

7th ANNUAL LINE WIDE GATHERING

FINAL REPORT

Indigenous Advisory and Monitoring Committee (IAMC)
for the TransMountain Expansion Project (TMX)

NOV 12-15, 2024

INDIGENOUS
Advisory and Monitoring Committee
Trans Mountain Expansion and Existing Pipeline

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Inspiring Success





The Indigenous Advisory and Monitoring Committee for the Trans Mountain Expansion Project (IAMC-TMX) hosted its 7th Annual Line Wide Gathering in the traditional, ancestral, and unceded territories of the Syilx Okanagan Peoples. The Syilx People of the Okanagan Nation are a distinct, sovereign Nation are comprised of the following seven member communities in the southern interior of British Columbia: Okanagan Indian Band, Osoyoos Indian Band, Penticton Indian Band, Upper Nicola Band, Upper and Lower Similkameen Indian Bands, Westbank First Nation and in Northern Washington State, the Colville Confederated Tribes. The Syilx Okanagan People continue to assert their jurisdiction and responsibility over the stewarding of lands, resources, and the quality of life of their citizens¹.

As Guests in the Syilx territory for the 2024 Line Wide Gathering, we raise our hands in deep respect and gratitude to the Nations, families, and communities that have cared for the homelands since time immemorial.

The IAMC-TMX would like to thank all who supported the 7th Annual Line Wine Gathering. Thank you to the following collaborators for their valued contributions: IAMC-TMX planning team, local First Nations, participating youth, Elders and community members, T'sou-ke First Nation, Transport Canada, Canada Energy Regulator, Natural Resources Canada, Environment and Climate Change Canada, Health Canada, Trans Mountain Corporation, Cando and, Daxgedim Haanak' Consulting.

Thank you to all participants, artists, and vendors who traveled from traditional, ancestral, and unceded Indigenous homelands and territories in what is known today, as British Columbia and Alberta.

1. Syilx Okanagan nation Alliance (2017). Retrieved from syilx.org

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Executive Summary



On November 12 – 15, 2024, the 7th Annual Line Wide Gathering brought together over 200 people from the IAMC-TMX, First Nations and Métis communities, government and industry partners to beautiful Syilx territory. The 2024 Line Wide Gathering was an opportunity for meaningful relationship building, knowledge sharing, progress updates, and seeking input and direction for relevant projects, advocacy, policy, and initiatives.

The theme “What Now, What Next” reflected the need to engage in critical dialogue about the role of Indigenous Peoples now that the construction phase of the pipeline is complete and the project is moving towards operations. The 2024 Line Wide Gathering was designed to ensure efforts and actions are responsive and aligned with the perspectives, needs, and realities of Indigenous community members, including Elders, youth, LGBTQIA2S+ peoples.

Participants had the opportunity to hear from the IAMC-TMX, its subcommittees, government partners, and industry regarding priority areas and the progress achieved to date. Participants also discussed how the IAMC-TMX and its subcommittees provide advice to regulators, offering valuable insights into strengthening Indigenous oversight and decision-making in regulatory processes. During the gathering, the subcommittees cultivated opportunities to hear from members about what is important to them and the communities they serve.

Attendees discussed the evolving landscape of necessary regulatory reform in the context of Indigenous governance, focusing on critical issues of the pipeline in operations and production. As the transition continues, there is urgency to enact robust, long-term legal, legislative, financial, and social actions to safeguard advancements and realize the outcomes of doing business differently.

Hopeful messages were heard from the federal partners who echoed their commitment to the role of Indigenous peoples in decision-making and to collaborate to reshape regulatory practices by grounding them in local knowledge and priorities.

Amplifying and centring Indigenous voices during sessions was an important approach for the Day Three: Onshore Pipeline Regulations and Filing Manuals review². The session was designed to hear information and feedback from Indigenous leaders and attendees to inform the OPR and Filing Manual review and process. Key messages include the importance of relational practice and meeting in-community with Nations (government to government).

The overarching theme of ‘What Now – What Next’ offered a grounding for relationship, collaboration, and visioning toward different futures for generations following. As the discussions concluded, there was a clear sense of direction towards advancing Indigenous leadership in environmental monitoring and regulatory reforms.

2. Revisions to the OPR and Filing Manual are currently underway. Phase one is complete and submissions on topic papers for phase two will be due at the end of March 2025: [CER Topic Papers for Regulations' Reviews](#). The intent of this revision is to increase involvement of Indigenous peoples in project oversight.





Key Outcomes of the 2024 Line Wide Gathering:

- » **Action Plan Measure 34** (APM 34³): With the transition from construction phases to operations and production, Indigenous leaders echoed the need for an Indigenous regulator positioning Indigenous governance as a key part of regulatory decision-making and to align with APM 34.
- » **Indigenous Marine Regulatory Authority**: Marine leaders indicated concerns regarding the limited focus on marine community issues and called for a greater role and stronger voice for the marine space within the IAMC-TMX Committee.
- » **Free, Prior and Informed Consent (FPIC)**: Indigenous leaders and attendees emphasized throughout the gathering the need for authentic engagement and meaningful inclusion to move beyond informing Indigenous communities of decisions made by regulators.
- » **Capacity and Funding**: Consistently echoed throughout the Line Wide Gathering was the need for financial resources to support community-based priorities in areas including but not limited to risk management, mitigation, spill response, Indigenous monitoring, and capacity funding to support increased Indigenous participation.
- » **The issue of socioeconomic impacts and impacts to MMIWG2S+**: need to be equalized alongside the focus on AMP 34; recognizing the interconnectedness of the two, more work needs to be done to illuminate and centre critical issues in this area.
- » **Indigenous Knowledge systems**: Centring Indigenous knowledge, science, and languages was affirmed and emphasized throughout the gathering.
- » **Co-Development**: The Elders' table emphasized the need for the co-development of a decision-making framework and communication plan, one that includes ceremony.
- » **Uplift the Role and Inclusion of Indigenous Youth**: Consistently echoed throughout the discussions was the need for greater inclusion of youth at the table and "boots on the ground" – to have youth on the land and water.

Further themes, insights, and feedback shared during the 7th Annual Line Wide Gathering are included in this report contributing to shaping, planning, and informing systems change and transformation in regulatory reform and self-determination.

3. APM 34 which states to: "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 Regulator (CER)". Source: [NRCan National Engagement Strategy](#)

About the IAMC-TMX



The Indigenous Advisory and Monitoring Committee (IAMC-TMX) includes 13 Indigenous representatives, selected from among the 129 potentially impacted communities along the Trans Mountain Expansion (TMX) pipeline corridor and marine shipping lanes, and six senior representatives from federal government departments and regulators who are involved in the TMX Project.

Participation in the IAMC-TMX is “without prejudice”. This means participation does not indicate support or opposition to the TMX project. Members have a shared goal of safety and protection of environmental and Indigenous interests.



Western Approach
Chief Benjamin Gillette

Vancouver Island South
Chief Russell Chipps

Vancouver Island Southeast
Trina Sxwithul'txw

Burrard Inlet, Lower Fraser
Carleen Thomas

Fraser Valley
Chief Robert Gladstone

Mid-Fraser / Thompson
Chief Marcel Shackelly

Okanagan
Chief Dan Manuel

BC Interior
Chief George Lampreau

Alberta First Nations
Ray Cardinal
Toby Bush
Peter Snow

Alberta Métis
Tracy Friedel

B.C. Métis
Vacant

Canada Energy Regulator (CER)
Genevieve Carr

Department of Fisheries and Ocean (DFO)
Alice Cheung

Natural Resources Canada (NRCAN)
Joanne Pereira-Ekstrom

Transport Canada
Toke Adams

Canadian Coast Guard (CCG)
Chad Stroud

Environment and Climate Change Canada (ECC)
Gevan Mattu

The IAMC-TMX is supported by several subcommittees to undertake work that requires more expertise or focus and to carry out identified priorities. The subcommittees are Indigenous Monitoring, Marine Shipping, Socioeconomic, Emergency Management and Operations.

For more information about the IAMC-TMX, visit: <https://iamc.ca/>.



7th Annual Line Wide Gathering Reflections from Co-Chairs

We are pleased to present this report from the seventh annual Line Wide Gathering of the Indigenous Advisory and Monitoring Committee (IAMC) for the Trans Mountain Expansion Project and Existing Pipeline (TMX), which was held November 12-15, 2024, in-person on Syilx Territory in Kelowna, BC. This year, we were fortunate to have many Elders support us at the event, guiding us throughout the three days of learning and reflection.

The annual Line Wide Gathering is an Indigenous Caucus-led event, which provides the opportunity to update communities on the work the Committee has completed over the past year, as well as to hear from communities about their interests and priorities to inform our work moving forward.

This year, the event was attended by over 200 participants, representing Elders, communities, members of the IAMC-TMX Indigenous and Federal Caucuses, Indigenous Caucus staff, and the IAMC-TMX Secretariat. We want to extend our sincere gratitude to all attendees, Master of Ceremonies Hal Eagletail, and to Marcia Turner for planning and facilitation services.



Ray Cardinal,
Indigenous Co-Chair

Elder Arnie Baptiste positioned us for success by opening our minds and hearts as he led us through his opening prayer, with compassion, strength, and vulnerability. Senior Officials from Natural Resources Canada, Canada Energy Regulator, and Transport Canada followed with opening remarks to set the scene for the event – what now, what’s next?

A fireside chat followed, with leadership from CER and Transport Canada. We then were fortunate to listen to Elders and youth, who shared their knowledge and priorities during the Voices of

Tomorrow panel discussion, graciously moderated by Chief Pamela Jack.

The Marine Shipping Subcommittee and Socio-economic Subcommittee presented their accomplishments over the past year and spoke



Joanne Pereira-Ekström,
Federal Co-Chair

to their work moving forward, including on Marine stewardship and the Circle on Missing and Murdered Indigenous Women (MMIWG). The day wrapped up with active participation in breakout sessions (MMIWG, Indigenous Monitoring, A Right to Healthy Environment, Environmental Justice, and Elders’ Reflections) and a presentation from Gordon Planes and Ryan Chamberland from T’Sou-ke First Nation.



On Day 2, we heard valuable insights from the Indigenous Monitoring Subcommittee and Emergency Management Subcommittee on their direction moving forward. The Canada Energy Regulator and Natural Resources Canada participated in a panel discussion on setting the context for United Nations Declaration on the Rights of Indigenous Peoples Act (UNDA) Action Plan Measure 34 (APM 34). Co-developed with the Indigenous Caucus of the IAMC-TMX, APM 34 implementation is a shared responsibility and is made up of four key components to drive systemic change. We also discussed the Sto:lo Heritage Policy as an example of Implementation of Indigenous Decision Making.

Day 3 created space to hear community views and priorities on the Onshore Pipeline Regulations & Filing Manuals Review co-led by Indigenous Caucus and the Canada Energy Regulator – one of the four key components of APM 34.

The annual Line Wide Gathering is something we look forward to each year, and we thank all attendees who took the time to participate and share critical insights that will guide our work. We look forward to seeing you next year.

Sincerely,

Raymond Cardinal,
IAMC-TMX Indigenous Co-Chair

Joanne Pereira-Ekström,
IAMC-TMX Federal Co-Chair



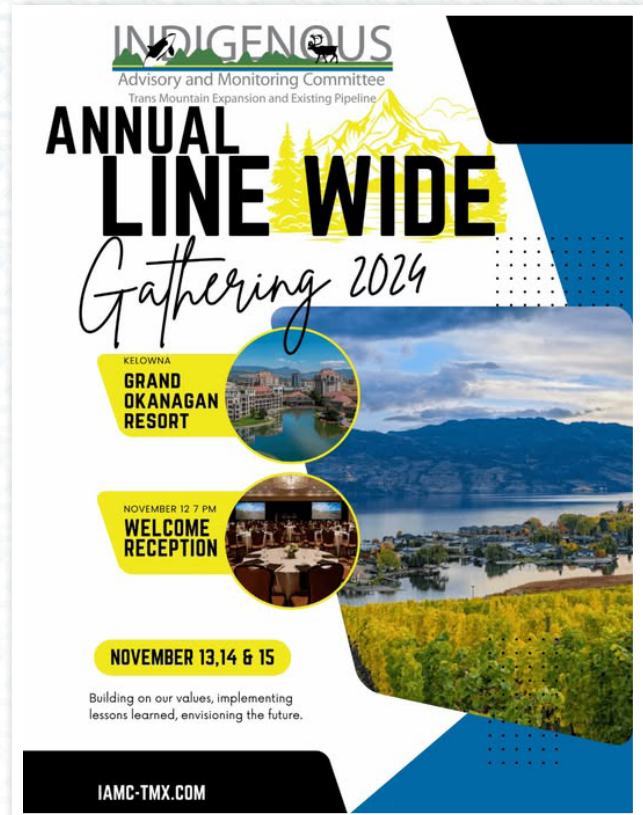
Overview of the 7th Annual Line Wide Gathering

The 7th Annual Line Wide Gathering hosted on November 13- 15, 2024, in Syilx Territory (Kelowna, B.C.) continues a longstanding convening of IAMC-TMX members and members of Indigenous communities 'along the line' in British Columbia and Alberta. Annual Line Wide Gatherings are attended by those who have been connected to the IAMC -TMX since inception, by those who are newer in their IAMC - TMX participation journey - and everywhere in between.

The IAMC-TMX is committed to working and walking together with Indigenous Communities to ensure efforts and actions are responsive and aligned with the perspectives, needs and realities upheld by Indigenous community members, Elders, leaders, and youth. The gatherings intend to be a place for meaningful, intentional relationship building, and knowledge sharing. This includes opportunities to share progress, seek input, and set direction setting for relevant projects, advocacy, policy, and initiatives. Input received from the participants helps to set the priorities of the IAMC-TMX for future years.

The 2024 Gathering sought to cultivate collaboration and discussion across Communities, IAMC-TMX subcommittees, regulators, federal partners ministries, and the Trans Mountain Corporation. As the Trans Mountain pipeline enters the post construction phase, the IAMCTMX is at a point of transition and the overarching theme of 'What Now - What Next?' encapsulates the intention of the two-and-a-half days together. Essentially, the gatherings help envision how the IAMC-TMX can best be of service to you going forward.

This report tells the story of the 7th Annual Line Wide Gathering and offers a high-level summary



IAMC-TMX Event Poster (2024)

of presentations, panels, and discussions to support planning and what happens next through collaboration and partnership. This report also informs the IAMX-TMX submission to the Canada Energy Regulator regarding the Onshore Pipeline Regulations and Filing Manuals. The Canada Energy Regulator has extended the deadline to March 31, 2025, for Phase 2 of the review of the OPR Filing Manuals. First Nations, Inuit, and Métis communities may also submit directly to CER and visit cerdialoque.ca for more information.



Photo Credit **Brendan Rogers**

Participants of the 7th Annual Line Wide Gathering were warmly welcomed at an evening reception on November 12, 2024. The reception fostered reconnecting with familiar faces and creating new relationships through a sharing of food, traditional drumming, and songs.



Photo Credit **Brendan Rogers**



Day One: November 13, 2024



Photo Credit **Brendan Rogers**

The 7th Annual Line Wide Gathering was facilitated by Marcia Turner, Gitxsan, CEO of Daxgedim Haanak' Consulting and Hal Eagletail, Northern Dene TsuuT'ina Nation, who was the Master of Ceremonies for the 2024 Gathering.



Photo Credit **Brendan Rogers**



Welcome Ceremony

Okanagan Chief Dan Manuel, from the Upper Nicola Band, welcomed attendees of the gathering to their traditional, ancestral, and unceded homelands of Syilx territory. Elder Arnie Baptiste of the Okanagan Nation offered a traditional welcome and shared teachings and knowings of the Syilx people to open the gathering in a good way, and to honour the inextricable connection of Syilx people to the territories we gathered within.

Elder Arnie held ceremony for the group, recounted history, shared local stories, and then blessed cultural items and traditional foods that helpers from the host Nation generously gifted to attendees.



Photo Credit **Brendan Rogers**



Photo Credit **Brendan Rogers**

It is with deep gratitude to the Syilx Okanagan people that the 7th Annual Line Wide Gathering opened their time together through ceremony and a centering of relationality - as Indigenous Peoples have done since time immemorial.

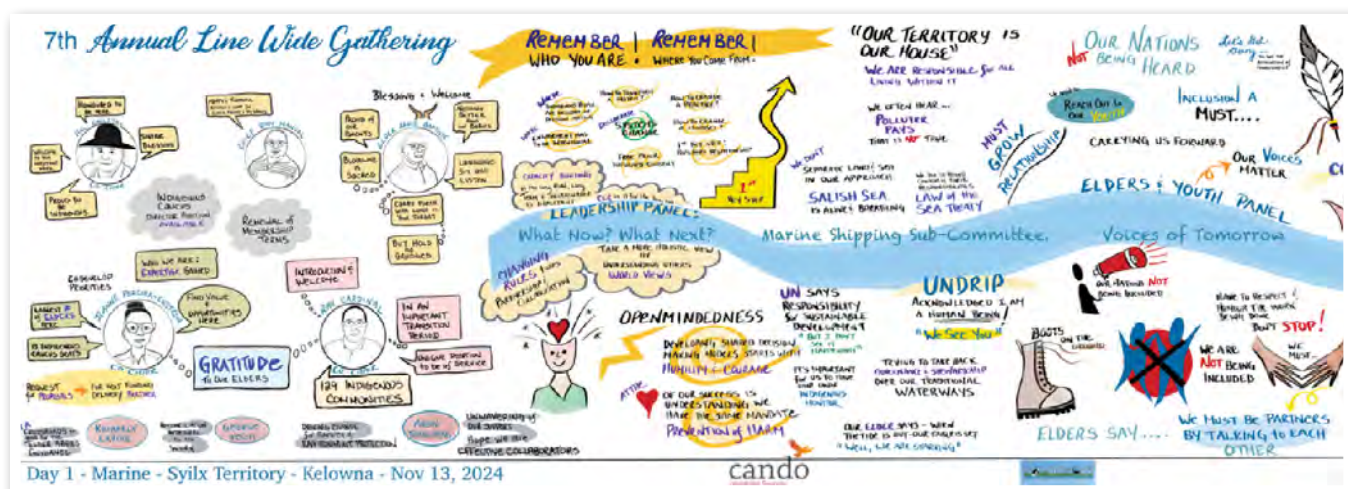


Illustration by **Patricia McDougall** | www.fuselight.com



Photo Credit **Cody Turner Photography**

Welcome from Co-Chairs

Co-Chairs Raymond Cardinal and Joanne Pereira-Ekström welcomed attendees to this year's Line Wide Gathering. Joanne and Ray provided overarching insights about the IAMC-TMX's journey over the last year. They shared an overview of the IAMC-TMX, Caucus, and Subcommittees and where the IAMC-TMX has been, and what is ahead.

One of the key takeaways from previous gatherings was the importance of deepening Elders' participation in the Caucus's work. Examples of how the IAMC-TMX has responded to this direction are incorporating Elder and youth involvement through community project funding as a key principle for funding proposals and ensuring necessary time and space for Elders to speak at Line Wide gatherings, share their teachings and knowledge to guide work together. To-date, the 7th Annual Line Wide Gathering had the largest contingent of Elders in attendance.

Looking forward, the Co-Chairs shared recent updates including Request for Proposals (RFP) for a new funding delivery partner, effective April 1, 2025, to manage the Stream 1 funding program. This new partnership will provide the caucus with greater oversight, flexibility, and direction in managing its funding. Alongside, the vacancy of the Indigenous Caucus Director Position was shared, and an invitation extended for attendees to consider joining the Indigenous Caucus at the upcoming renewal of membership in March 2025. The Co-Chairs concluded this presentation by sharing what participants can expect over the days ahead.

Opening Remarks

Kimberly Lavoie, Assistant Deputy Minister of Nòkwewashk at Natural Resources Canada, George Vegh, Board of Directors at the Canada Energy Regulator (CER), and Arun Thangaraj, Deputy Minister of Transport Canada, welcomed participants to the Gathering, reaffirming their personal and organizational commitment to relationships, partnerships, and recognizing Indigenous rights. Each speaker expressed their hopes for the discussion and collaboration over the days ahead.



Photo Credit **Brendan Rogers**



Leadership Panel: Fireside Chat

The first session of the 2024 Gathering sought to establish an important theme of Indigenous decision-making and self-determination for the two-and-a-half days ahead.



Photo Credit **Brendan Rogers**

Tribal Chief Tyrone McNeil, President, Stó:lō Tribal Council, Seabird Island Band, hosted a panel discussion with Arun Thangaraj, Transport Canada, and Tracy Sletto, CEO, CER.

“

“Reconciliation is about aligning the current laws with the acknowledgement of our sovereignty and inherent rights.

The exercise itself is to modify legislation, regulation, policy, and behavior at the federal, provincial, and territorial levels.”

Chief Ernie Crey

“

“For me, the transition from consultation to Free, Prior and Informed Consent requires a multi-faceted approach, and includes having regulators understand and demonstrate the culture intelligence needed to move forward in a different way.”

Tracy Sletto, Canada Energy Regulator

”

law in Canada in June 2021. This is the Action Plan to achieve the objectives of the Declaration. The panel discussed the full enacting of Free, Prior and Informed Consent, what co-development looks within their respective organizations, and funding for building capacity to enable communities to have informed conversations with proponents and regulators.

The conversation highlighted the importance of establishing strong, ongoing relationships with Indigenous communities as a crucial step. Engagement must be early, consistent, and responsive to the communities’ needs.

Key messages that emerged from the fireside chat were: Engagement should be deliberate, not passive. Communities must be involved in decision-making processes early and in ways that work for them to be very deliberate as we set out to change a system

”





that was never designed to have the participation of Indigenous peoples in decision-making processes. Transparency and openness in legislative and regulatory processes was also identified as key to realizing the changes we set out to make.

Panelists expressed supportive sentiment of the importance of the need for fundamental shifts in how systems, practices, and mindsets operate to better include Indigenous peoples in decision-making. This transformation requires changing the structures and rules within the regulatory environment, including the Onshore Pipeline Regulations and related policies.

“

“The concept of FPIC is different and strikes me as deeper than the legal duty to consult. It requires dialogue and an ongoing exchange. It is less transactional and is done through relationship and understanding one another’s worldviews.”

...and I think that’s why we struggle with it, because it’s a different construct than the usual bureaucratic process.”

Arun Thangaraj, Transport Canada

”

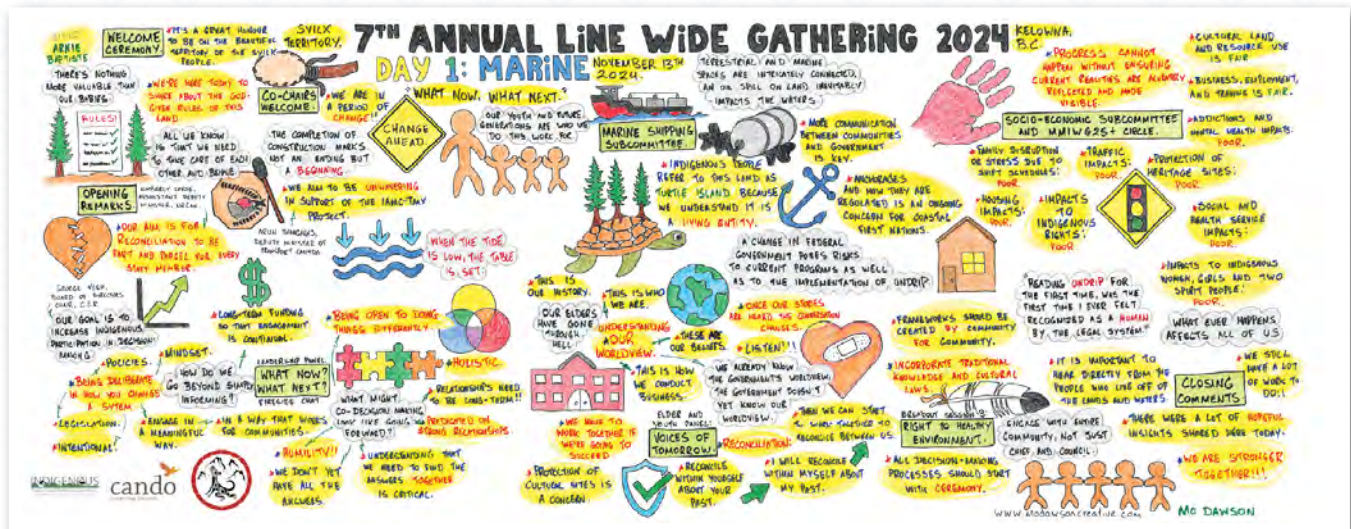


Illustration by Mo Dawson | www.dawsoncreative.com





'Our Table' Film and Marine Shipping Subcommittee (MSSC)

A film called "Our Table"⁴ was centred in this session. The film focused on youth and Elders in the marine space and their perspectives on ocean care and protection. The messages emphasized why protection is important, including teachings, traditional methods of harvesting and preparation of traditional seafoods. The messages in the video set an important context of why this work is critical and what is situated at the center of advocacy in the marine space.



MSSC Chair, Trina Sxwithul'twx provided an update on the status of TMX related activities in the marine environment. Statistics were shared to illuminate the increase in marine shipping traffic and ways to combat the risks associated with the increased marine traffic. MSSC is instrumental in bringing together the 29 participating marine Nations who are working together in unity and collaboration on ocean protection, safety, and marine monitoring. A description of the key MSSC priorities were presented,

including work completed with federal partners (Transport Canada, Fisheries and Oceans Canada, Environment and Climate Change Canada and the Canadian Coast Guard).

"Guided by deep respect for our ancestors, we are committed to addressing the unique challenges of Marine First Nations, creating benefits for all Canadians through a vision of thriving sea life, grounded in cultural teachings, strong coordination and First Nation-led ocean protection".

MSSC

An update from the marine leadership table included the development of their purpose, vision and values, including a Draft Policy Framework, and a co-created decision-making model that will further build out the concept called the House of Indigenous Ocean Resources (working title). Attendees were further introduced to the concept of the HIOR through an animated film for Marine Shipping and for the future⁵. The video can be watched by following the link included in the footnote.

Charting a path forward now that the construction of TMX is complete remains a priority of the MSSC and community members. Marine safety priorities were identified and include:

4 Our Table (2024). Retrieved from: <https://vimeo.com/1028926275/69c9348b06>.

5 House of Indigenous Ocean Resources (2024). Retrieved from: <https://vimeo.com/909167776>. Password: HIOR.





- » opportunities for First Nations-led ocean governance
- » emergency preparedness
- » monitoring
- » coordinated efforts and response across Nations, Communities and partners.

Detailed insights from the Marine Shipping Subcommittee session have been appended to this document.

Marine leaders and caucus met with Arun Thangaraj, Deputy Minister of Transport during lunch, with the following key messages:

Key themes from the conversation included:



Uncertainty of the political landscape, potential funding changes and sale of the pipeline, and extension of relevant accountabilities and responsibilities of the owner, were discussed. Concern regarding commentary of repealing challenges trust.



Questions regarding fulsome engagement were raised – to ensure that all the communities are engaged. What is currently in place to ensure member Nations are informed and participating? Examples of Nations who haven't been engaged yet were shared.



The November 2023 BNSF train derailment in Delta highlighted gaps in emergency management, as the promised Unified Command was never activated. In response, First Nations marine communities conducted their own Indigenous-led action report. This incident reinforces the need for an Indigenous regulator.

On the final day of the Line Wide Gathering, Marine Leaders met; the following are some of key outcomes of their discussion (further notes are appended to this report):



- » Indigenous Marine Regulatory: The negative impacts of marine shipping are inextricably linked to the Trans Mountain Pipelines and there is a need to establish an independent Indigenous marine regulatory authority to oversee all shipping activities.
- » Budget and Funding: the budget allocated for the MSSC has been limited, and although the IAMC received substantial funding in previous years, there is a call for more support to enhance marine management and incident responsiveness



"Marine Nations are deeply concerned about the 400% surge in TMX traffic carrying crude oil through our waters. These routes are not just highways for commerce, they are the lifeblood of our sustenance and culture. The protection of our livelihoods, heritage, and the delicate balance of the ecosystems we depend on is a critical priority"

Trina Sxwithul'txw



Elder and Youth Panel: Voices of Tomorrow

Charting the path forward and envisioning a shared future, the Elders and youth panel amplified the voices of Elders and youth as 'What Now – What Next' continues to be contemplated by the IAMC-TMX and members. Hosted by Chief Ch uh' keen n uh' kw waut (Pam) Jack, Penelakut Tribe, the audience had the opportunity to hear from Elder Harvey McLeod from Upper Nicola Band; Elder Kurt Irwin from Penelakut Tribe; and Elder James Wilson from the thunderbird clan, Cape Mudge. Youth representatives were Sophia Sampson, Snaw-naw-as, Stz'uminus, Connor, Penelakut Marine Stewardship Monitoring Program.

Key themes from their discussion include:



The ongoing barrier of ministries and federal agencies not working together was identified. The sentiment of this panel discussion was that "all must work together and includes with First Nations."



Laws can and must be changed to reflect a different relationship between Indigenous peoples and the government of Canada: "We must respect, honor and support one another".



Recognize impacts and intersections outside the current conceptualizations of 'impacted Nations' and those at the table.





The future of IAMC-TMX must include youth actively engaging on the land, learning traditional knowledge firsthand—not just participating in discussions. Youth need to work alongside Elders who understand their voices matter and create opportunities for high school students to learn about this work within their traditional territories.



The progress made so far is valuable, and we must continue building on it. The IAMC was founded to ensure Indigenous oversight, and while it evolved into an advisory committee, that is still a meaningful step. Reaching this point was challenging, and significant work remains.



Our Elders, many of whom are residential school survivors, have endured immense hardship yet remain committed to safeguarding the future of our youth. They guide us in understanding who we are, yet too often, they are excluded from decision-making. As knowledge keepers, they must be recognized as essential partners in this work.

This is how we do business because it reflects who we are. Our way is to go to our people—Elders, youth, and communities—to ask what they need and how to move forward. Federal regulators and partners must understand this and engage directly with our communities and listen to our Elders.

The very necessary inclusion and centering of youth voices was reiterated. Panelists noted the need to see more of Elders mentoring youth. We want to start a new generation of people that are doing this line of work in our traditional lands keeping our food safe and working towards having these resources for many generations to come.

“

“I want to see youth have way more involvement. Not only sitting at the table, but also having boots on the ground, and learning traditional knowledge by sitting with elders who see that our voices matter for future generations and can be impactful”

Elder

”

7th Annual Line Wide Gathering

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Trans Mountain and Existing Pipeline





Socio-Economic Subcommittee (SESC) and MMIWG2S+



MMIWG2S+ Circle (2024)

Dr. Tracy Friedel, Chair of the SESC and Co-Chair of the MMIWG2S+ Circle provided an overview of the SESC, priorities and progress. Melissa Moses, Founder, Owner and Chief Instructor of Nicola Valley Muay Thai and Self-Defense, and elected Women's Representative for the Union of BC Indian Chiefs (UBCIC) discussed the violence experienced by MMIWG2S+ peoples, the importance of Indigenous self-defense programs.

A summary of work undertaken by SESC from 2023-24, and to-date in 2024-25 was shared. This included findings from engagement/research undertaken by the SESC who cultivated opportunities for input regarding experiences during construction of TMX. The information gathered will be used to guide further work undertaken by the SESC.

The audience had the opportunity to hear about learnings from the 2024 SESC Wise Practices Gathering and the forming of the Circle on MMIWG2S+ and Resource Development Circle established in June 2024 co-developed by the Socioeconomic and Marine Shipping Subcommittees for the Pipeline (IAMC-TMX), includes MMIWG2S+ grassroots advocates at the forefront of acting on gender and race-based violence. Terrestrial and marine focused in nature, it is led by Indigenous women and comprised of individuals with regulatory expertise, MMIWG grassroots advocates and land defenders.

“

“Indigenous gender-based analysis plus (I-GBA+) and human rights violation lenses are needed to properly account for the intersectional nature of race and gender in impact assessment”

SESC Presentation

”





The SESC and MMIWG2+ Circle hosted a breakout session about self-defense in Indigenous communities and efforts to help people strengthen their bodies and minds, as well as reclaim their agency and power through holistic and culturally grounded mode of self-defense that connects physical techniques with a strong mindset.

Participants were invited to provide insights on critical issues during the session. While Insights from Slido questions can be found in the Appendices, the following are key responses received:

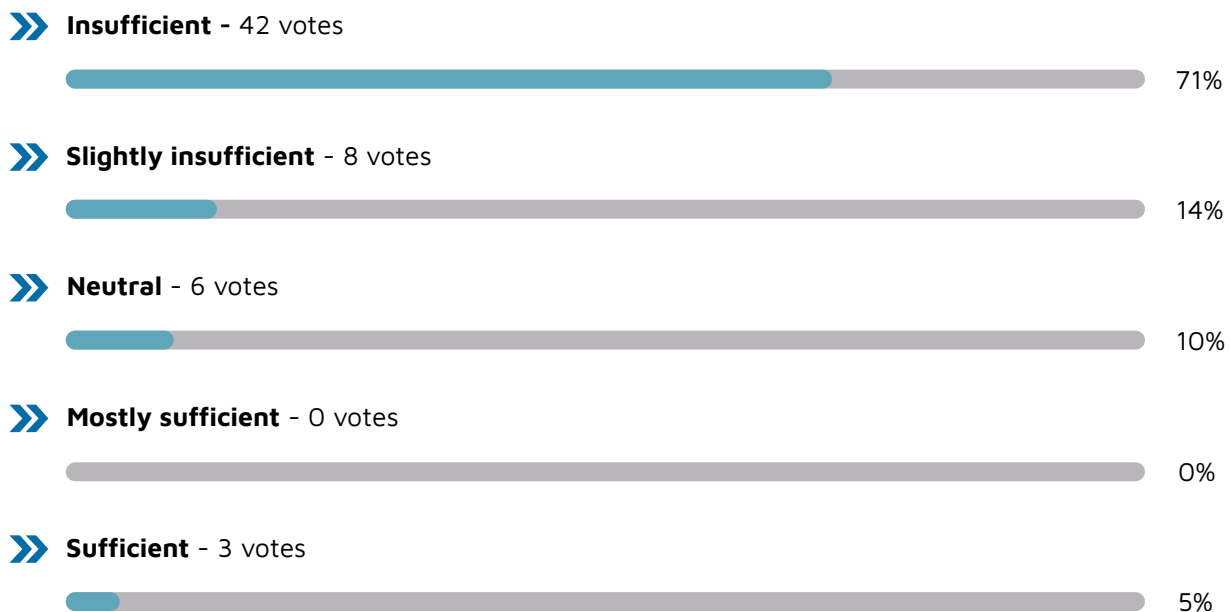
SESC 1b Rate your sense of how each of the following socioeconomic effects are currently assessed and tracked in resource development projects.

- » **Cultural Land and Resource Use:** 10% Good, 37% fair, 33% Poor, 19% Very Poor
- » **Business, Employment, & Training:** 17% Good, 44% Fair, 29% Poor, 6% Very Poor
- » **Addictions & Mental Health Impacts:** 2% Good, 27% Fair, 39% Poor, 32% Very Poor

(Note: further responses to this question are in the Appendices)

Rate the extent to which you believe that GENDERED IMPACTS are currently considered in resource development projects:

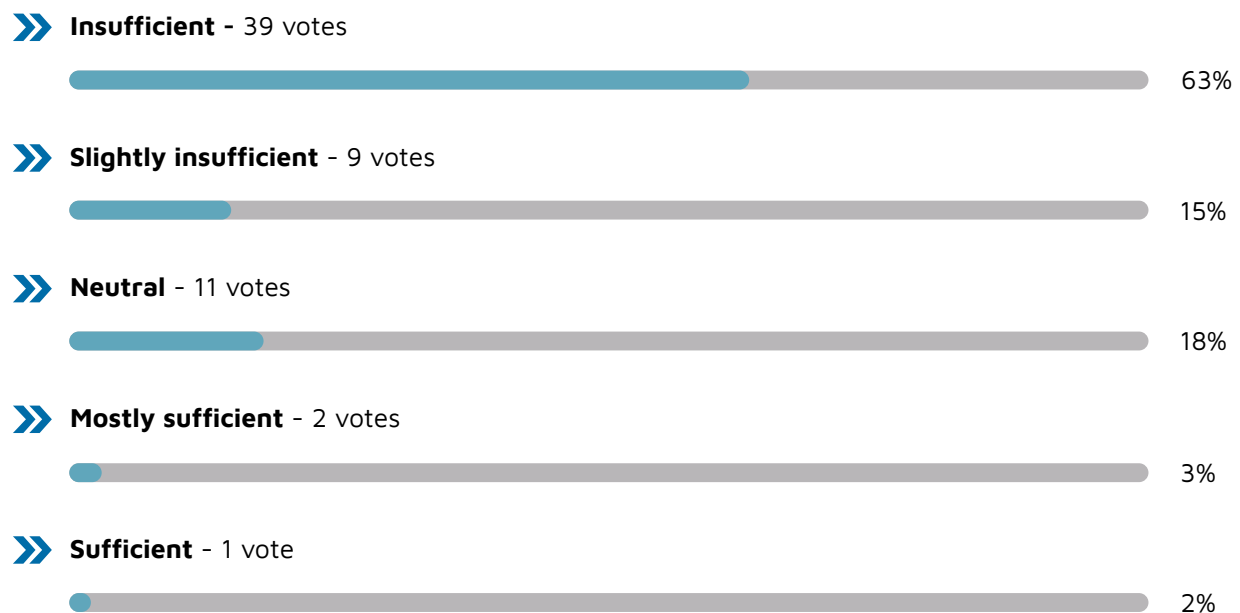
Multiple Choice Poll 59 votes 59 participants





Rate the extent to which you believe that GENDER DIVERSITY is currently considered in resource development projects:

Multiple Choice Poll  62 votes  62 participants



Day One Breakout Sessions



Participants had the opportunity to join several breakout sessions designed to enable small group conversations and direct discussions regarding specific initiatives.

MMIWG2S+ Circle and Fireside Chats sessions were informal organic conversations therefore notes were not taken.

» MMIWG2S+ Circle Fireside Chat. Empowering Aunties Self- Defense Facilitator Training Program and more about the work of the MMIWG2S+ Circle.

» Elders Reflections and Fireside Chat. Elders attending the Line Wide Gathering offered daily reflections.

» Indigenous Monitors Fireside Chat. Indigenous Monitors shared terrestrial monitoring learnings and experience.

Right to a Healthy Environment

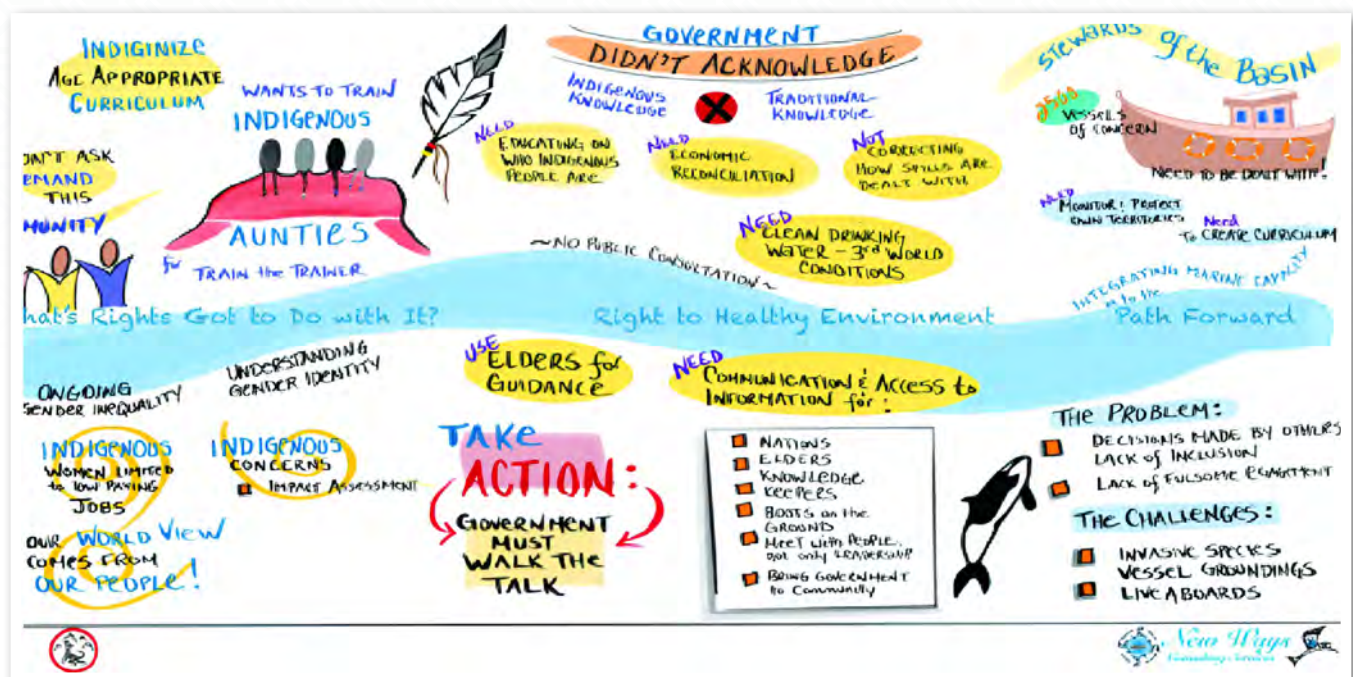


Illustration by **Patricia McDougall** | www.fuselight.com



The Right to a Healthy Environment breakout sessions were led by Sara McPhee and Sarah Vanden Hoven. Sessions were designed to enhance understanding of the Canadian Environmental Protection Act the Draft Implementation Framework for the Right to a Healthy Environment under the Act. Purpose of the sessions was to hear feedback on parts of the Draft Implementation Framework.

In June 2023, the Canadian Environmental Protection Act, 1999 (CEPA) was amended and modernized. The Government of Canada recognizes that every individual in Canada has a right to a healthy environment as provided under CEPA. An implementation framework must be published by June 2025. The development of the framework is being informed by input and perspectives provided through public engagement.



Key messages from the session include:



Decision-Making & Indigenous Inclusion: Government decisions, such as Environment Canada approving an LNG facility despite Indigenous concerns, prioritize Canada's interests over First Nations' rights and environmental impacts. Federal regulators must shift from sole decision-makers to true partners with Indigenous Nations.



Indigenous Knowledge & Ceremony: All processes must begin with ceremony, and governments should budget for this. Natural law, local knowledge, and regional context must be applied to decision-making.



Building Trust & Meaningful Action: Longstanding concerns—clean drinking water, third-world conditions, spill coverups—must be addressed to build trust. The government must move beyond discussions *about* Indigenous Peoples to real action. Reconciliation requires follow-through. Indigenous advocacy for Mother Earth is ongoing, yet protections remain an afterthought rather than a priority.





Regulatory Failures & Systemic Issues: The CEPA amendment excluded Indigenous input. Discussions occur, but Indigenous perspectives are not reflected in policy. Despite repeated guidance from Indigenous Nations, government action remains insufficient. There is no effective mechanism to address environmental harm when regulations are broken.



Public vs. Indigenous Interests: "Public interest" often disregards Indigenous interests, yet Indigenous-led solutions benefit everyone. The government must define its baseline for environmental and social protections—pre-contact conditions should be the true benchmark.



Red Tape & Protection: While excessive bureaucracy exists, stronger environmental protections are still needed. Indigenous Nations lack the ability to manage resources directly, yet the government continues to fail in its role.

Further notes about the Right to Healthy Environment have been appended to this report.

Environmental Justice

The Environmental Justice breakout session was repeated daily by officials from Environment and Climate Change Canada currently leading on policy development related to the National Strategy Respecting Environmental Racism and Environmental Justice (the Act0, as well as Gender-Based Analysis Plus. The sessions were designed to provide multiple opportunities to learn about this federal initiative including next steps arising from the Act, considerations of implications and opportunities related to Indigenous rights, and to provide preliminary feedback on strategic framing and ongoing engagement of Indigenous Peoples. These notes combined reflections and feedback from all Gathering days. A summary report will also be posted on enviroequity.ca reflecting perspectives and key insights shared during the sessions.

Given the passage of Bill C-226, the National Strategy Respecting Environmental Racism and Environmental Justice Act, officials from Environment and Climate Change Canada would like to outline the next steps arising from the bill and discuss early perspectives on environmental racism and environmental justice.

This includes discussion of initial framing around the concepts of environmental racism and environmental justice for a national strategy, consideration of implications and opportunities related to Indigenous rights, and seeking preliminary feedback from Line Wide participants around strategic framing and ongoing engagement of Indigenous Peoples.



Key themes from the discussions include:



Environmental Racism as a Place-Based Issue: This is not a new concept but rather a call to build on existing knowledge and solutions. Environmental decisions often ignore Indigenous voices, impacting communities beyond the immediate project area.



Legislative & Systemic Change: Efforts to pass Bill C-226 are in the early stages, aiming to address environmental racism through federal policy. A sustainable, funded Indigenous monitoring program is needed beyond project-specific approaches. Existing frameworks, like the MMIWG2S+ Calls for Justice, should inform strategies addressing environmental and economic racism.



Early & Continuous Indigenous Involvement: Indigenous communities must be engaged from the planning stage, not after decisions are made. Local liaisons should be involved throughout projects to ensure place-based knowledge guides decision-making. Site visits before, during, and after projects should be regulated.



Improving Consultation & Communication: Proponents and regulators must communicate early and often, ensuring they engage the right representatives. Provincial, territorial, and local governments currently have no obligation to engage—this must change. Consultation should be broad and ongoing, avoiding overburdening select Nations while including as many as possible.





Regulatory & Oversight Gaps: The Canada Energy Regulator (CER) and other regulatory bodies must take a more active role in oversight and mitigation. A separate forum (e.g., IAMC-TMX) is needed to ensure ongoing Indigenous input beyond CER oversight. Concern exists that new strategies lack enforcement— implementation must have real consequences.



Jurisdictional Challenges & Intersections: The Alberta Sovereignty Act and Alberta Energy Corporation raise concerns about federal, provincial, and local jurisdictional conflicts. Urbanized areas need consideration—how does environmental racism intersect with city development and Indigenous communities in those spaces?



Holistic & Inclusive Decision-Making: Decisions must consider impacts beyond immediate project areas—what happens in one region affects others. Current processes lack a holistic approach; for example, the LNG project was approved despite known irreversible damage. Mechanisms for ongoing Indigenous participation, separate from project proponents, must be established.

Further notes about the Environmental Justice sessions have been appended to this report.





T'Sou-ke First Nation Presentation: Integrating Marine Capacity into the Path Forward

The final plenary session of Day One was a presentation from Hya-Quatcha Gordon Planes from T'Sou-ke Nation and Ryan Chamberland the T'Sou-ke Nation Marine Environmental Manager. Gordon and Ryan discussed T'Sou-Ke Nation's building of capacity in spill response, environmental monitoring and stewardship and learnings or insights to be shared with others.

Insights, learnings and updated shared by the presenters included:



*What now, what next?
Integrating Marine Capacity into the Path Forward.*



Building a team able to work in the marine and terrestrial environments from environmental response, monitoring and fisheries stewardship.



Utilizing available technology such as airborne LiDAR collection of areas of interest in territory with density (shorelines, creeks, rivers) and multi-beam and side-scan sonar data sets in marine areas of interest. Collection in community and abroad creating a library of paper and digital charts, maps, photographs and historical records.



Additional updates from the work within the Nation included procurement of two new vessels 27' and 30' with cabins and Nation back decks suited for west coast marine operations. Designing Spill Preparedness and Response Exercise SNEKE 2022 with Canadian Coast Guard, Transport Canada, Navy and First Nations in attendance. Supported Unified Command in response to MV ZIM KINGSTON fire.



Training in advanced RPAS ops, ESRI and CPIIR GIS platform, and detailed mapping techniques.



CCG - CPIIR (Communications Portal for Integrated Incident Response) National CCG Project in partnership with First Nation's to create a tool to streamline marine environmental responses and issues by developing an 'App' to streamline and strengthen this process utilizing not only a new platform but be functional while in the office or on a vessel.

Day Two: November 14, 2024

Participants had the opportunity to listen to updates and engage with the Indigenous Monitoring and Emergency Management Subcommittees. An Informative panel discussion on Action Plan Measure 34 (APM 34) to set the context for Day Three was provided and a presentation on an example of Indigenous leadership decision-making model were offered, building on the discussions from Day One.



Illustration by **Patricia McDougall** | www.fuselight.com

Indigenous Monitoring Subcommittee (IMSC)

Martin Whitney and Chief Marcel Shackelly Co-Chairs of the IMS provided an update to attendees about the work of IMSC over the past year. This included a Monitoring 'Boots on the Ground' operational update - strategic training report, regulatory field inspections report and post-construction effectiveness evaluation and community priorities, including socioeconomic and wellbeing intersections and collaboration with the MMIWG2S+ Circle.

Learnings, insights from the Monitors were shared and the 2024 Honouring Ceremony for Monitors was highlighted. AB Consulting was recently hired to continue its community capacity building work - with current focused on communities in the Mid-Fraser/Thompson, BC Interior and Okanagan regions.

Communities and collaborators in these areas (or others) were and are invited to connect with the IMSC team.



Honouring Ceremony for Indigenous Monitors (2024)
Photo credit **Mary Fowles**



Support for relevant emergency response training for Indigenous Monitors is a priority alongside continuing to host emergency management workshops in the regions and conducting surveys to better understand community needs and interests in this space.

A series of questions were posed to audience members that invited reflection and sharing about priorities for Indigenous monitors, enhanced inclusion of Elders and youth and monitoring-related impacts from recent construction phases.

Key themes from the IMSC Breakout session and Slido include:



Sustained Funding & Capacity Building: Continuous funding is essential to maintain and expand existing projects. Training and mentoring younger monitors should be a priority for long-term sustainability.



Community-Driven Knowledge & Engagement: Elders, hunters, trappers, and knowledge keepers must be involved in environmental decision-making. Indigenous knowledge and Western science should both inform baseline data collection. Understanding ancestral landmarks, cultural sites, and cumulative environmental impacts is crucial.



Environmental Protection & Monitoring: Protection of waterways, marine stewardship, and regulatory compliance must be prioritized. Increased vessel traffic and coastal erosion threaten sacred sites and marine ecosystems. Oil spill response training and aquaculture protection are critical for food security and economic sustainability.



Cultural Heritage & Archaeological Protection: Safeguarding archaeological sites and repatriating ancestral remains are key concerns. The preservation of sacred lands, biodiversity, and traditional medicines must be integrated into environmental planning.



Jurisdictional & Territorial Understanding: More research is needed on Indigenous territorial boundaries to facilitate better knowledge transfer between communities. Small communities with limited resources require additional support for environmental stewardship.



Lessons from Past & Current Projects: Learning from previous experiences will improve preparedness for future large-scale projects. Proper protocols and engagement with impacted communities must be followed from the outset.





Key themes underscore the need for long-term investment in Indigenous-led environmental stewardship, ensuring that cultural and ecological values remain at the forefront.

Further notes from the breakout session for the Indigenous Monitors Subcommittee and Slido questions have been appended to this report.

Emergency Management Subcommittee (EMSC)



Tina Donald, Chair of the EMSC provided an overview of activities and work since the last Line Wide Gathering and plans for the current year.

The EMSC have hosted a series of workshops in Alberta, Interior BC and the Fraser Valley region focused on building community capacity in

emergency management. Tina further discussed the all-hazards approach to emergency management involving enhanced Indigenous inclusion, improving community preparedness and engagement related to emergency management and the informing policy development. A contractor has been hired by EMSC to support work with communities to undertake community risk assessments, update or develop their community emergency management plans and provide training. The Subcommittee meets monthly and is interested in recruiting new members.

The Subcommittee identified the importance of learning more about community priorities and challenges in an emergency management context, from preparedness through recovery. Tina shared a series of questions designed to facilitate discussion about Communities current emergency and incident response programs, examples of active / current threats and risks, and resources that would empower comprehensive participation and response. Participants were asked to consider their most recent experience related to an emergency event and community response and participation and share this with others in the breakout room.

Notes from the Day Two Morning Emergency Management breakout session have been appended to this report.



Photo Credit **Brendan Rogers**



Government Panel – Action Plan Measure 34 (APM 34): Setting the Context

The [Action Plan Measure 34](#) (APM 34) Context Setting panel included Genevieve Carr, Executive Vice-President, Transparency and Strategic Engagement at the CER and Kimberly Lavoie, Assistant Deputy Minister, Natural Resources Canada. APM 34 commits to 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 CER. Steps to achieve these objectives include:

1. Develop new regulations for the Minister of NRCan to enter into arrangements with Indigenous governing bodies to exercise specific powers, duties, and functions related to the CER Act;
2. Amend CER Onshore Pipeline Regulations and Filing Manuals in a manner that incorporates Indigenous laws, policies, and knowledge, strengthens measures to prevent and address impacts to rights and interests;
3. Integrate learnings and align existing structures and relationships into a new systemic model which enhances Indigenous Peoples' involvement in the oversight of CER-regulated infrastructure; and
4. Work with Indigenous Peoples to identify and take measures needed to support Indigenous decision-making institutions to exercise regulatory authority on certain matters.

(UNDA Action Plan, 2023)

This session addressed how APM 34 is meant to become a tool for Indigenous Nations to exercise regulatory authority over resource project activities (currently regulated by the CER) within their own lands and territories. The panelists affirmed APM 34 is currently being prioritized by the CER and NRCan, and it was co-developed with the IAMC-TMX. It was also mentioned that the implementation of the UNDA and its Action Plan is a whole of government responsibility.





The session reiterated key components of APM 34:

» The first component relates to the development of Indigenous Ministerial Arrangements Regulations (IMARs) and is led by NRCan. IMARs comes from provisions set out under the CER Act and more specifically Sections 77-78. (as part of Bill C69 which enacted both the Canadian Energy Regulator Act the Impact Assessment Act).

- The Indigenous Ministerial Arrangements Regulations (IMARs) are stipulated in the CER Act under sections 77 and 78. Section 77 provides:

“If regulations are made under section 78, the Minister may, in accordance with those regulations, enter into arrangements with Indigenous governing bodies for carrying out the purposes of this Act and may authorize any Indigenous governing body with whom an arrangement is entered into to exercise the powers or perform the duties and functions under this Act that are specified in the arrangement.”

» While this falls under the CER Act, NRCan is leading this section of the Action Plan due to the ministerial arrangements that will be negotiated with the Minister of NRCan.

- More information on this initiative and upcoming engagements can be found here: [Proposed Indigenous Ministerial Arrangements](#)
- For additional information on IMARs or to submit comments in writing, please send an email to: Indigenous Ministerial Arrangements Regulations – Règlement sur les accords ministériels autochtones
Email: imar-rama@nrcan-rncan.gc.ca

Questions and comments from the audience invited reflection on MMIWG2S+ intersections which speaks to how the land is taken care of (or not). Concerns shared by the Communities were reiterated – governments need to not only listen but mobilize to address impacts that continue to happen daily. Indigenous languages were identified as a gap in discussion – “there are different language-speaking First Nations peoples sitting in this room and that needs to be recognized. When you are doing any type of framework or workplan you need to acknowledge those languages as we are connected to mother earth with our languages.”

On the second element of APM 34 which is specific to amending the CER’s Onshore Pipeline Regulations (OPR) and Filing Manuals, the OPR were acknowledged as not currently going far enough to tell industry enough about the expectations of industry. As OPR regulations are designed, and the need to be reflective of how these are regulated into the future – there will be fewer of the conditions because the changes and expectations will be captured in the actual regulations. Ideally it will be less conditions and becomes common practice across industries as in ‘raising the bar’.



Compliance verification was also discussed during this session. It was further noted that within the IAMC-TMX there is the depth of understanding and knowledge about how the CER regulates because of the close work that the Committee has undertaken with its partners. In turn, it was recognized that this Committee is best placed to help become better at how regulation is done. The obligation to ensure this is done in consultation and cooperation with Indigenous peoples across the country was affirmed.

The session concluded with an offering central to the reason for gathering: “we are talking about the art of the possibility here, and that’s exciting space to be in. It’s not every day that we get an opportunity to co-create something new”.

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“The Indigenous Ministerial Arrangements in the CER Act allows for the potential of an indigenous decision-making institution– basically, forming an Indigenous regulator. What that looks like and how it’s established remains to be seen. It’s exciting, but it’s also a bit scary as the federal government is not known for wanting to give up its jurisdiction so readily. The CER has taken huge steps around indigenous inclusion and is walking this path with NRCan, the IAMC Indigenous Caucus and with indigenous communities’ writ large. This is a very exciting, collaborative, and developmental space.”

Kimberly Lavoie, Line Wide 2024

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From Presentation: Timeline of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP):



2007

2007: UNDRIP adopted by the United Nations General Assembly



Dec 3, 2020

Bill C-15: the Minister of Justice and Attorney General of Canada, with support from the Minister of Crown-Indigenous Relations, introduced Bill C-15, An Act respecting the United Nations Declaration on the Rights of Indigenous Peoples. Government of Canada's commitment to introduce legislation to advance implementation of the United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) before the end of 2020. It also responds to the Truth and Reconciliation Commission's Calls to Action 43 and 44 and to the National Inquiry into Missing and Murdered Indigenous Women and Girls (MMIWG) Calls for Justice).



June 21, 2021

The United Nations Declaration on the Rights of Indigenous Peoples Act (the Act) received Royal Assent and came into force. Under the Act, the Government of Canada must work in consultation and cooperation with Indigenous peoples, to:

- » Take all measures necessary to ensure the laws of Canada are consistent with the United Nations Declaration on the Rights of Indigenous Peoples (the UN Declaration)
- » Prepare and implement an action plan to achieve the objectives of the UN Declaration
- » Develop annual reports on progress and submit them to Parliament (UN Declaration Act/About UNDRIPA)



December 2021 – March 2023

Justice Canada conducted a two-phased consultation process to identify priorities and potential measure in order to develop a draft action plan (What We Learned To-Date Report)



June 21, 2023

exactly two years after the UN Declaration Act was passed into law, a draft Action Plan was released (UNDA Action Plan)





Stó: lō Heritage Policy: An Example of Indigenous Decision-Making

Tribal Chief Tyrone McNeil and Ray Cardinal drew on and discussed Indigenous perspectives about the implementation of Action Plan Measure 34 and examining Indigenous decision-making drawing on learnings from the Stó: lō Heritage Policy⁶.

Tyrone and Ray invited participants to think boldly – to think transformative action, not incremental. With recent conversations about APM 34 so far, it is critical to consider what is interconnected and co-dependent and draw on the UN Declaration Act as a necessary legal change tool. It was noted that Federal departments looking to implement APM 34 really need to spend the time to talk with us about what participation and oversight look like – “it must go to be beyond what we’ve done with Trans Mountain over the last seven or eight years. There needs to be more work done by all the regulators, federally and provincially to modify their behavior around regulation to fully incorporate the Articles of the Declaration”.

Comments from the audience reflected the importance of consideration to Indigenous worldview/values needing to be embedded and movement towards an Independent Indigenous regulator – rights holders need to be focus – inform, educate, and position for decision-making. Indigenous inclusion is pertinent – must inform early decisions to make sure Indigenous rights are properly referenced in the early stages of the decisions. That will lessen the work in the later stages of the project development.

It was affirmed that what is important to Indigenous communities must be at the forefront (priority areas); regulators need to do a better job managing these areas and be responsive to

Indigenous Ministerial Arrangement Regulations (IMARs) – ‘oversight’ of what is important to each Nation. Stó:lo heritage policy was presented as an example of what is being used in a ‘regulatory’ context. Indigenous language was reiterated as central to organizing and collectively responding through shared ways of being, laws, protocols, practices and knowledge- systems.

Thinking ahead to the OPR/FM workshop scheduled on Day 3, there was a need to consider how the heritage policy has foundations that can be meaningfully included to shift the way business is done.

The OPR review is an opportunity to put in Indigenous specific regulations. Sentiments were shared that Indigenous-focused inspections and activities such as audits and inspections around issues that are important and a priority to our communities are not currently within the structure of the CER but there is an opportunity to make that shift. Element 3 of APM 34, which speaks to the development of a systemic model, could help enhance Indigenous people’s involvement in compliance and oversight over the life cycle, design, construction, operation and abandonment of CER regulated infrastructure, the model should integrate learnings from existing structures and relationships. Further insights from SLIDO questions posed during this session to audience members are included in the appendices of this report.

⁶ <https://thetsa.ca/wp-content/uploads/2020/01/Stolo-heritage-Policy.pdf>





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"In the Stó:lō tradition it is the ceremonial Elders leading this work. Each community needs to take its time and think about what would suits its needs best. But the Stó:lō policy can be a guide for the development of other such policies."

Tribal Chief Tyronne McNeil

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"There's a need for this work to be progressive and transformative. Implementing the Declaration requires moving beyond what we're doing now, not just take small, incremental change. We need to be transformative in the work that we do. We need to honor the vision of the heart of the UN and to work to build on and exceed what we're doing now."

Ray Cardinal

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"Our Elders have told us we've been here for 1000s of generations. The Fraser River itself has moved from mountain to mountain, north and south, through the Fraser Valley multiple times in that time frame. We moved about our territory freely, and we died there as well. We were born from the land, and when we died, we returned to the land. This is acknowledged within the heritage policy and as such of its key aspects is respect. No matter where you walk on S'ólh Téméxw it's our ancestors in the soil, in the rocks, in the trees, in the fish."

Tribal Chief Tyronne McNeil

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"An academic study in Australia looked at 50 different plans that set out to incorporate indigenous knowledge. Upon review, they were not able to identify a single part of any plan where indigenous knowledge was incorporated. Inclusion of indigenous knowledge is a talking point, but there are real challenges. There are no manuals or step-by-step guides for regulators to follow. Some of the knowledge that our elders possess are not issues we would share openly. Real thought needs to be given to how to do this differently, how to do this better."

Ray Cardinal

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Panel: Going Forward Together – IAMC-TMX, Trans Mountain, CER



Photo Credit Brendan Rogers

Tribal Chief Tyrone hosted Rob Van Walleghem, Chief Legal and Indigenous Affairs Officer at Trans Mountain Corporation and Tracy Sletto, Chief Executive Officer CER on a panel discussion focused on what now, what next. The fireside cultivated opportunities to explore topics including the safety of pipelines, and shared priorities for collaboration and relationship-building.

Panelists shared their perspectives on the roles of their respective organizations in the TMX pipeline operations (post-construction phase). The CER

confirmed that it remains committed to oversight of the project, and supportive of changing conversations toward potential systemic model approaches that would include the Indigenous Involvement and the protection of Indigenous rights guided by the UN Declaration Act. Free, Prior, Informed, Consent was recognized as not yet being where it needs to be and the importance of co-development and co-design through relationships, as being necessary to have policies and practices that are rooted in experience and best practices.





Illustration by **Patricia McDougall** | www.fuselight.com

Relationship building was identified as a focus for Trans Mountain to enhance collaborative problem solving and responsiveness. As the transition to operations continues, Trans Mountain discussed intention to emphasize relationship further and recognize and collaborate to mitigate impacts such as decline of economic opportunities.

APM 34 was introduced by Tyrone in the context of needing to ensure the safety and advancement of Indigenous rights and setting priorities collaboratively to ensure transparency and knowledge sharing. For example, Trans Mountain needs to come to Indigenous Community meetings prepared – knowing what is needed, and a request was also made to improve reporting by the Company. Tracy confirmed that continued joint monitoring through the IAMC's Indigenous Monitoring Program for upcoming inspections, will continue, with prioritizing of high-risk operations, safety, and oversight.

Rob shared that Trans Mountain will be releasing a Reconciliation plan that includes a matrix for maintain and growing relationships and increasing procurement outcomes. Internal cultivation of a culture that aligns to what was shared today, is an important aspect of building trust and sustaining collaboration beyond staffing changes within the organization.

Tribal Chief Tyrone concluded the session by asking Tracy and Rob where they see themselves in this work ten years from now. Tracy Sletto emphasized that with the implementation of APM 34, the conversations will need to evolve. Rob expressed his hope to look back and see that the work was done well and in a good way.



Day Two Breakout Sessions: Afternoon

Right to Healthy Environment, Environmental Justice, and Elder Fireside Chats were hosted as breakout options for attendees, along with the Onshore Pipeline Regulations and Filing Manual Prep session.

Onshore Pipeline Regulations and Filing Manual Preparation Conversation

Government Regulatory Discussion: This pre-workshop breakout session focused on Tier 1 discussions to gather Indigenous community perspectives on Onshore Pipeline Regulations (OPR), setting the stage for Day 3. Led by IAMC-TMX, this session provided a platform for participants to share their experiences and insights in an open forum. CER experts were present to address specific questions and clarify regulatory

processes, ensuring a thorough understanding of relevant issues. This collaborative session encouraged active participation and helped to identify key themes and concerns for the upcoming Day 3 discussion on the Onshore Pipeline Regulations and Filing Manuals Update.

Closing Day Two

Closing comments for Day 2 were offered by Joanne and Ray reinforcing the importance a holistic, cross jurisdictional approach that is rooted in Indigenous knowledge and languages. The direction of heading toward an Indigenous Regulator was reinforced with explicit attention to funding to building capacity and ensure Indigenous-led and role of youth is at the forefront.



Illustration by **Mo Dawson** | www.dawsoncreative.com

Day Three: November 15, 2024

This day was focused on the Onshore Pipeline Regulations and Filing Manual. Participants were invited to engage in discussion to provide input and feedback on the changes and revisions required – the framework and approach for the dialogue was through four facilitated scenario questions.

Onshore Pipeline Regulations and Filing Manual

Martin Whitney, Co-Chair of the Indigenous Monitoring Subcommittee, Ray Cardinal, IAMC-TMX Co-Chair and Don Logan from the Canada Energy Regulator led the discussions on the OPR-Filing Manual Project.

"Phase 2 of the OPR and Filing Manual Review is currently underway. This review and re-writing of the regulations will help to create systemic changes within the CER to safeguard Indigenous rights and interests on all the projects that the CER regulates"

Ray Cardinal

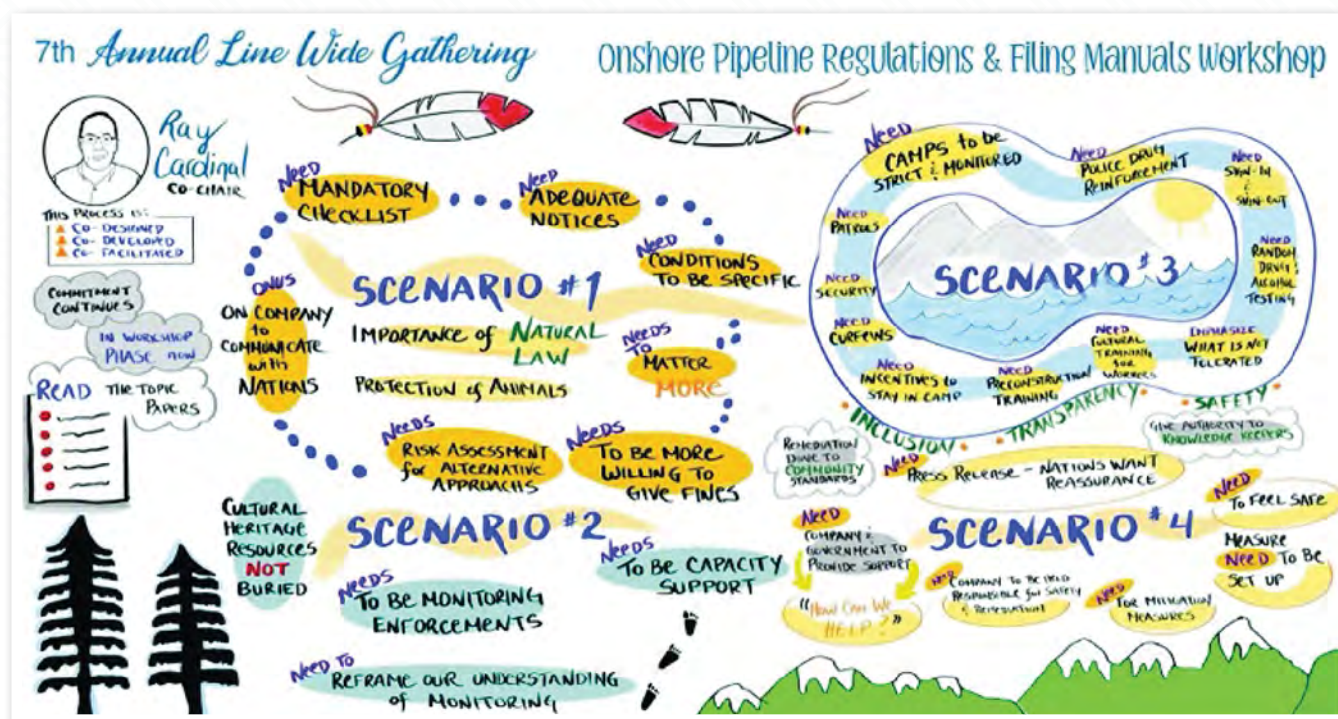


Illustration by Patricia McDougall | www.fuselight.com





Day Three: Concurrent Sessions

Alongside the Onshore Pipeline and Regulations Filing Manual input and feedback session, specific, targeted discussion for Marine leaders and Marine Shipping Subcommittee was offered. Recognizing the importance of offering a space for Elders and for participants to sit with Elders, the Fireside Chat was also offered during the morning of Day Three.

Some of the key messages that emerged out of the Marine Shipping meeting were:

- » **Indigenous Marine Regulatory:** There is a need to establish an independent Indigenous marine Regulatory authority to oversee all shipping activities.
- » **Budget and Funding:** the budget allocated for the MSSC has been limited, and although the IAMC received substantial funding in previous years, there is a call for more support to enhance marine management and incident responsiveness.
- » **Spill Response and Industry Accountability:** Concerns were raised about underfunding in spill response capabilities. There is a pressing need for a feasibility study regarding funding for marine programs, especially since industry stakeholders are not being held accountable effectively.



Closing the 7th Annual Line Wide Gathering

The 7th Annual Line Wide Gathering was closed with a summary of topics and recap of the 2.5 day gathering from Marcia. Joanne and Ray offered acknowledgements and take-aways for the IAMC-TMX and Indigenous Caucus. Next steps (such as the completion and circulation of this report) were confirmed.

Through humour and story, Hal shared closing comments and reiterated messaging of the importance of uplifting Indigenous sovereignty. Hal closed the Gathering in song and prayer, a thank you to the host Nation and an offering a blessing over the food prepared for participants to enjoy together or nourish on their travels home.



Photo Credit **Brendan Rogers**



Appendix A: Slido and Notes from Marine Shipping Subcommittee (MSSC) and Marine Leaders Lunch

Results from MSSC Presentation Questions

The information provided in this section was submitted by participants using the online collaboration tool, Slido. The information included in this section is as it was record. No edits or revisions included.

1. With the TMX Accommodation Measures and initiatives concluding, how confident do you feel you will be able to maintain the programs and capacity that was developed with those funds?

Multiple Choice Poll  44 votes  44 participants

» **A. Very confident** - 4 votes



» **B. Somewhat confident** - 23 votes



» **C. Not confident at all** - 17 votes



2. Do you feel the TMX Accommodation Measures met your Nation's expectations for offsetting the risks of increased tanker traffic and increased potential for spills?

Multiple Choice Poll  43 votes  43 participants

» **A. Very confident** - 0 votes



» **B. Somewhat confident** - 15 votes



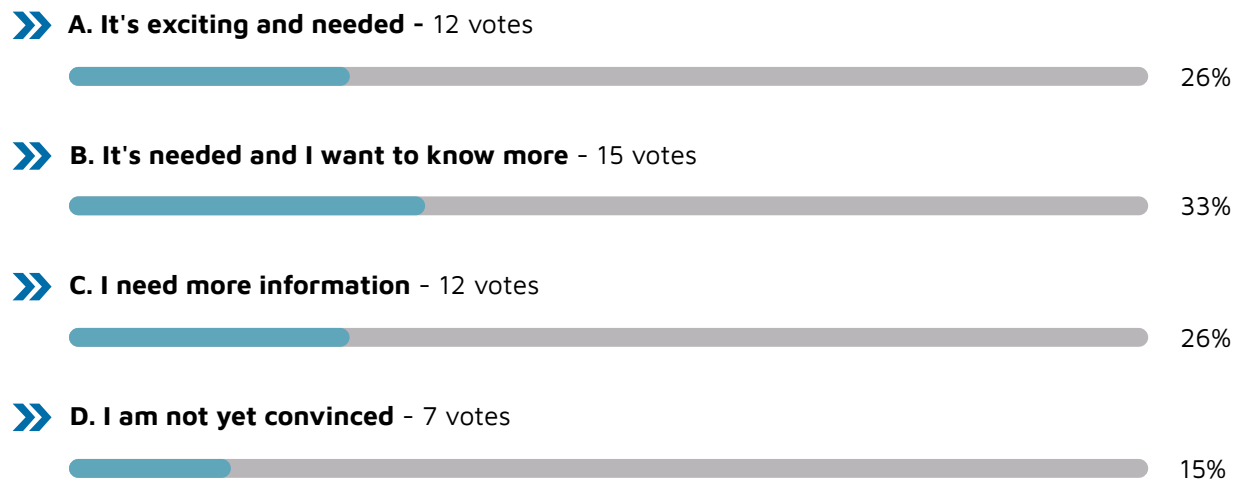
» **C. Not confident at all** - 28 votes





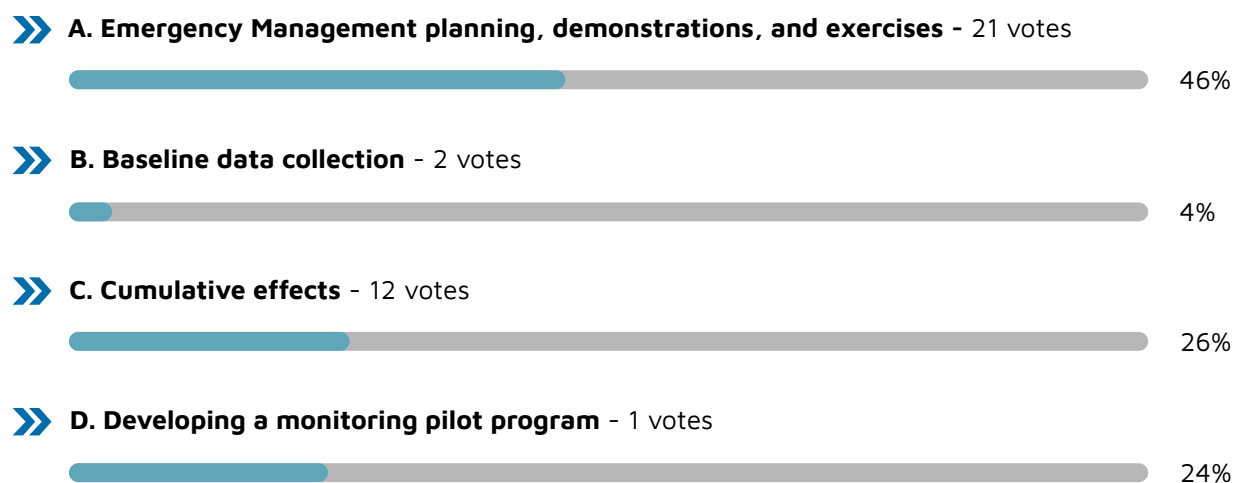
3. What are your initial reactions to the concept of providing a collaborative space for marine communities and federal agencies to work together as presented in the House of Indigenous Ocean Resources?

Multiple Choice Poll  46 votes  46 participants



4. What priorities in emergency management and marine monitoring would you like to see addressed?

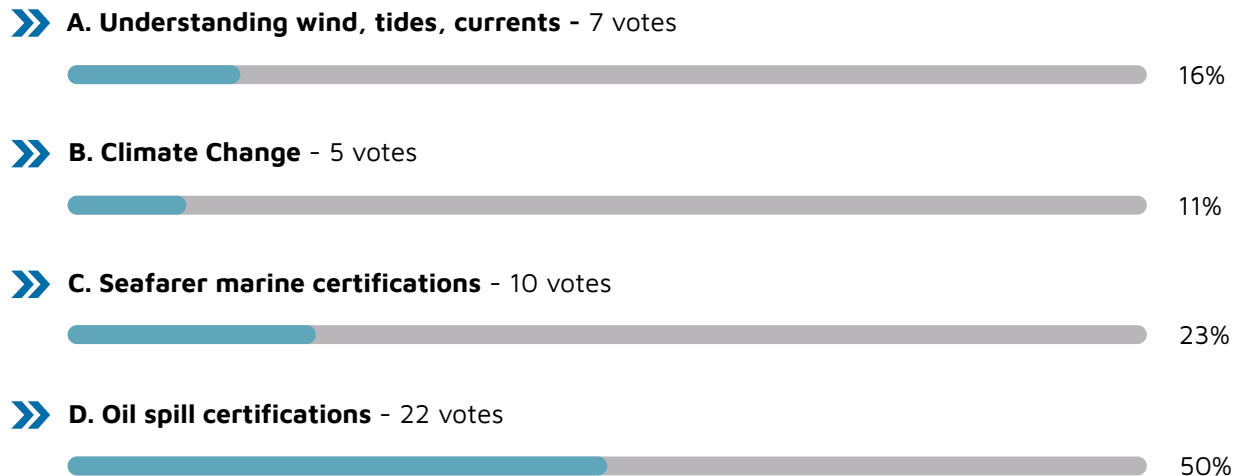
Multiple Choice Poll  46 votes  46 participants





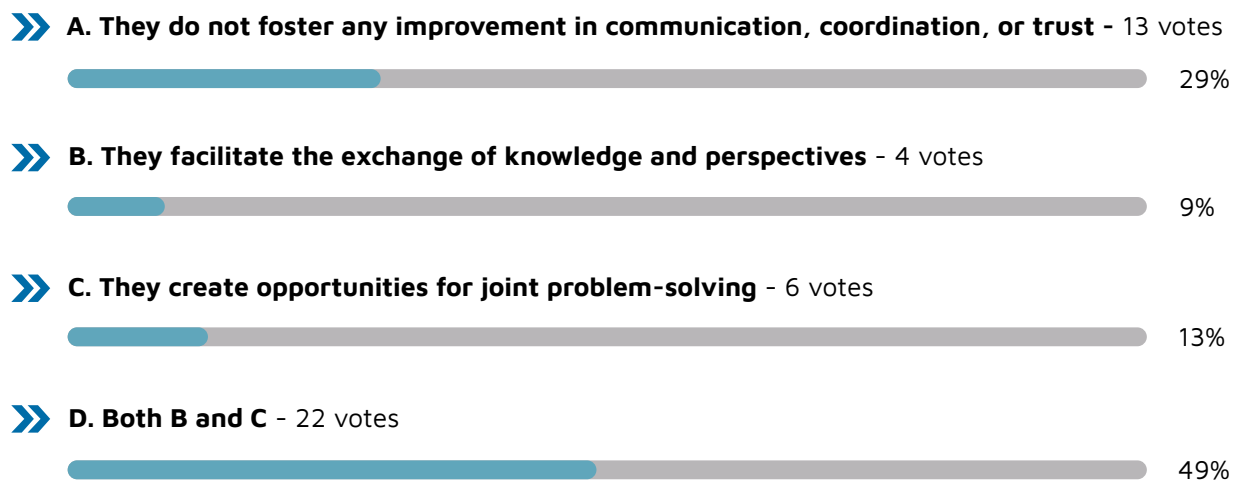
5. As a community member, what training opportunities would you like to see?

Multiple Choice Poll  44 votes  44 participants



6. In what ways do these types of experiential learning opportunities such as WCMRC, Oil spill response training and coast guard, foster improved communication, coordination, and trust between marine stakeholders and government partners?

Multiple Choice Poll  45 votes  45 participants





Marine Leaders Lunch with Arun Thangaraj, Deputy Minister of Transport

The information provided in this section is from notes taken during the Marine leader's lunch with Arun Thangaraj. The lunch was intended to facilitate knowledge sharing and discussion about marine-specific concerns, issues and needs with Transport Canada executive.

Key themes from the conversation included:

- » Uncertainty of the political landscape, potential funding changes and sale of the pipeline, and extension of relevant accountabilities and responsibilities of the owner, were discussed. Concern regarding commentary of repealing UNDRIP challenges trust.
- » While the sale of the pipeline was noted to not be a Transport Canada initiative, it was recognized that opportunities that go along with the sale and it depends on what is built in and required as part of maintaining the pipeline. Arun reinforced that the sustainability of collaboration, capacity to address maintenance, oversight and risk, and response/recovery remains necessary.
- » 'Polluter Pays' concept / principle. Examples and impacts of how this has not been successful was shared – for example in the case of the City of Vancouver's efforts to recover over \$500,000 for spills clean-up⁷. First Nations have had a similarly difficult time recovering costs. There is no guarantee that attending incidents as first responders will include reimbursement – for example, semi-trailer tanker truck that dove into the river when crossing a bridge.
- » The much needed transformative, comprehensive change (worldview, decision-making) remains evident. For example, Terrestrial and Marine incidents are connected – "the Salish Sea is alive and breathing. We want people to understand that the ocean is a not a noun but a verb – a living, breathing entity".
- » Improvements to oversights comes through ongoing dialogue to ensure transparency and awareness of ongoing incidents and to effectively be responsive to these incidents (for example the derailment example shared above). Wide mandate – air, land and sea – tracking of all activities and intersections is needed.
 - There is the Law of the Sea Treaty, for one. The Province also has responsibilities that date back to 1987 which originated in Victoria, BC. And now the United Nations clearly states that there is a responsibility for sustainable development within the marine environment. Nevertheless, I don't see it happening
- » Questions regarding fulsome engagement were raised – to ensure that all the communities are engaged. What is currently in place to ensure member Nations are informed and participating? Examples of Nations who haven't been engaged yet were shared.
- » Lyackson is known as Valdez Island on the map. Flow directly down the Fraser from Lions Gate bridge and are in direct line with the island. Direct line of sight of a spill if one were to occur on the Trans Mountain shipping route and there is much reason for concern.

⁷ <https://www.cbc.ca/news/canada/british-columbia/oil-spill-pay-bc-coast-1.4629073>





- Actively working to engage with Transport Canada to form the Reconciliation Framework Agreement to take back governance and stewardship over our traditional waterways. How can we ensure that leadership is properly informed? Often host activities for partners to attend to engage.
- Arun noted follow-up to not getting the engagement piece right. "If we aren't getting the right coverage and the right kind of engagement, we need to reflect further on what type of engagement would be most effective".

» Another example, trans-boundary First Nation enclosed by US waters. Nation hasn't been able to harvest anything for 70 years because the water is polluted by both American and Canadian cities and municipalities. It's a tiny bay - Nation not able to sustain ourselves or exercise sovereignty with regards to our food due to our location. The only thing we can harvest is crab.

- Our Elders used to say that when the tide went out our table was set; well, we are starving.
- Pollutants come from the US ships as they enter Canadian waters; they dump all their black water and grey water so that they don't have to pay for disposal
- There is nowhere to hunt because it is a metropolis all around us. People are dying in our community at a faster rate than the average in Canada.

» Transfer of jurisdiction over anchorages from Transport Canada to the Vancouver Port Authority. We are very opposed to this. Ten years ago, there were no ships anchored near the island. But it's been steadily increasing.

“

"Our territory is our house, and we are responsible for all living within it."

”

- We have heard complaints from communities about the noise, vibration, lights and the increased impact on marine systems, as well as complaints that there are no time limits set on the anchoring - none of which the communities benefit from.
- Anchorages are a common law right if a ship needs to anchor for safety. But during COVID it started to be used as a mechanism to manage the vessel activity coming in and out of the port. There are ongoing consultations to gather all the perspectives around fishing and ecosystems before a decision is made.
- Anecdotally, anchorages are being used less, even with the labour disruptions at the port. If there's more active management of the port, including the rail side and the vessel side, then the anchorages will not need to be relied on so often.

» Concern shared about emergency management efforts that took place in the wake of a BNSF train derailment in Delta, in November 2023. There was supposed to be a Unified Command activated at the time of the derailment but that never happened.

» BNSF is a US-owned company. The 'polluter-pays' mechanism was difficult to enforce - it has no teeth when it comes to looking after and protecting the environment. We took the initiative to conduct our own Indigenous-led action report in the aftermath of the derailment. All of this points to how important it is for us to have our own Indigenous regulator. We need to work with TC, ECCC and the railway companies so that further catastrophe doesn't happen in our area. Indigenous-led after-action report on BNSF would be very helpful for TC to have.



Appendix B: Slido Results from Socioeconomic Subcommittee (SEC) Session

The information provided in this section was submitted by participants using the online collaboration tool, Slido. The information included in this section is as it was record. No edits or revisions included.

SESC 1a

Multiple Choice Poll  71 votes  71 participants

»» Indigenous community/Nation citizen or leader - 46 votes



»» Government (or government agency) employee - 16 votes



»» Other - 9 votes





(SESC 1b) Rate your sense of how each of the following socioeconomic effects are currently assessed and tracked in resource development projects

Cultural land and resource use (access, tenure)

Multiple Choice Poll  63 votes  63 participants

» 1. Very Poor - 12 votes



» 2. Poor - 21 votes



» 3. Fair - 23 votes



» 4. Good - 6 votes



» 5. Excellent - 1 vote



Business, employment and training

Multiple Choice Poll  63 votes  63 participants

» 1. Very Poor - 4 votes



» 2. Poor - 18 votes



» 3. Fair - 28 votes



» 4. Good - 11 votes



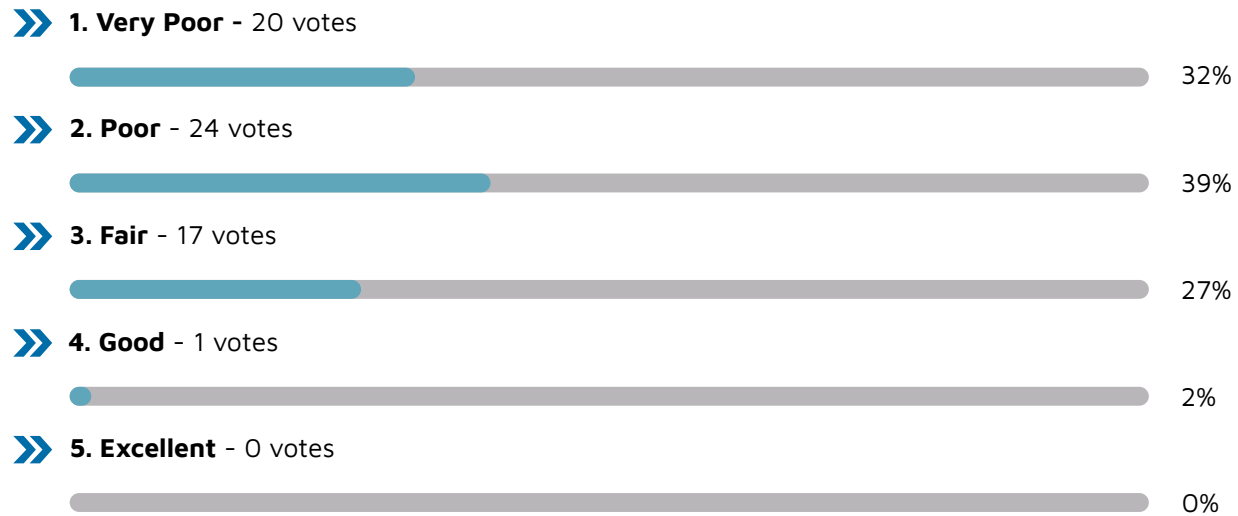
» 5. Excellent - 2 votes





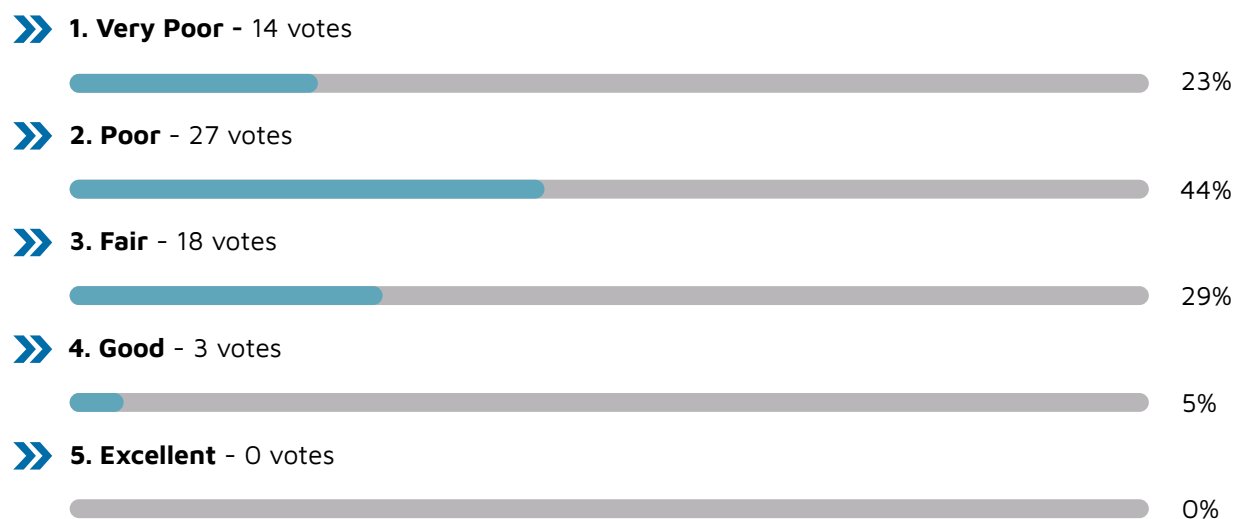
Addictions and mental health impacts

Multiple Choice Poll  62 votes  62 participants



Family disruption or stress due to shift schedules

Multiple Choice Poll  62 votes  62 participants





Traffic impacts

Multiple Choice Poll  62 votes  62 participants

» 1. Very Poor - 7 votes



» 2. Poor - 28 votes



» 3. Fair - 21 votes



» 4. Good - 6 votes



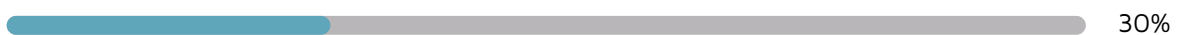
» 5. Excellent - 0 vote



Protection of heritage sites

Multiple Choice Poll  61 votes  61 participants

» 1. Very Poor - 18 votes



» 2. Poor - 24 votes



» 3. Fair - 12 votes



» 4. Good - 6 votes



» 5. Excellent - 1 vote





Social and health service impacts

Multiple Choice Poll  61 votes  61 participants

» 1. Very Poor - 7 votes



» 2. Poor - 34 votes



» 3. Fair - 16 votes



» 4. Good - 4 votes



» 5. Excellent - 0 votes



Impacts to Indigenous women, girls and two-spirit people (incl. sexual violence)

Multiple Choice Poll  62 votes  62 participants

» 1. Very Poor - 23 votes



» 2. Poor - 30 votes



» 3. Fair - 6 votes



» 4. Good - 3 votes



» 5. Excellent - 0 votes





Impacts to Indigenous rights

Multiple Choice Poll  62 votes  62 participants

»» **1. Very Poor** - 18 votes



»» **2. Poor** - 25 votes



»» **3. Fair** - 15 votes



»» **4. Good** - 3 votes



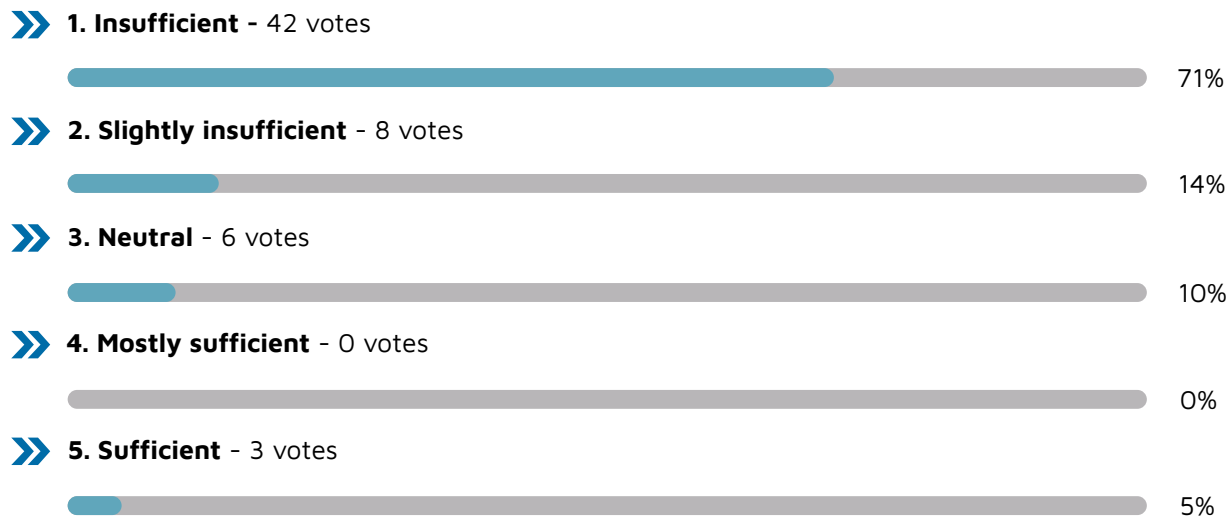
»» **5. Excellent** - 1 vote





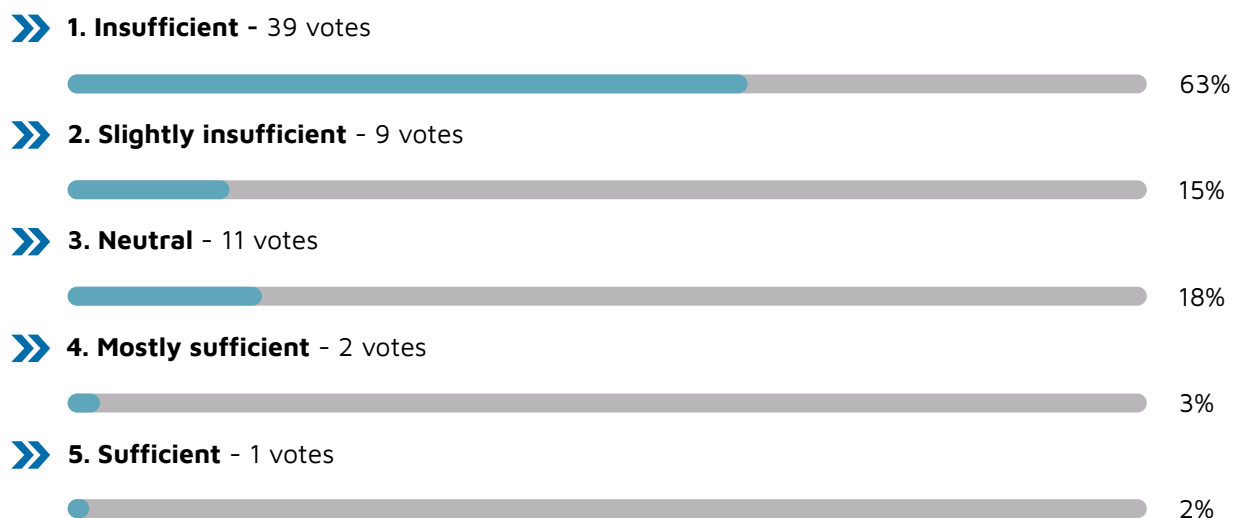
Rate the extent to which you believe that **GENDERED IMPACTS** are currently considered in resource development projects:

Multiple Choice Poll 59 votes 59 participants



Rate the extent to which you believe that **GENDER DIVERSITY** is currently considered in resource development projects:

Multiple Choice Poll 62 votes 62 participants



Appendix C: Notes from Emergency Management Subcommittee (EMSC) Breakout Session

The information in this section responds to questions proposed during the EMSC presentation. Participants responded to these questions by joining the Emergency Management breakout session on Day 2 of the Gathering.

» Q1: Does your community have an emergency management program that can respond to an emergency incident.

- All communities that attended the Breakout session confirmed they have an emergency management program

» Q2: What are the most active or current threats and risks to your community?

- Wildfire, floods, pandemic
- Ensure the ability to get information to a community as quickly as possible
- Ensure the integrity of the communication – i.e. ensure it's a trusted source of information vs hearsay or social media

» Q3: How did your community participate in the response and management in the most recent emergency?

- Know who contact person(s) is or appropriate department

» Q4: What resources would empower your community to respond to emergency incidents?

- Mutual Benefit Agreement with Trans Mountain Corporation
- Funding for fire department to expand and run their facility
- How can we use the services of people in the community who have experience and want to help, but whose certificates have expired? Simpcw has an initial attack crew who are all certified
- Consider Mutual Aid Agreements with neighboring/nearby communities and resources
- Find out what's needed for training and get people ready and trained ahead of an emergency
- Develop mitigation processes to ensure your community is "fire smart"
- Ensure mental health/wellness supports are in place. This may be as simple as supports around the kitchen table or scaled up to Mental Health Counselling services for the community
- Need for loss prevention/recovery. Have a solid response plan, including recovery
- Look to and be aware of provincial supports
- Keep all pertinent contact information for community members up to date and readily available



» **Q4: What resources would empower your community to respond to emergency incidents?** (continued)

- Start with solid risk assessment as a foundational document. The work ahead of an emergency is critically important (preparedness)
- Simpcw is looking at blended insurance/loss coverage
- Work with and learn from neighboring/nearby communities
- Work with licensing bodies (e.g. fishing, hunting) to have a telephone number and contact information on fishing and hunting licenses to report a hazard/spill. Elder Kurt Irwin will connect with EMSC to advance this
- Community members advised to meet and get to know the emergency management team/personnel in their communities
- Indigenous Services Canada has an Emergency Management Unit that can help communities



Appendix D: Slido Results from Indigenous Monitoring Subcommittee (IMSC) Session

The information provided in this section was submitted by participants using the online collaboration tool, Slido. Minor revisions made for grammar and spelling purposes only.

1. What is a priority for your community monitor? For example: arch sites, training, environment, culture, sights of Indigenous significance, activities with high potential of impacts.

Open text poll  30 responses

 30 participants

- Training and continuous funding so we can continue with the projects we have started and want to start
- Training and more dialogue with specific communities. Not just CER information on the site of concern
- Involvement from community elders who hunt trap and gather medicines, why because our elders (KK) have life experiences and knowledge textbooks don't cover
- Taking lessons learned from current and past projects to better prepare for future major projects
- Baseline Data Indigenous knowledge & Western Science
- To learn our perspectives by the elders, understand and acknowledge our ancestral landmarks to access, knowing our cultural understanding of how land and animals are really 1. Cumulative impacts are important when is enough is enough
- All of the above, we are a small community with very little resources
- Anonymous Training, capacity building and monitoring activities with high potential of impacts, with a priority of water protection
- Anonymous Activities with high potential of impacts
- Anonymous Follow proper protocols
- Anonymous To have resources to do more research into where or territory borders others and to be able to create knowledge transfer between communities better
- Anonymous All of the above, especially coastal areas, with increased vessel traffic.
- All the above
- Arch sites



1. What is a priority for your community monitor? For example: arch sites, training, environment, culture, sights of Indigenous significance, activities with high potential of impacts. (continued)

- Our island will be the first hit of all the gulf islands. The entire island is sacred for various reasons. We are most concerned about all of the above
- cultural, arch, indigenous significance, environment, training, then activities with high potential of impacts, in that order
- Training
- Protection of waterways and historic sites
- Repatriation of ancestral remains is really important. Also, biodiversity and environmental remediation.
- Training, environment, culture
- Anonymous Arch site and culture
- Anonymous Protection of unshared archaeological sites, training in oil spill clean-up, protection of our aquaculture areas we use for food and economic development
- Anonymous All of the above. But don't forget species at risk and traditional medicines.
- Anonymous Competency and experience to do your list fulsomely
- Anonymous Environment
- Anonymous Environmental baseline data
- Anonymous Training
- Coastal erosion impacts on sacred sites spill response
- Anonymous Marine stewardship, environmental protection, sites of cultural significance, marine shipping and harvesting regulatory compliance
- Anonymous All the above. Protect our Treaty Territory
- Anonymous At this time in our history I suggest mentoring younger monitors should be priority





2. How can the Indigenous monitoring sub-committee engage youth & elders more effectively?

Open text poll  28 responses

 28 participants

- Anonymous Including them in field days and planning and developing projects. Reaching out to schools and show them some of the work that is involved in monitoring
- Anonymous In community meetings or interactions
- Anonymous By bringing Knowledge Keepers (elders) to the table to offer their educational skills to the youth. Indigenous learning is more hands-on experience rather than relying on textbooks alone
- Anonymous Host interactive gathering for youth to learn about the roles and responsibilities of Indigenous Monitors i.e.: mimic an inspection by walking outdoors and identifying environmental and cultural/arch features
- Anonymous Mentorship co-ordination
- Anonymous Reach out to them. I'm sure each nation has a youth coordinator. Encourage DON'T discourage
- Anonymous Start coming to individual bands, start introducing them at high schools or post-secondary
- Anonymous Work to transfer knowledge from terrestrial to marine. Better notice of events and improved sharing and communication
- Anonymous Increased site visits
- Kaella Get more young people trained to become monitors
- Anonymous Come visit us
- Anonymous Get to know who we are go to coastal communities
- Anonymous Elder and youth teaching/learning activities. Knowledge sharing opportunities to learn off the land
- Anonymous Visit some of the hub communities and invite surrounding communities
- Anonymous Start bringing our information to the schools and creating weekend experiences. Sharing of stories and activities with the elders
- Anonymous Monitoring is a part time job. To have monitors to stay is by paying them to stay on
- Anonymous Do presentations to communities
- Anonymous Protocols, Invitations
- Anonymous Reach out to the Leadership of each community to ask how to engage with their Elders and youth



2. How can the Indigenous monitoring sub-committee engage youth & elders more effectively? (continued)

- Anonymous Invitation
- Anonymous Work to transfer knowledge from terrestrial to marine. Also, better notice of events and improved sharing and communication
- Anonymous More jobs
- Anonymous Keep them involved and keep them updated
- Anonymous Specially convened gatherings, retreats to the land with knowledge transfer incorporated in both
- Anonymous Community update gathering
- Anonymous More funding to communities to participate
- Anonymous Elder and youth Gatherings
- Anonymous Create more spaces for Elders and youth knowledge sharing Creative ways to engage youth
- Anonymous Go directly to the community. Capacity funding to hold youth and Elders meetings regarding this initiative





3. What types of Impacts has your community experienced from the construction phase of the project?

Open text poll  22 responses

 22 participants

- Anonymous More on the environment with the disturbance of lands and waters which affect wildlife in general
- Anonymous Negative impacts of IFRs to fish bearing watercourses. The financial support received from the Company may have provided a temporary employment opportunity for a community member but doesn't compensate for loss of valuable resources
- Anonymous Disappointment with our community not being recognized or acknowledged in terms of training, opportunities. You can't take and not put back
- Anonymous Mostly administrative
- Anonymous Nothing yet
- Anonymous Losing medicines
- Anonymous We are on Vancouver Island and will be negatively impacted should a spill occur
- Anonymous We have had historic trails damage, little to no support for furthering the discovery of artifacts
- Anonymous Economically we had jobs, ground impacts ensuring our medicine, plants, berries, animals, to ensure the land is original not foreign plants, etc. Engagement
- Anonymous Increased marine traffic and noise
- Anonymous Traffic and noise. Development company acquired several contracts
- Anonymous Not directly. The administration side has been challenging, due to the high-volume of referrals we have received on this project. We only have one person who works in this area, and we receive an average of 50 referrals per week
- Anonymous Ground disturbances
- Anonymous N/A (Marine, our effects are operational)
- Anonymous Creating a divide within our community regarding the TMX project's environmental degradation and marine shipping impacts
- Anonymous Loss of land use, harvesting etc.
- Anonymous In flux of workers, housing shortages, housing price increases
- Anonymous Our ancestral lands have been impacted. Vegetation does not grow along right of way. Animals are not coming back. Lands n vegetation not being reclaimed properly
- Anonymous Negative environmental impacts
- Anonymous Tanker traffic effects our way of life
- Anonymous Too many track outs and spills
- Anonymous Direct and indirect

Appendix E: Slido Results from Action Plan Measure 34 Context Setting Session

The information provided in this section was submitted by participants using the online collaboration tool, Slido. Minor revisions made for grammar and spelling purposes only.

(APM34) How might we position ourselves (Federal government, First Nations Métis and Inuit partners) to begin the journey towards supporting Indigenous governing bodies or the establishment of new Indigenous decision-making institutions to exercise regulatory authority on projects/matters regulated by the CER? - What resources are needed? Who needs to be at the table? - How do we start?

Open text poll  38 responses  30 participants

- Anonymous Why is the CER handpicking individuals to speak to about the shape of APM 34? Our Nation never got the memo about the opportunity to be involved. This is just all wrong
- Anonymous Properly recognizing and supporting FN autonomy and sovereign decision making. Capacity funding and reciprocity of learning; there is a change of world view sometimes between FN let alone FN to crown
- Anonymous The APM leadership representatives do not "represent" any or most of the sovereign Nations here. CER must re-think the current approach. We need our own leaders at the table from the beginning otherwise this process is as colonial as the ones that got us here
- Anonymous Incorporation of Indigenous language revitalization is critical as our languages contain instructions on how to govern in a good way. Resources for our governing systems to be fluent are necessary. Effort from federal and provincial servants to learn language is necessary
- Wildcat ECN Capacity funds Chiefs Consultation directors Land users Researchers technicians to meet Understand treaty and rights of all indigenous peoples Let's talk about resource sharing
- Anonymous Respect legal precedent in decision making activities related to the recognition of our knowledge and legal traditions in court
- Anonymous Of course funding is always an issue to bring people together. All indigenous groups should be at the table by being invited first. Then experienced people from these groups should be consulted
- Anonymous Capacity. Money. Government. Communication
- Anonymous Collaborative approach Funding is needed Appropriate staff is needed Capacity funding and capacity training
- Anonymous Funding to create proper agreements with nations. The technical team and leadership To have an understanding with Nations to Nation. Understand Treaty and Treaty laws





(APM34) How might we position ourselves to begin the journey towards supporting Indigenous governing bodies or the establishment of new Indigenous decision-making institutions to exercise regulatory authority on projects/matters regulated by the CER? - (continued)

- Anonymous Capacity funding, technical staff as well as political decision makers, extend an invitation providing information in simple language that can be understood universally
- Anonymous Capacity funding for planning events and future infrastructure. Consultation directors along with C&C need to be at the table. Start by talking with consultation directors to see where things are lacking and ask for a call out to who would like to participate in this planning
- Anonymous Funding!
- Anonymous Time, industry will always move, but when it comes to communities, they need time and transparency... capacity funding... g2g can come after making sure our people are being heard
- Anonymous It is important to risk manage indigenous identity fraud. Pretendians have no place at the decision-making table and that risk must be mitigated, it is a crime.
- Anonymous set over-arching body, that recognizes both sub-bodies and individual authorities. Resources: develop training, both technical and at the leadership level related to the authority parameters, and sufficient resourcing for capacity development, and for capacity sustainability, Table attendees: Leadership and technical support, Start: the same way you started the NEB, CER, but with the indigenous; and the indigenous training, What else is necessary: ensure that the authority parameters address indigenous holistic worldview
- Anonymous Funding Breakout Indigenous groups, (AB, interior, lower Fraser and marine), to be able to work together, support each other
- Anonymous Rights holders fully resourced. Reach out directly to Nations
- Anonymous Face to face engagement with the community. Follow up with feedback and inquiries when sending out updates and project matters, ensure the community has been engaged and has properly responded
- Anonymous Participation funding, invite modern day treaty partners, we start with early engagement and often
- Anonymous Respect legal traditions like connecting with leadership in lodges and in ceremony when invited
- Anonymous IAMC-TMX are not Indigenous governing bodies. The idea of a Council vs. a Committee is incredibly important at the earliest stages. The current leadership group selected by CER simply cannot advise in the place of actual representative governments



(APM34) How might we position ourselves to begin the journey towards supporting Indigenous governing bodies or the establishment of new Indigenous decision-making institutions to exercise regulatory authority on projects/matters regulated by the CER? (continued)

- Anonymous -Financial support, to fund community engagement. - All communities impacted, and all those members involved -reaching out to all communities and seeking advice
- Anonymous Long-term Funding!
- Anonymous Understand that our laws and regulations be supported by CER. Elders, youth, leaders, and Government officials who need to hear the issues
- Anonymous Talking to all tribes that could and will be affected. What are the concerns to all members. What resources do they need including financial support
- Anonymous Funding for resources needed Government and indigenous leadership at the table We start by calling on all Nations to have buy in
- Anonymous Elder and knowledge keeper involvement which includes the youth perspective
- Anonymous Community members representative at the table
- Anonymous Capacity funding
- Anonymous Visit the community and do workshop 101
- Anonymous Government needs to engage with First Nations
- Anonymous Funding
- Anonymous Making IAMCs the standard as a mechanism for communities and nations to make their own decisions. Across Canada
- Anonymous Focusing on relationship building
- Anonymous FUNDING!!! Everyone needs to be at the table - from youth to elders. Reach out to every nation!!!!
- Anonymous All nations/tribes need to work together
- Kaella Early inclusion. Ensuring much of the work is Indigenous led
- Anonymous IAMC are not Indigenous governing bodies. The idea of a Council vs. a Committee is incredibly important at the earliest stages. The current leadership group selected by CER simply cannot advise in the place of actual representative governments



Appendix F: Slido results from Stó:lō Heritage Policy Example of Indigenous Decision Making

What are community priorities in transitioning to operations?

Open text poll  12 responses

 12 participants

- Anonymous We have at least 100 other priorities that take precedence over TMX operations. However, it is important to us. We haven't had time to focus on this particular project and have had our technician's gathering information and reporting back. Our Leadership is already working 10 -15 hours per day
- Anonymous Monitoring opportunities, compliance, and maintenance oversight. Training for response
- Anonymous Creating a governing body that entails all nations being represented by leadership or specific members
- Anonymous Fully supporting IAMC to take lead for communities
- Anonymous Developing sustainable funding and staffing capacity to enable our Nation to participate in the active management and regulation of marine shipping in our traditional territory
- Anonymous Capacity, funding, and training
- Kathleen Johnnie Indigenous marine regulatory authority, with monitoring and emergency planning
- Anonymous Ancestral remains and how they are taken care of. Building technical capacity (i.e. understanding pipeline integrity and emissions). Training more monitors to be technically skilled (pipeline and construction inspectors). Environmental remediation and biodiversity
- Anonymous Protecting our environment
- Anonymous That CER and NRCan must deal directly with Nations and not the ISMC on our behalf. IAMC is not a rights holder
- Anonymous Emergency management plans and monitoring through Guardians and Indigenous Monitors
- Anonymous I am not sure



Many CER regulated projects are long, linear pipelines - how would we coordinate among impacted communities? (i.e. for TMX would there be 129 potential Ministerial Arrangements?)

Open text poll  8 responses

 8 participants

- Anonymous Yes, there would be. Each Nation has the right to have their own agreement as they are all impacted differently (although there may be similarities)
- Anonymous Unless a nation or group of nations have delegated some level of authority to a tribal group- each nation must be part of the gov to gov-to-gov relationship
- Anonymous Individual conversation with each community to align similar affect and concerns
- Anonymous IAMC has represented our community very well
- Kathleen Johnnie The authority needs to consider and overarching body, regional/set collaborations, and individual oversight
- Anonymous Build relationships with one another. Cultural sharing, feasts, shared ceremonies. I think the HIOR model that was presented yesterday has a significant level of potential
- Anonymous There needs to be equitable treatment of all participating nations. The IAMC - TMX approach as currently implemented creates haves and have nots. Opportunities must be created in communities for communities.
- Anonymous An Indigenous governing body will depend on who is forming, who it is reporting to, what are its roles and responsibilities, and various other factors. The IAMC - TMX group is not an Indigenous governing body, this is a sub- committee formed by TMX. So, it may be a governing body within the TMX organization, but it does not represent BC First Nations
- Anonymous Chief and council- in some instances this could be regional tribal councils rather than individual nation. IAMC and other such organizations fill a role in collective action, organization, and knowledge sharing
- Anonymous Decision making for the benefit of community members
- Anonymous We trust and know that IAMC is definitely doing a lot of work. We trust and believe in their lead
- Kathleen Johnnie The IAMC is merely an advisory body. A regulatory authority needs the capacity and training for IPs leadership and technical support for the authority's roles and responsibilities, including or making room for the holistic world view



Many CER regulated projects are long, linear pipelines - how would we coordinate among impacted communities? (continued)

- Anonymous Ensuring Indigenous communities are aware and know what IAMC-TMX does and well under understood within communities
- Anonymous The IAMC is not a governing body, it is a mechanism that enables governing bodies to make decisions by acting as the strategic enabler of the "informed" part of "free and prior informed consent". An indigenous governance body would be made up of government officials (citizens of the nation/community) elected or chosen by the nations and communities by their own processes (including elders, youth, and applicable ceremonial practices as they see fit). The IAMC would be almost like a regulatory arm. They would be an operational team that provides evidence to the regulatory proceeding. The decisions would then be made by the government officials following deliberations with one another
- Anonymous Leaders in the community
- Anonymous IAMC - TMX is NOT an Indigenous governing body. The Indigenous governing body must be constituted by and for Rights Holders
- Anonymous An Indigenous governing body have cultural recognition, decision-making authority, and self-governance. The IAMC should be in the decision-making role rather than advisory





How do Indigenous governing bodies gather the necessary capacity (skills, training, funds) to meaningfully take over the roles/functions of the CER?

Open text poll  11 responses

 11 participants

- Anonymous How is CER going to ensure this happens? What are they willing to do to ensure it happens? Why are you putting this on First Nations and Indigenous governing bodies?
- Anonymous Consensus and collaborative priorities, decisions making
- Anonymous Education and funding along with an understanding of repercussions of positive and negative affects
- Anonymous Building capacity with training, education, and traditional knowledge from our communities
- Anonymous Perhaps the IAMCs can produce a policy paper recommending what competencies would be important in developing and maintaining a regulator and provide that as a resource to communities and nations. And then communities and nations can make decisions on how to resource those things in partnership with the federal government
- Anonymous Profit-sharing and funding re- distribution to the Nations alongside formalization and recognition of authority that would allow our on-water teams to meaningfully monitor and enforce commercial shipping violations
- Kathleen Johnnie Start setting up the training for leadership and technical support, provide the funding, collaborate on setting of the authority parameters
- Anonymous Working with the CER on Indigenous policies
- Anonymous Work with other nations and government
- Anonymous The contemplated approach does not seem to account for shared territory.





How will Indigenous governing bodies under Ministerial Arrangements interact with other regulators?

Open text poll  8 responses

 8 participants

- Anonymous They will need similar agreements. The other regulators need to do the work -- this isn't going to be easy, and they knew that going in. Start connecting with each Nation - Start with Google; every Nation has a website or social media account.
- Anonymous Once training and education is implemented indigenous regulators can be brought to the table for geographical projects within their communities
- Anonymous Equally.
- Anonymous At the community level so CER is also educated with Indigenous worldview
- Anonymous Make it mandatory
- Anonymous Regulator Meetings conference
- Anonymous Needs to be more community based not directed by the IAMC TMX.

What part of the CER process would you and your members like to have a role in, and what kind of arrangement would best support this role?

Open text poll  1 response

 1 participant

- Anonymous Everything - separate agreement with the Nation

If regulations are made, would you like to see the Ministerial Arrangements be applied regionally or nationally or on a project-specific level?

Open text poll  1 response

 1 participant

- Anonymous I don't know enough to comment

Appendix G: Notes from Day Three – OPR and Filing Manual Session

Canadian Energy Regulator Topic Papers for Regulators' Reviews can be found here:

<https://iamctmx.sharepoint.com/sites/IAMC-TMXNotesArchive/Shared%20Documents/Forms/AllItems.aspx?id=%2Fsites%2FIAMC%2DTMXNotesArchive%2FShared%20Documents%2FIndigenous%20Caucus%2FDiscussion%20Papers%2FCER%20Topic%20Papers%20for%20Regulations%27%20Reviews&p=true&ga=1>

Key themes and insights from this session:

Scenario 1

Lifecycle				Scenario	Discussion Questions
Planning	Assessment	Construction	Operation		
	◇	◇		Scenario 1. Construction has started on a project and an impacted Nation has discovered orange plastic netting in one of the creeks where they regularly fish. They had not received any information that netting would be used in that area. The company proposed this approach during the hearing phase to mitigate impacts to the fish population by discouraging fish spawning in the area during construction. The nation had been working with the company to ensure the protection of fish and fish habitat but was surprised to see netting in this location.	1. How can a company maintain communication with the Nation between the phases, especially as items recorded on paper are implemented in the real life? 2. How should the company involve the Nation during the construction phase? 3. What information should the company have to provide and what actions should be taken to provide confidence that they are considering the Nations connection to the land, and protecting the environment? 4. How would having more detail about timing and construction improve the outcome in this scenario 5. Are there other ways a regulator could require better actions by a company to improve this scenario?





- » **Nation-Led Processes:** All engagement processes should be led by First Nations, with outputs based on their constitutions, governance, laws, policies, and land use plans.
- » **Early and Continuous Consultation:** Consultation must begin early and be continuous, ensuring Nations (not only leadership- community members, elders, youth, knowledge keepers) are involved in all stages of project planning and development. Consent from Nations should be obtained first before any project proceeds.
 - Early *consultation identified impacts and possible mitigation*. There was a disconnect between measures and applying these at specific sites – not listening to communities
 - No consultation to Community on any activity creates environmental issue
- » **Communication and Information Sharing:** Companies must proactively communicate with Nations and surrounding communities, ensuring that relevant information is shared in a timely and transparent manner, not leaving the onus on Nations to seek information.
- » **Natural Law and Cultural Respect:** Projects must respect natural laws, traditional knowledge, and cultural practices, ensuring that activities do not disrupt the environment, wildlife, or seasonal cycles significant to Indigenous communities.
 - Follow protocols, any movement and disturbance on the land. Know protocols and languages, Natural Laws, ceremony.
- » **Meaningful Engagement and Impact Mitigation:** Indigenous knowledge must be incorporated into project design, planning, and mitigation strategies from the start, with meaningful dialogue to prevent surprises and address concerns upfront.
 - The Nations should confirm the required actions have been taken – not the company.
 - Lived experience and Indigenous knowledge needs to be taken seriously and integrated into project plans
 - Involvement in route planning. Respect, acknowledge and know territories before development
 - Don't close doors to input, impact mitigation . For example: assumption in the scenario is that orange netting is the appropriate mitigation. Nations must be included in the design/planning stage to confirm with Nations to appropriateness of mitigation in the stream that has high cultural value to them. Then there would have been no surprise.
- » **Ongoing Monitoring and Involvement:** Indigenous monitors, Elders, and knowledge keepers must be involved in ongoing monitoring, with a focus on ensuring that cumulative impacts and rights are addressed throughout the life cycle of the project. Life cycle requirement and presentation including where Nation(s) can be prepared for each Phase
 - When companies submit offset plans, things change in time between implementing. Someone needs to ensure the plans are updated and communication with the Nations happen.



- » **Customized Communication and Flexibility:** Communication strategies should be flexible, culturally appropriate, and accessible, ensuring inclusive not exclusive participation— especially Elders, youth, and communities—are fully engaged and informed.
 - Accommodating community scheduled to allow for participation to get proper engagement
- » **Regulator and Company Accountability:** The regulator must ensure that companies follow through on commitments and are held accountable, including ensuring that sub- contractors comply with Indigenous laws and agreements.
- » **Capacity Building and Support:** Companies and regulators should provide resources and capacity support to Indigenous communities, including training, funding, and employment opportunities, to ensure effective participation and long-term sustainability. transparent sustainable funding ties to resource development
 - All Communities should have equitable funding to participate
 - Considerations, travel further, costs higher, professional services and equipment
- » **Clear, Transparent, and Enforceable Conditions:** Regulatory conditions need to be stronger and enforceable, with clear requirements for companies to develop Indigenous Relations Plans and regularly audit their compliance to meet Nations' needs.
- » **Clear, Transparent, and Enforceable Conditions:** Regulatory conditions need to be stronger and enforceable, with clear requirements for companies to develop Indigenous Relations Plans and regularly audit their compliance to meet Nations' needs.





Scenario 2

Lifecycle				Scenario	Discussion Questions
Planning	Assessment	Construction	Operation		
	◇	◇	◇	<p>Scenario 2.</p> <p>During construction an Indigenous Monitor identifies a culturally modified tree. Culturally modified trees were identified in the Environmental and Socio-Economic Assessment as a valued component under "Heritage Resources" during the CER's assessment of the project. The Nation worked with the company on mitigations in the Environmental Protection Plan and the Heritage Resources Discovery Contingency Plan.</p> <p>The monitor requests that, in accordance with the company's plans, the tree be protected during construction, and after during operations. The company makes note of the location of the tree and puts plastic fencing around it.</p> <p>Over time the fencing falls over, and there is nothing protecting the tree from operations and maintenance activities. It is located near the pipeline right of way. The Nation is unsure how to have this fixed and is concerned the tree could be destroyed if left unmarked.</p>	<p>The Commission has heard that the selection of valued components (VCs) is a key factor that affects much of the applicant's Environmental and Socio-economic assessment, and that input on the choice of VCs needs to be carefully considered. The Commission has heard that Indigenous knowledge systems should be brought together with western knowledge systems to better understand project impacts. The Commission has also heard that VCs can be chosen too narrowly, missing overall effects on a vulnerable population or entity.</p> <ol style="list-style-type: none"> 1. How should applicants show that the Indigenous knowledge and engagement informed the choice of valued components (VC)? (Examples of VCs could include biophysical elements such as "vegetation" and "fish and fish habitat", and socio-economic elements such as "human health") 2. What information should the company have to provide and what actions should be taken to provide confidence that they are considering the Nations connection to the land, and protecting the environment? 3. How should the company confirm that the actions taken address the concern or issue?





Scenario 2 (continued)

Lifecycle				Scenario	Discussion Questions
Planning	Assessment	Construction	Operation		
	◆	◆	◆	<p>Scenario 2.</p> <p>During construction an Indigenous Monitor identifies a culturally modified tree. Culturally modified trees were identified in the Environmental and Socio-Economic Assessment as a valued component under "Heritage Resources" during the CER's assessment of the project. The Nation worked with the company on mitigations in the Environmental Protection Plan and the Heritage Resources Discovery Contingency Plan.</p> <p>The monitor requests that, in accordance with the company's plans, the tree be protected during construction, and after during operations. The company makes note of the location of the tree and puts plastic fencing around it.</p> <p>Over time the fencing falls over, and there is nothing protecting the tree from operations and maintenance activities. It is located near the pipeline right of way. The Nation is unsure how to have this fixed and is concerned the tree could be destroyed if left unmarked.</p>	<p>4. How could more independent monitoring and reporting by Indigenous peoples be effectively and safely achieved? What challenges might be involved? Please give any applicable examples or best practices</p> <p>5. Are you aware of existing best practices in historic or cultural site hazard identification that would clarify definitions, and this proposed reporting requirement?</p> <p>6. Are there other ways a regulator could require better actions by a company to improve this scenario?</p>





- » **Indigenous Nations as Decision-Makers:** Nations must be at the forefront of decision-making, determining priorities, influencing project conditions, and having the authority to stop projects. Their consent and governance must guide all planning and actions.
- » **Engagement and Consultation:** Ongoing, consistent engagement with Nations is necessary throughout the project lifecycle. Engagement should include validating project plans, reviewing mitigation strategies, and addressing concerns raised by Indigenous knowledge keepers, Elders, and monitors.
 - Need to broaden sites /uses being identified. Nation's need to give feedback on the size of the area being considered for impacts and surrounding / buffer area.
 - Think about differences not just current uses sites e.g. Ground Penetrating Radar.
- » **Incorporating Traditional Knowledge (T.K.):** Traditional knowledge must be integrated early in the project, including in the identification of valued components, mitigation measures, and environmental protection plans. Elders and knowledge keepers should be involved throughout the project's life cycle.
 - Indigenous people know this land / history / and stories of environment. People using land(s), water - know about it. Fishing stations historical knowledge – size of fish / water quality. Include Indigenous knowledge as early as the initial feasibility part of the project.
 - Ceremony is important, and the land needs to be part of it.
- » **Cultural Protocols:** Companies must respect and incorporate Indigenous cultural protocols and ceremonies, ensuring they are part of the process. This includes proper recognition and treatment of culturally significant sites (e.g., CMTs, prayer trees) and ensuring ceremonial protocols are followed.
- » **Monitoring and Enforcement:** Monitoring should not be passive; it should focus on protecting Indigenous rights and interests, not just observing company activities. There should be clear responsibilities and training for contractors to respect cultural sites, and penalties for non- compliance should be enforced to ensure protection. How to prevent (enforce) intrusion / damage from recreation use?
 - Camera monitoring; security; fines ; as important as stealing / damaging equipment
 - Ensure policies / rules / regulations are shared with all staff and everyone involved in project
- » **Capacity and Funding for Indigenous Participation:** Indigenous communities need sufficient capacity and resources to engage meaningfully in project planning, monitoring, and enforcement. This includes funding for Elders, monitors, and knowledge keepers, as well as capacity-building initiatives.
 - Consider Elders on site throughout entire process. Company funds monitors, Elders, and Knowledge Keepers through life cycle of project.
 - Ongoing training for Indigenous monitor(s), certification(s) leading to a degree created by Indigenous peoples for Indigenous Nations people. Ceremony within training.





- » **Collaboration and Co-Development:** Companies and regulators must collaborate with Indigenous Nations to co-develop mitigation measures, response plans, and cultural protection strategies. This includes jointly creating and refining policies that protect cultural heritage and ensure meaningful participation.
 - Increase cultural awareness of employees and contractors in the field so they can avoid mistakes and properly identify VCs (e.g. CMTs, Tipi rings etc.). Start by identifying and recording (metal tagging) info about the tree; log it into a database.
 - Ensure signage (e.g. "do not cut") that includes contact info and authority by which the CMT is protected (i.e. Nation).
- » **Transparent Communication and Feedback:** Clear and transparent communication is essential. Companies must actively involve Nations in decision-making and provide regular updates on project activities. Nations should also have a feedback loop to ensure their concerns are addressed, and their input is reflected in project plans.
- » **Cumulative Impacts and Long-Term Monitoring:** Assessing and addressing cumulative impacts of projects is critical, as disruptions may extend beyond the direct footprint of the project. Long-term monitoring of environmental and cultural impacts must continue throughout the project life cycle, not just during construction.
- » **Accountability and Compliance:** There must be systems in place to hold companies accountable for their actions, with strong enforcement mechanisms, including fines or work stoppages for non-compliance. Companies should demonstrate how they've incorporated Indigenous feedback and honor commitments to mitigate impacts on Indigenous lands and resources. Proponents to reflect and show Nations how their feedback is included in applications, EPPS etc.
 - **Best practices:** Positive working relationships; communications; ceremony, Indigenous led projects; Engagement with Nations; boots on the ground training and experiences; Capacity funding; line wide gathering(s) and learning from Nations.
 - Need to take everything into consideration, including impacts that may be a mile or so away from the line – the overall disruption is bigger than the direct impact to vegetation.
 - Important that monitoring continues for the whole lifecycle not stop when construction is done – the line is not natural and is an impact. It is not sufficient to rely on the good will of companies to protect SIS / cultural heritage resources. There must be monitoring and enforcement.
 - When a Sight of Indigenous Significance (SIS) has been impacted – the Nation has been impacted. What redress is available to the Nation?





Scenario 3

Lifecycle				Scenario	Discussion Questions
Planning	Assessment	Construction	Operation		
	◇	◇		<p>Scenario 3.</p> <p>During construction of a pipeline, reports are emerging of transitory workers filling the hotels in local communities rather than staying in designated work camps. The influx of these workers put pressures on the local community but has also led to an increase in reports of violence and vagrancy.</p> <p>During the CER's hearing, the company's plans to manage its transient workforce was discussed and the CER required the company to submit a worker accommodation strategy that would provide housing for all workers.</p> <p>Local communities believe that the worker accommodation strategy is not being followed and it is having an adverse impact on their members.</p>	<ol style="list-style-type: none"> 1. What protocols or safety requirements should be put in place to ensure the protection of the people in the community? 2. How could companies take more accountability to protect the people and communities impacted by work camps? 3. How would the company confirm that the actions taken address the concern or issue? 4. How can Nations and communities more effectively share their concerns with the company and with the regulator? 5. Are there other ways a regulator could require better actions by a company to improve this scenario? 6. Sometimes accommodation plans are impacted suddenly (e.g. a sudden weather event causes a need for additional workers). How can accommodation plans be responsive to emergency management needs while still respecting the needs and concerns of the local communities?

- » **Community-Centered Decision Making:** Local governments and Indigenous governments should work together to develop transparent plans. "Code of care" or 'guest guidelines' to be adhered to by visitors.
- » **Socio-Economic Impacts:** Projects should assess socio-economic risks upfront, considering the full range of community impacts (e.g., housing scarcity, inflation, public health, safety, traffic, violence).



Address the effects of workforce influx on local communities, including poverty, cost of living, and strain on infrastructure.

- » **Capacity and Resource Needs:** Indigenous Nations need additional capacity and resources to handle the pressures of increased accommodation demands, including liaisons and support for community overlaps. Municipalities and Nations should receive baseline studies and real-time monitoring data.
- » **Accommodation and Workforce Management:** Strategies for managing worker accommodation, including camps, should prioritize community safety and minimize negative impacts. Companies should enforce “stay-in-camp” rules, address lack of incentives and monitor worker behavior, with fines for non-compliance.
- » **Transparency and Accountability:** Companies and regulators need to be transparent about the project’s impact, with clear reporting on socio-economic effects. CER should track and regulate community impacts (e.g., rent increases, housing availability) and ensure contractors and sub- contractors comply with commitments.
 - **Trend:** Whether its environmental, cultural, or secure monitoring – there is a need for solid based data, ongoing monitoring, and quality management.
- » **Security and Safety:** Security measures at work camps and in communities are crucial, with local authorities and external security required to address potential issues. Consideration should be given to cultural knowledge in security protocols, and communities should be empowered to take on safety measures with funding for patrols and other appropriate responses identified by Nations.
- » **Cultural Safety and Training:** training is essential for all workers. Companies must prioritize fair and equitable hiring practices, address ongoing harm experienced by Indigenous communities and take meaningful steps to fund and address local employment, skill development. Programming is needed that is health and well-being focused for employees to contribute to upstream intervention and impact.
- » **Emergency Response Plans (ERP):** Companies must align their emergency response plans (floods, wildfires, spills, etc.) with those of the Nations and local communities. Coordination is critical to ensure preparedness for natural disasters and emergencies.
- » **Monitoring and Enforcement:** There should be ongoing monitoring of impacts, with penalties for violations. Issues such as alcohol and drug use in camps, human trafficking, and unsafe worker behavior need active enforcement and reporting systems, including involvement from local police.
- » **Support for Workers and Communities:** There should be a focus on mental health support for workers and a tailored approach to Indigenous men’s health needs. Community-driven solutions for social programming and empowerment should be prioritized, with proper mechanisms for reporting incidents and enforcing regulations.





Scenario 4

Lifecycle				Scenario	Discussion Questions
Planning	Assessment	Construction	Operation		
	◇	◇		Scenario 4. <p>During construction, flooding due to an atmospheric river event washes out a large section of land and exposes the recently buried pipeline. The Nation nearby had provided input during the hearing process that a primary concern for them was the proximity of the pipeline to a significant watercourse that has supported their right to harvest fish for hundreds of years. This was noted in the company's Environmental Protection Plan and during the hearing, the company committed to sharing frequent updates with the Nation during and after emergencies.</p> <p>Now that flooding has occurred, the nation wants to know what steps are being taken to prevent a spill that might be caused by the flooding. In case of a spill, how will the Nation know when or if it is safe to fish in these waters again.</p>	<ol style="list-style-type: none"> 1. What information should the company have to provide and what actions should be taken to provide confidence that they are considering the Nations connection to the land, and protecting the environment? 2. How should the company confirm that the actions taken address the concern or issue? 3. Are there other ways a regulator could require better actions by a company to improve this scenario?

» Community-Led Emergency Management: Local knowledge keepers and land users must be involved in crisis planning and emergency management. Nations should have a leadership role in managing emergencies on their lands, with communities feeling both safe and involved in response efforts.

- Give authority to Local knowledge keepers – land users should be a part of the crisis planning emergency management.
- Information is needed with recommendations – Transparency of plans / information so community can share their concerns. Operators need to be able to know of community interest to impacts.



- » **Transparency and Communication:** Full transparency in emergency management plans and communication is crucial. Companies, regulators, and impacted communities need to share information, particularly regarding environmental impacts, mitigation efforts, and progress after incidents. How is the public being informed of community concerns and issues: public information on Indigenous concerns is critical.
- » **Coordination and Accountability:** There should be a single coordinator for managing regulators and response actions. All parties, including companies, regulators, and Nations, must harmonize their efforts to avoid duplication and ensure that emergency plans are implemented effectively.
 - A matrix or decision tree to show how communications flow and actions take place in each situation.
 - Emergency plans and containment / spill response equipment needs to be ready to go and kick in.
 - Need for multiple jurisdictions to work collaboratively and in partnership.
- » **Inclusion of Indigenous Knowledge:** Emergency response and mitigation strategies should integrate traditional knowledge and consider Indigenous significance of sites. Indigenous monitors must be included in decision-making, particularly in spill response and ecosystem protection.
- » **Monitoring and Preparedness:** Continuous monitoring is necessary for both baseline conditions and after incidents (e.g., water and fish health). Emergency response equipment must be ready, with proactive measures to address climate change impacts, flooding risks, and pipe integrity.
- » **Mitigation and Response Plans:** Emergency response plans should include community input on mitigation strategies and respect culturally significant sites. Companies and regulators need to ensure timely and effective remediation, while communities should be able to contribute immediately to recovery efforts.
 - Need for mitigation measures in the event of an emergency that is informed by Nations. (e.g. how to support fish and fish habitat immediately following an emergency for example).
- » **Regulatory Compliance and Enforcement:** CER must track and enforce company compliance with emergency response plans, including monitoring for fines and penalties. Companies should be held accountable for their commitments and for ensuring that local communities are supported during emergencies.
 - CSA 7662 should include specific references to climate change – change the standard.
 - Emergency management in CSA must also look at climate lens – change the standard.





- » **Capacity Building and Resources:** Nations need additional resources and capacity to handle emergency management and response. This includes funding for community liaisons, cultural safety and Indigenous-specific anti-racism training, and increased local employment opportunities for long-term support.
- » **Climate Change and Risk Management:** Emergency management and mitigation strategies must account for climate change, particularly in relation to pipeline infrastructure and environmental risks. Climate considerations should be integrated into emergency response plans and regulatory standards.
- » **Community Involvement and Feedback Loops:** Community priorities should be central to emergency response, with continuous feedback from Nations on actions taken. After incidents, companies and regulators need to ensure that information is shared, impacts are evaluated, and lessons learned are incorporated into future planning.

Raw notes from the four rounds of facilitated discussion can be accessed by contacting the session hosts.



Appendix H: Notes from Environmental Justice Sessions



The Environmental Justice breakout session was repeated daily by officials from Environment and Climate Change Canada currently leading on policy development related to the National Strategy Respecting Environmental Racism and Environmental Justice (the Act), as well as Gender-Based Analysis Plus. The sessions were designed to provide multiple opportunities to learn about this federal initiative including next steps arising from the Act, considerations of implications and opportunities related to Indigenous rights, and to provide preliminary feedback on strategic framing and ongoing engagement of Indigenous Peoples.

Key Presentation Points

- » Environmental Racism is “place” based . Not creating something new hope to bring all parties together and build on existing ideas
- » The Act received royal assent on June 20, 2024. Within two years of the Act coming in to force the National Strategy must be tabled.
- » The Act requires the development of a study which includes an examination of the link between race, socio-economic status and environmental risk; and information and statistics relating to the location of environmental hazards.
- » The Act requires consultation or cooperation with any interested persons, bodies, organizations or communities - including other ministers, representatives of governments in Canada and Indigenous communities, consistent with the Government of Canada’s framework for the recognition and implementation of the rights of Indigenous peoples.
- » Environmental justice is a grassroots, community-led initiative, and the Act is the result of decades of advocacy work by affected communities, youth movements, academics, and environmental non-governmental organizations.
- » As a crucial first step, it is important to frame understandings around what First Nations, Métis and Inuit-focused engagement approaches could look like and hope to achieve. This includes finding ways to engage and consult without adding additional burden on communities.





These notes combined reflections and feedback from all Gathering days. A summary report will also be posted on enviroequity.ca reflecting perspectives and key insights shared during the breakout sessions.

- » CER/Regulator should become more involved
- » Provide more context for mitigation measures
- » AB has a sovereignty Act -how does that intersect? There needs to be a focus on Alberta Energy Corporation and an understanding between National, Provincial and Local jurisdictions
- » Providing early notification to communities
- » Anytime stepping foot in community – communication BEFORE
- » Local knowledge. Liaison from the local area from start to finish. “Place-base” needs
- » Involvement from the beginning - be a part of planning prior to determining route, etc.
- » Opportunity to be proactive
- » Mechanism/forum throughout the process, separate from CER or proponent i.e. IAMC-TMX
- » Proponent needs to ensure they are communicating with the nation reps that are
- » Cultural safety issue (fear of anger)
- » Sustainable Indigenous monitoring program (funded)
- » Systemic model not just for projects
- » Isolation before netting
- » There is no obligation by Provincial and/or Territorial bodies or even local government to participate/engage
- » Committees to seek specific input would be helpful
- » Draw on examples and references of environmental racism and ties (such as economic racism) from existing direction-setting such as the MMIWG2S+ Calls for Justice
- » Two primary contacts from Nation side and proponents’ side to sit down prior to going over the plan for netting – why it is needed
- » Activate publication for concerns
- » Inclusive of more not less Nations
- » Site visits before, during and after work. Regulate meetings
- » Communication about cultural uses and ceremonies around creeks and waterways and spawning windows
- » How is this going to interface with Provincial bodies. urbanized areas – how do you see this intersecting with urban areas?
- » Worry is that this strategy being introduced has ‘no teeth’ – how will it be implemented?
- » *Communicate* with all Nations –don’t want to add a burden Nations who are already inundated with requests for consultation . Include as many as possible and then in the next 5 yrs. continue ongoing consultations
- » Lack of a holistic approach to this work so far. For example, the LNG – known, irreversible damage was identified– but it was deemed the project necessary to public interest
- » What seems to keep getting missed is that we (some Nations) are impacted by activities that happen in other areas, and we (the other Nation impacted) have never been consulted
- » There needs to be an understanding the *distance* doesn’t mean it won’t impact us



Appendix I: Notes from The Right to Health Environment Sessions

» How can information on the decisions made, actions being proposed or taken under the Canadian Environmental Protection Act be made more accessible to you? (Not as individuals but the collective “you” of each community)

- How are specific decisions being rendered? Provide an understanding (not process, but actual content). E.g. Environment Canada decision regarding an LNG facility negatively impacting all First Nations along the pipeline corridor. First Nations informed Environment Canada of the impacts, but the decision was made to go ahead anyhow as it was deemed to be “in the best interests of Canada”
- All processes must start with ceremony. Governments need to include this cost in budgets
- Natural law, local knowledge, regional context applied
- Shift federal government as ‘decision-maker’
- Address ongoing concerns identified to build trust and actually partner – i.e., clean drinking water (how can we move forward when this is at the forefront), third world conditions, addressing spill coverups
- The government partners asking themselves these same questions would be helpful – Indigenous Nations have shared what is required regularly
- To have support for this initiative, protection needs to be forefront not afterthought
- CEPA amended last year – not included.
- There are discussions to talk at us but not reflected in the document
- Reconciliation has been thrown around from grassroots to highest level – we’ve said it; gov must act and reconcile (we’re doing the truth part)
- People and elders know the land – people are losing their way of life, disconnected, and disrupted. Government must do what they say they will do.
- We are advocates for mother earth
- Non-regression question.
- Already too much red tape but we need more on protection
- Species at risk, water quality
- Lack of ability to manage resources (why continuing to do it)
- When rules are broken – no effective mechanisms for addressing harm
- Nations have long told gov. What to do – still no action
- Public interest is not Indigenous interests. Indigenous interest benefits the public (but not seem to be aware)
- Who decides? How do we quantify regression> baseline = precontact what is Canada’s baseline?
- Current framework not developed with the Nations



» How can the Government best share information with people who are the most impacted by environmental and health protection decisions?

- Through starting in ceremony
- By government and partners coming to community. Be prepared to be a guest, stay and follow protocols
- Go to the Nations' table vs calling everyone from the Nations to the government table (e.g. Line Wide Gathering)
- Include Elders and Knowledge Keepers to help navigate decision-making. Do this early in the process
- Ask Elders and respect what is said
- Hunters, trappers, traditional food have critical knowledge to this space
- Meet with the 'People' - not only elected leadership
- Build relationships with Nations to ensure you're consulting/engaging with and informing the right people
- Nations as a collective not individuals
- How are specific decisions being rendered?
Provide an understanding (not process, but actual content).
 - E.g. Environment Canada decision regarding an LNG facility negatively impacting all First Nations along the pipeline corridor
 - First Nations informed Environment Canada of the impacts, but the decision was made to go ahead anyhow as it was deemed to be "in the best interests of Canada"
- Create committees as a conduit between Nations
- Referrals must be direct and happen often
- Enough time needed to consider CEPA and changes
- Websites would be helpful, snail mail, app?
- Lots of notice
- Region-specific discussions
- Two-way dialogue with the Nations
- Economic Reconciliation resources

Guiding Considerations-Indigenous Rights and Priorities

- Identifying if the decision impacts section 35 rights
- Considering how injustices, racism and discrimination can be combatted through decision-making
- Opportunities for the decision to promote reconciliation, mutual respect and understanding, as well as good relations with Indigenous peoples and to help advance the objectives of the UN Declaration Act

The draft framework proposes a new mechanism to develop an **Indigenous Knowledge Policy Framework** for CEPA decision-making, in collaboration with Indigenous partners.

Appendix J: Questions Posed by Audience During 2.5 Day Gathering

The term 'likes' refers to reactions from other audience members to the question posed. The questions and likes are shared here as it appears in SLIDO.

- » UBCIC Women's Representative Melissa Moses (16 Likes) We need First Nations Regulators. How can this be accomplished?
- » Anonymous (8 Likes) How will CER ensure that the proposed emissions cap doesn't disproportionately impact Indigenous communities or businesses already facing economic challenges?
- » Kathleen Johnnie, Ts'uubaa-asatx. (5 Likes)
- » The Marine Shipping Committee is being asked to address both monitoring & emergency response, with half the funding this fiscal year. How is this justified?
- » Anonymous (4 Likes) Why did Steven Guilbeault roll out an emissions cap with no consultation with us on how this will help or hurt our economy
- » Anonymous (4 Likes) How will change in governments affect the important work to date as well as the planned work?
- » Anonymous (4 Likes) What specific steps will the CER take to build trust with Nations who may be skeptical of the cap due to past experiences with government policies/regulations?
- » Sarah (3 Likes) What is the most important thing to you about working together with Indigenous people?
- » Anonymous (3 Likes) How is CER, IAMC, TMX, moving towards actions that support indigenous Nations to preserve Natural resource? Free prior and informed consent does not condone the over consumption and over production of energy. How will you start to validate the concerns brought forward by Indigenous Nations?
- » Wildcat ECN (3 Likes) Good morning I often wonder how we can really become partners in looking after our lands and natural resources. Free prior and informed consent has come a long way. Socioeconomic economic growth the right to grow in balance. Using UNDRIP as a guide is great
- » Anonymous (3 Likes) What initiatives are the federal government and IAMC-TMX undertaking to assist Indigenous Nations in the stewardship of natural resources in both the terrestrial and marine environments, and what approaches can be adopted for effective implementation?
- » Anonymous (3 Likes) The federal government's commitment to continue support, how is the Gov going to ensure this with the potential federal election
- » Anonymous (2 Likes) How can we improve decision outcomes from the CER commission?





- » Anonymous (2 Likes) Why does the government choose to water down the United Nations declaration on the rights of indigenous peoples into the UNDA?
- » Anonymous (2 Likes) We need an Indigenous Regulator that can work to determine the impacts of Emission Caps both economically and environmentally as this usually impacts us the hardest.
- » Kathleen Johnnie, Ts'uubaa-asatx (2 Likes) Many of the aspects of this gathering do not include the marine environment, like Indigenous MARINE Reg Authority, Emergency Management, Monitoring. Our Nations are being left without sufficient resourcing, now that shipping through our waters is operationalized without our oversight
- » Anonymous (1 Like) Given that indigenous people may own a percentage of the TMX pipeline, will this change the way the line is regulated?
- » Anonymous (1 Like) How will the big water pipeline in Vancouver city have impact with surrounding nations?
- » Doug Kelly (1 Like) Government systems are deeply entrenched, and civil servants are risk averse. What has the Federal departments done to manage transitional change to transformational change?
- » Wildcat ECN (1 Like) Where the long-term post construction monitoring is for life of project to ensure our mitigation and recommendations were adhered to. Ensure we follow true UNDRIP not a watered-down version as interpreted by Canada's legal teams
- » Anonymous (1Like) How will CER ensure it is rights holders and not umbrella groups that are directly engaged in protecting rights?
- » Anonymous How do you break down the silos to ensure the communities voices are heard. Re-regulatory oversight
- » Doug Kelly Sooner than later, the government will change. UNDA and its action plan may be rolled back. What advice will you give to a new government on creating economic certainty and achieving reconciliation?
- » Kaella Have you ever considered working with Bad River? Anishinaabek in central and eastern Canada could really use this type of collaboration on protecting our waters. HIOR, an incredible concept!
- » Anonymous Will IAMC provide funding to communities like year's past?
- » Anonymous Trans Mountain needs to alleviate the concerns of Nations, not the IAMC who are not rights holders

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- » Brendan Rogers
- » Cody Turner Photography



INDIGENOUS

Advisory and Monitoring Committee
Trans Mountain Expansion and Existing Pipeline

 iamc.ca

 info@iamc.ca

 [linkedin.com/company/iamc-tmx](https://www.linkedin.com/company/iamc-tmx)

 [facebook.com/iamc.tmx](https://www.facebook.com/iamc.tmx)

Report prepared by



Report designed by

 Saltmedia