                       | <b>56</b>  |
| Final Thoughts  | 61         |
| <b>7 - Day Two Welcome &amp; Opening</b>                                | <b>62</b>  |
| <b>8 - Elders &amp; Voices of Tomorrow: Achievements and Learnings</b>  | <b>63</b>  |
| <b>9 - Work of the Subcommittees</b>                                    | <b>69</b>  |
| Socioeconomic Subcommittee  | 69         |
| Slido – Reflections on what you've heard                                | 72         |
| Slido – Questions from Participants                                     | 73         |
| Marine Shipping Subcommittee  | 76         |
| Setting the foundation: priorities and progress                         | 79         |
| Slido – Reflections on what you've heard                                | 80         |
| Slido – Questions from Participants                                     | 82         |
| Slido – Question posed by MC and facilitator after lunch                | 86         |
| Indigenous Monitoring Subcommittee                                      | 87         |
| Slido – Reflections on what you've heard                                | 91         |
| Slido – Questions from Participants                                     | 93         |
| Emergency Management  | 95         |
| Slido – Reflections on what you've heard                                | 97         |
| Slido – Questions and comments from Participants                        | 99         |
| <b>10 - Reflections on the Two Days</b>                                 | <b>102</b> |
| Final Reflections   | 102        |
| Closing   | 104        |

# Acknowledgements

We, the Indigenous Advisory and Monitoring Committee—Trans Mountain Expansion Project (IAMC-TMX) members, honour and respect the Peoples and Territory of the Community visited for the IAMC-TMX Line Wide Gathering.

The Gathering took place in Calgary, Alberta, Treaty 7 territory, with signatories including the Siksika Nation, Piikani Nation, Kainai Nation, the Îethka Stoney Nakoda Nation, consisting of the Chiniki, Bearspaw, and Good Stoney Bands, and the people of the Tsuut'ina Nation. We also recognize the Métis people of Alberta Region 3 who call Treaty 7 their home.

We are grateful to the Elders from all territories who made the journey to Calgary to give their presence, guidance, and wisdom.

We are thankful to all the Community members and participants who shared their knowledge and experience, giving their time and energy to join us in person and online.

The design and technical support provided by those who worked behind the scenes is deeply appreciated. To the facilitators and note-takers who listened diligently, supported conversations, and created activities for us to work through together, we offer our sincere gratitude.

## A note on participation

There were over 180 participants from representative Communities, Federal partners, and affiliated organizations registered to participate in the Gathering.

On the morning of Day 1, participants far exceeded the number registered with over 255 people in attendance. Over the course of Day 1, audience engagement tools averaged 90 unique responses.

Thank you to everyone who made the journey to Line Wide 2023. We look forward to welcoming you back next year.





# Executive Summary

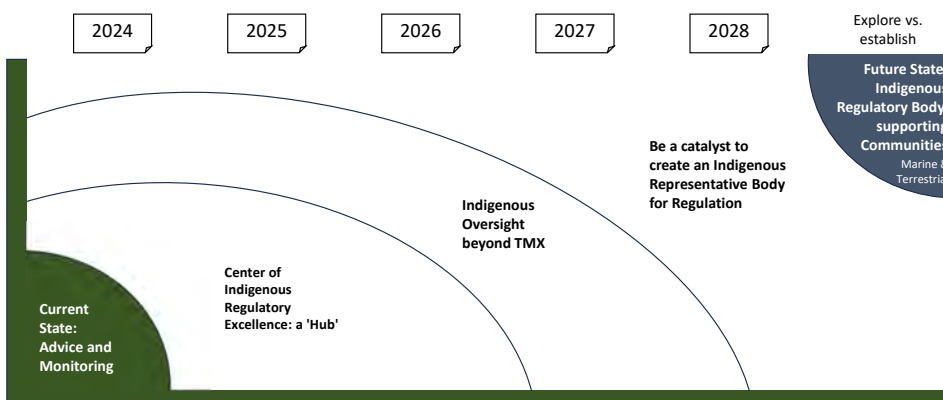
The 2023 Line Wide Gathering took place during a time of transition, marking a turning point for the IAMC-TMX. The Gathering joined three streams of transformative change, which together formed a powerful river:

1. The unfolding journey of the United Nations Declaration Act Action Plan and its guiding steps called “Action Plan Measures.”
2. The TMX project’s shift from the construction phase of work (nearing completion) into the post-construction and operations phases.
3. Community voices asking for the IAMC to “be more, do more and be better.”

With over seven years of experience working to transform regulatory frameworks by integrating Indigenous world views and traditional knowledge, the IAMC-TMX is in a unique position to be in service of our Communities. Our commitment is to a path forward that achieves regulatory excellence by honoring our past while showing the way for future generations.

The IAMC-TMX continues to be in service of Communities, taking our direction from them and helping them to address their Rights and Title challenges within their Territories. We listened deeply to Community voices over the summer and a new mandate began to emerge: for the IAMC to be a catalyst for establishing an Indigenous Regulatory Body for Marine and Terrestrial environments that is representative in nature rather than rights holding. The “high level journey” image on the right was shared at the beginning of the Gathering and depicts the direction of travel.

## Looking Forward: IAMC-TMX High Level Journey



This direction was unpacked and discussed during the 2023 Line Wide Gathering. The opportunity to create an Indigenous-led institution that sets a new precedent for Indigenous Regulatory Oversight was viewed as an opportunity that needs to be taken. Both

Community members and Federal partners expressed support for this turning point and new direction. Our aim on this journey is to continue fostering strong, collaborative relationships with Communities, Federal and Provincial governments, and project stakeholders.

“Indigenous Regulatory Oversight” was one of the key concepts discussed in the Gathering. While it meant different things to different people, we heard four consistent themes:

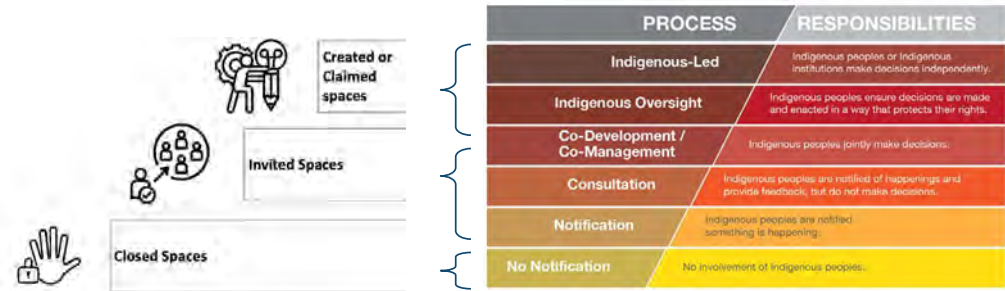
1. Being able to influence the health and wellbeing of our peoples.
2. Holding companies and governments accountable to taking action: having “teeth.”
3. Going beyond the co-management of a specific project: that is now a non-negotiable.
4. Decision making by our people, for our people.

The reason an Indigenous-led institution is important on the journey towards increased Indigenous Oversight is because of the types of spaces change happens in. A model based on the work of John Gaventa (2006), describing three different types of space, was discussed:

1. Closed spaces: where there is little to no active participation by Indigenous people. These arguably describe the status quo of most “consultation” processes;
2. Invited spaces: where Indigenous people may participate, but are given no opportunity to co-design or shape the space participation happens in; and,
3. Created or claimed spaces: where Indigenous Peoples set priorities and draft and design decision making regimes.

In becoming “more than a Committee” the IAMC has the opportunity to create the space of Indigenous Regulatory Oversight.

### The Journey Towards Indigenous Oversight: Creating Spaces for Change





# Summary: Forces of Change

The three forces of transformative change The Gathering brought together are listed here and summarized below:

1. The unfolding journey of the United Nations Declaration Act Action Plan and its guiding steps called “Action Plan Measures.”
2. The TMX project’s shift from the construction phase of work (nearing completion) into the post-construction and operations phases.
3. Community voices asking for the IAMC to “be more, do more and be better.”

## 1. The unfolding journey of the United Nations Declaration Act Action Plan and its guiding steps called “Action Plan Measures.”

The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) took over 25 years to negotiate before it was passed by the UN General Assembly in 2007. It contains 46 Articles describing a variety of individual and collective rights. At its core is self-determination, which affirms the right of Indigenous Peoples to decide what is best for their Communities and to carry out those decisions in ways that are meaningful to their people.

In 2007 Canada, Australia, New Zealand and the United States of America voted against adopting UNDRIP. 14 years later, in 2021, the UNDRIP Act received royal assent in Canada. This declared that the laws of Canada will be made consistent with UNDRIP and set out timelines for the government to create and implement an Action Plan “to achieve the objectives of the Declaration.”

Fueled by decades of Indigenous struggles and aspirations, the UNDRIP Articles emphasize the need for “Indigenous Institutions” and have arguably created the potential to reshape the public service landscape for First Nations and Métis Peoples.

For the last two years, the Indigenous Caucus of the IAMC-TMX has brought key UNDRIP Articles into focus during Committee meetings with Federal partners, gaining attention around the transformative potential these hold.



## Key UNDRIP Articles discussed at the IAMC - in order of discussion vs in numerical order

### Article 8

1. Indigenous Peoples and individuals have the right not to be subjected to forced assimilation or destruction of their culture;
2. States shall provide effective mechanisms for prevention of, and redress for: (a) Any action which has the aim or effect of depriving them of their integrity as distinct peoples, or of their cultural values or ethnic identities; (b) Any action which has the aim or effect of dispossessing them of their lands, territories or resources; (c) Any form of forced population transfer which has the aim or effect of violating or undermining any of their rights; (d) Any form of forced assimilation or integration; (e) Any form of propaganda designed to promote or incite racial or ethnic discrimination directed against them.

### Article 27

States shall establish and implement, in conjunction with Indigenous Peoples concerned, a fair, independent, impartial, open and transparent process, giving due recognition to Indigenous Peoples' laws, traditions, customs and land tenure systems, to recognize and adjudicate the rights of Indigenous Peoples pertaining to their lands, territories and resources, including those which were traditionally owned or otherwise occupied or used. Indigenous Peoples shall have the right to participate in this process.

### Article 19

States shall consult and cooperate in good faith with the Indigenous Peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.

### Article 29

States shall establish and implement, in conjunction with Indigenous Peoples concerned, a fair, independent, impartial, open and transparent process, giving due recognition to Indigenous Peoples' laws, traditions, customs and land tenure systems, to recognize and adjudicate the rights of Indigenous Peoples pertaining to their lands, territories and resources, including those which were traditionally owned or otherwise occupied or used. Indigenous Peoples shall have the right to participate in this process.

## Article 28

1. Indigenous Peoples have the right to redress, by means that can include restitution or, when this is not possible, just, fair and equitable compensation, for the lands, territories and resources which they have traditionally owned or otherwise occupied or used, and which have been confiscated, taken, occupied, used or damaged without their free, prior and informed consent.
2. Unless otherwise freely agreed upon by the peoples concerned, compensation shall take the form of lands, territories and resources equal in quality, size and legal status or of monetary compensation or other appropriate redress.

## Article 31

1. Indigenous Peoples have the right to maintain, control, protect and develop their cultural heritage, traditional knowledge and traditional cultural expressions, as well as the manifestations of their sciences, technologies and cultures, including human and genetic resources, seeds, medicines, knowledge of the properties of fauna and flora, oral traditions, literatures, designs, sports and traditional games and visual and performing arts. They also have the right to maintain, control, protect and develop their intellectual property over such cultural heritage, traditional knowledge, and traditional cultural expressions.
2. In conjunction with Indigenous Peoples, States shall take effective measures to recognize and protect the exercise of these rights

## Article 18

States shall consult and cooperate in good faith with the Indigenous Peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.

In March 2023, the Department of Justice released the draft Action Plan, consisting of 181 Action Plan Measures (APMs). The work by Caucus on both APMs 12 and 34, alongside ongoing conversations around the IAMC-TMX as a technical expert function for other Action Plan Measures (e.g. APM 1 and APM 68), has created new opportunities for regulatory transformation.

The work of the Socioeconomic Committee over the past several years, including research and input into the House of Commons Standing Committee on the Status of Women, which flowed from the “Reclaiming Power and Place” report of the National Inquiry into Missing and Murdered Indigenous Women and Girls, has positioned it as a natural partner for NRCan on work associated with APM 12.

Action Plan Measure 12 was created with Natural Resources Canada and states:

*“Partner with Indigenous Communities and organizations, industry, other Federal departments and provinces and territories to develop and implement a strategy to:*

- Increase safety and security of Indigenous women, girls and 2SLGBTQI+ people at all stages of resource project development;*
- Empower Indigenous women, girls and 2SLGBTQI+ people to influence and equitably benefit from resource development through increased participation across disciplines and occupations, leadership positions and throughout the supply chain;*
- Partner and pathfind with other Federal departments to identify whole of government responses to mitigate the impacts of resource development projects on Indigenous women, girls and 2SLGBTQI+ peoples.”*

The IAMC co-developed APM 34 with NRCan and the Canada Energy Regulator. The co-development (drafting, writing and discussing the APM together) took place over many months. Our understanding is that only one of the 1,700 APMs submitted was co-developed with Indigenous Peoples, and it is the only one that considers the participation of Indigenous Peoples in decisions. Using a distinctions-based approach, the APM’s creation was led by the IAMC-TMX Indigenous Caucus.



APM 34 is summarized in the graphic above, and states:

“Work in consultation and cooperation with First Nation, Métis and Inuit Communities, governments and organizations to (i) enhance the participation of Indigenous Peoples in, and (ii) set the measures that could enable them to exercise Federal regulatory authority in respect of, projects and matters that are currently regulated by the Canada Energy Regulator (CER). Steps to achieve these objectives include to:

- Develop regulations respecting the Minister of Natural Resource Canada’s power to enter into arrangements that would enable Indigenous governing bodies to be authorized to exercise specific powers, duties and functions under the Canadian Energy Regulator Act. 34 Ajuinnata (Inuktitut meaning: A commitment to action/to never give up)
- Amend the Canadian Energy Regulator Onshore Pipeline Regulations and Filing Manuals applicable to the lifecycle (design, construction, operation and abandonment) of CER-regulated infrastructure, in a manner that:
  - incorporates specific localized knowledge held by Indigenous Peoples, as well as Indigenous laws, policies, practices, protocols, and knowledge.
  - strengthens measures to prevent and address impacts to Indigenous rights and interests, including in relation to heritage resources and sites of Indigenous significance.
- Consult and cooperate to identify and take the measures needed to support Indigenous governing bodies, and/or the potential establishment of new Indigenous decision making institutions, to exercise regulatory authority on projects and matters regulated by the Canada Energy Regulator, including:
  - Develop a systemic model to enhance Indigenous Peoples’ involvement in compliance and oversight over the lifecycle (design, construction, operation and abandonment) of CER-regulated infrastructure. The model should integrate learnings from existing structures and relationships.
- Consult and cooperate to identify and take the measures needed to support Indigenous governing bodies, and/or the potential establishment of new Indigenous decision making institutions, to exercise regulatory authority on projects and matters regulated by the Canada Energy Regulator, including:



- Co-develop with First Nation, Métis and Inuit Communities, governments and organizations and relevant Federal departments and Regulators the mandate of such bodies or institutions, as well as the mechanisms required for empowering them with certain regulatory authorities
- Identify the actions and allocate the resources required to further develop capacity and expertise for the exercise of regulatory authority by such bodies or institutions.

This work could lead to other Federal departments, Regulators or institutions, similarly working in consultation and cooperation with First Nation, Métis and Inuit Communities, governments and organizations, to:

- enhance the participation of Indigenous Peoples.
- set the measures that could enable them to exercise regulatory authority, in respect of Federally regulated natural resource projects. (Natural Resources Canada, Canada Energy Regulator.)”

Alongside the work the IAMC is doing on APM 34 with the Canada Energy Regulator and Natural Resources Canada, the Marine Shipping Subcommittee is also actively working across the Marine regulators (Transport Canada, Department of Fisheries and Oceans and Coast Guard) to understand how the last part of the APM can be implemented. There has been a clear request for this from Marine Communities.

During the 2023 Line Wide Gathering, a conversation brought into focus that UNDRIP is not a replacement for the affirmation of “aboriginal and treaty rights of the aboriginal peoples of Canada” that Section 35 of the 1982 Canadian Constitution Act outlined. Instead, UNDRIP brings a new energy and focus to ensuring Indigenous Rights are upheld, and a tangible plan that needs to be implemented on.



## 2. The TMX project's shift from the construction phase of work (nearing completion) into the post-construction and operations phases.

The pipeline construction for the TMX Project has almost finished and work is moving into the post-construction phase before operations begin. Once product starts flowing through the pipeline, there will be a 197% daily increase in oil travelling across the water in tankers, requiring further attention to coastal and marine environments. Alongside a renewed focus on the old 1953 pipeline, there is a shift from co-management of the project towards Indigenous Oversight.

The types of activities taking place on the terrestrial pipeline during the post-construction phase include: environmental restoration; integrity testing of the pipeline and the land it is on; regulatory compliance; and, ongoing monitoring for unplanned impacts and safety management.

It's our belief that Indigenous Communities are stewards of our lands and waters. Communities want respect for their knowledge and values. They want to see their ways reflected in decisions that affect their rights and interests, and they want a say in those decisions. It's important to remember that the IAMC-TMX works "*without prejudice*." IAMC-TMX is neither for nor against the TMX project. Our goal is to protect the lands and waters. We are in service to our Communities and our activities do not affect governments' duty to consult with Indigenous Peoples, or alter Indigenous rights.

To enable the protection of lands and waters, we have assembled teams of IAMC members, Community members, and representatives for the Federal Government. The teams doing the work are known as Subcommittees. The Subcommittees are: Socioeconomic; Marine Shipping; Indigenous Monitoring, and Emergency Management, and they presented at the Line Wide Gathering 2023.

The Subcommittees described their achievements over the past year and their changing priorities in the context of moving into the post-construction and operations phases. More detailed overviews of this work are outlined in the 'Day Two' section of this document and summaries are provided below.

**Dr. Tracy L. Friedel Chairs the Socioeconomic Subcommittee (SESC)** and spoke about the need to restore Indigenous Stewardship through Socioeconomic Monitoring. She outlined how the work of the SESC is linked to Federal commitments, including the 2021 National Action Plan to address Missing and Murdered Indigenous Women, Girls and

2SLGBTQQIA+ People, the 2022 National Action Plan to address Gender-Based Violence (GBV) and UNDRIP with a specific focus on APM 12. The three focus areas for the SESC as construction nears completion are: relationship development; strength-building at the Community level and; advising and participating alongside Regulators and policy makers.

**Trina Sxwithul'txw and Carleen Thomas, the Marine Shipping Subcommittee (MSSC) Co-Chairs**, described how they have established a leadership table with 29 of the 32 identified Nations participating. A joint vision has now been created to guide the work forward: "A vibrant connection to thriving sea life in our waters, rooted in cultural teachings, strong coordination among all parties, and Indigenous-led protection of the ocean." As tanker traffic begins, priority areas have been identified, each with their own working group: Wellbeing; The Mandate for Indigenous Revenue Sharing for Coast Salish Marine Communities; and, Emergency Management.

**Martin Whitney, who Co-Chairs the Indigenous Monitoring Subcommittee (IMSC) with Chief Marcel Shackelly**, spoke to the changing context of the Indigenous Monitoring Program. The IMS is focused on the ongoing prevention of harms related to traditional and contemporary land use, cultural artefacts, traditional ecological knowledge, heritage resources, culturally significant and/or spiritual or sacred sites and regions. Their considerations going forward include delivering on the co-developed Indigenous-led Compliance Verification Activity process – the first of its kind in Canada.

**Dion Arnouse, who is the Program Manager for the Emergency Management Subcommittee (EMSC) which is Chaired by Tina Donald**, closed out the Subcommittee presentations by sharing how the EMSC is focused on being a dedicated resource and subject matter expert on emergency prevention and response incidents. This includes assisting Communities in building their emergency prevention, response and recovery capacity and encouraging Indigenous emergency management as part of the traditional stewardship responsibility. The importance of prevention was underlined by Dion and in the discussion that followed with the Gathering participants.

Through both the presentations and the engagement with the participant group, details were integrated into the high level IAMC Journey graphic by the event graphic recorder. The resulting image illustrates how the activities of each of the Subcommittees over the next five years can enable the creation of an Indigenous Center of Regulatory Excellence and become a catalyst for an Indigenous Regulatory Body (representative as opposed to rights holding).

### 3. Community voices asking for the IAMC to “be more, do more and be better.”

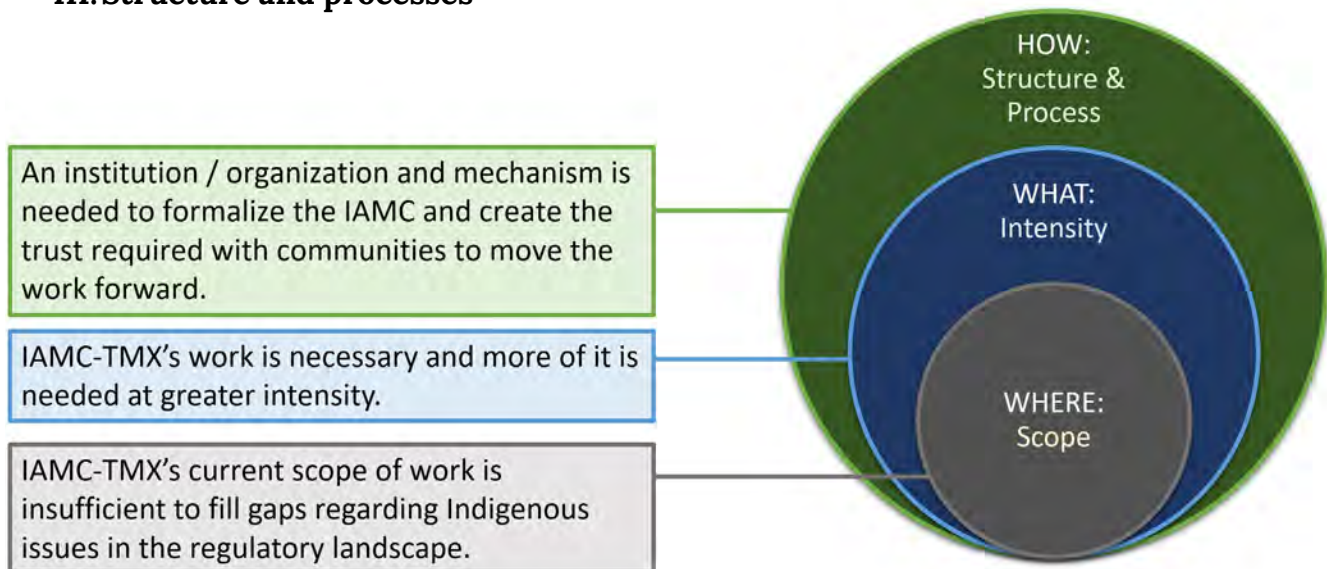
The high-level journey for the IAMC-TMX was developed because of the extensive feedback Community members shared with the Caucus over the summer of 2023 during the Regional Engagement Sessions. These sessions led up to the 2023 Line Wide Gathering and the consolidated themes enabled the IAMC to develop the high-level journey that was validated at the Gathering. The IAMC now has a firm, Community-driven direction for the next five years (aligned to the Federal funding cycle). Further engagement will be required on a regular basis as this journey unfolds.

There are three main themes that unpack the request for the IAMC to “be more, do more and be better:”

#### I. Scope of work

#### II. Intensity of work

#### III. Structure and processes





## I. Scope of work

There was consensus that IAMC-TMX's current scope of work is insufficient to fill the gaps in regulatory frameworks:

- In addition to the ongoing need for co-management, there was support for the IAMC's shift towards Indigenous Oversight.
- Marine Communities felt that only focusing the TMX scope of work on tankers carrying TMX products was insufficient because all marine shipping traffic is a concern for safety, wellbeing and food security. This risks further impacts to Community livelihood, culture and ways of life.
- The expansion of scope beyond the TMX project is necessary to address the cumulative effects Communities are experiencing in their territories. Taking a coordinated approach will exacerbate existing challenges and stresses to Community capacity. The Sunrise Expansion and NGTL were identified as energy projects where IAMC expertise and experience is needed.
- Climate change and natural disasters underscore the need for the IAMC, with Sumas Prairie as an example; this was emphasized during the Emergency Management presentation.

Throughout the Line Wide Gathering 2023, the need to transform the regulatory environment (as opposed to making incremental changes to it) to ensure that Indigenous rights and issues are addressed on the land and the water, was a recurrent theme.

## II. Intensity of Work

Participants felt that the IAMC-TMX's work was necessary, and they also stressed that more of it is needed and at greater intensity. Sustainable, ongoing funding and staff positions are essential for the IAMC to:

- Better communicate the work to Communities and ensure there is capacity in the IAMC-TMX to understand the diversity of Community needs during post-construction and operation. Emphasis was placed on the importance of regular, in person engagements.
- Increase Indigenous Communities' participation and collaboration in ways that will maximize benefits from pipeline (and other) projects and related activities.
- Fulfill the mandate and aspirations of the Indigenous Monitoring and Emergency Management programs through preventive action.
- Urgently move the work forward in the Marine environment (with Federal partners) due to the now immediate risks to culture, safety, wellbeing, food security and livelihoods.

### III. Structure and Processes

Formalizing the IAMC to become “more than a Committee,” and enabling its accountability to the Communities it serves was seen as an important step to strengthening trust with Communities.

Mechanisms are needed to create trust with Communities in order to move the IAMC-TMX’s work forward. This includes the IAMC becoming an “Institution” (there was a conversation about reclaiming this word and embracing the spirit intended when it was used in UNDRIP while acknowledging that the word is potentially triggering because of residential schools).

- The IAMC’s lack of formal organizational structure is hindering its ability to work in ways that align with Community aspirations and expectations due to skepticism about project lifecycle funding for the Indigenous Caucus. Options should be explored for the IAMC-TMX to become an Institution that can be held to account.
- Modeling the way by enabling the creation of an Indigenous-led Institution can set a new precedent for Indigenous regulatory oversight, with benefits for the working relationship with Federal and Provincial Governments and project proponents.

There was widespread support for the high level journey at the beginning of Day One of the Gathering. A capture from Slido, a polling and feedback tool used throughout the Gathering, outlines initial reactions to the high level journey below.

At the end of Day Two, event participants closed the session by sharing their reflections. There was overall support for the future direction of the IAMC-TMX, coupled with recognition of the hard work required to ensure the success of the journey ahead.



# Context: About IAMC-TMX

## What is the IAMC?

IAMC stands for the Indigenous Advisory and Monitoring Committee.

The IAMC consists of 19 people who have a shared goal for the safety and protection of the lands, waters, and interests of Indigenous Peoples. We are:

- 13 Indigenous people selected by Indigenous Communities from the regions along the route of the Trans Mountain Expansion project. This is the Indigenous Caucus.
- Six senior Federal Government representatives.

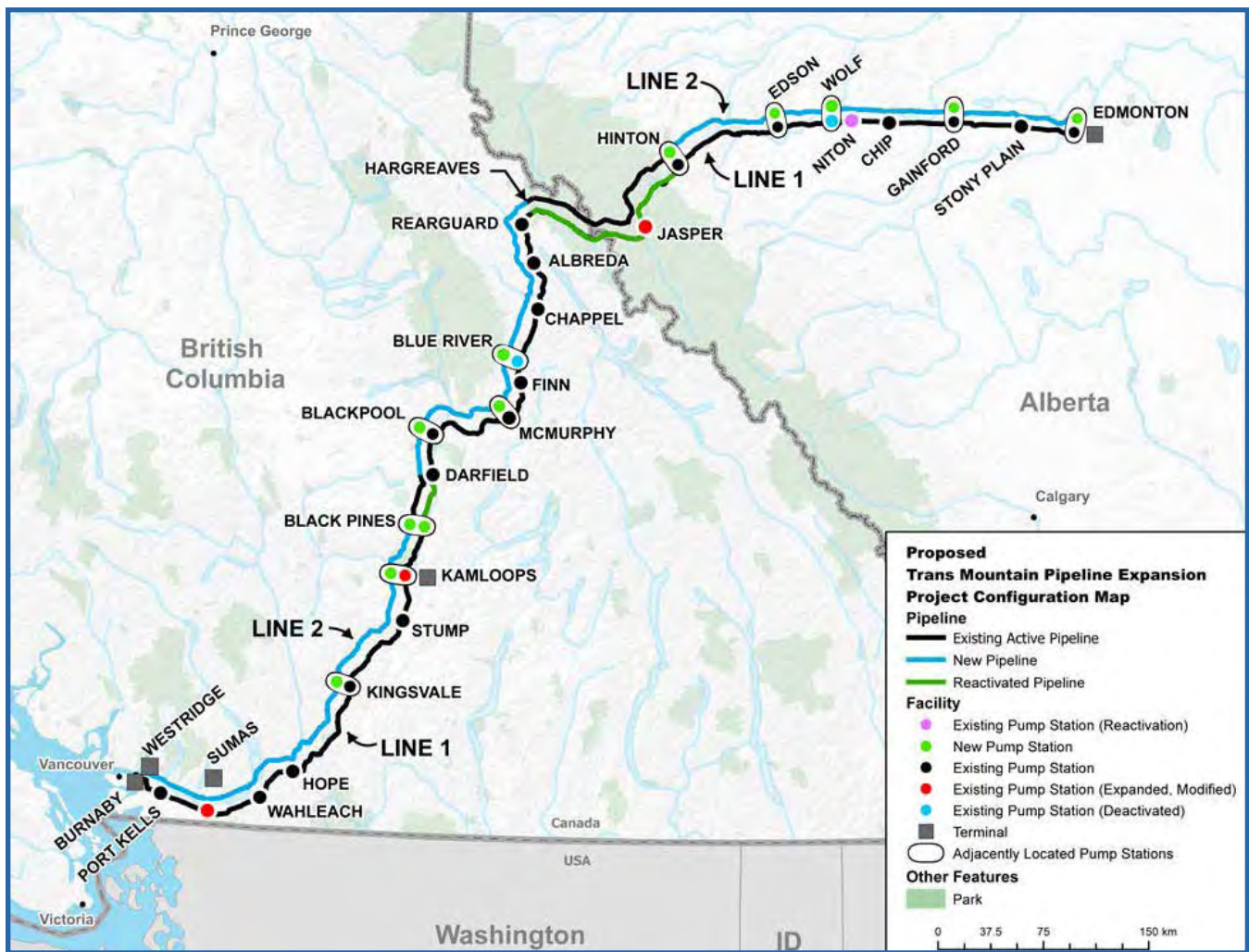
TMX stands for the Trans Mountain Expansion project. The pipeline runs from Sherwood Park, Alberta to the shipping terminal and refinery in Burnaby, British Columbia.

TMX is an expansion because the project twins an existing oil pipeline that was built in 1953. The project will also expand the Westridge Marine Terminal in Burnaby.

The expansion project will follow the original pipeline route for 89% of its 1,147 km length. When construction is finished, the pipeline will be able to carry almost three times more oil than it could before – up to 890,000 barrels a day.

The TMX pipeline carries multiple types of petroleum (oil) products – crude oil and several refined oils. Crude oil is oil in its natural form as it is taken from the ground. It is also called bitumen. Refined oils are crude oils that have gone through processes to turn them into products ready for human use, like gasoline and diesel. There are levels of refining, from crude to semi-refined up to refined, each used to make different products. Trans Mountain is the only pipeline in North America that can carry both crude and refined oils.





An overview map of the TMX Pipeline. For a more detailed, interactive map showing Indigenous communities' locations in relation to the pipeline route, please visit <http://iamc-tmx.com/faq/other-links-for-project-information/>.

As well as expanding the pipeline, the TMX project will also increase the number of tankers that the shipping terminal in Burnaby can handle by almost seven times, from five to 34. For some coastal Communities, this will mean an increase in tanker traffic through their waters, from one tanker per week as it is now, to one tanker per day. This will be a 197% increase in the amount of oil moving through their territorial waters.

The Government of Canada owns 100% of the TMX pipeline and expansion project.

There are 129 Indigenous Communities along the TMX pipeline route. IAMC-TMX was created to focus on the protection of the lands, waters, and interests of Indigenous Peoples affected by the TMX project.

## Working “Without Prejudice”

IAMC-TMX is neither for nor against the TMX project. Our goal is to protect the lands and waters. We work to make sure that Indigenous Peoples have a strong voice in relation to the pipeline. We are in service to our Communities. The work of IAMC-TMX does not change governments’ duty to consult with Indigenous Peoples or alter Indigenous rights.

The IAMC is not a rights-holding body, and we are not trying to become a decision-making body. We are working with Communities to create change. This also involves working with the Federal Government, which has committed to showing up. Participating in IAMC-TMX activities does not mean that you support or oppose the TMX pipeline. It does not alter your rights.

For more information and to connect with IAMC-TMX, please visit <https://iamc-tmx.com/>.

# IAMC-TMX Line Wide Gathering Overview

Each year the IAMC-TMX hosts the Line Wide Gathering, a key event that serves as a platform for members of the IAMC to share their progress and initiatives and engage directly with Community members. This gathering is more than just a meeting; it's an opportunity for meaningful interaction and exchange.

These discussions are invaluable, as they provide a forum for receiving first hand feedback, identifying areas for improvement, and understanding Community needs. This process is fundamental to the IAMC's commitment to continuous growth and enhancement, ensuring that their efforts align closely with the aspirations and wellbeing of the Communities they serve.

The 2023 Line Wide Gathering took place on November 6th and 7th, and over 255 people participated. This was the sixth annual Line Wide Gathering for the IAMC-TMX. This report aims to document what took place over the two days: both as a reminder for those who participated and as a record for those who weren't able to make it. About half of the participants had been to a previous IAMC-TMC Line Wide Gathering; for the other half, this was their first Line Wide experience.

The following sections of this report correspond to the numbered agenda for the two days and this agenda is outlined on the next page. Each section has a brief overview and a summary of the presentations and/or panel discussion. Throughout the report there are places provided for participant questions and comments, as well as the Slido inputs and poll results.

# Agenda Overview

## Day 1: The journey from advice and monitoring to oversight and beyond

**November 6, 8:30am - 5:30pm**

- 1 - Welcome & Opening
- 2 - IAMC Co-Chairs welcome and high-level panel discussion
- 3 - Regulators Panel: Advancing Indigenous Oversight
- 4 - UN Declarations Act Action Plan: The role of Indigenous technical experts in implementation
- 5 - Indigenous Institution Building: Sharing stories
- 6 - Reflection on the day

## Day 2: Our work - looking back and looking forward

**November 7, 8:30am - 4pm**

- 7 - Welcome & Opening
- 8 - Elder & Voices of Tomorrow panel
- 9 - Work of the IAMC: Socioeconomic Subcommittee | Indigenous Monitoring

### **Q&A / Discussion**

- 9 - Work of the IAMC: Marine Shipping | Emergency Management

### **Q&A / Discussion**

- 10 - Reflections on the two days & Closing





# 1 Welcome and Opening

## Opening Ceremony & Facilitators Welcome

*The two day Gathering began with a Grand Entry, including Elders, local Drummers and Dancers, and was introduced by Hal Eagletail, a member of Northern Dene TsuuT'ina Nation. A prayer was offered by Elder Ken White of Louis Bull Tribe, Maskwacis, and after the ceremony Métis Fiddler Darla Daniels and her guitar accompanist played a song.*

Tribal Chief Tyrone McNeil, President and Tribal Chief of the Stó:lō Tribal Council, and Charlie Ursell, Managing Director of Tidal Strategies, introduced themselves as the facilitators for the event and walked through the agenda for the two days.

They shared that the first day was about the journey from “Advice and monitoring to oversight and beyond.” At a high vantage point, eagle eye and mountain top level of detail, it was intended to set the scene and create a framework for the high level journey and the more detailed sessions on Day Two. Day Two, titled “Our work, looking back and looking forward,” would begin with a facilitated conversation, Elders and the Voices of Tomorrow, before going into the detailed work of the Subcommittees.

The facilitators emphasized how important discussion and feedback was during the Gathering, and introduced a tool called Slido, which would be used to capture feedback and the data generated in this report.



# Co-Chairs Welcome

Raymond Cardinal, Co-Chair of the IAMC-TMX, Joanne Pereira-Ekström, Federal Co-Chair of the IAMC-TMX and Bill Martin, Acting Director of Indigenous Partnerships at Natural Resources Canada welcomed participants to the Gathering. They played a short video from the Honourable Jonathan Wilkinson, Canada's Minister of Energy and Natural Resources who shared his support for the work of the IAMC along with his regrets for being unable to participate in person because the House of Commons was sitting.

Raymond Cardinal shared the story of how the IAMC-TMX began, with Chief Ernie Crey, Cheam First Nation, and Chief Aaron Sumexheltza, Lower Nicola Indian Band, writing a letter to the Prime Minister and the Premiers of British Columbia and Alberta in June of 2016.

Their letter articulated concerns about the National Energy Board's (now Canada Energy Regulator) process on the Trans Mountain Expansion (TMX) project and existing pipeline. They called for the establishment of a safety and environment oversight body led by Indigenous Nations affected by the existing pipeline and the proposed TMX. The letter was signed by leadership representing over 50 First Nations.

In response to that letter, the Federal Government met with Indigenous Communities in early November of 2016 to discuss the potential establishment of an Indigenous Oversight body. In November, Cabinet approved the TMX project and as part of that decision, the government committed to co-developing the IAMC with affected Indigenous Peoples, allocating up to \$64.7 million over five years to support the Committee.

## Our Goals



By July 2017 the Minister of Natural Resources Canada and the then National Energy Board (NEB) CEO approved the Terms of Reference, and the establishment of the IAMC and the Secretariat to support it. Throughout this process those involved in setting up the IAMC-TMX have held different points of view about the project. It was essential for those differences to be put aside so that a collaborative forum could enable the protection of the lands and waters.

Bill Martin and Raymond Cardinal shared the five main goals of the IAMC and the four key shifts taking place. They emphasized that this is a time of transition with:

1. The Continued Shift to Broader Oversight: With an aim to expand the role Communities play, from project-specific advice to general oversight, opening the door for widespread regulatory transformation in Indigenous Territories.
2. An Increase in Marine Activities: There will be an increase in shipping once the pipeline is built, impacting our coastal Communities. We need to discuss how to adapt and protect our interests.
3. Two Pipelines, One Focus: The old 1953 pipeline is re-entering the spotlight alongside the new expansion. How we ensure the safety and wellbeing of our people, with both pipelines now operational, matters.
4. From Building to Running: As construction wraps up, we're moving into the 'post-construction' and 'operations' phases of the project. This change impacts how the IAMC both monitors and advises.





## 2 Indigenous Caucus, Setting the Scene: Panel and Q&A

*Members of the Indigenous Caucus set the scene by looking back on 2023, and forward to the next five years and beyond. Below is a summary of main points of the conversation that took place between Raymond Cardinal Co-Chair, Grand Chief Doug Kelly, Tribal Chief Tyrone McNeil, Trina Sxwithul'txw and Dr. Tracy Friedel.*

The Indigenous Caucus representatives began their panel discussion by outlining achievements from the past year. Across all the different activities, the achievements encapsulated a journey towards increased Indigenous Oversight. Notable advancements included the development of key UN Declaration on the Rights of Indigenous Peoples Act Action Plan Measures (APMs), notably APM 12 and APM 34, and active contributions to the House of Commons Standing Committee on the Status of Women.

The panel outlined the critical role the Committee held in the onshore pipeline review and regulation processes, illustrating a shift from advisory roles towards more robust forms of co-management and oversight. To date, there have been over 215 Federal Compliance Verification Activities (CVAs) with Indigenous participation, and the first Indigenous-led CVA process has been co-developed and is ready to be deployed. In the marine space, a leadership table has been established to ensure collaboration across impacted Nations.

The year was marked by substantial changes, notably the transition from monitoring and advising on specific projects to broader Indigenous Oversight and regulatory transformation. This transition also encompasses the shift from the construction to the post-construction and operational phases, and recognizes the need to balance attention between the new TMX expansion and the existing infrastructure from 1953. The increase in marine activities, driven by heightened tanker traffic, further accentuated the importance of establishing a Marine Leadership Table.

Reflecting on the regional engagement efforts, the Caucus detailed their extensive outreach activities over the summer. The regional engagements provided vital Community input, which guided the IAMC's evolution, and became instrumental in shaping a high level approach to the creation of an Indigenous Regulatory body.

The engagement sessions demonstrated a clear Community-driven mandate for the IAMC to be robust, independent, and forward-thinking. The Caucus emphasized that effective oversight requires looking beyond singular projects to the overall impact on Indigenous lands in order to understand cumulative effects and engage a holistic approach for “co-management” and “co-development.” Oversight is defined by shared responsibility, and while building new institutions is a time-intensive process, there is optimism that a consensus on their structure and function can be achieved within the next few years.

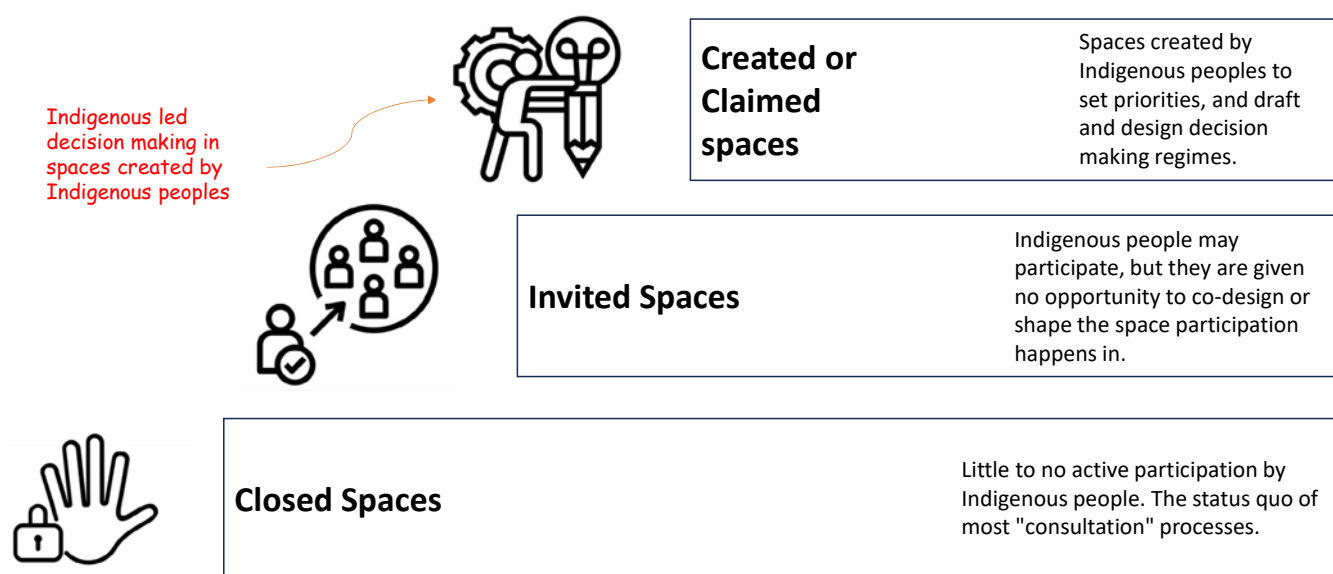
A phrase that surfaced during the regional engagement sessions, “Be more, do more, be better,” summarized the sentiment and directives from Communities.

**“Do More”** – All Indigenous Peoples and Federal partners should be striving to become a better version of themselves, to be active listeners and evolve new ways of thinking. Colonial thinking’s time has passed.

**“Be More”** – All groups need to understand the impact their actions have on the pipeline corridor and beyond. Trans Mountain is only the most immediate example, but Indigenous Peoples should be looking beyond the pipeline too.

**“Be Better”** – All groups are going to make mistakes, but we need to be learning from them so we are not making the same mistakes over and over again. Indigenous Peoples should strive to teach Federal Regulators how to be better.

## Finding Spaces for Change





The need for the IAMC to evolve from a “Committee” into an institution was clear. The first step on this journey will be to establish an Indigenous Regulatory Center of Excellence. In the longer term, the IAMC outlined how they aim to behave as a catalyst for the creation of an Indigenous Regulatory body, fostering a new paradigm for Indigenous governance. As outlined in the Executive Summary, there was overwhelming support for this journey in Participant responses to a Slido poll.

The panel closed by sharing that, in the spirit of progress, the IAMC advocates for a transition from “closed spaces,” where decisions regarding Indigenous lands are made without Indigenous presence, to “invited spaces,” which, despite allowing participation, often lack genuine engagement. The future, as envisioned by the IAMC, lies in “created spaces” — spaces led and shaped by Indigenous Peoples, embodying true partnership and co-development. In these spaces, Indigenous Oversight and leadership drive the decision making process, signaling a new era of collaboration and recognition of Indigenous sovereignty.



## Indigenous Caucus – Questions, Answers & Comments

### Question 1:

*“The pendulum needs to swing toward protecting the land. So, to the Caucus, looking forward to 2026 and Indigenous Oversight beyond TMX, what does the most important first step look like? How can proponents and the Federal family facilitate those first steps?”*

In response to the question, the panel shared that there are three key things to consider:

1. In the wake of Supreme Court cases like [Clyde River \(Hamlet\) v. Petroleum Geo-Services Inc.](#), there is a greater expectation for the Crown to do more and be better when engaging with duty-to-consult obligations. This gives more authority and strength to Indigenous groups and Communities when engaging in project development. Indigenous Peoples can look to create environmental management plans and ways to direct Regulators to appreciate aspects of Indigenous heritage. But, there is also an opportunity for Indigenous heritage and culture to be placed into pre-existing processes and to become the foundation for new project approval processes.
2. Indigenous Peoples are often asked to look at projects through a piecemeal approach – seldom are they engaged on the entirety of the project. This should change.

*“What is ours [Indigenous Peoples] to do? And what can regulators do better?”*

3. Indigenous Peoples should be engaged and participating in other projects besides TMX. The IAMC's TMX and Line 3 models should be replicated to other natural resource development projects to help advance the journey toward regulatory excellence. Indigenous Peoples aren't just concerned with one project. Our interests clearly go beyond TMX into other projects and other regions.

## Question 2:

*"What can the IAMC do to protect our waterways?"*

The Caucus responded that water connects us all and we have collectively been able to identify issues in the marine space that also apply to the watersheds we all rely on. The IAMC's leadership will help monitor this into the future.

It's worth noting that Regulators on waterways (Department of Fisheries and Oceans, Transport Canada and Coast Guard) have challenges. They are often more paternalistic than their terrestrial counterparts. Indigenous Peoples can, should, and will shift the thinking among marine Regulators to consider what is best for all of us – not just the Federal Government, and not just the impacted Community, but everyone.

The IAMC is identifying gaps in waterway regulation and will continue to work to fill those gaps.



## Comment 1:

*“The IAMC has an opportunity to regulate and teach the Federal Government that Indigenous Peoples have voice and space in Canada. Treaties defined a relationship, but treaty-holders were denied. Treaties were used to steal land. The Federal Government puts aside Indian monies that are less than they should be. I don’t need to reconcile with the Crown – who continue to steal me, my land, my people. These are all cumulative effects. Thank you Grand Chief Doug Kelly for hearing. I speak from the heart because I know my history. If we finally have a place in Canada’s history, if we can have a voice, then we can have reconciliation with Provincial and Federal Governments. If you are going to be the oversight Committee for gaining this voice, I will champion your cause. If we could get to that place...what a new world we would have.”*

In response to the comment, the panel shared that many members of the IAMC have been learning and evolving over the past seven years. There is now a collective understanding of Indigenous Rights and Title issues and members see themselves reflected in the IAMC’s work. The IAMC is an ongoing collaborative exercise. There are still opportunities to work with the Government and Regulators, to attach Indigenous worldviews to legal interpretation and define the ongoing legal history that involves cases like [Tsilhqot’in Nation v. British Columbia](#).

Regulators do not like to discuss case law – none are acting appropriately in regard to existing decisions. Indigenous Peoples and the IAMC can help to change that.





#### Question 4:

*“How do our Elders and youth fit into the IAMC-TMX?”*

In response, the Caucus shared their experience that Federal and Provincial Governments acknowledge the importance of Indigenous Knowledge and Traditional Knowledge, but they don't always know how to ensure that Elders and youth are invited into the work. This is where the Indigenous Caucus comes in.

*“What does it take to adequately include Elders and youth in the IAMC?”*

The Indigenous Caucus of the IAMC is designed to include Elders: they open our Committee meetings; they sit on our Subcommittees; they provide advice and guidance to Committee work; and, they help Committee members through the challenges the IAMC faces. The IAMC is constantly looking for ways and opportunities to include Elders and youth. On Day Two of the Gathering, we will be hearing from Elders and “voices of tomorrow.”

When thinking of Indigenous Oversight, there needs to be Indigenous-led processes, and these are often led or assisted by Elders. For example, ceremonial processes when handling sites of significance. We've worked hard, and the IAMC and other organizations need to constantly work at being better at creating space for Elders to provide leadership and direction.

#### Question 5:

*“This is a question about relationships. What is the relationship between First Nation and Métis Communities in Alberta and in BC? There seems to be a division between First Nations in Alberta and BC when it comes to agreements about the pipeline. The TMX project itself wasn't accepted by some BC First Nations. Have these disagreements created opposition for your proposed Regulatory change?”*

The response from the Caucus shared that the IAMC and the Indigenous Caucus must be mindful of the ongoing conflicts between Indigenous groups. If these conflicts start to entrench themselves in the work of the Committees and members, it will harm the work, purpose and vision of the IAMC.

*“What can we do to protect the land, protect our water? We don't allow differences on the ground or at a high-level – we need to stay focused on our common interest.”*



The IAMC is not in the arena of Indigenous rights – the organization does not, and cannot, take sides in ongoing disagreements. The goal is to work with all parties, from all sides of the aisles, because collaboration will be the only way to achieve regulatory change.

There have been those in courts fighting the TMX project – and other groups fighting for other issues, like Canada’s United Nations Declaration on the Rights of Indigenous Peoples. The IAMC is not involved in those spaces, but is focused on the regulatory space.

The IAMC is on a journey to build awareness of what the organization is and what it can achieve. Along the way, there has been increased knowledge sharing between and across Communities and Nations. The IAMC’s priority is to be inclusive and bring everyone along to do the work of the common good and common interests. Returning to the Chiefs who created the IAMC with their letter to the Prime Minister, we are not for or against the pipeline itself.

**Question 6:**

*“Regarding Alberta’s side of the project, in Treaty 6 territory. Is the Confederacy of Treaty 6 actively involved in the IAMC? What is their position?”*

The panel shared that the IAMC is currently reaching out to leadership organizations in Alberta and BC and is working with Regulators to enable better collaboration with organizations like the Confederacy of Treaty 6 and UBCIC.

# 3 Regulators Panel

## Advancing Indigenous Oversight to Benefit All Canadians

*The Regulators panel “Advancing Indigenous Oversight to Benefit all Canadians” was convened as a crucial part of the Gathering to address the essential role Indigenous perspectives need to play in regulatory processes.*

*This panel served as a platform to explore how incorporating Indigenous Oversight not only aligns with the principles of reconciliation and respect for Indigenous rights, but also enhances regulatory frameworks for the benefit of all Canadians. By bringing together diverse voices and expertise, the panel aimed to foster a deeper understanding of the symbiotic relationship between Indigenous Oversight and the wellbeing and environmental stewardship of Canadian resources.*

The panel opened with an introduction by George Vehr, Chair of the Board of the Canada Energy Regulator (CER). George described how the CER Board is responsible for the governance of the entire Regulator, and its governance functions include providing strategic direction and advice to the CER. The Board cannot go beyond what is set out in legislation, and Indigenous Oversight has manifested through three frameworks core to the CER’s work.



1. The CER Act includes Indigenous rights as a factor in the CER's decision making.
2. The CER's Strategic Plan includes supporting reconciliation as a priority.
  - a. There are strategic priorities that will carry forward into the CER's next Strategic Plan, such as ensuring the trust and confidence of Indigenous groups to enable regulatory excellence.
3. UNDA Action Plan Measures (APMs), and specifically APM 34, commit to Indigenous regulatory involvement and oversight.

George concluded by sharing that these three frameworks enable the CER's work by mandating collective involvement to ensure the pipeline is safe, the environment is protected, and Indigenous rights are upheld.

For the panel, Chief Tyrone McNeil was joined by:

- Tracy Sletto, acting CEO of the Canada Energy Regulator
- Arun Thangaraj, Deputy Minister of Transport Canada
- Anna Classen, Regional Director of North and West for Environment and Climate Change Canada

The panel conversation gathered around two main themes: Increased Indigenous Oversight creates better regulation, and, The importance of claimed or created spaces. The key points from the discussion are outlined below.



## **Theme 1: Increased Indigenous Oversight creates better regulation**

The panel outlined how Indigenous engagements and partnerships are reshaping regulatory outcomes, benefiting not just Indigenous Peoples but all Canadians. This journey toward regulatory excellence is marked by tangible improvements.

One improvement is that marine shipping has become safer through a greater understanding of protected species, informed by Indigenous knowledge and stewardship. The inclusion of Indigenous Monitors in on-the-ground activities has broadened the scope of what constitutes “harm.” By incorporating Indigenous perspectives, we’re able to identify and manage risks more effectively, enhancing safety across all areas.

However, there are still challenges to manage. There’s a crucial need for better understanding and articulation of Indigenous rights among all Federal partners.

It was shared that many Indigenous Peoples are oriented towards both the present and the long future, encompassed in a desire to ensure the ongoing protection of all species. It is essential that these species continue to thrive for future generations to encounter.

Advancing Indigenous Oversight paves the way for regulatory changes that are accessible, transparent, and grounded in meaningful dialogue and consultation with Indigenous Peoples. This approach is not just about meeting current needs; it’s about setting a foundation for a sustainable and inclusive future.

## **Theme 2: The importance of claimed or created spaces – where Indigenous Peoples can define the space engagement happens in, not just be invited to it**

It was expressed that as partners, Indigenous Peoples play a pivotal role in ensuring the safety and health of our coasts, offering crucial guidance to mitigate the impact on waterways. Indigenous insights are integral to initiatives like the Oceans Protection Plan and the Salish Sea Strategy, underscoring their importance in marine stewardship.

Organizations like the CER are leaders in driving systemic change towards Indigenous-led regulation. This is already evident with practices of Indigenous-led monitoring and inspections. There is an effort across Federal institutions to facilitate these systemic shifts, which include enhancing cultural competency within Federal departments and fostering more meaningful opportunities for Indigenous participation.

The panel shared that we are witnessing a transformative shift in environmental protection, with spaces traditionally dominated by non-Indigenous perspectives becoming increasingly Indigenous-led. This is evident in areas like the Species at Risk Act and new conservation agreements between the Federal Government and the provinces. Indigenous expertise is not just welcomed but required in the implementation of these new agreements and frameworks.

The urgency of this transformation cannot be understated, and setting a deadline is essential to its success. The journey to create Indigenous-led spaces is a multigenerational undertaking, but it must also be time-sensitive. Elders who were youth when this journey began are now sharing their wisdom with younger generations. Understanding best practices, Indigenous-led policies, and technical knowledge will not only support capacity building within Communities but also accelerate this process.

Change management remains a critical component in advancing spaces created for Indigenous Peoples. It is important to continue to challenge and transform old institutional mindsets that are indifferent to Indigenous rights, ensuring that the path forward is one of true partnership and respect

### Slido – Participant perspectives based on the panel discussion

#### The biggest challenge in advancing Indigenous Regulatory Oversight

Exploring the challenges in advancing Indigenous Regulatory Oversight, a Slido poll posed the following question to the room:

*“From your own perspective or your Community’s experience, what’s the biggest challenge in advancing Indigenous Regulatory Oversight?”*

The responses received provided a diverse range of insights, reflecting the complexity of the issue at hand. Key challenges that were identified include:

- **Regulator Resistance:** A significant obstacle is the resistance from Regulators to fully embrace Indigenous authority, knowledge, and perspectives, particularly regarding Indigenous interests.
- **Capacity Challenges:** Participants noted difficulties in building and maintaining the capacity necessary for effective Indigenous Oversight.
- **Mutual Participation and Advocacy:** The need for support and advocacy from project proponents, alongside mutual participation, was emphasized as crucial for progress.



- **Political Interference:** The situation in Alberta was highlighted, where there are active challenges against the Impact Assessment Act (IAA) arguing it oversteps provincial jurisdiction. Concerns were also raised about the sustainability of these efforts through Federal election cycles.
- **Economic Factors:** Economic considerations were outlined as a significant factor in advancing Indigenous Oversight.
- **Bureaucracy and Equitable Participation:** Personal and Community experiences pointed to bureaucracy and the need for equitable participation and acknowledgment within existing regulatory processes.
- **Lack of Cohesive Approach:** The absence of a cohesive approach in the current regulatory processes was also identified as a hurdle.

The responses from participants reflect a wide spectrum of experiences and viewpoints, underlining the multifaceted nature of the challenges faced in advancing Indigenous Regulatory Oversight.

## Regulator's Panel - Questions, Answers & Comments

### Comment 1 - The complexity of regulatory and legislative frameworks and the importance of the IAMC-TMX.

One participant raised critical points about the complexity and potential pitfalls in navigating existing legislation and new frameworks. They cautioned against the indiscriminate acceptance of new initiatives, citing the power inherent in the Indian Act and expressing skepticism towards the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), sharing that some view it as a potential trap. The speaker urged careful consideration of how the United Nations Declaration Act (UNDA) might intersect with or infringe upon treaty rights, emphasizing the need for thoughtful progress in this area.

The participant also expressed gratitude for the efforts of the IAMC, specifically acknowledging Grand Chief Doug Kelly and Tribal Chief Tyrone McNeil for their active roles in advocating for Indigenous rights. They called for a collective awakening among Indigenous Peoples to reclaim their power.

*"How are you going to ensure our Community health?"*

They also challenged the IAMC to unlock the benefits of the pipeline more tangibly, particularly in areas like healthcare. Questions were raised about the lack of doctors and nurses in their Communities and broader healthcare issues, pressing the IAMC to consider how Community health will be ensured and improved in the context of these developments.

### **Question 1 - How are Federal partners empowering, supporting, and preparing Indigenous Nations to exercise regulatory authority?**

During the Q&A session, an audience member posed an important question:

*“How are Federal Partners empowering, supporting, and preparing Indigenous Nations to exercise regulatory authority?”*



This inquiry opened a discussion about the evolving role of and challenges faced by the IAMC.

It was acknowledged that the workload of the IAMC has the potential to be tremendous, and building the capacity to participate effectively in this changing landscape is a considerable challenge. The conditions in 2023 are markedly different from those prior to the IAMC's creation, in 2015. There was consensus that a paradigm shift is required to move from traditional program-based funding models to a broader consideration of the systemic changes that need to be implemented.

A key question, “What does it take to transform the relationship between organizations like CER and IAMC? And how can we get there?” underscored the need for redefining the dynamics between regulatory bodies and Indigenous organizations.

The conversation identified the need to adopt a more holistic approach in engaging with Indigenous Communities and evaluating initiatives. Long-term funding, spanning five to ten years, was emphasized as crucial for sustainable development. Considerations include the nature of the Federal funding relationship with the IAMC and the risks associated with transferring responsibilities across various Federal departments in the future

### **Question 2 - The shifting of IAMC responsibility from NRCan to the CER.**

An audience member raised an issue concerning the shift in Federal departments that sponsor and support the IAMC. There has been discussion about the possibility of moving the IAMC, which is currently under the umbrella of Natural Resources Canada (NRCan), to the jurisdiction of the Canadian Energy Regulator (CER). The speaker emphasized that this potential transition involves more than just a secretarial change, pointing out the CER's lack of regulatory authority in the marine space. This led to a question, directed at Transport Canada and the Department of Fisheries and Oceans (DFO), on their stance and involvement in this shift of responsibility.

In response, a representative from Transport Canada confirmed that a decision had not yet been made, but reaffirmed Transport Canada's commitment to supporting the work of the IAMC, irrespective of any structural changes or future funding cycles. The contribution of the Marine Shipping Subcommittee of the IAMC, particularly in providing critical insights on marine shipping activities, was acknowledged and praised. Given Transport Canada's marine and safety mandate, the representative assured continued collaboration with Indigenous Communities and partners, prioritizing the safety of Indigenous Peoples and protecting species at risk.



### Question 3 - Shipping lanes and Indigenous Guardianship.

A participant, speaking from the perspective of a Community located along one of the main shipping lanes, shared their evolving stance on the pipeline project. Initially opposed to the pipeline, they recognized the need for proactive engagement, given the project's progression. Emphasizing their identity as stewards of the lands and waters, the speaker highlighted the enormity of this responsibility, particularly in the context of the Guardianship programs. They suggested that these programs should encompass the entire journey of the fuel, from the pipeline's origin to the point where it leaves the docks, noting that from there, Transport Canada takes over responsibility.

The participant, who fishes in the Salish Sea, expressed concerns about the impact of increased shipping traffic. They described the abundance of marine life, such as prawns and crabs, in the area and the potential threat posed by sediment disturbances from shipping lanes. With a projected 197% daily increase in shipping activity, including containers and freighters, they questioned assurances of safety and sustainability. The speaker emphasized the critical importance of this marine environment to their Community, known as the Saltwater People, who rely heavily on the sea for sustenance. They concluded by questioning how it could be guaranteed that their food sources and way of life would be protected amidst these significant changes.

In response to the concerns raised about the impact of increased shipping activity, a representative from transport Canada addressed the role of the Oceans Protection Plan. They outlined the plan's primary objective: to engage closely with Indigenous Communities, particularly those most directly impacted by maritime activities. A key focus of this plan is to enhance understanding of not only the impact of singular events but also the cumulative effects over time.

*"We're known as the Saltwater People. We live by the sea. How can you promise our food will be protected through this change?"*

The representative emphasized their commitment to ongoing learning about the various impacts of marine activities. They assured that this learning process would be accompanied by consistent communication with affected Communities. Transport Canada intends to carefully consider the necessary actions to ensure the safety and wellbeing of these Communities, taking into account the feedback and insights provided by those living in close proximity to these marine routes.



# 4 UNDA Action Plan Fireside Chat

The UNDA Action Plan Fireside Chat was convened to update Communities on Canada's emerging plan for implementing UNDRIP and to share the IAMC-TMX's work co-developing the Action Plan Measures. The Government of Canada created Action Plan Measures (APMs) to track the implementation of the Declaration. APMs are specific actions that, once achieved, collectively fulfill the objectives of UNDRIP. Representatives from the Department of Justice (DoJ), the Canada Energy Regulator (CER), Crown-Indigenous Relations and Northern Affairs (CIRNAC), and NRCan participated in the moderated panel to share work being done in conjunction with the IAMC-TMX on three particular Action Plan Measures – APMs 12, 34, and 68. The Fireside Chat was moderated by the Gathering co-facilitator, Tribal Chief Tyrone McNeil.

The UNDA Action Plan Fireside Chat included the following representatives from Federal Departments:

- **Keith Smith**, Thessalon First Nation – Director General, UN Declaration Act Implementation Secretariat, Department of Justice
- **Genevieve Carr** – Executive Vice-President, Transparency and Strategic Engagement, Canada Energy Regulator
- **Bruno Steinke** – Senior Director, Crown-Indigenous Relations and Northern Affairs
- **Kimberely Zinck** – Director General, Reconciliation Implementation Nòkwewashk, Natural Resources Canada





# What are the Action Plan Measures (APMs)?

When UNDA was passed into law in 2021, there were three important obligations put onto the Federal Government.

1. **Section 5** must ensure, “the laws of Canada are consistent with the [United Nations] Declaration [on the Rights of Indigenous Peoples].”
2. **Section 6** institutes the need for an Action Plan, “to achieve the objectives of the Declaration.”
3. **Section 7** notes the annual reporting requirements on the progress of the Action Plan to be, “within 90 days after the end of each fiscal year.”

APMs are specific actions that, if achieved, will fulfill the objectives of UNDRIP. The draft action plan originally included 101 measures; the final action plan for UNDA now includes 181 measures. The action plan is the result of two years of engagement, consultation, and collaboration with Indigenous rights holders. The draft Action Plan was released to Indigenous Peoples to enable a review of proposed measures, provide time for edits and address gaps the Secretariat could not fill on its own.

The right to self-determination was noted as an overwhelming priority throughout the engagement, as well as the right to lands and resources. Some new aspects also emerged, like working with Indigenous Peoples on how to implement the rights enshrined in the Declaration, and identifying shared priorities across First Nations, Inuit, and Métis Communities.

Moving forward there will be no unilateral development – the continued implementation of the Declaration will be with the consultation and collaboration of Indigenous Peoples.

*“I see real movement in the commitments being made [...] You now have meetings with departments referring to APMs and specific articles of the Declaration.”*

## APM 34

**The discussion focused on APM 34 and brought forward several key objectives, which have been outlined and summarized below.**

**APM 34:** “Work in consultation and cooperation with First Nations, Métis and Inuit Communities, governments, and organizations to (i) enhance the participation of Indigenous Peoples in, and (ii) set the measures that could enable them to exercise Federal regulatory authority in respect of, projects and matters that are currently regulated by the Canada Energy Regulatory (CER).”

There are many objectives outlined in the Action Plan to achieve this APM, but all point to developing and strengthening Indigenous regulatory authority. Work continues on how to advance oversight and regulations for pipelines, including offshore pipelines. The IAMC is a model for enhancing oversight by Indigenous Peoples, and could be a model replicated to other pipelines, like the NGTL pipeline system in Alberta and BC.

*“[APM 34] really is fundamental to the work we plan to undertake on CER’s Reconciliation journey.”*



An important challenge to consider moving forward is how to ensure that there are models of regulation that can incorporate regional perspectives and work for all Communities. There must also be continued engagement with industry to understand their priorities and work on advancing the rights of Indigenous Peoples. But these challenges should not deter the need for deadlines and timelines on action planning today.

## APM 12

**The panel discussion turned to APM 12, and key insights are outlined and summarized here.**

**APM 12:** *“Partner with Indigenous Communities and organizations, industry, other Federal departments and Provinces and Territories to develop and implement a strategy to [...] increase safety and security of Indigenous women, girls and 2SLGBTQI+ people at all stages of resource project development ... [continued].”*

APM 12 calls for specific engagement with industry, and to understand their current strategies for increasing the safety and empowerment of Indigenous women, girls, and 2SLGBTQI+ people. This incorporates the work of the Socioeconomic Subcommittee of the IAMC and highlights how Indigenous Peoples in many regions across Canada want to work with Natural Resources Canada and other departments to advance the agenda. Additionally, industry representatives have a shared understanding of the work that needs to be done to support the safety and security of Indigenous women, girls and 2SLGBTQI+ people at all stages of resource project development, and are fostering strong relationships with the Federal Government.

The greatest challenge is jurisdictional understanding across Provinces and Territories. Natural Resources Canada and other departments hope that with enhanced Indigenous decision making, Provincial and territorial representatives will recognize the universal components of APM 12 and the importance of this work to all levels of government moving forward.

## APM 68

**Finally, the Fireside Chat focused on APM 68. Key points of the discussion have been outlined and summarized below.**

**APM 68:** *“Strengthen Indigenous Peoples’ participation in decision making through an improved whole-of-government approach to consultation and accommodation which is aligned with the UN Declaration.”*

Capacity within Communities remains a barrier to decision making processes, but there is an ongoing cultural shift. New arrangements for consultation and accommodations are being co-developed with Indigenous Communities, and these help to clarify processes for all involved by focusing on how Indigenous Communities want to be consulted by Federal departments.

In the case of [Haida Nation vs. British Columbia \(Minister of Forests\)](#), a landmark decision by the Supreme Court of Canada and a pivotal case in Canadian law regarding the duty of the Crown to consult Indigenous Peoples, all government is considered the Crown for the purposes of consultation. In this case, the Supreme Court of Canada held that the Crown (representing the government, whether Federal or Provincial) has a duty to consult with Indigenous Peoples and, where appropriate, accommodate their interests when the Crown has knowledge of the potential existence of Aboriginal rights or title and contemplates conduct that might adversely affect it. This duty arises even if the rights or title have not yet been established. This means that any government department or agency must engage and be informed about consultations with Indigenous Peoples regarding policies or actions that may affect their rights or lands. Resulting from this case, there is now an Indigenous Advising group at the Canadian Indigenous Relations and Northern Affairs Canada (CIRNAC) indicating a structured approach to how the government collaborates with Indigenous Peoples in policy development.

*"We need to ask Communities what they think Federal officials should know about their traditional territories."*

There are still many improvements needed to ensure the inclusion of Elders, youth, women, and 2S+ peoples and their voices and contributions. The shift from legally driven Indigenous consultation to collaborative and cooperative consultation is ongoing.

## Bringing Others Along in Achieving the APMs

The conversation moved to the importance of bringing others along while achieving the ambitions of the APMs. The work being done to move towards an increased "whole of government" approach was emphasized, bringing into focus the change management required within and across departments.

*"If the CER is not afraid [of UNDA], then why should the rest of us be afraid?"*

It was expressed that advancing the Declaration is not something to be afraid of, even if the future isn't yet known. Both government and Indigenous Peoples know that there must be Indigenous participation in decision making, there must be Free, Prior and Informed Consent (FPIC), and these behaviors within government need to continue to be championed.



## Ideas of Success

The panel concluded by reflecting on how success on this journey is multifaceted. It involves embracing the courage to try, even at the risk of failing, and learning from missteps along the way without losing resolve. The creation of policies and strategies is a significant step, yet their real value lies in effective implementation. They must translate from paper to practice to have a meaningful impact.

Bringing together Federal departments and Communities to really understand the unique issues and challenges of each region is crucial. It is stepping out of the Ottawa bubble and into the real world, where decisions should be made in alignment with the desires of a Community. Why not pursue something if it is what the Community wants?

Consultation is often viewed through the lens of risk, but it's time to shift perspective and see the opportunities. This change in mindset requires a collaborative approach, one that recognizes and leverages these interactions as chances for positive transformation. It's important to acknowledge that this undertaking is not just a change for the present, but a transformational shift that will impact generations to come.





## Slido - Participant perspectives based on capacity building and funding

### What is on your wishlist for supporting capacity building in your Community?

During the panel discussion, participants were asked about their wishlist for supporting capacity building within their Communities and Nations. Only 10% of participants felt that the status quo should be maintained, indicating a widespread desire for change and improvement.

Training emerged as a top priority, with 62% of participants indicating the need for skill development programs. This was followed by Community staffing, with 38% of the vote, suggesting a strong desire for investments in human resources to strengthen Community operations and leadership. Scholarships also featured prominently, reflecting a 29% interest in supporting educational aspirations and nurturing future leaders.

The word cloud generated from the discussion encapsulated key themes such as the need for a 'central hub' for resources and support, 'joint partnerships', and a commitment to the 'long term.' It also highlighted the desire for 'stability', 'unity', and '#UNDRIPAMechanisms,' which likely refers to the implementation mechanisms under the United Nations Declaration on the Rights of Indigenous Peoples.

Collectively, these insights suggest that Communities are looking for a holistic and sustained approach to capacity building that includes not only educational opportunities and workforce development, but also systemic support that can create and maintain strong, self-sufficient, and resilient Indigenous Nations.

\$49,999 of community capacity funding is currently available for communities to apply for. What initiatives should these funds be made available to apply for?



# 5 Indigenous Institution Building

*Previously discussed during the Gathering was the request from Community members for the IAMC to “do more, be more and be better.” Using the language of UNDRIP, this includes building an “Indigenous Institution” to first act as a Center of Indigenous Regulatory Excellence and then act as a catalyst for the formation of an Indigenous Regulatory body.*

*“Creating a space in which conversation is held is just as important as the nature of the conversation itself.”*

*Two leaders who work with the Indigenous Caucus of the IAMC-TMX took the stage for this session to share their insights from work they have previously achieved building Indigenous Institutions:*

- **Ts'i:m (Grand Chief Doug Kelly)** shared the journey of establishing the First Nations Health Authority; and,
- **Tribal Chief Tyrone McNeil** shared his experiences in Education and more recently in Emergency Management with the Province of British Columbia.

The two speakers began by outlining that for Indigenous Peoples, if the space to have a discussion wasn't created by them – or with them – it was unlikely that the “right” kind of conversation would take place. Throughout the history of Canada, Indigenous Peoples have been told how to participate in government processes without a complete picture or the information necessary to fully partake.

Indigenous Institutions are opportunities to formalize Indigenous worldviews and values, and to develop them properly, they must be linked back to the Communities they originate from. By starting with Indigenous values, Indigenous Institutions can allow for our worldviews to enter conversations across Canada, for instance, placing the importance of water, land and living beings ahead of dollar values.

Ultimately, governments across Canada are looking to, “do more, be more, and do better, and Indigenous Institutions can help.”



## Stories of Institution Building – First Nations Health Authority (FNHA)

Building the institution of the First Nations Health Authority started back in 1987, when there was an original transfer of health services from Health Canada to Communities. Some Communities, like the Stó:lō, took up the new responsibility and began engaging with Health Canada.

Elders in the affected Communities understood that pain does not always have a physical cause or symptom. Pain can be the result of emotional states, mental anguish, or spiritual harm. The mandate for the FNHA came from the acknowledgement that there needs to be collaboration between experts providing modern medicine and the customs and ceremonies of First Nations.

*“Believe in the people  
until they believe in  
themselves.”*

*– Grand Chief Doug  
Kelly*

In 1997, there were negotiations between Health Canada and First Nations in B.C., with dozens of agreements involving over 100 Communities in delivering their own healthcare services. In 1999, negotiations ceased. There were challenges with the personnel in Health Canada.

In 2008, there was a new offer to First Nations leadership. In 2010, there was a second offer. Finally, in October 2013, an agreement was signed for the First Nations Health Authority to deliver healthcare services originally provided by Health Canada to over 200 diverse First Nations Communities.

The creation of the First Nations Health Authority was not about claiming authority, but about creating an administration that would take First Nations direction on services and provide better quality care. The focus was on creating a new space for First Nations to be involved in their own healthcare.

Lessons from the leadership involved in building the First Nations Health Authority include:

- Knowing the fears of your constituents – both who agrees and who disagrees with a new direction. Understanding concerns creates room for informed decision making. We need to embrace the concerns and the criticism:
  - Only when concerns and fears are spoken of and realized can they be addressed and appreciated in subsequent negotiations.
  - Government, industry, and Indigenous Peoples need to air their concerns and fears so they can be worked on together to create transformative change for the next generation.
- Using concerns and fears as an opportunity for a new mandate – a new challenge to solve.
- Framing institution building in the context of rights creates paralysis, as there are always rights negotiations happening. *“It’s not about rights – we can talk about services. It’s about the service that is responsible for protecting the air, land, water, and climate.”* (It’s important to remember that the IAMC is not a rights holding body and does not want to be. We are focused on Indigenous issues as they pertain to regulatory excellence).
- Direction should come from the Community.
- Building a healthcare system without discrimination – against Indigenous Peoples or any other group in Canada – benefits everyone, not just First Nations.

*“We need to blend the best of the Two Worlds that we live in.”*





## Stories of Institution Building

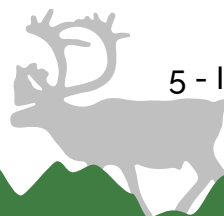
### Emergency Management and the First Nations Education Steering Committee

After telling the story of the FNHA, key insights were shared from the experiences of Indigenous leadership in establishing educational institutions in British Columbia. A crucial understanding is that Indigenous Peoples cannot always shoulder a mandate, regardless of their willingness, if it is hampered by inadequate funding or poor design. It's essential that these mandates are not set up as pathways to poverty. Strategic prioritization is vital in determining what First Nations should undertake. Developing a meaningful business case is necessary to achieve the results that Communities and Nations need.

*"I grew up in a rainforest in the Simon Fraser Valley ... it's not a rainforest anymore."*

In the education space, Indigenous Institutions have demonstrated their ability to offer services to and execute functions for their own peoples more effectively than traditional government structures. This is particularly evident in the capability to co-develop programs and Community-based solutions born from thorough Community consultation.

In the realm of institution development, the importance of Community engagement and communication cannot be overstated. Alongside this, immediate commencement of capacity-building is critical. This ensures reduced dependency on external consultants for short-term solutions, and fosters sustainable, internal growth.





A unified voice among First Nations and Indigenous Peoples is instrumental in the formation of “created spaces.” When Communities rally in agreement and actively support Indigenous Institutions, they effectively position the Federal Government to recognize and align with these institutions. This collective support is a powerful driver in institutional development and recognition.

In the discussion, learnings from leadership in building institutions in emergency management are situated from and include the aftermath of the atmospheric river event in November 2021. Since then, there has been increased focus on Indigenous-led emergency management in response to climate change. A key aspect of this approach involves Indigenous Peoples defining, “who we are” within a climate resilience strategy. This self-definition empowers the modification of regulatory behaviors and authorities.

It’s essential for Indigenous Peoples to embed their sense of time, place, and their worldview into the strategic framework of institutions. This approach is not about asking what other governments can do for Indigenous Institutions, but instead, clearly stating expectations and requirements from the Government for these institutions as they are built.

For instance, Indigenous Institutions need funding to build Community capacity in flood management, as well as assets and training for wildfire emergency services. The evolving climate heavily influences the structure and focus of Indigenous Institutions in emergency management.

Despite being a relatively new area of engagement for Indigenous Peoples, strong support and direction from Communities is enabling these institutions to be developed in a manageable and effective way.

# Institution Building – Questions, Answers and Comments

## Question 1:

*“I want to understand why we would put this word ‘institution’ on ourselves? I have a big problem with that. Residential schools were institutions.”*

The response from the speakers shared, “institution” is still a challenging, and problematic word for Indigenous Peoples. In the broader world, it has shared understanding. Now is the time for Indigenous Peoples to create a positive meaning for institutions as Indigenous Institutions. There is a chance to design an experience for hope, and to make these terms less about the past and more about the future. We need to reclaim the word and UNDRIP has offered us that opportunity.

Government should continue to understand the connotations around these words, but institutions can now be co-developed with First Nations people – something that hasn’t happened before. Indigenous Peoples can build institutions where ceremony and our values play an important role.

## Comment 1:

*“I am here today with my Chief, my younger brother, my older brother, our Elders, and one of our Indigenous Monitors. It’s been an exciting adventure to be together on this journey, and to introduce you to my family, leadership, and knowledge keeper. I appreciate the success stories, they helped me feel more confident with your leadership at the IAMC. I had an awakening listening to you. Part of the work we are trying to do in our Community is to find ways to be independent. We’ve always depended on neighboring Communities because we didn’t know if we could do it ourselves.*

*We now have tens of Indigenous Monitors in our Community. The majority of our Indigenous Monitors took on other roles and opportunities, whether with Trans Mountain or other organizations. I became the first Indigenous Monitor to qualify, and I’m the only one who stuck it out through the pandemic. We had more opportunities in 2022 to train Indigenous Monitors, with CER Monitor training. I know when I’m out there, I’m connecting with our land, our tradition, our medicines. It’s easy to get distracted by the almighty dollar. I just wanted to share a few words – we’ve traveled a long way, and I wanted to make sure our voice was heard.”*

# 6 Reflections on the Day



*At the end of Day One, facilitators Tribal Chief Tyrone McNeil and Charlie Ursell asked Participants to reflect on their experience of the day. The room was prompted to share questions, comments and observations that had surfaced in response to the content of the panels and presentations.*

## **Reflection 1 – Why Indigenous Peoples now need to lead**

An audience member highlighted the fundamental reason First Nations need to lead: their worldview is rooted in the interconnectedness of all things. This worldview fosters deep respect for every living entity, breathing and non-breathing, and promotes sustainable usage of the earth – a sustainability that is now being integrated into their economic practices. Their value-based system, deeply intertwined with the land and people, is in need of a bold change, especially in leadership.

The speaker, a fisherman, initially opposed the TMX project because of Canada's lack of understanding of the connection to the sea, a gap in knowledge that also exists on a global scale. With the increase in tanker traffic, the focus shouldn't be on "if" an incident occurs, but "when" it does. Preparedness and proactive leadership are crucial.

Discussing oversight, the speaker reflected on the equality that existed among their people 200 years ago, where everyone contributed something valuable to the collective. They recognized the room's expertise, emphasizing that while it's not necessary to know everything, it is essential to know how to accomplish the task at hand.

Looking ahead, they posed critical questions about education and the transmission of knowledge to future generations. The focus should be on integrating real history and territorial knowledge into education systems. They urged attendees to consider what is being harvested now versus what was historically harvested by their Nations, highlighting a likely disparity.

*“Why do First Nations need to lead? Because of our worldview – that everything is interconnected. We have a respect for every living thing, breathing and not-breathing. We use this world sustainably.”*

The speaker concluded by underscoring the enduring presence of Indigenous Peoples since time immemorial, making them the ultimate guardians and monitors of their land. The path forward, they suggested, involves reviving their culture and traditions and creating pathways for Indigenous Peoples to transition from warriors to guardians to educators, ultimately becoming the Regulators. This vision for the future places Indigenous Peoples at the forefront of regulation and oversight.

## Reflection 2 – The importance of resilience

An individual shared that they had been raised by parents who were survivors of the residential schools. They reflected on both the negative and positive aspects of their experience, and on how to effect change. Their vision involves returning to and infusing ceremonies into their work. This approach isn't limited to monitors but extends to all individuals, including those in Committees. They stressed the importance of reconnecting with the land through words, prayers, and language.

Discussing oversight, the speaker drew from their upbringing, which was deeply rooted in the “law of the Creator,” concerning the land and environment. This upbringing instilled an understanding of stewardship and responsibility towards the environment.

*“..we were raised on oversight. The actual law of the Creator – about the land, about the environment – we know what it means.”*

The speaker emphasized the significance of using one's voice to effect change, drawing a contrast with their experience in residential schools where they felt voiceless. They highlighted that silence could be misconstrued as consent, and shared a call to never lose hope, because giving up on hope would have a cascading effect on future generations. The concluding message was one of perseverance and resilience.

### Reflection 3 – On Métis inclusion and involvement

During the discussion, a participant highlighted the Métis perspective, noting its relative absence in the examples of Indigenous Institutions that were shared. The speaker expressed a desire for increased Métis involvement, emphasizing the significance of Métis perspectives in the context of oil traversing through traditional territories. While showing admiration for those who are vigilant about their lands and livelihoods, the speaker called for a greater recognition of the fact that these resources are also found in Métis backyards.

The participant expressed a strong wish to see active participation from the Métis Community. They advocated for a more prominent role for the Métis in these discussions and gatherings.

Concluding their remarks, the participant emphasized the need for clarity from Communities regarding their needs, what would work, and potential challenges. They underscored the importance of the IAMC's role in continuing to be inclusive and ensuring that no Community is left behind.

*“There is an opportunity to work together, and it’s not about land rights but instead about wellness and children.”*

### Reflection 4 - Acknowledging the work and the importance of sharing clear communication

A participant took time to recognize the significant work already accomplished. As a member of the Marine Shipping Subcommittee, they had observed the wealth of information presented and noted a current emphasis on involving both Elders and youth in these discussions. The speaker proposed the establishment of a specific framework or timeline for integrating youth into this work, expressing concern about the amount of information circulating without clear direction.

The participant raised a critical question: What happens to all this information once the pipeline becomes operational? They stressed the importance of not just sharing information in forums like the Marine Shipping Subcommittee, but also receiving concrete responses and actions.

Their comment underscores the need for clarity and purpose in how information is used and translated into tangible outcomes, particularly around the involvement of youth in ongoing dialogue and decision making processes.



Their comment underscores the need for clarity and purpose in how information is utilized and how it translates into tangible outcomes, particularly around the involvement of youth in ongoing dialogue and decision-making processes.

## Reflection 5 - The importance of Indigenous values and language

A participant brought forward the topic of Indigenous leadership and traditional values, emphasizing the importance of language and its connection with Mother Earth. They noted that language is learned from mothers, drawing attention to the pivotal role of language in the context of an Indigenous-led pipeline.

The speaker pointed out that traditional teachings from mothers do not typically include Western science. They emphasized the necessity of educating the next generation in both Western science and traditional values, advocating for a harmonious integration of these two knowledge systems.

*“Talking about language. When talking about different languages, when talking about Mother Earth, we learn our language from our mothers.”*

This comment highlights a balanced approach to Indigenous-led initiatives that values both traditional Indigenous knowledge and Western scientific understanding. The speaker’s emphasis on language and education reflects the importance of cultural preservation and knowledge transmission in the midst of modern challenges and developments.



## Reflection 6 - The timing of consultations

*“To me, there shouldn’t be consultations in the winter because you can’t see beneath the snow. What I hear over the grapevine is that the TMX is way over budget, and so are the Regulators going to comment on that? The medicine is all in the bush, it’s there, you just got to learn it, take it. It’s been a learning process for me today, I’m glad I came.”*

One participant considered the timing of consultations, suggesting they should not be conducted in winter due to the snow concealing the land. This point addresses the importance of visibility and connection when making decisions or holding discussions.

The individual also mentioned hearing through informal channels that the TMX project is significantly over budget. They questioned whether Regulators would address or comment on this, highlighting concerns about fiscal management and transparency in the project.

Concluding their remarks, they reflected on the abundance of medicinal resources in the land, noting that these are readily available for those who are knowledgeable about them. This comment speaks to the value of traditional knowledge and practices related to natural medicine. Finally, they expressed that the gathering had been a valuable learning experience for them.

*“Every day we go out into traditional territory in Treaty 6 and the land is decimated. There has to be a way to give back, and not just later. But now.”*

## Reflection 7 - Where are the benefits from pipelines going through Indigenous Territories

A participant voiced concerns and observations regarding the impact of the pipeline traversing their territory. They questioned whether other First Nations are receiving benefits commensurate with the effects of everything passing through their lands. The speaker expressed a belief that more could be done for the oil and gas Nations in BC and Alberta, which are experiencing significant impacts.

They noted the limited presence of Elders at the gathering and emphasized the importance of utilizing Elders’ knowledge through cultural ceremonies. While acknowledging the positive discussions that had taken place, they advocated for more proactive efforts to support the First Nations directly affected by the pipeline.

The speaker highlighted that their daily life and actions are deeply rooted in cultural ceremonies and traditions. They shared their experience of venturing onto traditional territories within Treaty 6, only to find the land drastically altered and degraded.

Reflecting on their experiences with hunting for cultural ceremonies, the speaker shared they had observed a noticeable decline in wildlife and an increase in pipeline infrastructure. This, they stated, is a clear indication of the tangible and immediate impact that these developments are having on Indigenous ways of life.

## Final Thoughts

An Elder closed Day One, offering their reflections. They shared that there is an opportunity to “create new space” through this Indigenous Oversight body. Ceremony needs to be integrated into the work as a way of aligning Indigenous worldviews in practice, beyond theory and discussion. These worldviews need to be present, alongside the boots on the ground.

With Indigenous Regulation, there is the possibility to incorporate traditional ways of knowing. Rather than experiencing another institution’s legal framework, this opportunity to build a new legal framework that respects, values and draws upon Indigenous knowledge is essential to supporting Indigenous ways of life for future generations.

Ultimately, it is important to recognize that Indigenous worldviews can be aligned with a regulatory framework, and it is now the responsibility of the IAMC to lead this work.





# 7 Day Two Welcome & Opening

Day Two began with an opening prayer by Elder Alma Desjarlais of Frog Lake East Prairie Métis Settlement. The facilitators then led participants through a reflection on the discussions and insights generated during Day One. There was overwhelming support for the idea of increased Indigenous Oversight and the high level journey that was shared by the IAMC-TMX.

The facilitators reiterated that the idea of an Indigenous Regulatory body is still in its conceptual stage – the IAMC has not yet defined what it looks like. This Line Wide Gathering intends to validate the needs and desires from Communities for this to be explored.

Day One made evident that language, ceremony, and worldviews are the strong foundations necessary for building a new institution.



# 8 Elders & Voices of Tomorrow: Achievements and Learnings



*The first session of Day Two of The Gathering was an Elders and Voices of Tomorrow panel, with John Etzel (TSAWOUT First Nation), Elder Larry Johnson (Maa-nulth Treaty Society), Michael Campbell (Scianew First Nation), Elder Ken White (Louis Bull Tribe, Maskwacis) and Kyra Northwest (Montana First Nation, Akamihk). The panel was curated and guided by Ch uh' keen n uh' kw waut (Penelakut Tribe) who is a Community outreach and relationship specialist.*

*The purpose of bringing together this group of Elders, youth, and those in between was to hear about the work youth have been doing across the line, and to provide Elders with an opportunity to offer advice on the journeys this work has taken over their lifetimes and beyond. The discussion focused on the role of and need for Indigenous values and principles in the operation of the pipeline, as well as ongoing concerns of impact, and what effect Indigenous efforts are having in the space. The key points have been summarized below.*



## Ensuring cultural values and principles in major infrastructure-energy projects

The panel began by considering one of the most important – and sacred – principles: that everything is connected, everything is one, and there needs to be greater respect for all things. For the Nuu-chah-nulth this is contained in the ʔiisaak (ee-sock), an orientation to the world founded in respect. It is a respect for one's self, for others, and for the environment. These connections extend for seven generations, because although it is not possible to go back in time, the principles can be carried forward. A critical takeaway was that Elders in Indigenous Communities are the laws of Indigenous Peoples. They speak not their own words, but the words of their Elders and their ancestors. Elders' voices are of vital cultural value.

These cultural values can be ensured through a variety of processes and practices. Because principles are different across Indigenous cultures, the need to educate children and youth in each Community is essential. Education must instill value-systems of Indigenous heritage in younger generations across and throughout Indigenous Nations in Canada. For younger generations to be able to access teachings in Community, Elders and knowledge-keepers need to be supporting the process. As the impacts of residential schools negatively affect language and knowledge transfer from Elders and senior members of the Community to the next generation, there need to be opportunities generated for teaching and sharing knowledge with youth.

A concerted effort from all government bodies, agencies and representatives and those with “boots on the ground” should be made to actively seek out, listen and adhere to the laws and teachings from Elders and Knowledge Keepers. Elders and Knowledge Keepers are committed to their work as caring Community members who convey cultural messages and principles in everything they do. They are embodied, living sources of knowledge and guidance for their lands, waters, and people – invaluable resources that must be respected.

## Environmental impacts along the lifetime of the pipeline

The panel discussed how historically, natural resource companies have hired professional service firms – like archaeologists – without the inclusion of Community-based expertise. This means evaluations and studies did not encapsulate entire territories, only parts of the territory which were then extrapolated across the rest of the area. The panel discussed this practice in the context of certain forestry surveys on Vancouver Island, which missed important cultural sites and artefacts like Culturally Modified Trees because they focused on small, segmented portions of the land without knowing what to look for. Indigenous Nations have challenged these professional service firms, and in one case,

took over activities like archaeological studies, integrating archaeologists into Indigenous processes. While some saw this as a negative shift for non-Indigenous firms, it allowed for Indigenous Nations and Communities to participate in and lead assessment activities on their territories. Today, there is a continuous transfer of traditional Indigenous knowledge and values to archaeologists, and young people, along the entirety of the pipeline.

## Present and future concerns of Elders

In considering the present and future concerns Elders share, the panel offered that while Indigenous leaders generally agree that there is a need to create an economy in Canada, it's critical that Indigenous Peoples are at the forefront, as they are more connected to and concerned about the environment and waters in their territories. Indigenous organizations should be leading environmental protection and monitoring instead of non-Indigenous government bodies.

*"Have you ever seen a drop of oil hit the water?"*



There is a greater need for education on and knowledge about the ocean and marine science – the transfer on tides, currents, winds, and how all of this can, or will, impact oil spills. This needs to be taught among first responders, fishermen, and local Indigenous Peoples because they are going to be affected first. Looking at other oil spills, like the [1988 Netsucca oil spill](#), it was Indigenous Peoples who were first impacted. Spills can have lasting effects on food security and economic livelihood. Many do not recognize that these effects go beyond the environment to Communities and Indigenous Nations, and to non-Indigenous people. Illnesses and negative health effects can occur and persist long after a spill. Knowledge about what is contaminated and what is not has to be held within Communities and taught to those who live off the land.

## Present and future concerns of Youth

Youth on the panel voiced several present and future concerns, beginning with the ongoing safety and monitoring of the pipeline as it moves from construction to operations, and how Indigenous People are going to be involved in that. Speaking of safety means the safety of the people, the safety of the environment, and the safety of the animals. The involvement of Indigenous experts, as well as the people in the Communities and Nations who are out on the land, needs to be assured – locals know the land best, and they see the impact directly. Leveraging and including those with expertise and experience as Guardians and Monitors should be considered paramount.

*“The Creator gave you two ears and one mouth for a reason. Listening to understand is more important than listening to respond.”*

Youth also raised that there need to be ongoing ways of working collaboratively to ensure that Indigenous values are included in governance and operations at every level. There are institutions, like [Saskatchewan's First Nations Natural Resource Centre of Excellence](#), that

focus on providing technical support; combining technical expertise with local knowledge can enhance ongoing processes and practices.

*“What an Indigenous fisherman or hunter on the land or the water might see is different than what a non-Indigenous person might see, or an Inspection Officer might see.”*





A major concern for youth is forging stronger pathways of education and opportunity to support the transition from [Warrior](#), Guardian, and other educational programs, and provide exposure and credentials for continuing after high school.

The panel discussed how enhancing local Indigenous laws and regulations, like marine use laws, allows Communities to reclaim jurisdiction and regulate activities within their territories. Additionally, [Indigenous-Protected and Conserved Areas](#) (IPCAs) should continue to be adopted into Indigenous territories. Greater control of territory will allow for more preparation with vessels coming through the “front door” of many Nations. Control extends beyond regulating the speed and movement of vessels to include environmental degradation like eroding and shifting sediment, and how it impacts coastlines and river banks.

Finally, the conversation raised that socioeconomic concerns are often afterthoughts, once there have been Community impacts. Natural resource development brings temporary and transient workers into Communities and can lead to an increase in harm, including trafficking, substance abuse, and violence. Sharing knowledge and training on trafficking, the signs of trafficking and Indigenous gender-based analysis in socioeconomic activity is vital to ensuring safety. This information should be consistently shared along the pipeline so that all Indigenous Communities can feel safe and prepared.

*“An Elder once said, ‘Why can’t we ticket those tankers out there that are creating a harmful environment?’”*





## Impact on current efforts

The panel turned to discuss increased Community unity and empowerment across the regions. Because the pipeline spans so many Nations and Communities and affects so many people, alignment has developed around the common goals of safety and protection. This shared problem has had positive effects on relationship-building both within Communities and between Communities, creating strong support networks across marine and terrestrial space.

This acceptance of Indigenous knowledge, stories, and cultural practices has extended to engagements with government – allowing Indigenous Peoples to smudge before meetings in city buildings. Elders on the panel shared that meetings with government officials now feel less like “going to war to talk to these people.”

## Moving towards greater control and ownership

Finally, the panel addressed Indigenous control and ownership of regulatory processes. The panel agreed on the importance of having Indigenous protection and enforcement out on the water, of seeing Community vessels alongside local law enforcement vessels. Indigenous laws should be communicated to tankers, and Indigenous law enforcement should have jurisdiction. There needs to be more effort by Regulators to increase Indigenous authority.

Indigenous Peoples can report on activity and should have a method to report to other enforcement authorities in the region. There could and should be increased collaboration between Indigenous law enforcement and other legal entities.

It was mentioned that greater Indigenous control takes time. Indigenous fishing strategies began in 1993 with the [Policy for the Management of Aboriginal Fishing](#), and continue to evolve through Warrior, Guardian, and technical programs. Systems that have been forced on Indigenous Peoples could be reused as tools to preserve Indigenous cultures and values, as with Health Canada and the creation of the First Nations Health Authority, which was shared by Grand Chief Doug Kelly on Day One.

There is expertise in every Community, and that knowledge needs to be passed down and shared between Communities. By working together, Indigenous Peoples can access this knowledge to educate both younger generations and governments, and ensure stronger marine and terrestrial protections along the operational pipeline.

*“In the spirit world we [Elders] are called Enowak – stewards. The original land owners. The Creator put us on this land for a reason, to take care of it... to make it grow. And to take care of all things.”*

# 9 Work of the Subcommittees

*To enable the protection of lands and waters, teams of IAMC members, Community members, and people representing the Federal Government have formed Subcommittees. The Subcommittees are: Socioeconomic; Marine Shipping; Indigenous Monitoring; and, Emergency Management, and they each presented at the Line Wide Gathering 2023.*

*The Subcommittees described their achievements over the past year and their changing priorities in the context of moving into the post-construction and operations phases.*

## Socioeconomic Subcommittee

Socioeconomic Subcommittee Chair, Dr. Tracy L. Friedel, shared how the IAMC-TMX is restoring Indigenous stewardship through socioeconomic monitoring. The SESC was formed in January 2018 to focus on work camps and their shadow populations, but quickly expanded beyond that. The SESC mandate is now to enhance oversight related to Indigenous social, economic, cultural, and health and wellbeing interests such as:

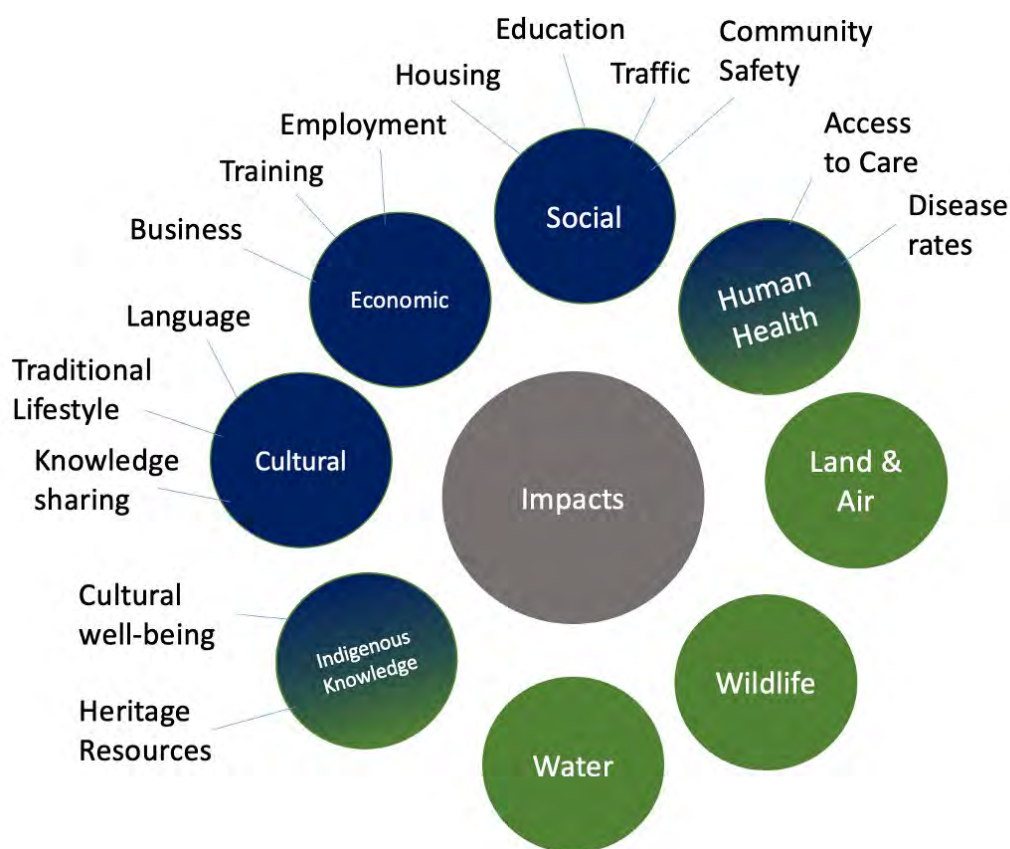
1. Enhancing Indigenous participation in the identification, oversight and mitigation of socioeconomic and cultural effects focused on the TMX Project.
2. Building the socioeconomic monitoring capacity of Indigenous Communities through regional (Alberta & Fraser Valley Working Groups), and Community-focused initiatives (Simpco Pilot Program).
3. Initiating collaborative discussions, mobilizing research and compiling lessons learned to be shared with Communities and as advice to government and Regulators.



Socioeconomic effects are defined as intended and unintended social, economic and cultural consequences (positive and negative). Monitoring considers specific indicators to collect and analyze as data over time. These are linked to thresholds, which, when met, mean corrective action is necessary. Some areas of focus are cultural, economic and social, which also blend into human health and Indigenous knowledge.

Enhancing socioeconomic monitoring is a key part of the SESC's current work. Socioeconomic effects are dynamic and involve many factors, and are responded to through a series of complex actions. Monitoring happens at the nexus of the TMX project, as well as with government and regulatory authorities, and at the individual, business and Community levels. SESC seeks to contribute to Indigenous-informed processes to improve oversight on the TMX.

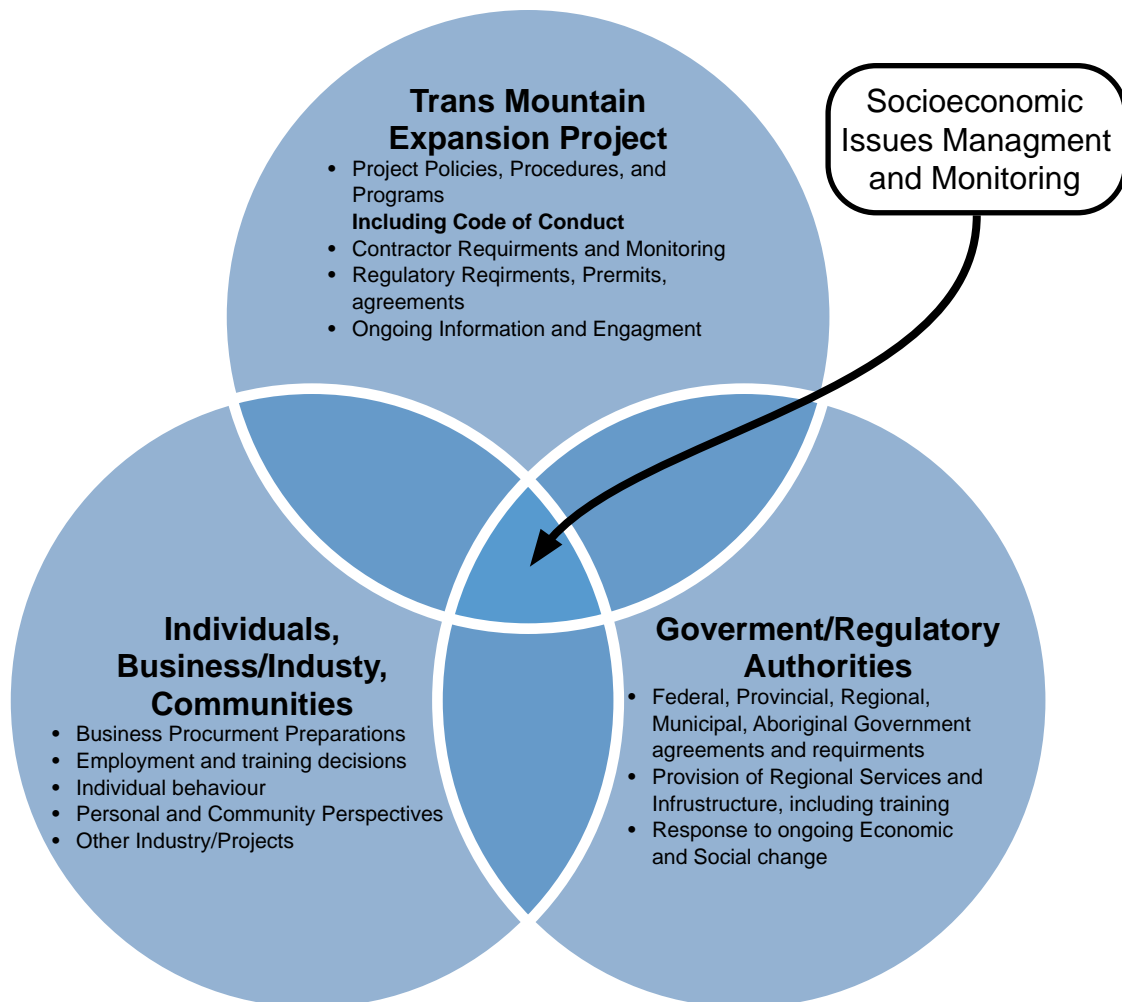
Other work surrounds supporting Indigenous-led socioeconomic monitoring and capacity building. Dr. Friedel shared the Simpcw First Nation socioeconomic monitoring pilot as an example of this, where a monitor was hired and trained, and monitored various areas of interest such as social, economic, health, cultural and Indigenous rights and concerns related to MMIWG2S. This type of monitoring that happens at the Community level is in line with [OCAP](#) and [UNDA](#). The aim is to advance Indigenous-led socioeconomic effects assessment, identification, monitoring and management.



The committee is also currently focused on mobilizing research, compiling lessons learned and developing wise practices that can be shared across the line with Communities and inform policy makers and Regulators.

The SESC's work is linked to Federal commitments such as:

- 2021 National Action Plan to address Missing and Murdered Indigenous Women, Girls and 2SLGBTQIA+ People – led by CIRNAC;
- 2022 National Action Plan to address Gender-Based Violence (GBV) – led by WAGE; and,
- 2023 Action Plan – UNDRIP Implementation – led by the Department of Justice:
  - UNDRIP Act: June 2021;
  - Action plan: June 2023 (SESC to work with NRCan on implementation of Action Plan Measure 12).





## Slido – Reflections on what you’ve heard

After the Socioeconomic Subcommittee presentation, participants shared their perspectives through a Slido poll. The primary request, voiced by 74% of the participants, was the desire for direct involvement in future work related to MMIWG2S (Missing and Murdered Indigenous Women, Girls, and 2 Spirit people) in the context of natural resource development. This indicates a strong call for active participation in regulatory processes and decisions impacting lands and Communities.

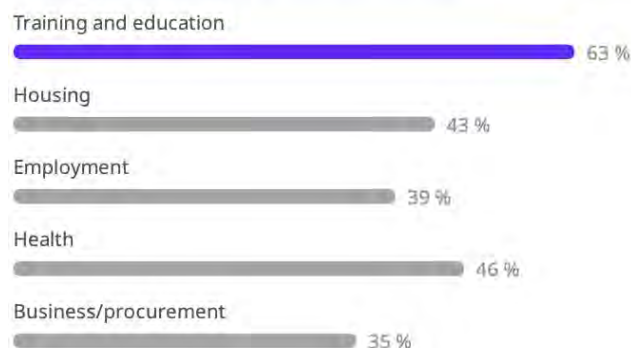
In discussions on regional monitoring tables for issues like rental rates, a significant majority of respondents (69%) want to directly participate in tracking and addressing these concerns, again underscoring the desire for a hands-on approach in addressing regional socioeconomic challenges.

When asked about the socioeconomic indicators currently being tracked by their Communities or Nations, “training and education” was identified as the top indicator, with 63% of participants tracking this. It was closely followed by “Community, family, individual wellbeing” and “cultural wellbeing,” both at 39%, highlighting the importance of maintaining the social fabric and cultural identity alongside economic development.

These insights point to a clear Community direction: Indigenous Peoples seek to be at the forefront of the stewardship and development processes that affect them. The wish for direct participation versus only receiving updates illustrates a strong desire for Indigenous Oversight and Indigenous-led decision making.

### What socioeconomic indicators are your Community/Nation currently tracking? (1/2)

046



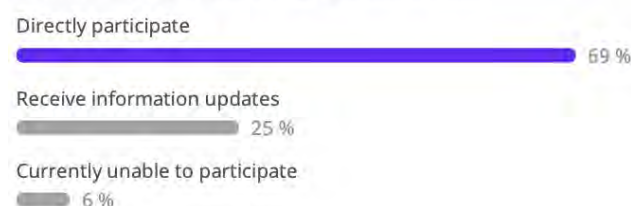
### What socioeconomic indicators are your Community/Nation currently tracking? (2/2)

046



### How do Communities/Nations want to participate in regional monitoring tables on issues that are difficult to track at the Community/Nation level (e.g. rental rates)?

051



### How do Communities/Nations want to be involved in future work focused on MMIWG2S? related to natural resource development?

047



## Slido – Questions from Participants

- 1. Socioeconomic monitoring is fairly advanced planning.. Communities have been frozen out of effective planning by the Indian Act and may not have the capacity for it.**

While the Federal Government assesses socioeconomic wellbeing for Indigenous and non-Indigenous Communities through what is referred to as a Community wellbeing Index, and while major projects are required to undergo a socioeconomic impact assessment focused on people and Communities, the measures currently used in each of those assessment contexts have been critiqued as neither accurate nor reliable indicators of wellbeing that are important to Indigenous Peoples.

Through the SESC's Regional Working Groups, we are working with Nations/Communities to build out their own capacity for socioeconomic monitoring specific to their circumstances, which can enable a more fulsome understanding of the risks, opportunities and impacts associated with resource development activities in their territories.

- 2. Information about identity and impact is important AND sensitive. How are you going to collect enough information while respecting confidentiality?**

The SESC is not responsible for gathering information pertaining to identity, as this concerns Nations/Communities. Rather, we work to support Nations/Communities to develop their own Community-based monitoring programs inclusive of indicators associated with cultural identity, wellbeing, etc.

The SESC has been collaborating with Trans Mountain Corporation (TMC) since early 2020 to develop and track enhanced socioeconomic reporting through an Indigenous lens. Trans Mountain Corporation has been reporting to the SESC on a monthly basis relating to 11 priority indicators: the number of Indigenous and non-Indigenous workers currently (and anticipated) in specific locations, by month; number of calls/complaints received through the company's feedback line (categorized by Indigenous and non-Indigenous, location and topic); feedback received by TMC regarding community concerns and social impacts; the number of people affected by a notifiable disease in a TMC work camp; and, business/employment/training metrics categorized by Indigenous, local, regional and other.

### **3. Were the Nations able to establish government to government agreements, so they have decision making authority vs. advisory levels?**

The Crown (i.e. the Government of Canada) has a duty to consult with Indigenous Peoples when the Crown contemplates conduct that might adversely affect asserted or established Indigenous rights. The Crown, where appropriate, also has a duty to accommodate any adverse impacts on asserted or established rights. Regarding the Trans Mountain Expansion Project, there have been two occasions that Crown Consultation and Accommodation activities were carried out on, one in 2016 and again in 2018-19. The IAMC-TMX does not have a role in the Crown Consultation and Accommodation process.

On the role of the IAMC-TMX, we are at present an advisory body that works closely with government officials and Federal regulators to affect change and institute improvements regarding safety, protection of the environment, adherence to Indigenous values and conceptualizing a greater role for Indigenous Peoples in regulatory oversight. As one example, the SESC is collaborating closely with Natural Resources Canada, the lead Federal department responsible for the United Nations Declaration Act's Action Plan Measure 12 which focuses on the safety and security of Indigenous women, girls, and gender diverse peoples as this pertains to resource development activities.

### **4. Will the oral teachings be used to educate the children / youth about vulnerability to drugs, alcohol and sex trafficking?**

Through the SESC's work with Natural Resources Canada on Action Plan Measure 12, we are advocating for improved policy and regulatory regimes that will respect and support self-determination and serve to keep Indigenous families and Communities intact. This includes addressing the pervasive issues surrounding Missing and Murdered Indigenous Women, Girls and 2SLGBTQQIA people who are often the targets of those involved in drugs and drug trafficking, sexual exploitation, and human trafficking activities.

The work of the SESC's Regional Working Groups focuses on building Nation/Community capacity in socioeconomic monitoring, and in that work makes space for the meaningful involvement of Indigenous youth, Elders, women, and gender diverse peoples, while honouring the role of story in advancing Nation/Community understandings of concepts such as "wellbeing."

**5. Could there be an early opportunity to obtain master services agreements? This would help to purchase company equity and obtain LEDSP dollars – with positive cumulative effects?**

Trans Mountain has reported entering into several confidential Mutual Benefit Agreements (MBA's), or other similar commercial agreements with Nations/Communities. These commercial agreements are meant to define a voluntary and mutually beneficial long-term relationship between the Trans Mountain Expansion Project and a particular Indigenous Nation/Community, which may include or lead to economic benefits such as Master Services Agreements. The IAMC-TMX is not privy to these confidential agreements, nor do we have oversight over these agreements between the company and a Nation/Community.

**6. Comment: Pehta.com is a great opportunity for Nations to gather socioeconomic data from industry.**

Mechanisms that assist with evaluating and verifying benefits associated with resource development can help to inform the broader Community-based socioeconomic monitoring that Nations/Communities may already be doing or be interested in pursuing.

**7. From the floor: Where and how are communications with Communities distributed so they can be involved and informed? Where does the direction from Communities come from?**

**a. Answer during event:**

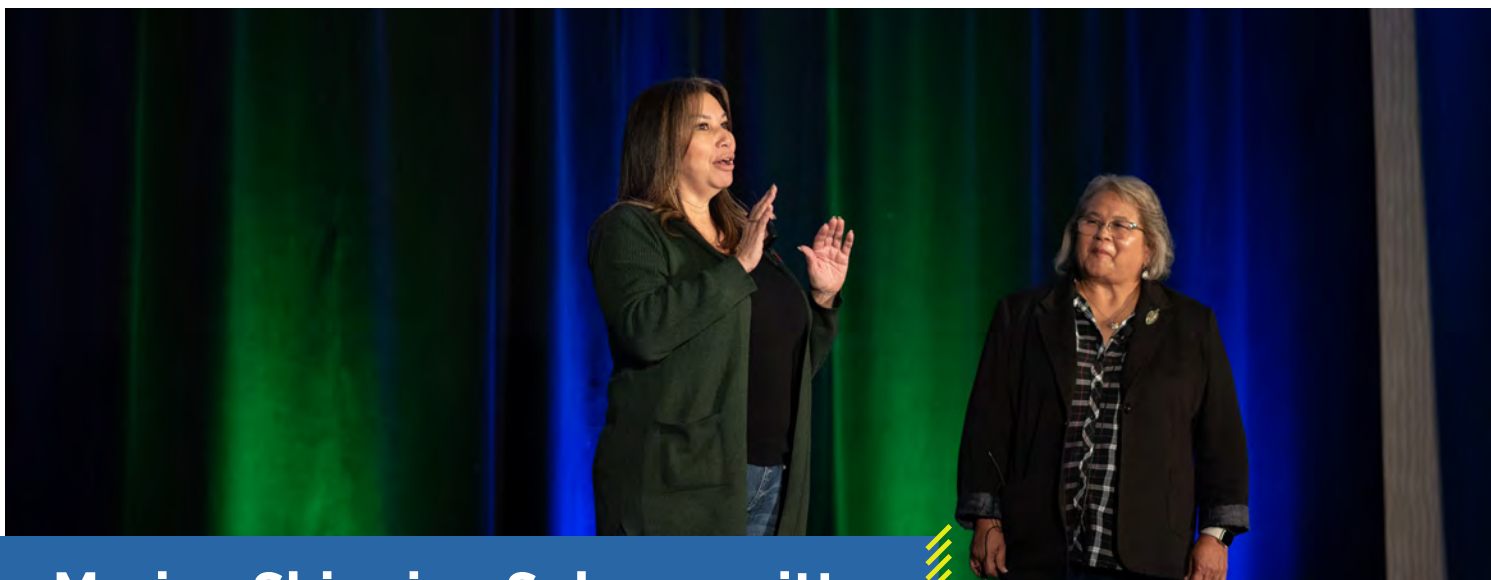
We have lacked here and are working to resolve that now. There have been communications through the Alberta Working Group. We are an advocacy group and therefore need the Communities to be at the heart of socioeconomic monitoring, and a two way flow of communication is key for this.

**b. Answer post event from IAMC:**

The IAMC-TMX engages with Nations/Communities through an annual Line Wide meeting and other meetings, as well as through the work of various Subcommittees, including the SESC. The IAMC-TMX recently brought Salt Media on board, a web design and digital marketing agency, to enable more open, transparent communication with Nations/Communities.

The direction for the SESC's work comes from Line Wide and other planned engagement activities, and regularly through each of our Subcommittee and Regional Working Groups composed of Indigenous and Federal Government representatives. For Nations/Communities not currently involved but wishing to become, either as an SESC member or as part of a Regional Working Group, we welcome the chance to speak with you regarding the nature of our work, and relevant time commitments.





## Marine Shipping Subcommittee

Co-chairs Trina Sxwithul'txw and Carleen Thomas shared their vision for the Marine Shipping Subcommittee (MSSC): *“A vibrant connection to thriving sea life in our waters, rooted in cultural teachings, strong coordination among all parties, and Indigenous-led protection of the ocean.”* The MSSC will focus on three main areas, all of which support Indigenous self-determination and leadership, these are:

- Building the foundation by implementing a pilot;
- Establishing Indigenous leadership in Tier 1 (Indigenous Leadership from the marine Community) as a collective voice; and,
- Achieving change in marine program funding through easing the administrative burden and broadening regulatory oversight.

There are now 29 of 32 Coastal Nations (91%) participating in the Marine Shipping Subcommittee. Stream 1 funding management has moved from NRCan to CANDO, which supports easier access to funding, without having to navigate Federal Government bureaucracy. Trina is now working full time, and a communications team has been hired to help move all activities forward. Three active working groups have been formed to deliver priorities of the MSSC:

## Wellbeing Working Group

In the unfortunate event of an oil spill or marine shipping disaster in any of the 29 participating marine waterways, it is crucial to establish a comprehensive wellbeing research initiative to protect the affected populations. We are conducting research to ensure the wellbeing of individuals residing in the 29 participating marine Communities following any such incident.

The primary objective of this research is to safeguard the wellbeing of the affected populations in the 29 participating marine Communities by addressing the following areas:

- **Food Wellbeing:**
  - Assess the marine safety systems and evaluate what the risks are to food security. Assess the preparedness in food security wellbeing.
- **Mental Wellbeing:**
  - Examine the risk of the psychological impact of an incident on the affected Communities and develop strategies to mitigate and support their mental wellbeing.
- **Physical Wellbeing:**
  - Evaluate the direct and indirect health effects of exposure to the spilled oil or disaster, focusing on physical health and the potential for long-term health complications.
- **Cultural Wellbeing:**
  - Evaluate the direct and indirect effects of an oil spill or disaster, focusing on sites of significance, cultural bath holes, middens, and medicines. Assess the impact on overall cultural practices.

## **Mandate for Indigenous Revenue Sharing for Coast Salish Marine Communities**

The Mandate for Indigenous Revenue Sharing for Coast Salish Marine Communities aims to design a framework for Indigenous revenue sharing that will empower the 29 participating Coast Salish Marine Communities. The goal of this working group is to ensure that the 29 participating Communities and their people benefit equitably from economic activities taking place within their traditional territories. This work is being done to provide options for Communities to make meaningful decisions for themselves. The Mandate for Indigenous Revenue Sharing for Coast Salish Marine Communities is offered in support and has no intention to take control of this..

### **Objective:**

The primary objective of this mandate is to create a fair and balanced system that enables the Coast Salish marine Communities to share in the revenues generated by activities in the First Nations coastal waters and traditional territories, such as fishing, aquaculture, tourism, and other maritime industries. This revenue sharing model will identify and allocate a predetermined percentage of revenue to be invested directly into Community initiatives such as spill clean up/response, the monitoring of Coastal First Nations and economic support for Coastal First Nations Communities, while adhering to the United Nations Declaration on the Rights of Indigenous People.

## **Emergency Management Working Group**

Terms of Reference: Emergency Management Working Group Research

### **Objective:**

Outline the responsibilities, activities, and deliverables of the Emergency Management Working Group (EMWG) regarding the research and development of an effective response plan for the MSSC 29 participating First Nations marine Communities and stakeholders in the event of an oil spill, oil tanker spills and/or anomalies.

The 29 participating MSSC marine Communities face potential risks and hazards associated with oil spills. It is imperative to establish a comprehensive response plan to ensure the safety and wellbeing of the 29 participating marine Communities. Affected Communities will be involved in the decision making process around when food harvesting and return home orders are appropriate. The 29 participating marine Communities need to take a proactive approach to response, mitigation, and recovery in

order to minimize environmental impacts, protect the local Communities, and efficiently manage the crisis. The EMWG will be responsible for conducting research and formulating recommendations to enhance the preparedness and response capabilities of the 29 participating MSSC marine Communities.

#### Responsibilities:

1. Conduct research and utilize current data from partnering stakeholders to:
  - a. Assess international and national best practices regarding oil spill response, focusing on coastal and marine environments.
  - b. Identify the specific challenges and vulnerabilities of the 32 MSSC Communities.
  - c. Create an overview of existing emergency management plans and protocols.
  - d. Access rules and regulations with stakeholders in Canada & the US.
  - e. Keep all hazards and emergency plans current and updated.
  - f. Ensure business continuity (building resilience behind protection initiatives), to protect the socioeconomic integrity of the Communities.
2. Engage Stakeholders;
3. Identify Resources and Capabilities;
4. Develop an Oil Spill, Oil Tankers Response Plan.

*“When the tide is out, the table is set.”*

The working group members are from various marine Communities, and are compensated with honoraria and travel expenses.

### Setting the foundation: priorities and progress

The first priority of the MSSC is to build the foundation for sustainable, integrated Indigenous-led marine monitoring and response programs. This will be done by: taking a regional inventory of the monitoring and spills response skills, equipment, training and knowledge; improving communication and seeking Community collaboration opportunities; the creation of a regional integrated Indigenous marine monitoring plan; and, by developing Indigenous Monitor training.



The second priority of the MSSC is to establish a collective and coordinated Indigenous voice on marine stewardship. The MSSC will increase Community participation by creating a marine leadership table. Currently, the MSSC is overseeing the TMX marine-related activities and associated conditions applied to the project, while also exploring Indigenous interest in and support for formally establishing a South Coast voice to advocate for the co-management of marine waters.

The third priority for the MSSC is achieving transformational change in marine program funding, administration and regulatory oversight. Marine program administration needs to achieve long term, sustainable funding. Marine-related policy development will be essential, including UNDA and regulatory oversight. Marine shipping doesn't fall under the purview of CER, so it is important to build relationships with the DFO and Transport Canada, as well as marine Communities, to collectively push Regulators to uphold Canada's commitments to advancing the implementation of UNDRIP.

## Slido – Reflections on what you've heard

The Marine Shipping Subcommittee presentation concluded with a Slido poll to gauge participant perspectives on pressing issues and the preferred frequency of leadership meetings. The findings offer a window into the priorities and concerns of the Communities involved.

### Marine Shipping Impact Concerns:

Participants voiced their concerns about the impending seven-fold increase in tanker traffic for oil transport through marine spaces. The majority (43%) expressed environmental concerns, likely reflecting anxieties about potential spills and their effects on marine ecosystems. Food security was a significant worry for 24% of participants, indicating apprehension about the impact on the lands and waters where food is harvested. While cultural practices and marine monitoring received less attention, they still represented important concerns for some attendees.

There will be a 197% increase in oil traversing the marine space from 300,000 to 890,000 barrels per day. What marine shipping impacts are you most concerned about?



## Desired Reflections in MSSC Work:

When asked what aspects of Indigenous inclusion they wish to see reflected in the Marine Shipping Subcommittee (MSSC) work moving forward, an overwhelming 80% of respondents indicated “all of the above,” which encompassed traditional knowledge incorporation, decision making at the leadership level, and the creation of change in policy, regulation, and legislation. This reflects a desire for a comprehensive approach to Indigenous involvement in marine shipping matters.

## Frequency of Leadership Meetings:

Regarding cohesion between the impacted marine-based Nations on the MSSC work, participants were clear in their preference for more frequent meetings, with 76% opting for “4 times per year.” This suggests a strong interest in maintaining regular, ongoing dialogue to address the multifaceted issues around increased marine traffic.

Like with the Socioeconomic Subcommittee, these insights emphasize the call from Communities for active participation in environmental stewardship, a thorough integration of traditional knowledge and practices, and regular engagement at the decision making level to ensure that their voices are heard and their interests are actively protected.

**We acknowledge that Indigenous inclusion is paramount. What do you want to see reflected from your Nation/Community in the MSSC work moving forward?**  
(1/2)



**To ensure cohesion between the 32 impacted marine-based Nations on the MSSC work a leadership table has been developed. How often do you think the leadership table should meet?**



**The IAMC proposes co-developing regional plans that allow Nations: to better understand who is monitoring the waters in their territory; to learn what activities are being monitored; to contribute to monitoring; and to see how interests are being protected**  
(1/2)



## Slido – Questions from Participants

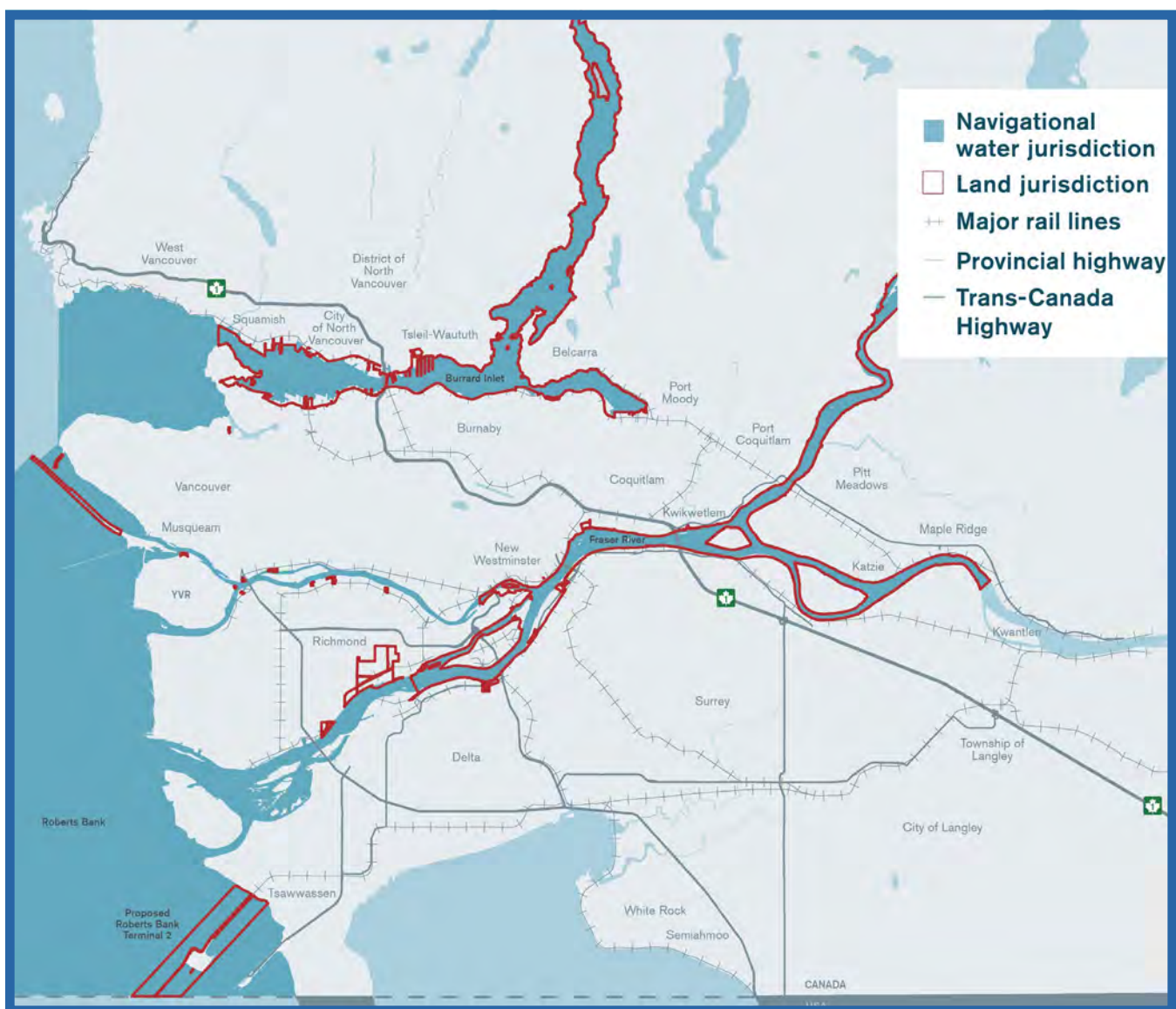
### 1. What is the working group doing upstream? Are they influencing marine policy, regulations, CSA, etc. to reduce risks locally?

The Marine Shipping Subcommittee has been working diligently to affect marine policy and regulations and reduce risks across all 29 participating coastal marine Communities. The MSSC has:

- Participated in the Canada Energy Regulator's Reconsideration Hearings for the TMX Project and provided written evidence and recommendations;
- Provided comments on Transport Canada's Marine Pollution Preparedness, Response and Recovery Discussion Paper;
- Commented on Transport Canada's discussion paper: "Share and view ideas: Strengthening marine safety and environmental protection through potential amendments to the Canada Shipping Act, 2001";
- Provided informal advice by way of monthly meetings on various topics (including recommendations to develop Integrated Marine Monitoring Plans, improving notifications during emergencies, recommending means to reduce the administrative burden on Communities and fostering relationships through more efficient engagement and capacity building). The MSSC has also provided formal advisory input on the integration of Indigenous knowledge in decision making and other matters directed to agencies that would be relevant in the marine space.

## 2. What is the boundary for marine involvement? Our Community is on the Fraser River where we are still tidally influenced.

MSSC Indigenous representatives generally take the view that there is a deep connection between the marine environment and the terrestrial environment – in part because fish and other species important to terrestrial Communities migrate and don't adhere to arbitrary borders (the same applies with US Coastal Tribes). Since the formation of the IAMC, a map and listing of the 129 communities that were identified to be involved with the IAMC-TMX project has been developed. From a Federal Jurisdiction perspective (the IAMC's partners), the Federal jurisdiction in-land is available on the map of the Port of Vancouver below:





**3. Our Nation only just recently learned about the IAMC, and we are right on the coast. Is there work being done to improve communications?**

The Marine communities that are working within the IAMC MSSC were identified through the TMX Consultation List. If your Community is not on that list that's probably why you weren't contacted. There were also some Communities who informed TMX that they wanted to be on a "do not contact" list.

If not, that's not to say the MSSC isn't interested in engaging (there is openness to considering other perspectives and there is a process to become a member), but it may explain why the Nation hasn't heard from the IAMC.

Over time, the Secretariat function for the IAMC-TMX has now moved to the Indigenous Caucus and we have established a dedicated Communications team because we are aware that we need to "do more, be more and do better." There is now a dedicated page for Marine Shipping on the IAMC-TMX website here:

<https://www.iamc-tmx.com/marine-shipping-subcommittee/>

**4. How will shipping be monitored throughout salmon migration routes?**

The MSSC is looking to enhance and improve marine monitoring with increased Indigenous inclusion into the existing system. The Federal regulatory oversight of shipping is typically done at some distance – i.e. not with "paddles in the water" – undertaking ongoing monitoring, but through satellite / aircraft observations and shipping records reviewed once the ships arrive at port. The MSSC is not aware of any specific expectations or regulatory requirements for ships transiting waters during or through salmon migration routes. Upon receiving direction from Communities the MSSC can advocate to support First Nations interests.

**5. We are having an oil industry conversation. Why are the container ships not part of this? They not only carry the fuel, but other environmentally damaging cargo.**

The Indigenous representatives of the MSSC agree with this concern and have heard this many times. The IAMC was established to provide oversight to the TMX Project and associated Marine Shipping, and funding is directed for that purpose. However, there is much policy and guidance that is transferable from the TMX Ships to other ships like containers, and the MSSC takes lessons learned from their work and aims to apply them to the broadest category of shipping. As the IAMC enters renewal, the MSSC will be seeking a mandate to consider all ships in its next phase.

**6. Continued funding is needed for monitoring and staffing purposes. Can that be ensured?**

The Federal government made a commitment to the Indigenous Leaders on the IAMC that the committee would be in-place for the lifetime of the project (including marine shipping). While this commitment exists, the extent of funding available for the MSSC to effectively undertake its work is not assured. In fact, there is concern that the Federal financial commitment will be significantly less now that construction is nearing conclusion, though there is much work to be done in the marine space now that the increase in shipping is set to begin.

The IAMC-TMX project is in the final few months of a 2 year renewal program; a submission is being worked on for a renewal of the IAMC-TMX, to be confirmed at a later date in 2024. The IAMC MSSC has an interest in developing a marine based monitoring program. As the focus shifts from the terrestrial environment to the marine environment, the IAMC is looking to expand the work that has been done in land based monitoring into the marine environment. The MSSC is also exploring other areas of sustained funding for this.

**7. What will be part of your enforcement plan for those who don't adhere to guidelines for healthy marine shipping, as a spill impacts us all no matter how minor?**

The IAMC and the MSSC currently do not have “enforcement” powers. Canada’s UNDRIP Action Plan Measure #34 is focused on exploring what an Indigenous Energy Regulator might look like (potentially with enforcement powers). This isn’t currently the case in the marine environment and we are actively advocating for this with Marine regulators (TC, DFO, CCG).

The MSSC continues to advocate for Nations seeking increased sovereignty and oversight of activities within their waters. Currently, enforcement is done by Canada under its regulations and the MSSC is looking to influence the existing regulations to better include Indigenous perspectives and ensure the health of marine shipping and accountability for those who don’t adhere to good practices. The MSSC is also developing systems and approaches to monitor, respond and engage with government and private sector agencies through MSSC activities.

## 8. Is there funding for Indigenous monitors moving forward?

The MSSC is working to gain sufficient funds to enable these important programs to continue. The MSSC is currently undertaking research on potential revenue sharing models that Nations can use to advocate for long-term funding from Canada to continue these programs and benefit from those who are using First Nations waters. Community support for the IAMC to continue this work is essential.

In our work plan moving forward, the MSSC intends to have our Indigenous Monitors working collectively and regionally and this may create space for more Indigenous Monitors. We are awaiting the outcome of our budget submission to determine if we will have the funding for more Indigenous Monitors.

### Slido – Question posed by MC and facilitator after lunch

The IAMC has heard that many of you have not been receiving communications or updates on the work of the IAMC or specific Subcommittee areas.

In order to “Do Better, Be Better” – Salt media, a communications company now working alongside the IAMC – is interested to know what communications channels you would like to receive information through.

What communication channels would you like to receive information from the IAMC?





## Indigenous Monitoring Subcommittee

Martin Whitney Co-Chairs the Indigenous Monitoring Subcommittee (IMSC) with Chief Marcel Shackelly. Martin was present to speak to the work of the IMSC. He began by answering some questions that came in through Slido on Day One of the Gathering.

### **1. How will Guardians be supported through the IAMC?**

Guardians will be supported through: training and capacity building for Community priorities and interests; Compliance Verification Activities (CVAs); Indigenous monitors (IMs) and technical expertise; and, by the Community of Practice Meetings every Monday.

### **2. Does this mean the pipelines (old and new) are monitored along the entire route?**

With the new funding cycle, there may be renewed light shone onto line 1.

### **3. Can you define what boots on the ground means?**

Boots on the ground refers to actual site visits, with IMs, Traditional Knowledge Keepers, and Elders joining CVA inspections on the land.

### **4. Are we taking steps to formally educate and certify our Community members to really understand and speak to the work being done on these projects?**

Yes we are. There are safety requirements in order to be on project sites, and there are other developmental areas, for example on regulatory terminology, which will be covered.



Martin explained that a key focus of the IMSC is the Indigenous Monitoring Program. The program is a partnership between the IAMC-TMX, the Canada Energy Regulator (CER), the Department of Fisheries and Oceans Canada (DFO), Environment and Climate Change Canada (ECCC) and Parks Canada. It supports Indigenous participation in the Federal regulation of the Trans Mountain Expansion project. Indigenous Monitors (IMs) are full participants in Compliance Verification Activities (CVAs) and are separate from the Trans Mountain Corporation's (TMC's) IM program (Condition 98). IMs go out with Regulators on projects but are not with the TMC daily.

## **Progress report: keeping Indigenous boots on the ground, in the field, on the land**

The IMSC is focusing on agendas such as the IAMC Health & Safety Plan orientation and documentation, which was soft launched in the spring of 2023 and is now available to Communities for use. It was developed to help Communities enter the field without Federal partners or proponents and is designed to be used by the Communities themselves.

The IMSC is continuing to identify opportunities to participate in Provincial regulatory training, including the [BC Forest and Range Evaluation Program](#) or water quality training, October 2023.

There is a prioritization of Community Sites of Indigenous Significance (SIS) tours and cultural awareness training, and a Jasper Park tour in 2022 shared traditional knowledge about culturally modified trees (CMTs). Finally, a Bad Rock tour on SISs in Yale, with two Traditional Knowledge Keepers from the region, was coordinated with the Stó:lō Nation in the fall of 2023.



Also in the fall of 2023, a draft “evergreen” – living – document launched the Indigenous-led CVA process. The document will evolve as new gaps in regulatory policy or margins of error are found in order to improve the protection of SIS or Indigenous interests. The IMSC has now moved more actively into monitoring and reviewing incident bulletin notifications from the Regulators and proponents.

## **Capacity building: Monitors’ skills and competencies**

Since 2022 the IMSC has had a number of achievements in building capacity with IM skills and competencies, and so has expanded eligible optional training. An IM personal development plan will be presented to the employers working group. In this, IMs will be asked about their passions and interests so that highly skilled individuals in Communities can be identified.

The first Indigenous-led IAMC-TMX Indigenous Monitor training was delivered in September 2022. It was the first of its kind, developed and collaboratively designed with the IMSC, the mentorship team and IMs in order to identify key documents and areas for training, including the Chance Find procedure and prioritizing Indigenous compliance concerns. Feedback has been that another training is desired by Communities in the future.

The IMSC co-developed and delivered an IM and Inspection Officer (IO) gathering in the fall of 2022 which, among other things, allowed for individuals to share specific preferences on workflow and communications. Training in organized reasoning technical writing (related to the Impact Assessment Agency process) was offered to IMs, and the response was very positive. One learning was that “extended arguments” – which support IMs in speaking to how a specific incident or item in the field could be a systemic issue – could compound in the future if left unaddressed.



## Looking forward: the IMSC has three priorities

Indigenous Monitoring focuses on the prevention of harms related to traditional and contemporary land use, cultural artefacts, traditional ecological knowledge, heritage resources, culturally significant and/or spiritual or sacred sites and regions.

The first priority is to follow up on and elevate concerns which fall outside Regulators' jurisdictions to the Indigenous Caucus Community. An example of this in BC is the Wildlife Danger Tree Assessment program which has many jurisdictions and authorities that influence impacts on CMTs.

The second priority is regulatory capacity building for Indigenous Monitoring. For example enabling IMs and Communities to share experience, knowledge and learnings with one another.

The third priority is supporting Indigenous Communities to research and analyze data and knowledge in order to prioritize their own risks and interests. The IMSC values supporting Communities to build out their own risk models specific to their territories and people. Over time, a catalogue of successful mitigations through regions, Communities and Nations might improve outcomes for all Indigenous Communities.

Much of the information shared by Martin exemplified steps the IMSC is taking towards implementing APM 34.





## Slido – Reflections on what you've heard

The Indigenous Monitoring Subcommittee gathered Participant input through Slido to get direction on post-construction activities. The collective feedback emphasized a multifaceted approach and the continued need for Indigenous Monitors.

Participants indicated that the transition into post-construction phases should not only incorporate practical activities but should also honour cultural practices through ceremonies. This sentiment reflects the deep-rooted value placed on tradition and ensuring that these practices shape modern “scientific” approaches.

The importance of environmental stewardship was clear, with a strong call for comprehensive monitoring of marine mammals, shellfish, and salmon populations. The Community stressed the need for education and awareness initiatives to maintain ecological balance, food security and connection to the land.

There was a substantial emphasis on inclusivity, suggesting that Community input should be integral to restoration plans, operational maintenance, and continued environmental monitoring. Training for future monitors was highlighted, pointing to the importance of sustaining Indigenous involvement and expertise in these activities.

The feedback also proposed that the IMSC help Communities build capacity to assert regulatory authority, indicating that a proactive role in regulatory oversight is crucial. The need for consistent operational safety measures and maintenance activities tailored to specific territories was mentioned,

### What post construction activities should the IMSC focus on? (1/4)

- I'm sure just as this work started with and participating along the way - the project transition should include ceremony
- Education awareness
- Monitoring all marine mammal species, shellfish, salmon
- Share and be inclusive with communities inputs with the restoration plans - operations & maintenance
- Supporting communities in continued monitoring and training monitors for the future
- as well as acting as a hub for all communities
- Indigenous Regulatory Bodies Revenue Sharing
- There needs to be an in person update on the remains they found in spread 5B.
- Train and educate regulators of our SIS so they don't sweep anything under the rug
- Oversight on pipe 1 and 2 as well as the regular and annual maintenance
- A turn toward understanding how

### What post construction activities should the IMSC focus on? (2/4)

- IMSC can help develop capacity in communities so that they can assert regulatory authority.
- Indigenous Monitor Line wide walk through is strongly recommended.
- monitoring marine/terrestrial traditional/ceremonial areas.
- Operational Safety. Maintenance activities (as related to respective territories). Regular facilities inspections. Long-term impacts study of
- pipe epoxy leachates to groundwater sources and sites of Indigenous significance. Oversight of previously existing line's health.
- The effects of veg management along the line.
- The activities should depend on the concerns of the Nations, and would be different depending on the nation
- Ensuring the environment is left the way it is found so FN can access to the things the pipeline has made it hard to access

### What post construction activities should the IMSC focus on? (3/4)

- Monitoring in the marine area for water quality and impacts of shipping on marine ecosystems and foreshore
- Get TMX to work toward technological monitoring as well for possible pipeline issues.
- The development of monitors in a way that increases understanding of pipeline integrity and threat management.
- Ceremony, over look the site on what can be replanted, what can't be safe, what areas
- cannot be destroyed and what animals will have to more impact, what the plan for them,
- Monitoring the Salish sea for invasive species/plants.
- An assessment of SIS conditions that can be used as evidence of compliance or non-compliance.
- All the above for the life of the pipeline
- 1: Monitor the first line 2: Add midgation for spills 3: Speak with Aboriginal worker that work in the industry to voice concerns unseen



as was the importance of long-term impact studies. Furthermore, a significant majority of participants supported a desire for the IMSC to bolster or organize additional monitor training for Communities and Nations.

In conclusion, the Slido feedback signified a Community-driven approach for post-construction activities and the continued need for Indigenous Monitors to have “boots on the ground.” This vision includes the integration of cultural values, environmental responsibility and a proactive approach to training and capacity building, all aiming to ensure that Indigenous Communities play a central role in the stewardship and monitoring of their lands and waters.

#### What post construction activities should the IMSC focus on?

(4/4)

- Proper Reclamation
- Continued regulatory compliance training.
- Monitoring all environment forever
- Graduating ecosystem impacts, water conveyance, stream impacts, riparian health
- Monitoring the Salish sea for contamination of our traditional food sources.
- Continued boots on the ground. Continued funding for communities. Continued
- training and most importantly capacity skills assessments within those communities.
- Traditional plant protection
- Pipe ceremony should be conducted
- Traditional Plant recovery

#### Should the IMSC support or organize additional monitor training for Communities/Nations?

Yes



No



Indifferent



#### If yes, please specify:

- Monitoring of the drilling they have done in numerous locations, assess the location annually, as part of an inspection lead by FN communities
- YES!!!
- Work with providers to ensure the indigenous lens is driving the curriculum. Coordination of training sessions Work with post secondary institutions to recognize the indigenous knowledge “two eyes seeing” values are followed with all legs walking together
- Pipeline welding inspection (CWB and others)
- There will never be enough monitors. The TMX is important but so is LNG and CGL as is the possible damage that can occur along the entire coast. This is a MUST.
- NACE training for pipeline coating inspection
- Pipeline integrity and threat management, environmental remediation activities

## Slido – Questions from Participants

### 1. What is the origin story of the IMSC program?

The program was created by the leadership of two Chiefs who wrote to the Prime Minister asking for greater Indigenous involvement in the TMX project; the letter was co-signed by 52 Chiefs. This helped support the creation of both the IAMC-TMX and Line 3.

### 2. In terms of future projects, what are the trigger mechanisms for IMs to get involved in those projects?

The IMSC is still figuring that out; there is a fair amount of experience from over 200 complete inspections (CVAs). The IAMC will be at a pan-territorial Regulators forum with the Nunavut Impact Review Board where the IAMC has rare experience with post-approval monitoring. The IMSC has worked with the Provincial Regulator, and puts emphasis on training and development, which we can share with every project, every Community and proponents. The IMSC has advised Enbridge Sunrise as a Caucus on what Indigenous Monitoring needs to look like, how to engage in Communities, and how to raise the bar for how they should operate to meet the expectations of our Communities. Finally, all the learnings we get from IMs in the field are going to be used to advise Regulators and bodies such as the Treasury Board on their regulations.

### 3. Indigenous-led inspections should be a part of post-construction, especially on spreads 5 and 5b. Some people have raised concerns about access to swimming holes and other cultural areas. As it is now, post-construction, it is harder to access places where people take care of themselves physically and culturally. I think it would be good to work with Guardianship programs to inspect all pipeline corridors to prevent floods and mudslides. If you have Guardians trained to go out into the field and look for these areas we could better predict natural disasters due to the pipeline. Had there been adequate inspections and measures, maybe some of those natural disasters could have been better prepared for.

The IMSC agrees. There are some activities IMs should look into in areas in the Fraser Valley. Following the atmospheric river, corrective action will take more than a year to implement. More importantly, effectiveness evaluations on Chance Find procedure reporting are needed. How do we build protections that can be robust for now but also for the next seven generations? Working with Communities to find out their specific interests is of the utmost importance.

**4. Proponents can meet compliance with regulatory requirements, but there can be a margin of error, with negative impacts on sites of sacred significance. It sounds like the requirements are not tight enough.**

It is true that regulatory requirements can be met and there can still be negative impacts on issues that are important to us. We need to track the data around this to ensure it doesn't happen in the future. For example, Culturally Modified Trees often aren't protected in the way they should be.

This is often the case, and part of the journey towards increased Indigenous Oversight is to identify the gaps in the existing regulatory framework and either create new regulations or amend existing ones. This is work the IAMC has been doing over the past seven years. When regulatory frameworks are changed this change applies to all projects – not just the TMX.

**5. Will the IAMC be monitoring the land before the construction of future projects begins?**

Not at this time, but the IAMC-TMX will be holding regional training sessions to support Community capacity development in disciplines like monitoring and impact assessments.

**6. Are there plans to do joint table top and live exercises with TMX? How are the learnings dispersed?**

IAMC-TMX IMs participate in exercises like fire response drills and full scale exercises. For post-construction, the IAMC-TMX would be interested in effectiveness evaluations on conditions like #153 (full scale exercise during operations), #124 (implementing improvements to emergency response plans), and #117 (reporting on improvements). These reports are posted publicly by the CER and include non confidential IM observations

# Emergency Management

Dion Arnouse, the Chair of the Emergency Monitoring Subcommittee (EMSC), spoke to some questions that came in from Slido on Day One before beginning his presentation.

## 1. What is the contingency plan if “all fails” and the pipes burst?

There will be an initial response at the scene, but there is also a layered approach leading up to the scene. This could mean beginning an intervention partway down a stream with layers leading up to the site of a spill. There are levels of redundancy; for example, when working on the TMX pipeline build, our team identified 600 control point sites for intercepting product, both in terrestrial environments and marine environments.

## 2. If there is one, has it been reviewed and revised?

The plan is revised most years taking climate change into consideration, and ideally Community members are involved in the process.

## 3. Every minute and every second counts in contamination to the land and water ways. So how can we not only have a spill response but a rapid spill response?

This is crucial. The EMSC, in partnership with the IMSC, seeks to design a hybrid approach where IMs are trained on initial emergency response. The intention is so that they can access the site and gather valuable information which is then fed back to first responders for an effective approach and response.





The EMSC aims to be a dedicated resource and subject matter expert for the 129 potentially affected Communities on all matters related to emergency prevention and emergency response (ER) incidents. They are assisting Communities with building their emergency prevention, response and recovery capacity (eg. the Emergency Management workshop November 22, 2023 in Edmonton with more in the Spring of 2024.) And, they seek to encourage Indigenous emergency management as a part of traditional stewardship responsibilities. Dion expressed that there are no better resources to assess emergency management (EM) than the people who know their lands, waters and species best.

## **Key achievements of 2023**

Key achievements of 2023 were shared with the room, and included collecting invaluable Community feedback at regional engagement sessions that focused on pipeline safety, an all hazards approach, and climate change. In calls for proposals, 15 Communities were supported through the emergency management stream, with more to come next year.

The EMSC funded activities, such as Community ER plans, the purchase of ER vehicles, emergency management training, and more, and elevated EM concerns from Communities to government and regulatory bodies. The tracking of ER and environmental incidents related to projects was ongoing. The EMSC began working with BEHR Integrated Solutions to develop the emergency guide and hazard risk vulnerability assessments, which are the vital first part of building an ER plan specific to each Community. Finally, the EMSC funded the development of 72-hour survival kits, which will be distributed at EM workshops.

## **Five key priorities heard from Communities**

Next, Dion outlined five key priorities the EMSC has heard from Communities. These are:

1. Identifying and facilitating opportunities for greater Indigenous inclusion in EM;
2. Improving Communities' emergency preparedness with an all-hazards approach driven by the unpredictability of climate change;
3. Informing and engaging IAMC-TMX and Indigenous Communities on issues related to EM;
4. Advocating for better prevention, preparedness and response structures; and,
5. Building Indigenous ER capacity in a coordinated fashion between the terrestrial and marine environments

## Goals for the next 5 years

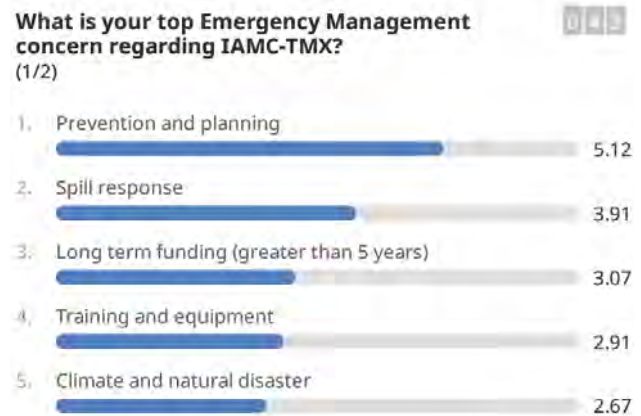
To close, Dion shared the EMSC's goals for the next five years. The vision includes continuing to be the point of contact and subject matter expert resource for the 129 potentially affected Communities on all matters related to spill incidents and environmental impact, response and recovery. The EMSC intends to identify and facilitate opportunities for greater Indigenous inclusion in EM, while improving Indigenous Communities' emergency preparedness with an all-hazards approach. Their goals also involve informing and engaging the IAMC-TMX and Indigenous Communities on issues related to Emergency Management, and continuing to track data and experiences in order to inform policy development. Finally, Dion stressed that the focus on climate resilience is key, along with advocating for better prevention, preparedness and response structures; within this is the need to shift from a response mindset to a prevention mindset.

### Slido – Reflections on what you've heard

After the Emergency Management Subcommittee's presentation, a series of Slido polls and discussions underscored participants' top concerns and some necessary support strategies for post-construction related activities. The polls highlighted Community prioritization of emergency management activities and Dion's emphasis on the importance of preparedness and prevention.

#### Top Emergency Management concerns:

Participants identified “prevention and planning” as their primary concern, recognizing its critical role in ensuring effective strategies during emergencies. The interconnectedness of the lands and waters was acknowledged, with spill response being a notable area of attention, indicating the need for integrated emergency management across terrestrial and marine environments.



#### Support strategies for Communities:

Feedback from the polls indicated a substantial interest in emergency response preparedness and a desire to be involved in the planning stages, especially for those with intimate knowledge of the land. Communities expressed the need for an all-encompassing emergency management plan that addresses “all hazards” and includes training for rapid response and equipment usage.

## Community engagement and training:

With his extensive experience in emergency management, Dion stressed the importance of current trends and effective response methods. The polls reflected this perspective, revealing a strong call for training and the funding of an emergency response team equipped to handle diverse emergencies like spills, fires, floods, and other natural disasters.

### Key actions moving forward:

As the pipeline becomes operational, Communities' requests are clear: they seek comprehensive preparedness measures that incorporate drills, training, and the creation of emergency response teams. The data also showed a desire for ongoing research to stay current with the latest emergency management trends to ensure Communities are well-equipped and self-sufficient in their response capabilities.

In summary, the need for effective communication, collaboration, and funding supports the overarching goal of safeguarding Community interests and wellbeing as the project transitions into the post-construction phase.

### How can the Emergency Management team support your Nation/Community? (1/2)

- How many drills have you had?
- There was a strong interest for EMERGENCY RESPONSE PREPAREDNESS during consultation however it seems to have died out drastically since then.
- Involvement in the planning stages, since us as land users know the vulnerable areas to our nations, people and culture.
- An emergency management plan dedicated to all possible hazards. Includes
- spills, fires, floods, contaminated waters n soils, etc. -also training
- Work with all jurisdictions in local communities to ensure that the nation's interests are protected
- In each region, who is the Emergency Management team for each spread
- Having all communities trained and ready for an emergency protocol
- Recruitment of indigenous citizens to participate Build the capacity for physical response
- Inter-Community Collaboration

### How can the Emergency Management team support your Nation/Community? (2/2)

- in a unified emergency response strategy. What do my neighbouring Nations have that I can call on, people, resources, equipment, communications support, health response support, etc.
- FUNDING AND TRAINING AN EMERGENCY RESPONSE TEAM
- Funding Training and Equipment
- Funding and training to start so that we are prepared for emergencies - rapid response.
- Training



## Slido – Questions and comments from Participants

1. **An idea to go along with training and funding, maybe a pool or list of people with skills and training who are willing to go into Communities to assist with capacity building.**

In response, Dion shared that there is now a resource crisis when it comes to ER people – the fires got out of control because resources were overrun. Capacity needs to be increased overall, and this is where BEHR Integrated Solutions are supporting the EMSC.

2. **A comment was shared** regarding the importance of weaving spiritual ceremonies into CVAs, in addition to the territorial acknowledgements. This is a key part of the ways in which this work can be done with Indigenous and non-Indigenous participants drawing guidance from the land. Elders have supported this, so there is hope that continued improvement in integrating ceremony in IM and CVAs is not only possible but supported by Regulators.
3. **A Community member shared** the many advancements in capacity building, creative solutions and readiness that they have facilitated in their region. They have a rapid damage assessment team and toolkit. The team comprised Indigenous and non-indigenous people who can go out to other Communities to help when needed. They have elite search and rescue teams, and firefighters who are experienced in major event crises being trained in a holistic way so that they are able to work with Indigenous Nations and governments when an emergency happens. The experiences and learnings of the member's Community can eventually be brought back to share with everyone else. The

*“Leave no Nation, no Community, behind”*



Community member shared their view that every Community needs an Emergency Preparedness Committee (EPC) that comes from core funding. They stressed the importance of learning from and sharing learnings across Communities. Dion agreed that there is no need to reinvent the wheel, and there is value in sharing learnings, training and plans between Communities.

**4. Are there plans to do a joint table top and live exercises with TMX? How are the learnings dispersed?**

Trans Mountain does table top and field exercises regionally, along with a transboundary exercise. Invitations are sent out to Communities for these; contact Dion to be added to the list (dion@2badgers.ca). Tabletop exercises are also done in the EM workshops for marine, urban and rural Communities.

**a. How are the learnings dispersed?**

Generally members from the Nation are there so they can take the information and feed it back after the briefing. From there the information is expanded into “*what can we learn from this*”? Tribal Chief Tyrone McNeil added that it may be worthwhile to the EMSC to bring folks who have experience in tabletop exercises together once a year so that sharing can happen across groups or with Communities that don’t have the capacity, funding or experience. Currently there is nothing in place to share the information broadly.

**5. Environmental cooperation between Canada, the US and Mexico. Is there a reason we are not incorporating that into this work as well?**

For now we are focusing on local Communities. However, Dion responded that this was a great point and a way to find best practices from other places, especially as we use products from around the world. Tribal Chief Tyrone McNeil shared that Ray Cardinal has participated in a few multi-jurisdictional conferences and workshops representing the IAMC and sometimes Canada.

**6. Is there a fibre monitor line running along these lines, especially near high impact environmental areas, and if so who monitors it and what is the response plan?**

Our understanding is that there was a fibre line installed to run alongside the pipeline when expansion occurred.

**7. Will you fairly pay monitors if you train them to be first responders? Oil and gas companies would.**

Each of the monitors is hired and paid by different Indigenous groups. It would be up to the individual bands to pay their monitor or first responder accordingly

**8. Why did TMX not take dangerous trees into consideration? Go through a lot of red tape to remove the dangerous trees, if at all.**

Danger trees were taken into consideration. In Simpcw territory we had SRG to look after dangerous trees and access and remove them if necessary.

**9. An observation:** Community engagement is still unsatisfactory for some Indigenous Communities on TMX Emergency Response Exercises.

**10. Adding a recommendation for capacity building:** hire and develop some FNIM engineers.

**11. Has partnership with proponents on emergency management exercises, activities and safety shares been looked at? In addition to funding & training emergency response teams, a partnership with the Technical Standards and Safety Authority (TSSA) might be worth considering.**

Through the IAMC-EMSC we have shared the deployment exercises that TMC has done in the past. The deployment exercises have different levels of response, from observer to hands-on participation in the exercise, depending upon each individual Community's capability. Part of the concern is that when bands have turnover in council and the staff that deal with emergency management, the information is not always shared, leaving no individual to contact at the band.

# 10 Reflections on the Two Days



*A desire was shared from an attendee to add the different languages into documents the IAMC shared, perhaps the report as well, as it is important for self identity.*

## Final Reflections

### Reflection 1 - Expression of appreciation

A participant expressed their appreciation for the collective progress made by those present. They commended the group's brilliance and reflected on the long journey, recognizing the deep-rooted history of the people of Turtle Island since time immemorial.

The speaker emphasized the importance of unity and collaboration. They advocated for a collective approach where individuals support each other rather than competing or overshadowing, to walk together as one, demonstrating to their Communities the significant work that has been accomplished.

This remark underscores the value of recognizing and showcasing the positive outcomes and progress achieved through collective effort and cooperation.

## Reflection 2 - Extending thanks

Sharing their gratitude to the IAMC for the work it has accomplished, an attendee detailed their time as a Councillor when Chief Ernie Cray was Chief. They journeyed with Chief Cray, participating in conference calls, and witnessing collaborative efforts to move forward in a positive manner. They expressed appreciation for the opportunity to attend the Gathering and see the progress that has been made.

The speaker reminded the group of the importance of rights-holders being closely involved in the work of the IAMC, emphasizing that while the IAMC serves as an advocate, rights-holders should maintain close connections not only with their technical teams but also with the broader activities of the IAMC. They encouraged both present members and those not yet involved to recognize that this endeavour is a collective journey, acknowledging the hard work and dedication of the group despite the challenges and obstacles.

In consideration of both the positive and challenging aspects of the stories shared, the participant emphasized the continuous progress being made. They expressed excitement about the transition from the construction phase to the operations phase and the vision for the future.

In conclusion, the participant extended their gratitude to the Indigenous Caucus for the work being done and the progress made possible through united efforts.

*"We've come a long way. We have brilliance. Just to see everybody and where we come from [...] from the beginning of time, we are on Turtle Island."*





## Closing

The Line Wide Gathering's concluding comments highlighted the urgent need to amend existing regulations to ensure Indigenous worldviews are both respected and integrated. This need encompasses a broader vision of regulatory reform, with the short term goal of creating a Center of Indigenous Regulatory Excellence that extends beyond just the TMX project.

Emphasis was placed on the necessity for ongoing dialogue and engagement between Communities and the IAMC. There is shared optimism about the future establishment of an Indigenous Regulator in Canada. Achieving this goal requires collective will, concerted effort, and a focus on addressing the unique needs of rights-holders and Communities.

In their closing remarks, the Co-Chairs of the IAMC reflected on the significance of the Gathering. The Federal representative observed, "The Line Wide Gathering informs what we are going to do, and how we are going to do it for the next year. We've sat, and listened, and we don't get to do this often. We've heard the concerns directly from you, Community members." Both Co-Chairs acknowledged the evolving dynamics, highlighting the Indigenous Caucus' role in organizing the Gathering and the government's responsibility to support it.

To conclude the event, Ray Cardinal extended an invitation to Elder Rod Hunter, Councillor of Bearspaw First Nation, to close the gathering. Elder Rod honoured the attendees with a closing prayer, delivered through a song that encapsulated the spirit and essence of the discussions and the hopes they contain for the future.

