



# INDIGENOUS

Advisory and Monitoring Committee  
Trans Mountain Expansion and Existing Pipeline

## ANNUAL REPORT

2022 ~ 2025

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**We're grateful to the following organizations and people for their contributions to this report:**

***Credits:***

- » Mary Fowles: Research, writing and photography
- » Saltmedia Inc: Project management, report design, writing and editing
- » IM, IMSC sections
  - Chief Marcel Shackelly, IAMC-TMX Mid-Fraser/Thompson representative and IMSC co-chair
  - Martin Whitney, IAMC-TMX IMSC co-chair
- » SESC section
  - Tracy Friedel, IAMC-TMX SESC chair
  - Katherine Filipic, NRCan
- » MSSC section
  - Nicole Jack, Communication Specialist
  - Ch uh' keen n uh' kw waut, Community Outreach and Relationship Specialist
  - Trina Sxwithul'txw, MSSC Chair
  - Tammy Sam, MSSC Co-chair
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- » OSC section
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***Acknowledgements:***

- » Elders:  
In deep gratitude for their commitment to the work of the IAMC
- » Indigenous Caucus Chair:  
Ray Cardinal
- » Cando Executive Coordinator:  
Stephanie Gardener



# Message from the Committee Co-Chairs



We're pleased to present the Annual Report of the Indigenous Advisory and Monitoring Committee for the Trans Mountain Expansion Project and Existing Pipeline (IAMC-TMX).

Our new funding model, implemented in January 2023, supports greater oversight and decision-making by Indigenous partners. Due to innovations that were taking place to position us for success, there was a delay in producing the annual reports. We are now taking the opportunity to roll up and highlight our progress over the past three fiscal years.

2022-2025 saw many important milestones in the evolution of the IAMC-TMX, as we shifted our focus from construction to operations.

Action Plan Measure 34 (APM 34) in the Shared Priorities chapter of the Action Plan was co-developed by Natural Resources Canada (NRCan), the Canada Energy Regulator (CER) and the Indigenous Caucus of the IAMC-TMX. It is a true testament to both the expertise and strong collaboration at this table.

November 2023 saw over 200 participants convene at our Line Wide Gathering on Siksika Territory. Active participation from the audience highlighted important insights from communities on their vision for the IAMC-TMX.

We identified synergies and partnership opportunities with the Line 3 Indigenous Advisory and Monitoring Committee colleagues, notably on our joint Management Response Action Plan, to respond to recommendations coming out of the Horizontal Evaluation of the IAMCs. Although the evaluation the period covered was 2016-17 to 2020-21, committees capitalized on Wise Practices and lessons learned to inform work going forward. Deputy Minister Vandergrift signaled his endorsement of the action plan in December 2023.

In Spring 2024, the Department of Finance awarded the IAMC-TMX Indigenous Caucus \$44M, with \$23.9M allocated over three years, following our successful proposal submission. This renewal was especially significant, given the fiscal restraint exercised after the Covid-19 pandemic. Indigenous Caucus members remained steadfast in their advocacy for this work, meeting regularly with key decision makers to voice community priorities.

On the heels of Summer 2024, we began to prepare for the next Line Wide, this time on beautiful Syilx territory in the Okanagan Valley. In November 2024, we gathered, and were privileged to be in the presence of many Elders and knowledge keepers, who were instrumental in making the event a success. We honoured the past, while showing the way for future generations.

The work of IAMC-TMX over the past three years reflects the collective effort and dedication of everyone involved. From the continued development of the first-of-its-kind Indigenous Monitoring Program to the many gatherings, collaborations, and advocacy, we continue to advance our shared goal of safety and protection of environmental and Indigenous interest in lands and waters.



**Ray Cardinal**, Indigenous Co-Chair



**Joanne Pereira-Ekström**, Federal Co-Chair

**Thank you to everyone involved with the IAMC-TMX.**

# Message from Tracy Sletto

Canada Energy Regulator (CER)



I want to recognize and honour the First Nations and Métis partners, Elders, Knowledge Keepers, and community members whose voices and leadership through the Trans Mountain Expansion (TMX) Indigenous Advisory and Monitoring Committee (IAMC) have continued to shape the work of the Canada Energy Regulator (CER). The CER's participation in the TMX-IAMC is key to delivering effective lifecycle oversight of the facilities we regulate. Having members of First Nations and Métis communities involved with the CER in the oversight of the infrastructure we regulate helps build trust and confidence in the safety and integrity of these major projects.

The guidance and advice we have received through the TMX IAMC are integral to evolving how energy projects are regulated, ensuring decisions reflect Indigenous rights, knowledge, worldviews and priorities. For example, the release of the CER's Industry Best Practices for Indigenous Involvement in Emergency Management, developed in collaboration with the TMX-IAMC and other Indigenous partners, is setting new standards for how industry engages with Indigenous Nations during emergencies.

Our regulatory framework is also evolving to better reflect Indigenous knowledge, including Indigenous laws, policies, practices, protocols, and knowledge. The IAMC-TMX's contribution to the ongoing review of the Canadian Energy Regulator Onshore Pipeline Regulations and updates to the CER Filing Manuals will help strengthen measures to prevent and address impacts to Indigenous rights and interests, including in relation to heritage resources and sites of Indigenous significance.

The work of the TMX-IAMC is important. It contributes to our vision of being a recognized leader in the regulation of energy infrastructure, upholding the inherent and constitutionally protected rights of Indigenous Peoples in Canada, and enhancing Canada's global competitiveness.

At the CER, we understand that Reconciliation is journey, not an end. We remain steadfast in our commitment to walking this shared path with Indigenous partners in a way that is meaningful, action-oriented, and rooted in respect. We are deeply grateful for the leadership of Indigenous communities and organizations, and we will continue working together to build a more inclusive and accountable regulatory system.



**Tracy Sletto**

Chief Executive Officer  
Canada Energy Regulator



# Acronyms

|              |                                                            |                |                                                                        |
|--------------|------------------------------------------------------------|----------------|------------------------------------------------------------------------|
| <b>APM</b>   | Action Plan Measure                                        | <b>LINE 1</b>  | The existing Trans Mountain pipeline                                   |
| <b>CER</b>   | Canada Energy Regulator                                    | <b>MRAP</b>    | Management Response Action Plan                                        |
| <b>CCG</b>   | Canadian Coast Guard                                       | <b>MSSC</b>    | Marine Shipping Subcommittee                                           |
| <b>CVA</b>   | Compliance Verification Activity                           | <b>NRCan</b>   | Natural Resources Canada                                               |
| <b>Cando</b> | Council for the Advancement of Native Development Officers | <b>O&amp;M</b> | Operations and Maintenance                                             |
| <b>EMSC</b>  | Emergency Management Subcommittee                          | <b>OSC</b>     | Operations Subcommittee                                                |
| <b>EWG</b>   | Employers Working Group                                    | <b>SIS</b>     | Site of Indigenous Significance                                        |
| <b>ECCC</b>  | Environment and Climate Change Canada                      | <b>SESC</b>    | Socioeconomic Subcommittee                                             |
| <b>DFO</b>   | Fisheries and Oceans Canada                                | <b>UNDRIP</b>  | The United Nations Declaration on the Rights of Indigenous Peoples     |
| <b>IAMC</b>  | Indigenous Advisory and Monitoring Committee               | <b>UNDA</b>    | The United Nations Declaration on the Rights of Indigenous Peoples Act |
| <b>IIA</b>   | Indigenous Impact Assessment                               | <b>TMX</b>     | Trans Mountain Expansion                                               |
| <b>IM</b>    | Indigenous Monitor                                         | <b>TMEP</b>    | Trans Mountain Expansion Project                                       |
| <b>IMSC</b>  | Indigenous Monitoring Subcommittee                         | <b>TC</b>      | Transport Canada                                                       |
| <b>IO</b>    | Inspection Officer                                         |                |                                                                        |
| <b>LC</b>    | Logistics Coordinator                                      |                |                                                                        |

# About Our Committee



## History of the IAMC-TMX

The Trans Mountain Expansion Project (TMEP) refers to the new construction of 980 km of buried pipeline located alongside the pre-existing 1,147 km Trans Mountain pipeline that was built in 1951. The Trans Mountain Pipeline corridor, linking land-locked Alberta to the Pacific Ocean on British Columbia's South Coast, is the only West Coast link for Western Canadian oil.

The Indigenous Advisory and Monitoring Committee for the Trans Mountain Expansion Project (IAMC-TMX or The Committee) was launched in 2017.

Two BC Chiefs—Chief Ernie Crey of Cheam and Chief Aaron Sumexheltza of the Lower Nicola Indian Band sent a joint letter to Canada's Prime Minister calling for an Indigenous-led oversight body. The letter was signed by leadership representing over 50 First Nations, and was also sent to the premiers of BC and Alberta.

They wanted Indigenous monitors on-site, working directly with regulators to ensure the project was being conducted responsibly and that all the regulations, legislation and project conditions were being followed. This represents a significant change from the original 1951 pipeline, which was constructed with no consideration or input from affected Indigenous communities.

Canada committed to implementing the IAMC over the lifecycle of the Project. From construction and operation (moving oil from Edmonton, AB to the marine terminal in Burnaby, BC), to ongoing marine shipping activity through Indigenous coastal waters, and finally the eventual decommissioning and abandonment of the pipeline along with any necessary cleanup and land restoration.

Central to the IAMC-TMX project is the shared understanding that Indigenous participants on the IAMC Committee are participating 'Without Prejudice'. IAMC-TMX membership does not imply a Nation's or individual's position for or against the pipeline project.

**Participation in the IAMC is 'without prejudice' and will never replace the federal government's duty to consult, written into the Canadian Constitution.**

The federal government also agreed to fund a second IAMC, which employs the same model, operating on the Line 3 Enbridge project. It's called the IAMC-Line 3. The founding of both IAMCs, along with several other initiatives to involve, include, and consider Indigenous peoples and perspectives within the fabric of Canada's regulatory processes has heralded a new era for Canadian regulators who are committed to doing things better.

The IAMC-TMX Indigenous and federal partners work as a team, sharing the table equally to tackle issues that might not have been clear at the beginning of the project. We remain dedicated to safety, protecting environmental and Indigenous interests, and collaborating on vision, policies, and protocols throughout every phase.

***"Indigenous people won't be on the outside looking in. We'll be at the table and on site to protect our land and water."***

- Chief Ernie Crey

The spirit of these words have guided the creation and development of the IAMC-TMX since day one. Chief Ernie Crey became the first IAMC-TMX Co-Chair.

## Structure of the IAMC-TMX

The IAMC-TMX Caucus includes 19 members: 13 Indigenous representatives from potentially impacted communities along the pipeline corridor and marine shipping lanes and six senior representatives from the federal government departments and regulators required for the expansion project. The committee also has two co-chairs; an Indigenous representative selected from the 13 Indigenous members and a representative from Natural Resources Canada (NRCan).

## Indigenous Partners

The Crown consultation team identified 129 Indigenous communities that might be affected by the project, and then invited the communities to choose individuals to represent them. Collectively, the selected representatives form the Indigenous Caucus.

The IAMC-TMX was established as a 'collaborative forum' put in place in tandem with the approved Trans Mountain Expansion Project, and is an important mechanism to enable these communities to preemptively monitor for and mitigate any impacts or harms that could result from the project.





## ORGANIZATIONAL STRUCTURE



## SUBCOMMITTEE ORGANIZATION

### Marine Shipping

- » Indigenous Co-Chairs
  - » DFO
  - » Transport Canada
  - » Coast Guard
- Also includes a Marine Leadership Table

### Emergency Management

- » Indigenous Chair
- » CER

### Indigenous Monitoring

- » Indigenous Co-chairs
  - » NRCan Secretariat
  - » CER » DFO » ECCC
- Also includes Parks Canada due to the pipeline traversing Jasper Park

### Socioeconomic

- » Indigenous Chair » CER
- Also includes government departments that are not part of the committee table:
- » Indigenous Services Canada
  - » Impact Assessment Agency
  - » NRCan

### Operations

- » IAMC Chairs, Subcommittee chairs and Co-chairs
- » CER



## Federal Regulators who sit at the IAMC-TMX table

- » Canada Energy Regulator (CER)  
– Formerly National Energy Board
- » Fisheries and Oceans Canada (DFO)
- » Environment and Climate Change Canada (ECCC)
- » Canadian Coast Guard (CCG)
- » Transport Canada (TC)
- » Parks Canada

### Canada Energy Regulator (CER)

The lead regulator of the expansion project is the Canada Energy Regulator (CER). The CER regulates the transmission of energy, including power lines and pipelines, which cross provincial and international borders. The expansion project is primarily regulated by the CER as it crosses over the Alberta-British Columbia border.

In 2019, the CER and the Canadian Energy Regulator Act (CER Act) replaced the former National Energy Board (NEB) and the NEB Act. The preamble of the CER Act states the Government of Canada's commitment to achieving Reconciliation with Indigenous Peoples and acknowledges the Government of Canada's commitment to implementing the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP).

CER-regulated pipelines are subject to several CER processes prior to approval and throughout the lifecycle of the project. For instance, project applicants must apply for review to the CER Commission, which is obliged to make decisions and recommendations that are in the public interest. The Commission is an independent quasi-judicial and arms-length body with the power to approve, reject, or place additional conditions on projects.

When companies seek project approval, they must follow a guidance document called the Filing Manual, which offers guidance on the information the CER would typically expect to see in a project application.

Once approved, projects must adhere to regulations set out in the Onshore Pipeline Regulations (OPR).

The Commission may place additional conditions on individual projects. These are project-specific conditions that don't appear within the Filing Manual or OPR, but which a company must adhere to by law.

The CER regulates throughout the lifecycle of the project and conducts regular inspections of the project to ensure it is complying with all conditions and regulations.

## Natural Resources Canada (NRCan)

The IAMC-TMX Committee also has a relationship with Natural Resources Canada (NRCan). The CER is an independent regulator within the Natural Resources portfolio. This means that the CER is ultimately accountable to the Minister of Energy and Natural Resources, although it operates independently from NRCan.

## Other Federal Partners

As pipeline construction proceeded, different regulators had jurisdiction over specific activities which are not regulated under the CER Act. For example, impacts to fish and fish habitat fall under the jurisdiction of Fisheries and Oceans Canada (DFO). If the project causes any impacts to fish-bearing streams, DFO and the Fisheries Act comes into play. If project activities pose a risk to birds or wildlife, Environment and Climate Change Canada (ECCC) regulates those activities. In this case, one of several acts might apply: Canadian Environmental Protection Act (CEPA), the Species at Risk Act (SARA), or the Migratory Birds Convention Act (MBCA). Where the project traverses Jasper National Park, oversight is by Parks Canada.

Finally, a myriad of interconnected federal bodies regulate the shoreline and marine space, overseeing the protection of the ocean and ocean life. These include Transport Canada (TC), DFO, the Canadian Coast Guard (CCG), and ECCC. They all have a seat at the Committee table.



# The Current Context

## Trans Mountain Expansion Project Update



### 1. The Shift from Pipeline Construction to Remediation, Operations and Maintenance



Photo Credit: Earl Belcourt

### 2. The Marine Space



Trans Mountain Corporation's Pipeline Expansion Project (TMEP/TMX) began commercial operations on May 1, 2024. This change from the construction phase of the pipeline to operations and maintenance significantly shifted the focus of the IAMC-TMX.

Our Indigenous Monitoring program will continue to inspect the pipeline but will focus on post-construction remediation Compliance Verification Activities (CVAs) alongside the Canada Energy Regulator (CER) and Fisheries and Oceans Canada (DFO).

Indigenous Monitors will also participate in Operations and Maintenance (O&M) inspections. The CER expects fewer CVAs during the operating phase of the Project, compared to the construction phase of the Project. Indigenous Monitors will also turn their focus to developing Indigenous-led CVAs which are directed by the Indigenous communities themselves.

Now that the TMX has entered the operations phase, IAMC-TMX is also focusing more on the impacts on the marine environment. With tankers now loading oil at the new facilities in the Westridge Marine Terminal in Burnaby, BC, oil tanker shipping has dramatically increased. What was once one tanker per week is now one tanker per day, with each vessel carrying 550,000 barrels of oil.

The unique nature of the marine space makes regulating it very complicated. The CER doesn't oversee or regulate tanker shipping. This is where Transport Canada (TC), DFO, the Canadian Coast Guard (CCG), and Environment and Climate Change Canada (ECCC) have roles. Every department is responsible for designated oversight areas.

# The Current Context

## IAMC-TMX Committee Update



### 1. Program Renewal



Photo Credit: Earl Belcourt



Photo Credit: Earl Belcourt



Photo Credit: Earl Belcourt

Indigenous Caucus and Stream 1 funding is for three years at a time. In 2024, we received approval for a subsequent three-year term. Our funding is currently secure until March 31, 2027, at which point we'll submit another renewal application and workplan. The funding for Committee operations is for two years at a time, and renewal is up this year, in 2025.

The Government of Canada has committed to funding the IAMC-TMX operations for all the lifecycle phases of the project, including application, construction and post-construction, operations, and abandonment/decommissioning.

Renewal applications outline new workplans for the program and funding is allocated based on need and objectives.

#### Overall Program Funding Summary

|           |              |
|-----------|--------------|
| 2017-2018 | \$5,000,000  |
| 2018-2019 | \$11,000,000 |
| 2019-2020 | \$11,000,000 |
| 2020-2021 | \$9,000,000  |
| 2021-2022 | \$6,000,000  |
| 2022-2023 | \$7,750,000  |
| 2023-2024 | \$7,750,000  |
| 2024-2025 | \$7,976,252  |
| 2025-2026 | \$7,969,083  |
| 2026-2027 | \$7,962,014  |

\*Each funding follows the federal government fiscal year from April 1 to March 31 of the following year.

## 2. Horizontal Evaluation & the Management Response Action Plan (MRAP)



In 2022, a robust 'horizontal' evaluation of the IAMC-TMX program took place. This was a Treasury Board requirement under the Secretariat's 'Policy on Results' directive, which requires that all government-funded programs be evaluated every five years.

This evaluation was unique in that it was based on the principle of co-development and co-delivery with the Indigenous Caucus. The aim was to bridge the federal requirement to evaluate the program with an approach that was Indigenous-led and in service to the 129 impacted communities along the Trans Mountain Expansion (TMX) route.

Innovation Seven, an arms-length Indigenous-owned company, directed an extensive evaluation process. Intensive sessions were held with the 129 Indigenous communities and led by the Indigenous Caucus. The purpose was to understand how effective the IAMC-TMX had been at representing the interest of impacted communities to the federal regulators.

Innovation Seven generated a robust report outlining the findings, and in response, the IAMC-TMX adopted an action plan called the Management Response Action Plan (MRAP).

Several new directions for the program were determined, but the primary changes included:

- » A new financial delivery model for the program. Instead of the NRCan Secretariat administering program funding, the Indigenous Caucus will select a third party to administer it through an RFP process.
- » An increased focus on strengthening the Indigenous Caucus governance structures and policies.

These two changes have sought to ultimately increase the autonomy of the Indigenous Caucus.

### 3. Working with the Council for the Advancement of Native Development Officers (Cando)



The impacted Nations and the Indigenous Caucus have consistently expressed a long-term goal of establishing an independent Indigenous Energy Regulator, a cutting-edge concept which is supported by several articles of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP).

It's understood that the impacted Nations across the pipeline will continue to inform and shape any future directions of the IAMC.

In February 2023, the program transitioned its operations to enable third-party fund administration. Following a competitive RFP process, the Council for the Advancement of Native Development Officers (Cando) was awarded the contract. In 2024, Cando was reselected through a subsequent RFP process.

A Memorandum of Understanding describes this relationship; Cando administers funding to support priorities the Indigenous Caucus establishes, in consultation with the IAMC-TMX Committee and subcommittees, and subject to conditions in a binding funding agreement between Cando and NRCan.

Natural Resources Canada (NRCan) remains the authority on whether the program aligns with the IAMC Terms & Conditions and Program Objectives. However, it no longer manages the day-to-day handling of the funds.

## 4. Community Capacity Funding (CFPs)



Photo Credit: Earl Belcourt

In 2023-2024, the IAMC-TMX made \$3.5M available (separate from IAMC-TMX operational funding) for Indigenous communities and organizations to strengthen their capacity to respond to the impacts of TMX, and our programs streams. Applicants could apply for these funds through any of the program's streams: Emergency Management, Indigenous Monitoring, Marine Shipping, and Socioeconomic Effects.

Each request had a funding maximum of up to \$49,999, supporting up to 70 community projects. To respond to an expressed need, additional funding was topped up by \$328,253 to allow for the purchase of:

- Vessels for monitoring in the marine space (\$1,359,975)
- Side-by-side vehicles for monitoring in the terrestrial space (\$139,100)



Graphic recording in progress during the Line Wide Gathering 2024



The Committee has supported projects in the following areas:



Cultural and environmental monitoring training



Habitat mapping/monitoring



Environmental management, emergency planning, prevention and response capacity



Protective services and emergency planning, coordination



Oil spill response training



Emergency communication infrastructure

Examples of projects supported by the Committee:

- » \$224,000 to deliver skills training to increase employment opportunities related to TMX
- » \$67,000 to provide capacity support for cultural heritage resource department and environmental monitoring skills training
- » \$278,000 to complete habitat mapping and purchase a vessel to facilitate data collection and marine monitoring
- » \$640,000 to upgrade a community communications network and develop occupational health and safety policy and procedures
- » \$203,500 to acquire capacity for emergency response

The Capacity Funding Program directly benefited communities along the TMX route. If the government provides more funding, the IAMC-TMX is ready to reopen the program.



# The Current Context

## The Regulatory Landscape



### 1. UNDRIP



Several landmark changes affecting Canada's regulatory system have occurred since the creation of the IAMC-TMX in 2017. These changes are primarily linked to legal reforms triggered by Canada's adoption of United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP).

On June 21, 2021, four years after the creation of the IAMC-TMX, Canada ratified **The United Nations Declaration on the Rights of Indigenous Peoples Act** (UNDA or the Act), adopting UNDRIP and its 46 Articles.

The formal adoption by Canada of the UN Declaration and the coming into force of UNDA in 2021 requires Canada to take all measures necessary to ensure the laws of Canada are consistent with the UN Declaration.

Led by the Department of Justice, on June 21, 2023, an extensive Action Plan was released, outlining 181 Action Plan Measures (APMs) that contribute to achieve the objectives of the Declaration.



Graphic recording of Line Wide Gathering 2023

***"People often talk about UNDRIP like it's a finish line, but it's a foundation. It's the base from which to move forward."***

- Martin Whitney, IMSC Co-chair

# Timeline of the Declaration



## United Nations Declaration on the Rights of Indigenous Peoples

**2007:** Adopted by the United Nations General Assembly



## Bill C-15

**December 3, 2020:** 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](#).

This Act provides a clear vision for the future, ensuring that, moving forward, federal laws reflect the principles and rights set out in the UN Declaration, while also respecting Aboriginal and Treaty rights recognized and affirmed by the Constitution.



## UNDRIP Act

June 21, 2021: The United Nations Declaration on the Rights of Indigenous Peoples Act (the Act) received Royal Assent and came into force. [About the Act](#)



## What We Learned To-Date Report

**March 2023 – June 21, 2023:** Canada continued to work with Indigenous peoples to identify gaps, priorities and legislative, regulatory, policy and program changes.

**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.



## UNDA Action Plan

**June 21, 2023:** A draft Action Plan is released on National Indigenous Peoples Day, two years after the UNDRIP Act was passed.



## IAMC-TMX Contributes to APM 34, 66, and 67

**Spring 2024:** IAMC-TMX completed three years of contributions to APM 34, 66, and 67. These are the only measures covering Indigenous participation and decision-making.



## 2. Action Plan Measure 34 (APM 34)

APM 34 was co-developed by the Indigenous Caucus of the IAMC-TMX, Natural Resources Canada (NRCan), and the Canada Energy Regulator (CER). This initiative calls on First Nations, Métis, and Inuit communities, governments, and organizations to work in consultation and cooperation to enhance the participation of Indigenous Peoples in and establish measures that could enable them to exercise federal regulatory authority over projects and matters currently regulated by the CER.

While CER has been dedicated to implementing the UN Declaration for some time, work on APM 34 is still in its early stages. APM 34 aims to collaboratively develop how Indigenous communities can play an enhanced role in the oversight of major energy projects regulated by the CER.

APM 34 consists of four interconnected elements:

1. Indigenous Ministerial Arrangement Regulations (IMARs): Develop Regulations that would enable Indigenous governing bodies to be authorized to exercise specific powers, duties and functions under the [Canadian Energy Regulator Act](#)
2. Amendments to the [Onshore Pipeline Regulations](#) and [Filing Manuals](#) applicable to the lifecycle of CER-regulated infrastructure
3. Systemic Model for Indigenous Oversight: Develop a systemic model to enhance Indigenous peoples' involvement in compliance and oversight over the lifecycle of CER-regulated infrastructure
4. Decision-making authorities: Work with Indigenous Peoples to identify and implement measures needed to support Indigenous decision-making institutions to exercise regulatory authority on certain matters.



Photo Credit: Earl Belcourt

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

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

By carrying out these steps, the CER and NRCan aim to strengthen their commitment to Reconciliation with Indigenous Peoples. This involves fostering a renewed relationship grounded in recognizing rights, showing respect, fostering cooperation, and forming partnerships for transformative change.

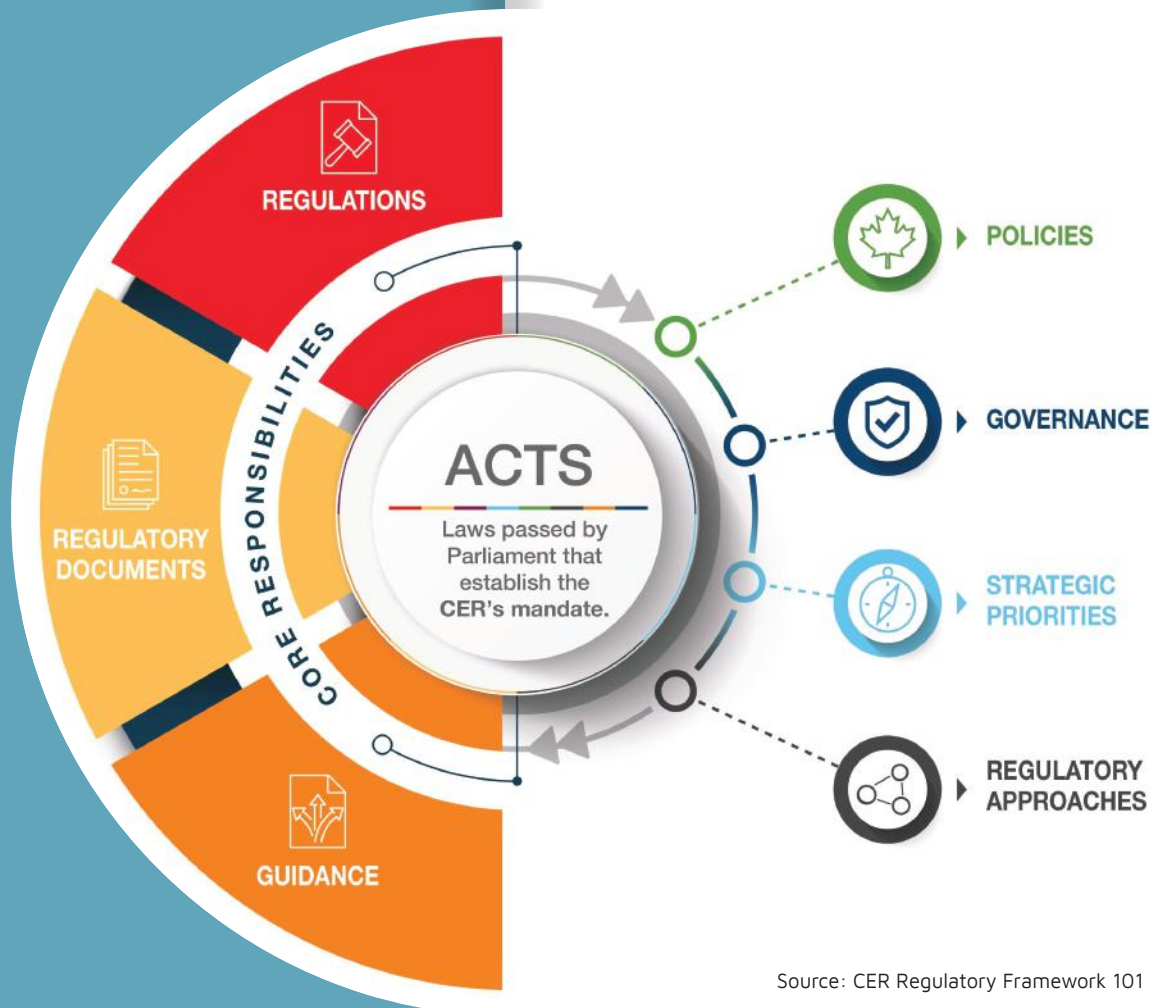
In the Spring of 2024, the Indigenous Caucus, NRCan, and CER held a pipe ceremony to commemorate the launch of APM 34 and affirm the work in a good way.

### 3. Canada Energy Regulator's Onshore Pipeline Regulations And Filing Manual Review

#### Onshore Pipeline Regulations

The OPR contains the main rules that CER-regulated companies must follow to design, build, and operate a pipeline. The OPR is currently under review. The Filing Manual explains what pipeline companies must include in an application for a potential project. The CER is also conducting a review of their Filing Manual.

The purpose of the OPR is to require and enable a company to design, construct, operate or abandon a pipeline in a manner that ensures the safety and security of persons, of pipelines and abandoned pipelines, and the protection of property and the environment. In its current form, the OPR is completely silent with respect to Indigenous Peoples.



Source: CER Regulatory Framework 101

Conditions are imposed to address project specific concerns that could arise in unique circumstances. Another approach has been to link Indigenous-specific concerns to the area of environmental protection. But conflating two distinct categories has often jeopardized and marginalized Indigenous-specific concerns.

For example, a site of Indigenous significance (SIS) may have sacred or ceremonial value which, if damaged, doesn't pose any threat to the environment but harms Indigenous Peoples. The CER regularly attaches project-specific conditions and conducts inspections with IAMC Indigenous Monitors to protect these sites; however, the CER's current standards don't classify damage to an Indigenous site or resource as a reportable incident unless there's also an environmental impact.

**Initially, the interests of Indigenous Monitors were thought to be heavily tied to Environmental Protection. We have come to recognize that IMs often have interests and concerns beyond an environmental scope.**

The current regulatory framework fails to adequately protect the inherent Indigenous jurisdiction over Indigenous sites.

**Sites of Indigenous Significance can include:**

- » Archaeological sites or materials
- » Burial Sites and mourning sites
- » Harvesting sites (changing with the seasons)
- » Berry patches
- » Ceremonial sites
- » Medicinal plants
- » Cultural trail
- » Culturally modified trees
- » Traditional use site
- » Bird's nest (eagle, Goshawk, etc)
- » Ceremonial site
- » Cave or other karst features
- » Cultural rock, outcrop formation or mineral content
- » Den of a bear, cougar, coyote, etc.





Similarly, Indigenous communities often feel the socioeconomic impacts of pipeline construction in unique ways which aren't addressed through the current regulations. For example, the influx of temporary workers and work camps can impact Indigenous communities in unforeseen ways.

Emergencies like extreme weather events causing flooding or landslides can impact Indigenous sites in ways that the current regulations can't anticipate nor properly respond to.

Such impacts can, and often do, threaten traditional and protected ways of life, can poison traditional food sources, and prevent the free and safe movement across the land and waters.

Some potential impacts, such as an oil spill risk decimating traditional food sources and harvesting beaches, and thereby pose an extreme threat to Indigenous livelihood and personhood. Cumulative impacts – impacts which accumulate over time and with each new project approval–pose profound risks.

Modernizing the OPR will strengthen measures to prevent and address impacts to Indigenous rights and interests, including in relation to heritage resources and Sites of Indigenous Significance. This will serve to either mitigate project impacts related to areas of Indigenous-specific concern or recognize Indigenous issues as an entirely distinct category within the regulations. It will legitimize and formalize a truly Indigenous-specific protection lens.

“

***"The Onshore Pipeline Regulations and the Filing Manuals set out the requirements that the CER places on industry for federally regulated facilities. The current review of these requirements is an opportunity for the CER to set expectations for how regulated companies operate across the country. This includes approaches to incorporate Indigenous knowledge and laws, and that prevent and addresses impacts to Indigenous rights and interests."***

- Genevieve Carr, Line Wide 2024

”



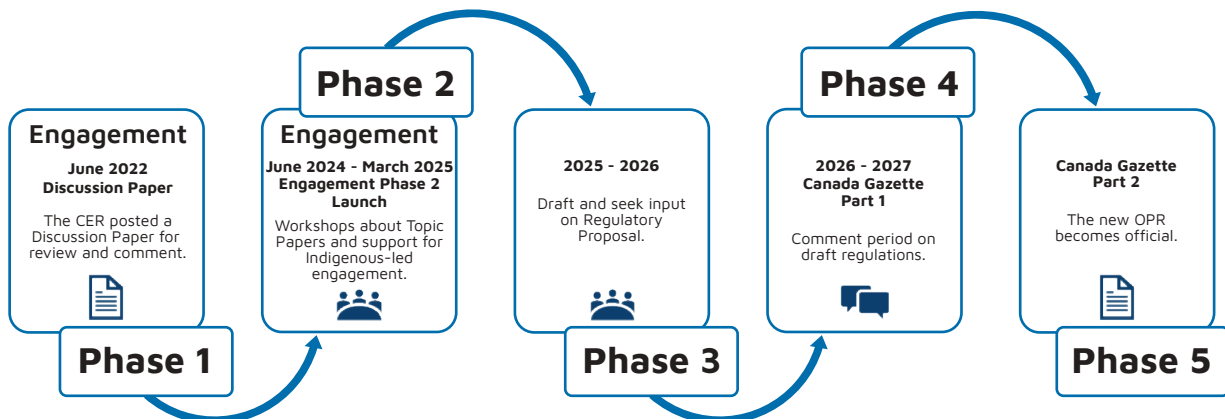
Canada Energy  
Regulator

Régie de l'énergie  
du Canada

Canada

## ONSHORE PIPELINE REGULATIONS AND FILING MANUAL UPDATE

### What We've Done & The Next Steps



**What We Heard Report April 2023: A summary**  
of what we heard in phase 1 of engagement has been posted,  
along with all submissions received.

Source: CER OPR Review: Overview and What We Heard in Phase 1

## 4. Indigenous Ministerial Arrangements Regulations (IMARs)

The CER Act sets out a course for the Minister of Energy and Natural Resources to enter into arrangements with Indigenous Governing Bodies (IGB). These arrangements would empower an IGB to perform specified powers, duties and functions from the CER Act, which would otherwise be the responsibility of the CER. The IGB could be empowered to designate inspection officers who have regulatory authority and could exercise compliance measures. An IGB could be an Indigenous council, government, or other entity authorized to act on behalf of an Indigenous group, community, or people.

The drafting of Ministerial Arrangement Regulations is a multi-phased process. The IAMC-TMX Indigenous Caucus has provided strategic advance to NRCan as it works to develop IMARs. This process is expected to be complete by the 2027/28 fiscal year end.

# Indigenous Caucus Three-Year Activity Report: Highlights and Opportunities

## The Indigenous Caucus

### Who We Are

The Indigenous Caucus of the IAMC-TMX is a group of 13 individuals who are elected by Indigenous communities across the Trans Mountain pipeline Corridor and marine shipping to regionally represent those communities at the IAMC-TMX table.

Since the last annual report, we've had two election terms with the most recent election taking place in March 2025 and new caucus members on boarded in April 2025.

### The thirteen regions are:

- » Alberta First Nations
- » Alberta First Nations
- » Alberta First Nations
- » Alberta Métis
- » BC Interior
- » BC Métis
- » Burrard Inlet/Lower Fraser
- » Fraser Valley
- » Mid Fraser/Thompson
- » Okanagan
- » Vancouver Island – South
- » Vancouver Island Southeast
- » Vancouver Island Western Approach

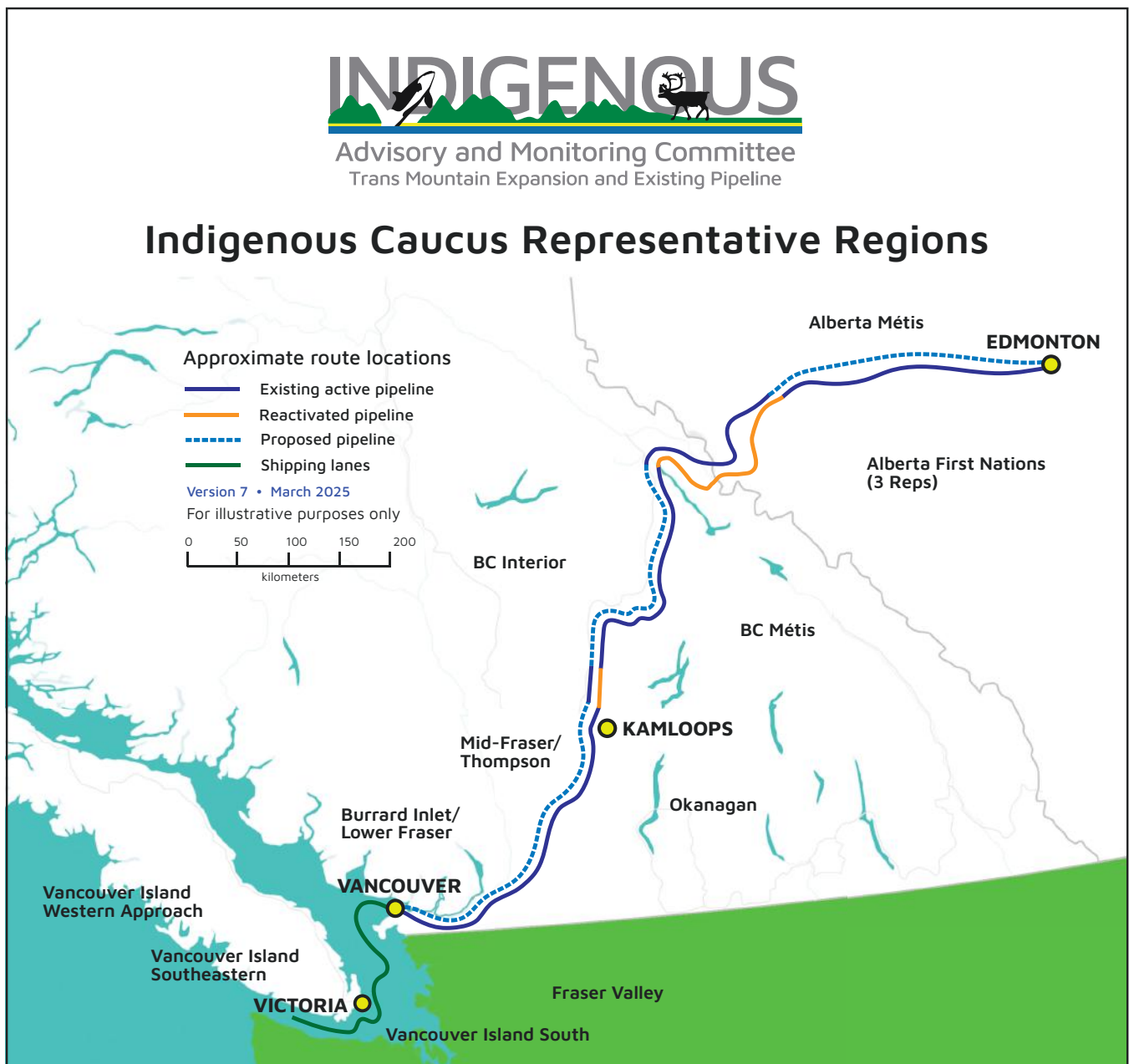


Prior group photo of the Indigenous Caucus

# IAMC-TMX 2023-2025 Map of Indigenous Caucus Representative Regions

April 2023 represented an important change for Caucus operations, as we moved away from having our funds administered by a Natural Resources Canada (NRCan) secretariat and procured an arm's length financial administrator, Cando.

We are now moving into our third year of working with Cando and they are contracted until 2027. This has allowed us greater autonomy and independence from the federal government as we carry out our mandate, allowing us to more easily meet our operational goals and streamline administration.



## What we Do

The Caucus is a decision-making body within the IAMC-TMX model. We develop strategic goals, create and approve our annual workplan as well as oversee the workplans and budgets of the subcommittees. We also have a caucus-dedicated legal team and staff members comprised of technical experts and professionals who support the delivery of our work.

The focus of our daily work is to ensure the smooth operations of the program, including working to fulfill our workplans and ensure the continual funding of our program by meeting all the renewal requirements of NRCan and the Treasury Board.

The caucus meets monthly at day-long 'tier-1' meetings which are exclusive to caucus members and caucus staff, without participation from our federal counterparts.

Our primary goal is to advance ever-higher standards of regulatory excellence, regulatory practices which not only consider but fully integrate Indigenous rights, concerns, interests and worldviews into the Canadian federal regulatory framework.

Every two months the caucus joins the full committee ("Committee") to sit side-by-side around the table with our regulatory partners over two days. The Caucus comprises a majority of members at the Committee table, and therefore also plays a central role in setting the agenda, direction and priorities of the Committee.

### Engagement

Caucus is responsible for ensuring that engagement with the communities we serve stays on track. Every year we coordinate and set the agenda for a Line Wide gathering, which brings leaders and members of impacted Indigenous communities together from across the span of the pipeline corridor for 3-4 days. These gatherings draw between 200-400 participants and are an important component of our Terms of Reference.

The gathering is a crucial opportunity for Indigenous communities to learn about how the program is progressing. It is also an opportunity for the Caucus to garner feedback and direction from the communities. When possible, our Line Wide gatherings have included the Minister of Energy and Natural Resources, Hon. Jonathan Wilkinson, former Minister of Crown-Indigenous Relations Marc Miller, as well as former and current CEO of Transmountain, Dawn Farrell and Mark Maki to present at the meeting and take questions.



Reports from the past three Line Wide gatherings can be read here:

[2022](#)   [2023](#)   [2024](#)

Over the past two years, under the leadership of current Caucus Chair Ray Cardinal, the caucus has undertaken extensive advocacy work at the national level, travelling to Ottawa to meet with federal Deputy Ministers, Associate Deputy Ministers and Assistant Deputy Ministers from the departments of Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC), the Department of Justice, Environment and Climate Change (ECCC), Natural Resources Canada (NRCan), Regulatory Affairs Sector (RAS) of the Treasury Board of Canada, and the Prime Minister's Office (PMO).

At these meetings, Caucus has sought to elevate the issues and concerns identified through the IAMC-TMX program to the highest levels of governance.

These efforts aim to mitigate the impacts of large-scale energy projects on Indigenous interests, rights and concerns and to advocate for ever-higher levels of regulatory excellence and Indigenous oversight.

## Policy Advice Submissions

While our mandate is focused on the Trans Mountain Expansion project and existing pipeline, our work often extends far beyond the reach of this project. Our caucus worked on several important policy advice submissions to advance Indigenous interests. This advice is based on what we have learned from our pioneering Indigenous monitoring program and inspections on the ground, and extensive engagement with Indigenous communities across the span of the pipeline corridor and marine shipping.

We hope that much of what we have learned, and built from the ground up, will influence all CER-regulated projects in the future, and we seek to influence not only best practices but also to advance regulations and legislation.

## OPR Review

Over the last three years an important piece of our work has been to advise on the CER's Onshore Pipeline Regulations (OPR) and Filing Manual.

In 2022, the Caucus conducted intensive regional engagements with the 129 communities. Their feedback was used for our Phase 1 submission to the OPR review in June 2022.

At our Line Wide gathering in 2024, we again engaged communities with a full-day workshop and used that critical feedback to draft our Phase 2 OPR and Filing Manual Submission in March 2025.

## Canada's UNDRIP Action Plan

Another important milestone for the Caucus during the last period was our contribution to the federal government's UNDRIP Action Plan. As per the 'UNDRIP Act', or UNDA, passed in 2021, the government had two years to come up with an action plan for how it would align all laws and regulations with the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP).

The Caucus worked with the CER and NRCan in co-developing "Action Plan Measure 34", which was submitted to the Department of Justice.

In APM 34, the CER took a significant step forward, as it committed to implementing systemic changes to its guidance documents and regulations. This represents an important evolution from project-specific programs such as the IAMC-TMX and opens the door to wide-reaching changes with respect to Indigenous oversight of CER-regulated projects.

The IAMC believes that APM 34 represents an important evolution from project specific programs such as the IAMC-TMX; it opens the door to wide-reaching changes with respect to Indigenous People's involvement in compliance and oversight of CER-regulated projects throughout the lifecycle (design, construction, operation, and abandonment).

APM 34 also advances the possibility for Indigenous governing bodies to have the authority to exercise "specific powers, duties and functions under the Canadian Energy Regulator Act." In other words, it opens the door to an Indigenous-led regulatory authority as a separate institution. There has never been an Indigenous regulatory authority in Canada with the power to protect and sustain Indigenous sites which fall under inherent Indigenous jurisdiction.

For an institution to be created, a mandate would be needed from communities, federal departments, and from central agencies to fund the organization. Creating a new entity wouldn't take anything away from the fiduciary obligations of the federal government and its ministries vis a vis the TMX accommodation measures nor from the federal government's duty to consult.



Source: Government of Canada's UNDRIP Action Plan 2023-2028



## At a Glance: Graph of Caucus Submissions Over the Past Three Years

Over the past three years, the Indigenous Caucus has filed many policy advice submissions to the regulators we work with:

2022

- |         |                                                                                                |      |
|---------|------------------------------------------------------------------------------------------------|------|
| October | » Comment on Regulatory Review of the 'Notification Regulations for Environmental Emergencies' | ECCC |
| October | » Comment on proposed amendments to the Canada Shipping Act, 2002                              | TC   |
| October | » Review of Onshore Pipeline Regulations: Guidance on GHG Emissions and Climate Change         | CER  |
| June    | » Submission on Onshore Pipeline Regulations Update: Phase 1                                   | CER  |
| January | » The Caucus provided a briefing note on DFO Wave 1 Consultation                               | DFO  |

2023

- |      |                                                                                                        |    |
|------|--------------------------------------------------------------------------------------------------------|----|
| June | » Comment on Transport Canada's Marine Pollution Preparedness, Response, and Recovery Discussion Paper | TC |
|      | » Advice to the Department of Justice for their UNDRIP Action plan                                     |    |

2024

- |  |                                                                                                     |     |
|--|-----------------------------------------------------------------------------------------------------|-----|
|  | » Co-development of Action Plan Measure 34 for the UNDRIP 2023-2028 Action Plan Co-developed APM 34 | DoJ |
|--|-----------------------------------------------------------------------------------------------------|-----|

2025

- |         |                                                                                                                                                        |      |
|---------|--------------------------------------------------------------------------------------------------------------------------------------------------------|------|
| March   | » Submission on the Onshore Pipeline Regulations and Filing Manuals                                                                                    | CER  |
| January | » Comments on CER Rules of Practice and Procedure Review                                                                                               | CER  |
| January | » Comment on the Predictable and Efficient Processing and Assessment of Certain Negligible-Risk and Low-Risk Activities AKA 'CER's Efficiency Project' | CER  |
| January | » Comments on the Canadian Environmental Protection Act Draft Implementation Framework Right to a Healthy Environment                                  | ECCC |

# Highlights from the last three years: April 2022 - March 2025

2022



- June » Caucus submits feedback on OPR Review Phase 1 after regional engagement sessions with community members
- April 7 » IAMC-TMX funding is renewed for a two-year term
- April & May » Regional in-person meetings with communities as part of an Audit & Evaluation of the IAMC-TMX Facilitated by Jennifer Smith, Innovative Seven
- April 1 » New Caucus elected for a three-year term

2023



- October » Trans Mountain Deviation Application and Hearing  
Caucus submitted a letter to the CER on September 13th regarding the Deviation application filed by Trans Mountain Pipeline to support Stk'emlúpsenc te Secwépemc Nation ("SSN"). [Chair R. Cardinal \(IAMC-TMX\) to CER regarding route deviation hearing.docx](#)
- September » Caucus meets with 8 British Columbia (BC) Ministers

2024



- February » Pipe Ceremony to launch work on APM 34
- April » Caucus and Subcommittee Chair participation at the Impact Assessment conference in Dublin, Ireland
- April » IAMC-TMX Funding is renewed for another 3-year term
- January » Caucus travels to Ottawa with North Star Lobbying Group to meet with Central Agencies

2025



- March » Election process for new Caucus members serving the 2025-2028 term

# IAMC-TMX Monitoring (IM) Program



- Partnership between IAMC-TMX, the Canada Energy Regulator, Fisheries and Oceans Canada, Environment and Climate Change Canada and Parks Canada
- Supports Indigenous participation in the federal regulation of the Trans Mountain Expansion Project
- IAMC Indigenous Monitors are full participants in Compliance Verification Activities
- Separate from Trans Mountain Corporation's Indigenous Monitoring program

Photo Credit: Earl Belcourt



*"IAMC Indigenous monitors are right on the frontlines of a very real and effective opportunity for community guided stewardship of Indigenous values, resources, knowledge, and territory"*

- Martin Whitney, IMSC Co-chair

## Indigenous Communities

Indigenous knowledge, values and perspectives



**Trans Mountain  
Indigenous  
Monitors**

+

### Company

TMC Environmental Inspectors

**Trans Mountain Indigenous  
Monitor Program**



### Trans Mountain Environmental Compliance Management Program

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

#### Program Objectives

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



**IAMC-TMX  
Indigenous  
Monitors**

+

### Regulators

CER / DFO / Parks Canada staff

**IAMC-TMX Indigenous  
Monitoring Program**



### Federal CVAs

(Indigenous Monitors participate in  
Site Visits, Field Inspections, Compliance  
Verification Activities, and Emergency  
Management Exercises.)

#### Program Objectives

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



Photo Credit: Earl Belcourt

## Background of the IAMC-TMX Indigenous Monitoring (IM) Program

The IAMC-TMX Indigenous Monitoring program formed in the fall of 2019 and is the cornerstone of the IAMC-TMX model.

The program enables Indigenous communities along the pipeline corridor to monitor for impacts related the Trans Mountain Expansion Pipeline (TEMP/TMX) construction, operations, and maintenance to protect what is important to Indigenous communities.

As such, this pioneering model allows for the participation of Indigenous Monitors throughout the federal regulation of the project. Indigenous Monitoring leadership developed these Indigenous-led training, inspections, and processes—a global first.

***"It's important to always start off with prayer. This is a key art of the cultural path, praying to the creator and informing the creator of our plans. Pipes are so important as they inform the other living beings that human activity is coming into their homes. Could even this become a company Condition?"***

- Elder Ken White, Indigenous Caucus Advisor

## Our Employers

The communities along the TMX pipeline are the Employers. They appoint Indigenous Monitors to monitor on their behalf. Employers meet once per month at Employers Working Groups (EWGs). Logistics Coordinators (LCs) from the communities are also involved.



Photo Credit: Earl Belcourt



## Partnership with the Canada Energy Regulator (CER)

Our main partner under this model is the Canada Energy Regulator (CER), which is the principal regulatory authority over the Trans Mountain Expansion Pipeline.

The CER employs Inspection Officers (IOs) who regularly conduct on-site field inspections called Compliance Verification Activities (CVAs) on the 'spreads' or segments of the pipeline construction corridor. These inspections are critical as they verify that the company – Trans Mountain Corporation – is complying with all the federal regulations as well as with any project-specific Conditions the CER attached to the project at the approval stage. The company's construction schedule is therefore the major driver of the current CVA process.

Within our program, Indigenous Monitors are full participants on the CER's CVAs related to the Trans Mountain expansion pipeline.

Our Indigenous monitors attend field inspections at the same time as the IOs to specifically look for any harm that the project has caused (or has the potential to cause) Indigenous sites or interests.

This is very new space in Canada's regulatory framework. The IM program is the first program of its kind, not only in Canada but across the globe. While there are other Indigenous monitoring programs, there are no other programs that we know of built by Indigenous peoples, participating in federal inspections on the ground, and working to inform federal regulations from the ground up.

*There are no other Indigenous monitoring programs in the world built by Indigenous people working with federal regulators to integrate Indigenous values and interests into the current regulatory frameworks.*

## Sites of Indigenous Significance (SIS)

One of our monitoring priorities is the impacts or potential harms to Sites of Indigenous Significance (SIS). The communities we serve define these sites, which can vary greatly. SISs may include archaeological discoveries, known as 'chance finds,' such as artifacts unearthed during construction. These artifacts can range from relics to burial grounds or entire buried village sites found in the path of pipeline construction.

SISs can also be less obvious, such as harvesting areas or individual plants, herbs, or trees used for cultural or medicinal purposes. Pipeline construction can harm fish, birds, wildlife, and the cumulative impacts of multiple projects in the same area can damage Indigenous communities' harvesting sites, practices, traditional activities, and ways of life. These impacts can be ruled as infringements on Indigenous rights protected under Canadian law.

“

***"The work I have done on the IAMC-TMX and with Indigenous Monitors is some of the most rewarding of my career. The conversations I have had with IAMC Caucus members and Indigenous monitors during site visits have provided invaluable insight on Indigenous concerns surrounding work in and around water, and has improved our approach to Indigenous engagement and how we can address the concerns that are raised."***

- Ernest Watson, DFO Team Leader, DFO IMSC Member

”

Additionally, there are sites within the project corridor that hold spiritual, sacred, and cultural importance, such as mountains that are part of a community's creation story. These sites are difficult to define within regulatory frameworks and often lack protection mechanisms. This is a growing space with new knowledge and regulations in development.

Communities may need to keep these sites confidential, complicating the protection process. Our monitors are trained to bridge the gaps between what the regulators and a company must do to build a pipeline, and what the communities require to safeguard their sites.

“

***"I am immensely proud of the partnership with Indigenous Monitors we have developed over the past 8 years. This work truly reflects the intent of the IAMC to build a new relationship with Indigenous communities, Government, and the CER. We have come a long way together and look forward to continued collaboration as the expanded Trans Mountain system enters its second year of operations. Ongoing monitoring of the project remains essential, and we also have an opportunity to leverage the experience of CER Inspection Officer and Indigenous Monitor partnerships in planning for and enhancing future approaches to regulatory oversight."***

- Jess Dunford, Vice-President, Field Operations, CER

”

# Indigenous Monitoring Program’s Work with other Federal Regulators

## Fisheries and Oceans Canada (DFO)

Both the Fisheries Act (FA) and the Species at Risk Act (SARA) govern the assessment of projects submitted to Fisheries and Oceans Canada (DFO). Only DFO can issue authorizations under these acts. If no authorization is needed, the Canada Energy Regulator (CER) leads.

Our Indigenous Monitors work closely with DFO during field inspections and document reviews. They attend site visits with DFO before, during, and after construction to ensure compliance with regulations.

DFO provides updates on inspection results, advice, and presentations on their policies and procedures to the Indigenous Monitoring Subcommittee (IMSC) table. DFO is responsible for authorizing plans that offset construction impacts on fish and fish habitats under the Fisheries Act and can place conditions on these authorizations.

**It’s important to note that site visits by Indigenous Monitors do not replace DFO’s duty to consult with Indigenous communities, which must happen before any authorization is given.** The company sends monitoring reports to DFO, the IAMC, and any requesting communities as a condition of the authorization.

Our collaboration with DFO has improved awareness of Indigenous concerns, addressed gaps in monitoring procedures, and enhanced communication with Indigenous Monitors. This has led to improved information sharing and mutual respect.

Since the start of the program, our IMs have conducted 57 site visits with DFO.

The following is a breakdown of inspections over the last three years:

| Year                 | Number of DFO-related Inspections |
|----------------------|-----------------------------------|
| 2022-2023            | 21                                |
| 2023-2024            | 25                                |
| 2024- March 31, 2025 | 7                                 |

The decrease in site visits in 24-25 can be attributed to the transition from construction and offsetting monitoring into post-construction monitoring. We expect future site visits to focus on monitoring the effectiveness of offsetting measures and following up on maintenance and/or emergency issues.

We’re moving towards Indigenous Monitors participating in administrative regulatory document reviews in collaboration with DFO.



*Indigenous Monitors are guided by their cultural knowledge and the wisdom and direction of their elders and leaders.*

## Environment and Climate Change Canada (ECCC)

Environment and Climate Change Canada (ECCC) is a federal partner that participates in the IMSC, IAMC, and the Marine Shipping Subcommittee (MSSC). Their main role is to provide information and support—we don't conduct site visits with ECCC.

ECCC works in environmental protection and is authorized to enforce environmental and wildlife regulations. They're involved in impact assessments, emergency response, water contamination issues under the Fisheries Act, and managing contaminated sites.

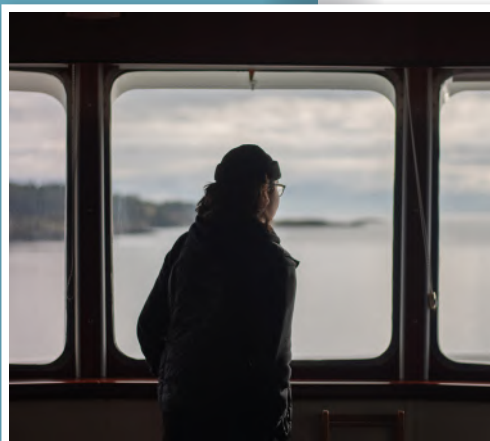
Their science and technology branch conducts research on cumulative effects and marine birds for the TMX project. The Canadian Wildlife Service (CWS) branch manages federal wildlife matters, including monitoring migratory birds, species at risk under the Species at Risk Act (SARA), the Migratory Birds Convention Act, and the Salish Sea Initiative for TMX.

Training to support community capacity for protection of migratory birds is a crucial and growing aspect of our program, especially moving forward. Operations and maintenance activities occur during nesting season and in sensitive habitats.

ECCC provides accurate and timely information about impacts that affect Indigenous communities during project construction. They offer expertise on legislation, policy, permits, and information about specific species or species at risk. ECCC also enhances policy and legislation involvement, engagement, and consultation with the IMSC and Indigenous communities, and increases the involvement of Indigenous Monitors in reactive incidents.

For impacts to critical habitats under SARA, the responsible minister—whether from ECCC, Fisheries and Oceans Canada (DFO), or Parks Canada—regulates and protects these habitats based on the species and location.





## Parks Canada

Parks Canada is part of the program because the pipeline traverses Jasper Park. They're only involved in inspecting the pipeline for the portion that impacts the National Park.

## Indigenous Monitors–Indigenous Officers Gatherings (IM-IO Gatherings)

Field inspections require communication between Indigenous Monitors (IMs) and CER's Inspection Officers (IOs) who attend on-site together. Jointly with the CER, we've co-developed two flagship IM-IO gatherings to bring these two partners together in a retreat-like setting over several days. The fundamental purpose of these gatherings is not only to share knowledge, but to build trust and understanding.

To date, we've held three IM-IO Gatherings alternating between BC and Alberta regions.

## Socioeconomic Compliance Verification Activities (CVAs)

Monitors and communities have raised concerns about socioeconomic impacts since the beginning of the TMX project. IAMC-TMX Monitors have worked with the CER on CVAs focusing on a variety of socioeconomic topics such as commitments, human health, and effects monitoring.

The relationships developed between CER staff and the socioeconomic subcommittee, and between Inspection Officers and Monitors, have created valuable learning opportunities for both the CER and the IAMC-TMX. In preparation for one socioeconomic CVA, the CER also engaged with the IAMC socioeconomic subcommittee. This CVA resulted in the issuance of an IOO. The CER has expanded the number of IOs who are able to do socioeconomic CVAs.

**Inspection Officer Order:** When a situation requires immediate attention to keep people, property, and the environment safe, an Inspection Officer Order may be issued. The order requires a company to complete certain actions by a set date.

Socioeconomic inspections are a promising addition to the CER's compliance program, as it's crucial to mitigate social and economic impacts of large-scale energy projects. If these impacts are left unchecked, they can have far reaching consequences for communities impacted and inter-generational equity.

### Indigenous Monitoring Training Program

Since 2019, our Indigenous Monitoring (IM) training program has grown and adapted to meet additional needs. Today, it is recognized as a robust program that equips monitors with skills to potentially become regulatory inspectors. Many courses lead to certifications and qualifications recognized by institutions or governments.

We offer both mandatory and optional training courses. IMs must complete CER-provided mandatory training before participating in CVAs. This training helps IMs effectively assess issues from a Western perspective and increases Indigenous participation and awareness of regulatory compliance.

Optional training allows IMs to develop expertise in various areas. As IMs learn more about federal regulations, they gain a deeper understanding of how existing protection mechanisms might overlook SISs. The program can bring identified gaps to the committee for resolution.



Photo Credit: Earl Belcourt



Photo Credit: Earl Belcourt

### Indigenous-Led Training

We develop Indigenous-led regulatory training for Indigenous Monitors (IMs) as part of the program. The first Indigenous-led regulatory training for IMs took place in 2022-2023. This training emphasizes cultural and traditional knowledge, locally rooted and specific to each Nation's teachings and laws.

To date, we've trained 54 Indigenous Monitors.



Line Wide Gathering 2023

***"There are different language-speaking First Nations peoples sitting in this room and that needs to be recognized. When you are doing any type or framework or workplan, you need to acknowledge those languages as we are connected to Mother Earth with our languages."***

- Attendee, Line Wide Gathering 2024



## Mandatory Employer Specific Requirements

|                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                      |
|-------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Recommended Skills & Competencies                                                                                                         | <ul style="list-style-type: none"> <li>» Basic computer skills</li> <li>» Ability to read &amp; write technical documents</li> <li>» Monitoring &amp;/or construction experience</li> <li>» Local/regional environmental knowledge</li> <li>» Indigenous knowledge</li> <li>» Experience being on the land</li> <li>» Driver's license</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | » New Hire                                                                                                                                                                                                                                                                                                           |
| <b>IAMC Regulator Orientation</b> <ul style="list-style-type: none"> <li>» IAMC</li> <li>» CER</li> <li>» DFO</li> <li>» PARKS</li> </ul> | <ul style="list-style-type: none"> <li>» <b>IAMC</b> purpose and long-term vision</li> <li>» <b>CER</b> role in life cycle regulation &amp; compliance oversight</li> <li>» Pipeline construction &amp; operations</li> <li>» Orientation to compliance verification in environmental protection, safety management, &amp; emergency management</li> <li>» Protecting Indigenous knowledge &amp; inspection confidentiality</li> <li>» Chance find protocols</li> <li>» Issues management &amp; conflict resolution</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <ul style="list-style-type: none"> <li>» <b>DFO</b> role &amp; mandate</li> <li>» Introduction to Fisheries Act &amp; Species at Risk Act</li> <li>» Introduction to compliance monitoring &amp; site visits</li> <li>» Overview of <b>Parks Canada</b> regulatory role &amp; environmental surveillances</li> </ul> |
| Operational Requirements                                                                                                                  | <ul style="list-style-type: none"> <li>» Security clearance based on assessment of criminal record check (for CER only)</li> <li>» Signed and returned non-disclosure agreement</li> <li>» Training on IAMC's Indigenous Monitoring Covid-19 Plan and Protocols</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                      |
| Safety Certification                                                                                                                      | <ul style="list-style-type: none"> <li>» H2S Alive</li> <li>» Standard First Aid + CPR-C</li> <li>» Pipeline Construction &amp; Safety</li> <li>» Workplace Hazardous Materials Information Systems (WHMIS)</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                      |
| » Eligible IAMC Indigenous Monitor «                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                      |
| Optimal On-the-job Training                                                                                                               | <ul style="list-style-type: none"> <li>» ECCC - provided Species-at-Risk Training</li> <li>» Mentorship between senior &amp; junior monitors</li> <li>» Building community of practice</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | <ul style="list-style-type: none"> <li>» Orientation to compliance verification in environmental protection, safety management</li> </ul>                                                                                                                                                                            |
| Optional Additional Training/Career Development                                                                                           | <p><b>EMERGENCY RESPONSE &amp; MANAGEMENT</b></p> <ul style="list-style-type: none"> <li>» ICS (all levels) » S-100 (a)</li> </ul> <p><b>INVESTIGATIONS</b></p> <ul style="list-style-type: none"> <li>» TapRoot Root Cause Analysis » Pipeline Inspection Training</li> </ul> <p><b>ARCHAEOLOGY &amp; CULTURAL HERITAGE</b></p> <ul style="list-style-type: none"> <li>» RISC Cultural Monitoring</li> </ul> <p><b>HEALTH &amp; SAFETY</b></p> <ul style="list-style-type: none"> <li>» Swift Water Awareness or Rescue » Hazardous Materials » Defensive Driving</li> <li>» Journey Management » GPS » Safety Leadership Rights &amp; Responsibilities</li> <li>» Ground Disturbance » Hazard/Risk Assessment » ATV/UTV Operators Course</li> </ul> <p><b>FISHERIES MANAGEMENT</b></p> <ul style="list-style-type: none"> <li>» CABIN Monitoring » Fish Habitat Assessment</li> <li>» Invasive Species » Species at Risk (Aquatic)</li> </ul> <p><b>ENVIRONMENTAL</b></p> <ul style="list-style-type: none"> <li>» Migratory Birds ECCC » Forest Range Evaluation</li> </ul> <p><b>OTHER</b></p> |                                                                                                                                                                                                                                                                                                                      |



## Training Courses added to the Indigenous Monitoring Program 2022-2025

### Our Growing Training Program

New training opportunities are constantly being researched and added to our program any time an additional need is identified. Over the last three years, we've added the following courses to our suite of training:

#### 2022

##### **Taproot Root cause investigation and analysis**

Identifying Indigenous risks and interests and putting those in the hands of the communities that are being impacted. This will allow First Nations to develop their own risk models where Risk Assessment is not only related to the environment.

##### **Pipeline inspector courses**

Pre-approved optional continuous learning for IM.

#### 2024

##### **Impact Assessment**

Identifying Indigenous risks and interests and putting those in the hands of the communities that are being impacted. This will allow First Nations to develop their own risk models where Risk Assessment is not only related to the environment.

##### **IAMC Safety Program Training and Manual**

Specific training for communities.

##### **Suite of Safety Training (First Aid and Safety training program)**

##### **IM Regulatory Onboarding Training**

A 5-day in-person training course.

##### **Avian Bird Nest Training**

#### 2023

##### **Organized Reasoning Technical Writing**

Related to Impact Assessment Agency process

##### **Forest and Range Evaluation Program (FREP) Training**

A tool used in BC to measure the effectiveness of forest range practices by monitoring and evaluating the conditions of 11 resource values. FREP training allows for communities to address their specific priorities and interests such as harvesting Swiftwater Rescue Awareness Training. A self-paced online course that's the prerequisite for the Swiftwater Safety Rescue Courses.

#### 2025

##### **Human Trafficking**

Awareness Training course on how to identify Human Trafficking, marking a departure into monitoring for social impacts to Indigenous peoples in energy development projects.

##### **Spill Response Due Diligence**

Diligence A one-day course including both classroom theory and outdoor training exercises.

##### **Swiftwater Rescue Awareness Training**

A self-paced online course that's the prerequisite for the Swiftwater Safety Rescue Courses.





In 2024, the process was developed to do more Indigenous-led inspections. Under this new model, instead of participating in a CER-led CVA, IMs undertake field inspections based on the direction of their communities who have identified a topic, location and need specific to their community.

Over the past year, an Indigenous-Led inspection process document has been robustly co-developed with the CER at our Indigenous Monitoring Subcommittee table.

Under this model, an IM or community can submit a CVA request to the IMSC. This model can directly serve the needs of our communities and mitigate impacts and harms to Indigenous communities, which are not addressed in the current federal regulatory framework.

### To date, there have been three Indigenous-Led CVA Discussions:

1. Traditional Knowledge Keepers discussed the details of future Indigenous-led inspections around either Watercourse Crossings or Culturally Modified Trees.
2. Effectiveness evaluations, mitigations to prevent fish kills, and collaborating to develop scopes for future Indigenous-led CVAs.
3. A community requested an Indigenous-led CVA related to a mourning site that's within the prescribed area (but outside of the right of way).

*"Our mission is to empower the Indigenous Advisory and Monitoring Committee for the Trans Mountain Expansion (IAMC-TMX), Indigenous Monitors, and impacted communities, while fostering collaboration in pursuit of regulatory excellence... Under this model, CER can facilitate and ensure that the company complies with CVAs requested by Indigenous communities."*

- Kathryn Eagles, Technical Specialist, Canada Energy Regulator

## Evolving from Advice-Giving to Oversight

Including Indigenous-led inspections in our pioneering program is an important example of how the IAMC-TMX has evolved from its original advice-giving function to becoming a vehicle for communities to gain direct oversight and mitigation of project impacts. The topics of Indigenous-led inspections are examples of addressing those harms that extend outside of the current regulations and therefore constitute issues that are beyond compliance.

## Honouring Ceremony

On Tuesday, February 27, 2024, members of the IAMC-TMX Indigenous Caucus and Federal Caucus gathered at the Shxw̓ha:y Village Cultural Centre in Chilliwack. After sharing a meal, we honoured Ray Cardinal for his years of co-chairing the IAMC-TMX and recognized the hard work of other Indigenous Caucus members and Indigenous Monitors. The ceremony featured blanketing, drumming, dancers, and great food.



Indigenous Monitors and Ray Cardinal are honoured in 2024 with Shxw̓ha:y Village dancers.

Indigenous Monitors are crucial to the pipeline expansion, ensuring respect for the environment, Indigenous rights, community interests, and integrating Indigenous People into monitoring practices.

## Our 'Boots on the Land': Operations Report

Since the start of the program, our IMs have conducted over 266 CVA inspections with regulatory partners. The following is a breakdown of inspections over the last three years:

### Compliance Tools Update 2024

Number of Notices of Non-Compliance (NNC) - Typically, an issue of a notice of non-compliance, will state what the company needs to correct. A company must address the non-compliance by the date set. **Number of instances = 17**

Number of Corrected Non-Compliances (CNC) - This means that there was an issue during an inspection, but that the company has corrected it. **Number of instances = 20**

Number of Inspection Officer Orders (ORDERS) - An inspection officer order takes enforcement a step further. If a situation requires immediate attention to keep people, property, and the environment safe, we may decide to issue an inspection officer order. The order will require a company to complete certain actions by a set date.) **Number of instances = 4**

## TMX CVA Data

|                                     |            |
|-------------------------------------|------------|
| <b>Total CVAs 2022/23 - 2024/25</b> | <b>113</b> |
| 2022-2023                           | 41         |
| 2023-2024                           | 40         |
| 2024-2025                           | 32         |

| <b>Compliance Tools</b> | <b>CNC</b> | <b>NNC</b> | <b>Orders</b> |
|-------------------------|------------|------------|---------------|
| 2022/23                 | 27         | 37         | 2             |
| 2023/24                 | 48         | 26         | 6             |
| 2024/25                 | 8          | 14         | 0             |
| <b>Total</b>            | <b>83</b>  | <b>77</b>  | <b>8</b>      |

| <b>Spreads</b>            |    | <b>*Note – Sum of Spreads does not equal Total CVAs, as some CVAs addressed 2 or more spreads in the scope of their activity.</b> |
|---------------------------|----|-----------------------------------------------------------------------------------------------------------------------------------|
| 1                         | 3  |                                                                                                                                   |
| 2                         | 8  |                                                                                                                                   |
| 3                         | 13 |                                                                                                                                   |
| 4                         | 13 |                                                                                                                                   |
| 5                         | 30 |                                                                                                                                   |
| 6                         | 20 |                                                                                                                                   |
| 7                         | 9  |                                                                                                                                   |
| Terminals                 | 13 |                                                                                                                                   |
| Line-Wide                 | 7  |                                                                                                                                   |
| Provincial (AB/BC/Jasper) | 16 |                                                                                                                                   |

## Building a Community of Practice

Our Community of Practice includes IAMC-TMX Indigenous Monitors (IMs), Elders, other Land Guardians who work towards the protection of Sites of Indigenous Significance (SIS), Line 3 Indigenous Monitors, TC Energy's NGTL Indigenous Monitors, and Trans Mountain Company Indigenous Monitors.

Building intergenerational equity for future generations of Indigenous Monitors throughout the pipeline life cycle by protecting Sites of Indigenous Significance, setting training standards, addressing systemic issues, and navigating regulatory jurisdiction and authority.

We're constantly building our Community of Practice through:

- » Weekly Indigenous Monitor meetings.
- » Indigenous Monitor mentorship team.

Our first Community of Practice two-day event was on March 10 and 11, 2025. Held on xʷməθkʷəy̓əm (Musqueam) territory, the event celebrated the work of the IAMC Indigenous Monitoring Subcommittee and fostered connections and knowledge sharing.



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***“The M in IAMC was a big deal to the government. They had never done it before and realized they needed to figure out how and that they needed our help and participation.”***

- Raymond Cardinal, IAMC Indigenous Caucus Co-Chair

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We're grateful to Elders Lorraine White, Ken White, and Dolly Thomas, presenters Martin Whitney, Kristina Zoller (CER), Dr. Keith Carlson, Leona Antoine (Salish Fire Keepers), and Charlene Everson (N̓anwakolas Council), and hosts Tommy Brown, Coastal Wolf Pack, and George Desjarlais.



Photos from Indigenous Monitoring Community of Practice Gathering, March 2025

## Post Construction Monitoring

### Pipeline Completion: The Transition from Pipeline Construction to Operations and Maintenance

With the end of project construction, regulatory inspections have decreased, and the focus has shifted towards advancing regulatory reforms that better serve the communities. The IAMC-TMX is now concentrating on evaluating how well the Trans Mountain Expansion Project (TMX) protected Sites of Indigenous Significance (SIS). This involves field research and assessments to determine the effectiveness of the mitigation measures put in place. For example, we evaluate offsetting plans that consider cultural risks.

Post-construction monitoring is currently underway with the Canada Energy Regulator (CER). Digital management of most activities will reduce the number of Compliance Verification Activities (CVAs). Key areas of interest include vapour release from pipes and reclamation activities. The IAMC-TMX aims to use the collected data to support policy recommendations to federal and provincial governments, ultimately improving protections for SIS.

### Effectiveness Evaluations and the Canada Energy Regulator (CER)

At present, the CER relies on companies (in our case, Trans Mountain) to undertake their own assessment of the mitigations applied during a project and report back to the CER.

However, the regulator, and especially the company, should never evaluate themselves on how effectively Indigenous concerns and impacts were mitigated. We need an external, Indigenous-led review of the mitigations. Elders and Traditional Knowledge Keepers need to be a part of any evaluation process. CER has offered to help the IAMC scope and design work to undertake an internal evaluation about the effectiveness of one or several project conditions.

We can co-develop a strategy to address the gaps that exist in the project Conditions for compliance. The IAMC will lead in undertaking our own mitigation effectiveness research, around one or several of the project Conditions. The CER will support this research by providing the filing documents, answering questions, etc.

We must apply an effectiveness evaluation to protecting traditional medicines and plants—both existing ones and those lost during construction. Whatever is missing needs to be replaced through a mediation process. Including Elders and youth in land retreats is an effective component of effectiveness evaluations in intentional settings.

Through our work with the CER, we have identified a need for an Indigenous risk model to inform compliance verification planning and mitigating impacts to Indigenous Peoples. There remains a further opportunity for IMs to ground-truth company assertions in their filings, ensuring effective compliance verification and harm prevention.

## Revision to our Framework Monitoring Documents

Important updates to our monitoring frameworks in 2024 included:

- » Formalizing Elder and Knowledge Keepers' participation whenever it was possible to do so safely
- » Co-developing the Indigenous-led CVAs process, content, forms, etc.
  - Ongoing updates to Indigenous-led CVAs
  - Community Submission forms
- » In progress/development
  - Updates to CER and DFO Monitoring Protocols
  - IAMC-TMX SIS Checklist
  - IMSC Clear Guidance document

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

- Bobbi Ellen Roberts, IAMC-TMX Indigenous Monitor

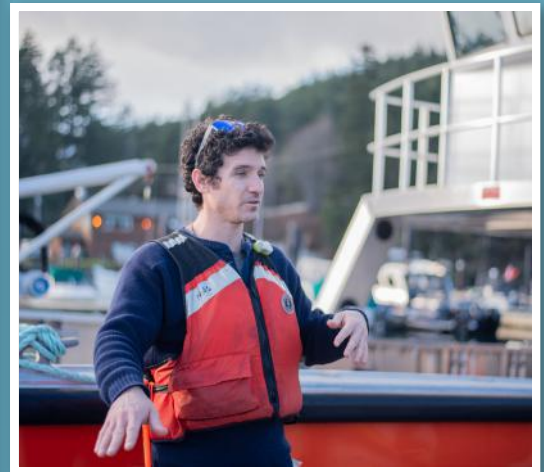
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## **Our Expanding Relationships with Provincial Regulators**

Our committee currently has no provincial partners, however, we’ve been able to engage with the provinces on a few occasions. We see much overlap and regulatory involvement in Indigenous concerns, interests, and notifications of concerns.

- » BC Environmental Assessment Office inspection
- » BC Forest range evaluation program
- » Westridge Marine Terminal inspection
- » Collaborative inspection with WCB, IMs and CER inspection teams
- » BC Energy Regulator (BCER), formerly BC Oil and Gas Commission (BCOGC) · BC 1 Call meetings with IMSC and an offer to facilitate collaboration with Alberta 1 Call.

The BC 1 Call is important for protecting SIS during operations and maintenance of the pipeline as it applies to digging on all crown land or leased land. This may also apply to private land, such farm or ranches.



## Expanding Horizons: National and International Participation

In all our work, we learn, share, and bring back learning to our Community of Practice. In addition to our work on the Trans Mountain Pipeline and Expansion, we're supporting communities on other issues upon request.

We actively assess where we are in a global context. In many areas we're leading, in some we're following. We also look at where we are in relation to global standards. Our IAMC co-chair, Ray Cardinal, and IMSC co-chair Martin Whitney, have accepted invites to share the work of the IAMC both nationally and internationally. This is increasing the IAMC profile and creating further credibility for the Indigenous Monitoring program. The IAMC's community-based Indigenous Monitors' work is unique around the globe and the international community is taking notice.

### APRIL 2024 International Association for Impact Assessment (IAIA) Conference,

Dublin, Ireland

Martin recently attended this conference in Dublin on the theme of Impact Assessment for a Just Transformation: <https://2024.iaia.org/> One highlight was the transfer of authority process that exists in Saudi Arabia.

### OCT 2024 New Zealand Association for Impact Assessment Conference

New Zealand

The IAMC were active participants, demonstrating our growing expertise and support of Indigenous communities.

### FEBRUARY 19th-20th, 2025 Nishnawbe Aski Nation Water Summit

Thunder Bay, Ontario

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*"One take-away from the summit is that communities define clean water differently from government regulators. Clean water to Indigenous peoples is living water, natural, and untreated, whereas for government it often just means potable water. Waters have spiritual and cultural properties. Living water is the goal that communities want to see."*

- Martin Whitney, IMSC Co-Chair

”





# Important Milestones

## 2022



### Co-developed and delivered the first IM-IO Gathering

**July:** The Coast Salish cultural practice took place in light of the numerous artifacts discovered in the Fraser Valley.



### Delivered the 1st Indigenous-led IAMC-TMX Indigenous Monitoring Training

**September**



### Archaeological discovery at Shxw'ow'hamel revealed a previously unknown burial. The first layer two feet down is 2500 years old. This could reveal some of the earliest sites of the Fraser Valley.

**August:** It's an unprecedented situation where Stó:lo heritage policy is being completely followed during pipeline construction.

## 2023



### Ceremonial Burning

**March:** The Coast Salish cultural practice took place in light of the numerous artifacts discovered in the Fraser Valley.

### Indigenous Monitors attend their first socioeconomic inspection, and the CER's second socioeconomic CVA

**July:** This inspection resulted in CER issuing an [Inspection Officer Order \(IOO\)](#)

### IM Regional Engagements Lower Mainland, Interior of BC, and Alberta IMSC Regional Gatherings



**Summer:** Workshop presentations, post-construction strategy and highlighting milestones and seeking feedback on areas for improvement.



### Line SAV (Staff Assistance Tour)

**September**



### Inaugural meeting with IAMC-Line 3 Enbridge

**September:** Building a Community of Practice



### Pípsell (Jacko Lake) Hearing

**September:** CER oral hearing about TMX's proposed route through a sacred site. Approved by the Commission of the CER.



### Bad Rock Stó:lo Tour

**October:** Offered insights into the deep connection between the Stó:lo people and their ancestral lands and provided a platform for cultural exchange and learning.



### Hosted the Line Wide Gathering

**November**

# Important Milestones

## 2024

Created an onboarding package for new subcommittee members and for IMs

Inspection requested at a sacred MMIWG memorial site

**February:** Indigenous requests for support over concern for a sacred site related to a memorial being damaged and vandalized.

Two-days immersive Stó:lō Cultural Education

**February**

Honouring Ceremony

**February:** Indigenous Monitors and IAMC Indigenous Co-Chair Ray Cardinal are honoured in a ceremony held at Shxw̓a:y Village Cultural Centre

Second IM-IO Gathering takes place

**March:** Tsu'tina Sportsplex/Arena 2-day event

IM Onboarding regulatory training: 5 days of training

**March:** The SIS checklist is a tool that monitors can use for data collection.



TMX becomes active as oil begins to flow through the pipeline in active operations

**May:** The focus shifts from construction to operations and maintenance.



Our Monitoring Frameworks (first written in 2019) underwent a thorough update and revisions

We co-developed the Monitoring Framework documents that are between the Indigenous reps and the government reps who sit at the table.

IAMC representatives were invited observers as Trans Mountain's Full Scale Emergency Management Exercise, and Indigenous Monitors participated in the evaluation of the Exercise with the CER.

**October:** This is a significant inspection and an opportunity to share knowledge across all the other IAMC subcommittees.

First formal CER-IAMC Socioeconomic CVA

Prior socioeconomic CVAs fell under safety disciplines.



## 2025

### First Indigenous Monitoring (IM) Community of Practice Gathering

**February:** Celebrated the IAMC's Indigenous Monitoring work, fostered connections and knowledge sharing.



### Creation of a Sites of Indigenous Significance (SIS) checklist

**February:** The SIS checklist is a tool that monitors can use for data collection.

### Monitoring Program's Clear Guidance Document

**February:** Document In development.

### Human Trafficking Awareness Training

**February:** For the first time Monitors have the option to take training in human trafficking awareness.

### Martin Whitney attended CER Hearing as a Member of the IAMC

**March:** Hearing in Kamloops specific to Traditional Knowledge on the Sunrise Expansion Project



# Key Learnings from the Past Three Years, and New Directions for the Future

The IAMC-TMX Indigenous Monitoring program continues to evolve as Indigenous rights become more robustly articulated through the adoption of UNDRIP, and as regulatory frameworks continue to adapt to UNDRIP in Canada.

» **Indigenous Monitoring needs to be local and site-specific:** rooted in cultural and traditional knowledge that is locally held. Variations exist even between regional Indigenous cultural, heritage, stewardship aspects. Any framework that's developed needs to avoid becoming pan-Indigenous. It must always speak from each Nation's unique Indigenous teachings, language, and laws.

» **Land user-led inspections:** It's the land users themselves who must play a key role in spearheading inspections to safeguard Indigenous ways of life.

» **Rights-based monitoring training for monitors around legal rights:** First Nations Rights and Title Training. Traditional activities are rights.

» The CER is gathering information for the development of a **nationwide IM Program** and is being informed by the work of the IAMC-TMX IM Program.

» **Formalizing Elder participation and Elder participation in field activities:** Elders, Knowledge Keepers and Spiritual leaders represent the highest level of oversight for communities. Include ceremony and protect confidential data and other information.

» **Cultural and ceremonial training and events:** We must include this in addition to the mandatory training to help monitors stay grounded in their culture and traditions and apply this to the work.

» **Environmental justice**

» **Administrative justice:** Leading with ceremony and protocol should be emphasized. This should also be present throughout the work generally.

» **Overlapping project impacts:** Communities have expressed interest in Trans Mountain activities where right of ways are shared with the Sunrise Project. Currently, communities impacted by both projects must discuss the same location impacts twice. This work could be more efficient if Sunrise used the IAMC Monitors who are already familiar with the locations and impacts.

» **Effectiveness evaluations:** Tracking success of inspections and follow up. This kind of scrutiny will help to assess effectiveness of the inspections from the Indigenous perspective. We're preparing for when those changes happen in Canada.

» **Recognition of diverse Indigenous languages:** At least 46 languages exist across the line. The cultural competency aspect of the IM program must acknowledge this.





The IAMC-TMX Indigenous Monitoring Program has made significant strides in integrating Indigenous perspectives into the regulatory framework of the Trans Mountain Expansion Project. Since its inception in 2019, the program has empowered Indigenous communities to actively participate in monitoring and protecting their lands and cultural sites.

Through partnerships with federal regulators, Indigenous Monitors have played a crucial role in ensuring compliance with environmental and cultural protection standards. Their involvement in Compliance Verification Activities (CVAs) and Indigenous-led inspections has set a new precedent for Indigenous participation in regulatory processes.

Looking ahead, the program aims to continue evolving by incorporating more Indigenous-led initiatives and expanding training opportunities for monitors. The focus will shift towards post-construction monitoring and evaluating the effectiveness of mitigation measures to ensure long-term protection of Sites of Indigenous Significance (SIS).

By fostering collaboration, building trust, and enhancing communication between Indigenous communities and federal regulators, the IAMC-TMX Indigenous Monitoring Program is paving the way for a more inclusive and respectful approach to environmental stewardship and cultural preservation. The ongoing commitment to integrating Indigenous knowledge and values into regulatory practices will serve as a model for future projects and contribute to the broader goal of reconciliation and sustainable development.



# Indigenous Monitoring Subcommittee



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



Follow-up and elevate to the Indigenous Caucus community concerns outside regulators' jurisdiction.



Regulatory capacity building for Indigenous Monitors.



Support Indigenous communities to research and analyze data and knowledge.

The Indigenous Monitoring Subcommittee (IMSC) oversees, directs, and develops the Indigenous Monitoring Program.

IMSC committee members meet as equal partners ensuring each representative's outlook is given equal consideration. Along with the Canada Energy Regulator (CER), members of our Indigenous caucus, and Indigenous community representatives, membership also includes representatives from the federal departments responsible for regulating pipeline construction, operations and maintenance.

Martin Whitney and Chief Marcel Shackelly are the current IMSC co-chairs. The IMSC meets for one full day and one half-day every month to discuss and identify regulatory gaps and advance the Indigenous monitoring program. We bring to the table and then the Indigenous Caucus any community concerns that fall outside the jurisdiction of the federal regulators.

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

- Tribal Chief Tyrone McNeil, IMSC Member, Stó:lō Nation

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## Activities of the IMSC

The IMSC serves as a platform for discussing regulations, examining incidents reported by the company, and addressing concerns raised by Indigenous representatives and monitors in the field. We aim to strengthen the connections between field monitors and regulatory decision-makers within federal departments.

During our meetings, technical specialists present various topics to help participants better understand regulatory processes and standards. These topics can range from the remediation of contaminated sites to offsetting measures. The IMSC also develops the finer details of the monitoring program. This includes standardizing rates, identifying training needs, and improving monitoring standards through documentation and reporting tools.

## Information Sharing

A main objective of the IMSC is to enhance communication with communities about issues that are important to them. Information sharing components include:

- » Regulator Updates: Federal reps and regulators update the table about upcoming site visits, authorizations, emergency authorizations, or permits being issued, details about any offsetting locations or amendment requests or revisions to authorizations, and remediation work.
- » Presentations: Federal reps are often asked to present specific aspects of how they oversee and regulate projects.
- » Periodic meetings with Trans Mountain (upon request) to seek information, presentations, etc.





### **Analyze or discuss any compliance breaches observed in the field**

1. Review incident bulletin notifications, compliance and enforcement measures
2. Discuss issues with federal reps and the IAMC
3. Analyze any significant incidents that have occurred, any non-compliances that have been issued to the company, and any corrective actions taken.

### **Analyze gaps in the regulatory framework and collaborate on the correct path forward**

There's a direct link between what the monitors do in the field and identifying the issues that require further policy development down the road.

The IMSC works to identify structural flaws, regulatory gaps, policy gaps in regulations, and gaps communicated by monitors working in the community. Often, these gaps are elevated to the Indigenous caucus for further review or legal submissions.

We also analyze and report on lessons learned from past events, such as the flood of 2021 or socioeconomic Compliance Verification Activities (CVAs).

- » Evaluate which kinds of events should be reportable and immediately reportable and determine any shortcoming for Indigenous communities.
- » Streamline and improve notification requirements for all works on the Trans Mountain (TM) expansion project.

- » Analyze any differences regarding work taking place on the project right-of-way or off the right-of-way. Different policies can impact Indigenous communities.
- » Effort to maximize notifications to communities about all TM activities, even those not under all circumstances.
- » Discuss how authorizations for emergency works affect Indigenous communities

### **Review and approve Capacity Funding Program (CFP) requests.**

- » Review and endorse CFP applications related to Indigenous monitoring (more info below).

### **General Operations of the IMSC**

- » Develop a yearly work plan and budget for each year, which is approved by the Indigenous caucus.
- » Develop a training matrix and review and add new courses.
- » Support training of the IAMC Indigenous Monitors on the Fisheries Act, Species at Risk Act (SARA) and associated DFO regulations and policies.
- » Plan additional operations and post-construction CVAs.

## Community Capacity Program (CFPs): Highlights

The CFP Program closed on September 30, 2023. There were 46 proposals, totaling \$2.3 million of the \$3.5 million available. The IMSC had 18 proposals funded. Several of the proposals funded support youth and women specifically: Eight of the proposals at IMSC benefit women, and three of the proposals benefit both youth and women.

Three Indigenous entities obtained additional one-off top-up support to buy larger purchases for Monitoring. They were: Seven Generations, Beecher Bay, and Upper Nicola.

- » Side by Sides for monitoring
- » Seven Generations Environmental Services has requested to use IMSC contribution funds to purchase a gas monitor, a device used to detect the presence of harmful gases in an area.



The Indigenous Monitoring Subcommittee (IMSC) has been instrumental in overseeing and developing the Indigenous Monitoring Program, which has worked to integrate Indigenous perspectives into the regulatory framework of the TMX.

Our efforts have strengthened the connections between field monitors and regulatory decision-makers, ensuring that Indigenous voices are heard and respected.

We've focused on enhancing communication with communities by sharing updates from federal regulators, analyzing compliance breaches, and reviewing significant incidents. This has identified and addressed structural and policy gaps, often elevating these issues to the Indigenous caucus for further review.

Additionally, the IMSC has supported training for Indigenous Monitors on relevant regulations and planned additional Compliance Verification Activities (CVAs). The IMSC's work has set a new precedent for Indigenous participation in regulatory processes, paving the way for a more inclusive and respectful approach to environmental stewardship and cultural preservation.

# Marine Shipping Subcommittee



Working to create a safe Marine space now and into the future

## History and Vision

The Marine Shipping Subcommittee (MSSC) was established as part of the Indigenous Advisory and Monitoring Committee (IAMC) to oversee marine shipping activities, particularly those influenced by the Trans Mountain Expansion (TMX) Project. The MSSC's vision is to create a vibrant connection to thriving sea life in our waters, rooted in cultural teachings, strong coordination among all parties, and Indigenous-led protection of the ocean. This vision guides our work to build sustainable, integrated, and Indigenous-led marine monitoring and response programs.

The MSSC consists of 29 participating Nations and federal partners, including Transport Canada (TC), the Canadian Coast Guard (CCG), Fisheries and Oceans Canada (DFO), and Environment and Climate Change Canada (ECCC). We address vital changes and protocols related to the TMX oil that traverses our territorial waterways. During these meetings, we're fortunate to have presenters who bring valuable support and collaboration, sharing insights that enhance our collective efforts.

We've engaged with Harbo, Trans Mountain, Western Canada Marine Response Corporation (WCMRC), and Clear Seas to explore opportunities to support communities through training, information sharing, and collaborative strategies for better monitoring of our waters.



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*“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.”*

”

This statement is a combination of the unity declaration that was co-developed by marine leaders and the MSSC vision statement.





## Priorities

The MSSC has set several key priorities. We're building a foundation by establishing sustainable marine monitoring and response programs through regional inventory processes, emergency management planning, and ensuring community wellbeing in case of incidents.

Another priority is to create a coordinated First Nations voice on marine stewardship and management, including policy and regulation. The MSSC seeks to achieve long-term changes in marine program administration, funding, and authorities to enable more integrated and ecosystem-focused collaboration among federal regulators and First Nations.

## Cultural Protocol

Through our collaborative efforts at the (MSSC) table, guided by MSSC Leadership and in unity with all 29 Marine communities, we recognize that culture is not merely an aspect we can adopt or discard at will; it is a fundamental way of life within our First Nations marine communities. The laws governing our land, water, air, and nations are our top priority when engaging in activities within marine territories.

Land stewardship is deeply rooted in the cultural teachings of our Elders and the ancestors who devoted their lives to preserving our environments, including our lands, waters, medicines, and laws. We do not dismiss these efforts, and the efforts of our Elder's laws, cannot be undermined by the intrusive presence of tankers and other external pressures that threaten our MSSC territories.

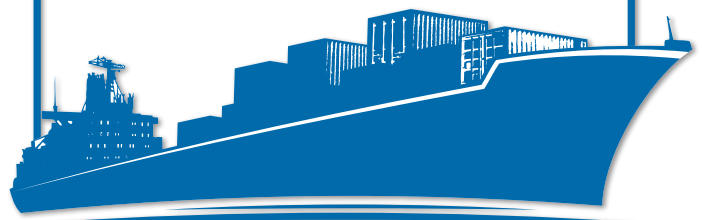
Our Elders have long sought collaborative solutions with our non-Indigenous visitors, and we continue this mission at the MSSC table, with our federal partners. We actively pursue partnerships with federal stakeholders to ensure the success and longevity of our First Nations communities, safeguarding our cultural laws and traditional ways of life and our Marine Territories.

In alignment with MSSC leadership, the technical table, and our federal partners, this is leadership's/ MSSC's mission: we remain steadfast in our commitment to uphold and protect the cultural integrity of our marine territories for future generations. Together, we will forge a path that respects our heritage while navigating contemporary challenges.

## The Trans Mountain Expansion increased the number of tankers annually from



**AND FROM  
1 per week to 1 per day.**



The work described in this report has been firmly grounded in cultural laws and beliefs from the outset. Our approach began with direct, face-to-face visits to each community, as mandated by our First Nations Chair Trina Sxwithul'txw and Co-Chair Carleen Thomas. We ensured that we honoured community leadership by engaging Elders from each of the communities where we hosted meetings and ensured we had not only leadership direction, but Elders' prayers and direction. This set the groundwork for collaborative work.

Throughout this process, we documented our activities comprehensively, utilizing video, pictorial reporting, line-wide updates, and regular briefings to leadership. A paramount focus was placed on understanding the concerns raised by the communities we engaged with. Among the key issues identified were:

- » Anchorages
- » Anchor drag
- » Bilging
- » Ballast water management
- » Oil leaks, including anomalies
- » Debris washing ashore and polluting our waterways and beaches
- » Regulatory dismissiveness towards First Nations issues and concerns
- » Monitoring and ticketing on marine waters

These concerns represent only a fraction of what we heard during our community engagements, which were conducted with cultural sensitivity and respect for traditional practices. Our commitment to addressing these issues reflects our dedication to fostering respectful partnerships with the communities we serve. Through ongoing dialogue and engagement, we aim to work collaboratively towards sustainable solutions that honor the cultural and environmental integrity of each community.

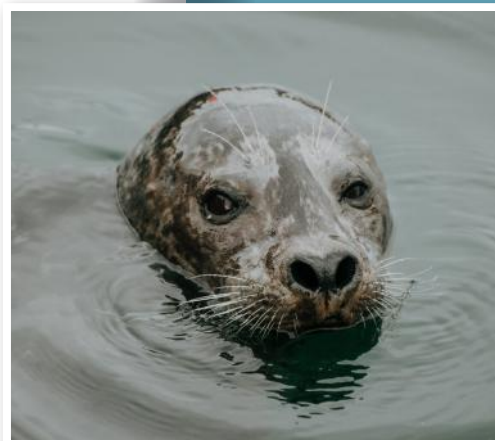


Photo Credit: Carla Duffey



## MSSC and Impacted Marine Nations

There are 32 impacted Marine Nations on the Trans Mountain Expansion (TMX) consultation list. Of those 32 Nations, we currently have 29 participating at two established tables within the MSSC. One table is for members to advance our annual work plan activities. The second is a marine leadership table designed to provide a governance structure, including decision making.

While the MSSC's primary focus is the TMX marine shipping, the Marine Nations view the ocean holistically, considering its entire ecosystem rather than just focusing on TMX vessels, their potential risks, and cumulative effects. They emphasize the importance of looking at the cumulative impacts and risks to the whole ocean. This holistic perspective acknowledges the interconnectedness between marine and terrestrial environments through watersheds.

Since completion of the TMX in May 2024, the number of tankers rose from 4 to 20 per month, with a potential increase of up to 34 per month. This represents a 400% increase, with the potential for a 700% increase in product traversing through territorial waters. The twinned pipeline has increased capacity from 300,000 barrels per day to potentially 890,000 barrels per day, with each vessel carrying 550,000 barrels.



Monitoring the dynamic and unpredictable marine environment, which includes factors like winds, currents, and tides, requires a different approach. The MSSC annual work plan aims to provide communities with some peace of mind by coordinating First Nations-led regional community response, Emergency Management and Marine Monitoring. Compared to terrestrial areas regulated by the CER, marine regulations are more complex, involving multiple regulatory frameworks overseen by TC, DFO, CCG, ECCC, and the province of BC.

Canada's United Nations Declaration on the Rights of Indigenous Peoples Act (UNDA), enacted in June 2021, set the foundation for advancing reconciliation and Indigenous self-determination. In alignment with this, Action Plan Measure 34 (APM 34) was co-developed with the IAMC, NRCAN, and the CER. This measure encourages meaningful collaboration among First Nations, Métis, and Inuit communities, governments, and organizations to strengthen Indigenous participation in regulatory processes currently regulated by the CER.

While APM #34 was mainly developed by NRCAN and the CER with our input, it includes a clause allowing marine federal partners to collaborate with First Nations to protect the environment and uphold the rights of nations.

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

- » Enhance the participation of Indigenous peoples
- » Set the measures that could enable them to exercise regulatory authority, in respect of federally regulated natural resource projects. **(Natural Resources Canada, Canada Energy Regulator)**

Source: [APM 34 from unda-action-plan-digital-eng.pdf](#)

## Policy Framework Principles

From December 2022 to April 2023, the MSSC undertook a visioning and strategic planning process. This involved regional workshops with First Nations communities, MSSC meetings with federal partners, and visioning sessions with MSSC members. The outcome was a vision supported by three goals and underlying objectives for 2023-2029:

### 1. Build the Foundation for Sustainable, Integrated and Indigenous-led Marine Monitoring and Response Programs

 Invest in communication and collaboration.

 Undertake complete inventory of monitoring and spill response skills, equipment, training, knowledge and how each has been used to date.

 Identify key gaps and/or opportunities in skills, training, equipment, capacity, and resource sharing.

 Enable collaborative learning and relationship building among First Nations monitoring programs and relevant federal programs.

### 2. Establish a Collective and Coordinated First Nations Voice on Marine Stewardship

 Explore First Nations interest in and support for establishing a collective and coordinated voice in the South Coast area.

 Develop the organizational concepts related to a "House of Indigenous Ocean Resources (HIOR)".

 Secure agreements with partners to implement the HIOR.

### 3. Achieve Transformational Change in Marine Program Administration, Funding and Authorities

 Build a clear understanding of the current/ existing community experience related to marine program administration, funding and authorities.

 Explore and clarify long-term and sustainable marine program funding opportunities.

 Renew the IAMC mandate under an expanded set of shared understandings on purposes that reflect an integrated and ecosystem level (vs. Project-specific level) context for collaboration.



The MSSC's policy framework principles were initially based on the blue growth and blue justice model, a concept focused on social justice for marine communities. From this, we developed a First Nations perspective with six pillars.



**Inclusive Governance & Cultural Heritage Protection**



**Gender Equity & Safety**



**Inherent Rights: Tenure, Traditional Foods & Food Security**



**Sustainable Fisher & Aquaculture Management**



**Revenue Sharing**



**Environmental Recovery & Ecosystem Stewardship**

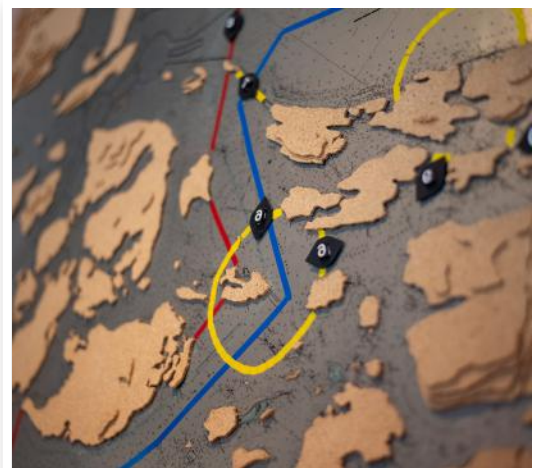
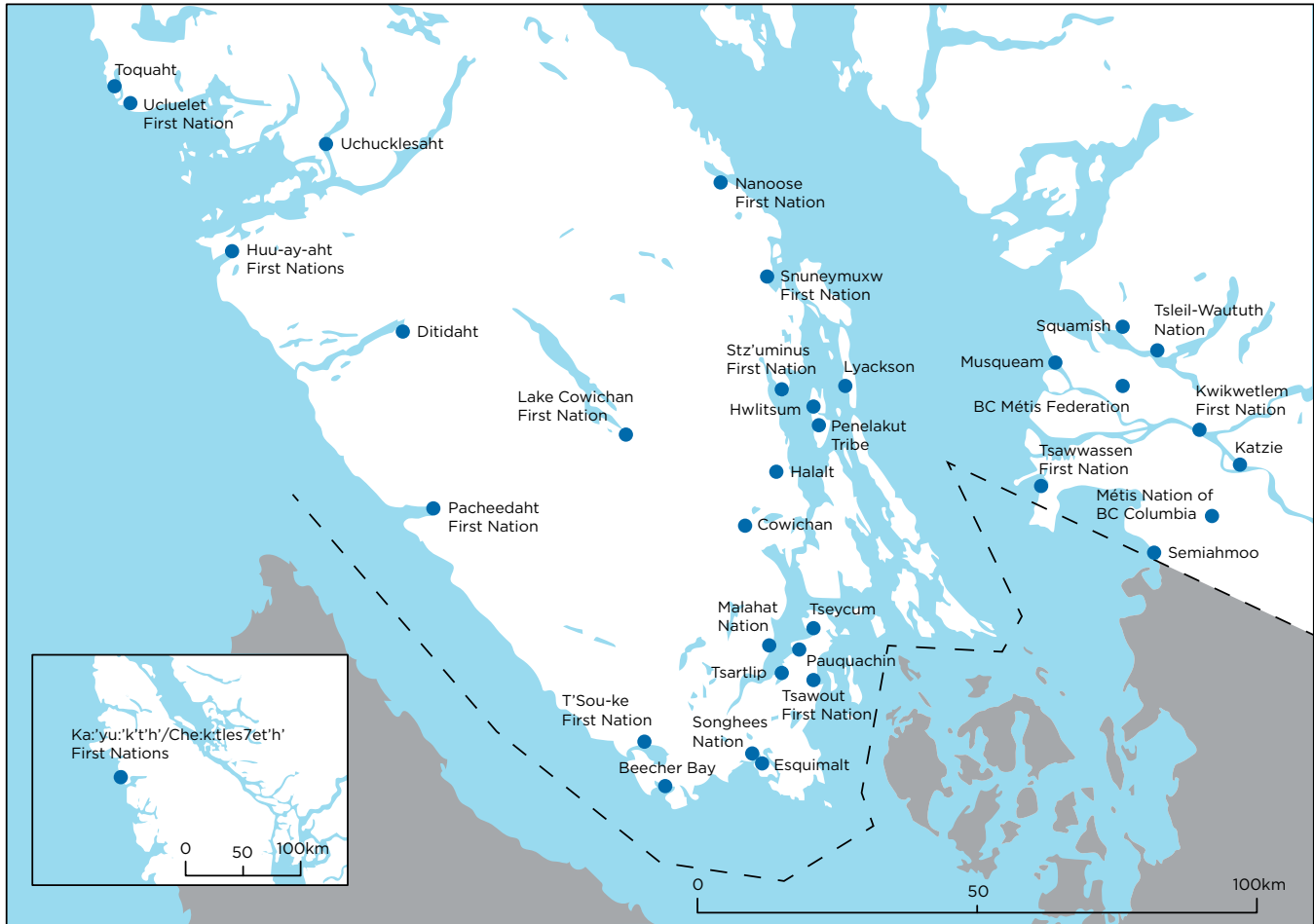


Photo Credit: Carla Duffey

Our desire is to work through these framework principles with federal partners as we move out of colonial thinking, and towards reconciliation, the action plan measures of the United Declarations Act, and eventually a marine regulatory body where we as First Nations people are restored in the oversight and management of our waters, from economy to environmental protection, safety and monitoring.

## Trans Mountain Pipeline Expansion Project - Marine Communities



# Accomplishments

2023

- » The MSSC expanded its representation to include 29 marine-based community representatives and five federal department representatives.
- » December 20, 2023 In the spirit of Chief Cray and Chief Sam's letter that led to the development of the IAMC, the MSSC sent a powerful letter to the Prime Minister advocating for increased marine monitoring and protection and robust renewal of the IAMC-TMX, in part, so the MSSC can continue our mandate for Marine Nations.
- » The second Leadership Gathering was held in July 2023, serving as a platform for addressing work plans and leadership-level discussions. We received a mandate to move forward with a strategic framework and to continue and further develop engagement mechanisms with federal government departments, including issues not related to energy projects

2024

- » Procured three vessels for use in Emergency Management and Marine Monitoring
- » Harbo conducted boom demonstrations to improve oil spill response techniques.
- » Prautus provided training on Disastertech Software, enhancing emergency response capabilities in 29 marine communities. This software (populated with the inventory we commissioned PGL Environmental to obtain) enables communities to coordinate and protect what is important in each community and documents Nation capacity and resources, and WCMRC and CCG locations with spill response equipment.
- » MSSC continued to broaden its collaboration efforts, requiring input from Chiefs for certain discussions.
- » Engagement practices allow for improved representative discussions with communities, technicians, Elders, youth, and leaders.
- » Together with the SESC, the MSSC formed the Circle on MMIWG2S+ and Resource Development (the Circle). The Circle brings together Indigenous women and leaders to better understand the link between resource development and violence against Indigenous women, girls, and 2SLGBTQIA+ people. It aims to transform regulations and policies to ensure their safety and security.
- » Continued work to identify common community priorities and gaps in systems (2024-2025)



# Accomplishments

- » The MSSC team has grown from three staff members in April 2022 to a full team. New team members included Tammy Sam as co-chair, Tina Wesley as Emergency Management Specialist, and Laurie Gibson as Regional Coordinator, along with Ch uh' keen n uh' kw waut (Pam) Jack, Community Outreach and Relationship Specialist, and Nicole Jack, MSSC Communications Coordinator.
- » Ongoing work with PGL Environment involves collecting technician information for the marine monitoring plan.
- » SNEKE, T'Sou-ke Nation provided Emergency Management training showcasing their marine tools and training for marine emergencies.
- » We developed our first community-based Emergency Management demonstration of the year. Our goal is to be able to deliver this to any other region within MSSC's four marine regions as an ongoing activity, so each community is prepared.
- » Marine monitoring and vessel governance continues, using the inventory developed by PGL and the newly acquired vessels. Monitoring is coordinated across regions to address priorities including MMIWG2S+.
- » Leadership Gatherings will continue, including a Gathering of Marine Nations and government officials. A feast and cultural ceremony will take place. All 29 Nations will be invited to coordinate ourselves in a way that does not silo our work but rather organizes the work of the Nations more cohesively.
- » We're continuing to work in association with the SESC with respect to the protection and safety of our people, and the Circle on MMIWG2S+ and Resource Development.

Regional coordination of exercises, demonstrations, and training mitigates risk and impact. The marine space is uniquely challenging, shaped by the dynamic, changing nature of oceans, unlike linear projects.

## MSSC Members

| Year     | Number of Members | Communities | Federal Reps | IAMC Caucus Staff |
|----------|-------------------|-------------|--------------|-------------------|
| 2018-19  | 15                | 10          | 4            | 1                 |
| 2019-20  | 15                | 10          | 4            | 1                 |
| 2020-21  | 20                | 15          | 4            | 1                 |
| 2021- 22 | 18                | 12          | 5            | 1                 |
| 2022-23  | 19                | 12          | 5            | 2                 |
| 2023-24  | 30                | 23          | 5            | 2                 |
| 2024 -25 | 37                | 29          | 5            | 3                 |

## MSSC's work with Natural Resources Canada (NRCan)

Natural Resources Canada (NRCan) supports the MSSC by coordinating agendas, engaging with federal partners to share information and confirm presentations for MSSC meetings and facilitate experiential learning activities, such as site tours, and supported the WCMRC's annual certification exercise in Victoria, BC. They supported closing Capacity Funding Program agreements, reporting, claim forms, and tracking file closures.

NRCan also supported development of the MSSC Emergency Management response checklist and coordinated information from Federal Regulators and supported the annual line-wide gathering.



## Videos of Interest



### Our Table

<https://vimeo.com/1031740970/f6ca23b8d3>

**Description:** An impactful film that demonstrates from a youth and elder perspective just how necessary and important the ocean is to marine communities, and how our teachings are carried on from generation to generation.

### House of Indigenous Ocean Resources (HIOR)

<https://vimeo.com/909167776>

Password: HIOR

**Description:** An animated concept film on The House of Indigenous Ocean Resources (HIOR) for Marine Shipping consideration ... the future. The concept of HIOR has been endorsed by Chiefs and has support from the Government of Canada partners.

### Together for the Tides: Community Oil Spill Response

<https://vimeo.com/1067225751/adf5cda490>

**Description:** Follow members of the T'Sou-ke First Nation as they prepare to respond to an oil spill.

## MSSC's Work with Transport Canada (TC)

Transport Canada (TC) participates in the MSSC workplan and budget process, provides input for the marine monitoring pilot, and assists the Indigenous Caucus in developing agendas for regional sessions. TC addresses marine-related concerns relevant to the committee's mandate and participated in the Revenue Sharing Working Group from September 2023 to May 2024.

TC coordinates engagement opportunities and presentations for the MSSC, including the Cumulative Effects of Marine Shipping (CEMS), Indigenous Monitor observations, and follow-ups on vessel inspections at Westridge Marine Facility. They also organize tours, such as the harbour tour with Trans Mountain Corporation, and presentations on Marine Pollution Preparedness, Response and Recovery (MPPRR), Collaborative Governance Framework (CGF), and Proactive Vessel Management (PVM). Additionally, TC provides updates on anchorages consultations and regulatory round tables.

Outside of committee meetings, TC facilitates discussions on the Oceans Protection Plan (OPP), including updates on OPP 2.0, meetings with the OPP Director, and overviews of OPP initiatives by the South Coast Engagement team. They also engage with federal authorities to advance marine monitoring opportunities and address concerns from the Tsleil-Waututh Nation regarding Trans Mountain vessels.



### **Climate Change Canada (ECCC)**

Environment and Climate Change Canada (ECCC) contributed to the development of the MSSC Vision and Strategic Framework and supported the creation of the workplan and budget process. They also played a key role in developing the marine monitoring pilot and addressing marine-related concerns relevant to their mandate.

ECCC provided regulatory updates on engagement opportunities and coordinated presentations to the MSSC including ECCC Research and Monitoring Activities in the Marine Environment, the Salish Sea Initiative – Recommendation 1 / 2 Inventory at Regional Sessions (ECCC/DFO/TC), the Federal Inventory OneNote Binder, and Environmental Recovery from Ship-Source Oil Spills.

ECCC also coordinated meetings based on subcommittee interests, such as the ECCC Marine Birds Monitoring and Conservation Program and provided data arising from subcommittee meetings, including the geographic extent of shoreline surveys in south coastal BC.

### **MSSC's Work with the Canadian Coast Guard (CCG)**

The Canadian Coast Guard (CCG) has supported the MSSC through various contributions. They responded to marine-related concerns within their mandate, coordinated with internal contacts for appropriate action, participated in annual work planning and budget development exercises, provided regular updates on training and exercise opportunities, and contributed to the planning and evolution of the Marine Monitoring Pilot initiative with both operational and strategic input.

CCG also contributed to presentations, facilitation, and coordination of engagements. They coordinated and led a site visit of the CCG Sea Island Base for MSSC members in July 2024, facilitated regional discussions on CCG's long-term engagement strategy and the Zim Kingston incident, participated in MSSC visioning exercises, and led discussions on Integrated Environmental Response planning. CCG actively participated in the Marine Monitoring Working Group and the Revenue Sharing Working Group, provided input to Area Response Planning discussions alongside Marine Emergency and Hazard Response teams, and operational readiness and integrated response framework. They contributed to knowledge products and data, supporting the development of an inventory of federal programs in the Salish Sea and detailing CCG's operational activities in the marine space.





## Challenges

There's a need for more coordinated and sustainable funding to support marine monitoring, safety, and protection efforts. Current regulations and oversight by Transport Canada, the Coast Guard, and the Department of Fisheries and Oceans do not effectively protect Indigenous rights and interests. Uncertainty regarding political changes, potential funding shifts, and the sale of the pipeline pose challenges to the MSSC's work.

Another challenge is the lack of government participation and connection. The HIOR (House of Indigenous Ocean Resources) would help to solve this problem of disconnect between the Nations and the federal departments if we had a federal member from each of the four departments housed in an office within the HIOR.

## Looking Ahead

As we look to the future, the MSSC has broadened its collaboration efforts.

Our Leadership Gatherings will continue to serve as a guiding platform for addressing work plans and engaging in discussions on leadership-level topics. The marine leadership working groups are focusing on a governance and decision-making model to guide the MSSC and work with federal partners in the development of a marine regulatory body.

Continued collaboration between Nations and governments is essential now that the risk and potential impacts to our territories and livelihoods has increased significantly with the rise in tanker traffic.

The support from leadership is invaluable, strengthening the unity of the Marine Nations as we work together to protect our precious waterways.

# Socioeconomic Subcommittee



In 2018, the IAMC-TMX established the Socioeconomic Subcommittee (SESC) to enhance oversight of Indigenous social, economic, cultural, health and wellbeing interests associated with the Trans Mountain Expansion Project (TMEP/TMX) and existing line. Addressing the complex effects of natural resource development on Indigenous Peoples (business, employment, training, temporary work camps, worker influxes), the SESC follows these strategic objectives:

1. Supporting strength building for Indigenous communities to identify and monitor socioeconomic effects related to natural resource development.
2. Working with regulators, lawmakers, and federal agencies to improve our ways of working with Indigenous communities on identifying, predicting, mitigating, monitoring, addressing, and managing socioeconomic impacts.
3. Addressing the safety and security of Indigenous women, girls and 2SLGBTQIA+ people and improving their capacity to benefit from major resource development projects.

## A LOOK BACK AT THE PAST THREE YEARS

The SESC's work on Indigenous oversight of socioeconomic monitoring has prioritized the experiences of Indigenous communities affected by the TMX. Indigenous participation at the SESC facilitated direct interaction with the Trans Mountain Corporation. We jointly developed and monitored Indigenous socioeconomic indicators related to the TMX, collaborating with federal regulators and other key partners, as detailed below.

### Regional / Community-Based Socioeconomic Monitoring Initiatives

Concurrent with TMX construction, the SESC has been advancing work on three regional socioeconomic initiatives involving Alberta First Nations and Métis, Fraser Valley First Nations & Métis, and Simpcw First Nation (North Thompson). These regional / community-based initiatives brought together Indigenous communities, federal regulators, social service and health groups, the RCMP, and, in some cases, the Trans Mountain Corporation and/or its prime contractors.

SESC's regional / community-based initiatives enabled Indigenous communities to share their experiences with TMX construction, learn about project oversight, and support pursuing remedies for outstanding concerns.

### The SESC has:

- » Supported training and conference participation for Indigenous members of regional / community-based initiatives.
- » Supported the development of a community-based socioeconomic monitoring pilot project.
- » Generally enhanced Indigenous involvement in identifying social, economic, cultural, health and wellbeing effects related to TMX, etc.

A build out community-based socioeconomic monitoring pilot project was developed through collaboration between the SESC, Simpcw First Nation, the CER, and Trans Mountain Corporation. Learning opportunities for Indigenous communities supported further socioeconomic monitoring capacity building. Examples include Indigenous Gender-Based Analysis Plus training; an Overview of the Impact Assessment Act; and Mobilizing Communities to Disrupt Sexual Exploitation and Sex Trafficking in Canada.

Support for Indigenous communities also included opportunities to attend conferences such as the Alexis Nakota First Nation's Indigenous Wellbeing Conference and a Mount Royal University Project Management Program for Indigenous women in TMX-affected communities (co-funded twice by SESC).





*Wise Practices is an approach to change that understands the need to look back in order to move forward in a good way, recognizing the wisdom of Indigenous Nations and communities and their own stories of achieving success.*

## Wise Practices

Stemming from the establishment of regional / community-based initiatives, the SESC launched its Wise Practices gatherings in 2022. The purpose is to engage in deep discussions regarding socioeconomic effects, monitoring and management in the context of self-determination. We recognize that a broad cross-section of individuals and collectives are required to produce the system-level change needed to ensure individual, family, and community wellness. We understand wise practices, not best practices, as centering Indigenous worldviews regarding community health and wellness.

SESC's Wise Practices gatherings have engaged a diverse group of participants, including Indigenous community members (Elders, youth, women), Line 3 representatives, CER staff, government representatives, service providers, proponents,

advocates, and others. We explored lessons learned about the TMX and broader resource development and framed these discussions as informing policy and regulatory change focused on Indigenous oversight of socioeconomic effects.

SESC's initial Wise Practices gathering centered discussions on socioeconomic risks and consequences in the context of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), Truth and Reconciliation, MMIWG2S+ Final Inquiry Report Calls to Justice, and other relevant policy. A key takeaway from this Wise Practices meeting was the need for Indigenous communities to lead in identifying risks and monitoring community effects to ensure proper accountabilities.



Illustration by Carla Duffey

## Research

The SESC's regional / community work has informed the mobilization and dissemination of research on Indigenous socioeconomic effects.

One example of SESC research, co-led with the Simpcw First Nation, documented community members' lived realities and experiences during TMX construction on their territory. This led to SESC's North Thompson, BC research involving interviews and data gathering to increase the understanding of the socioeconomic effects (positive and negative) of the TMX project beyond Trans Mountain's reporting. The current draft report will detail the successes, challenges, and barriers to managing socioeconomic impacts for Simpcw First Nation and neighbouring municipalities.

## Circle on MMIWG2S+ and Resource Development

Since the release of the Missing and Murdered Indigenous Women, Girls and 2SLGBTQI+ (MMIWG2S+) Final Inquiry Report in 2019, the SESC has been the only initiative responding to all five National Inquiry Report Calls for Justice related to the resource sector (13.1-13.5).

To advance this work, the SESC collaborated with the Marine Shipping Subcommittee (MSSC) and formed the Circle on MMIWG2S+ and Resource Development (the Circle) in 2024. By bringing together Indigenous women and leaders, the Circle aims to deepen understanding of the connection between resource development and violence against Indigenous women, girls, and 2SLGBTQIA+ people, and to advance work transforming regulations and policies that will ensure their safety and security.



Photo Credit: Carla Duffey



Photo Credit: Carla Duffey



In October 2024, Circle representatives attended the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) convention in Geneva. In January 2025, they attended the third annual national meeting on Missing and Murdered Indigenous Women, Girls, and 2SLGBTQI+ People in Ottawa.



Wise Practices gathering with the SESC and MMSC, March 13-14, 2025, in Iək'wəŋən territory (Songhees and Esquimalt First Nations).

Photo credits: SESC and MSSC

Several projects, including youth skills development, land-based learning, and post-construction economic development planning, which received funding through the IAMC-TMX capacity funding initiative.

Supported Natural Resources Canada's (NRCan's) 2023-24 reporting on departmental achievements regarding the Federal Pathway to Address MMIWG2S+ Annual Program Report (Reporting on the Calls for Justice).

Submitted recommendations to the Canada Energy Regulator (CER) advocating for CER-regulated companies to integrate a gendered lens (IGBA+) into their emergency management programs.



## Other Activities



Examples of other work undertaken by the SESC since 2022 include:

Drawing on the TMX experience, the SESC provided a brief to the Standing Committee on the Status of Women (FEWO) as an aspect of their study on Resource Development and Violence Against Indigenous Women and Girls. The SESC highlighted key socioeconomic issues and priorities identified to that point by Indigenous communities regarding TMX construction.

Work on the development of issues briefs for distribution to Indigenous communities, regulators and others. The socioeconomic monitoring priorities and issues identified by Indigenous communities through SESC month meetings, local initiatives, and research are now documented.

As an aspect of co-development associated with the UNDRIP Declaration Act (UNDA), the SESC successfully advocated to Minister Wilkinson for development and implementation of Action Plan Measure 12 (APM 12) focused on the safety and security of Indigenous women, girls and 2SLGBTQIA+ regarding resource development.



The Standing Committee on the Status of Women studies the policies, programs, expenditures and legislation of departments and agencies, including the Department for Women and Gender Equality, that conduct work related to the status of women.

# Looking Ahead

A core SESC mandate is equipping Indigenous communities with resources for socioeconomic effects oversight and decision-making.

The SESC will continue to support Indigenous community strength building at multiple levels, including through the sharing of SESC-derived research products, hosting Wise Practices gatherings, and delivering on unique training initiatives such as 'know your rights/self-defense' aimed at enhancing the safety and security of Indigenous women, girls and 2SLGBTQIA+.

Other key work for the SESC over the next two years involves expanding work to the post-construction and operations phases. This includes co-developing a new initiative with Trans Mountain Corporation and potential other industry partners and continuing important efforts regarding collaboration and co-development with federal regulators and departments. The SESC will continue to provide policy advice that centers the voices of Indigenous women, girls and 2SLGBTQIA+.





Photo Credit: Carla Duffey

# Emergency Management Committee



## General Description

The Emergency Management Subcommittee (EMSC) was formed in 2021 after years of meeting as a working group. The subcommittee is mandated to fulfill the IAMC-TMX's goals and purposes regarding an all-hazards approach to emergency management, which include:



Identifying and facilitating opportunities for greater Indigenous inclusion in emergency management;



Improving Indigenous communities' emergency preparedness with an all-hazards approach;



Informing and engaging the Committee and Indigenous communities on issues related to emergency management; and



Informing policy development.

The subcommittee is chaired by Tina Donald. Tina is a Fisheries Manager at Simpcw First Nation as well as a member of council and has been involved in emergency management in her community since 1997. The subcommittee also has participants from Nooaitch First Nation, Shxw'ow'hamel First Nation, Sucker Creek First Nation and Lac Ste. Anne Métis Community Association, the Canada Energy Regulator, Natural Resources Canada, and participation from Indigenous Caucus members and staff.



## Workshops

Since its inception, the subcommittee has hosted various regional events focused on learning more about community needs and interests in emergency management and building capacity in emergency management. In 2023, the subcommittee engaged emergency management expert Steven Newton of Innomergence Solutions to lead workshops in Alberta, Interior BC, and the Fraser Valley. The workshops centered on understanding the contemporary context of emergency management, including its socio-cultural aspects, technological developments, environmental and climate considerations, legal developments, and operational needs.

## Clean Waterways

Chair Tina Donald is an annual attendee and panelist at the Clean Waterways Conference, where she shares her perspectives on Indigenous inclusion in emergency management and her experience at the IAMC-TMX with an international audience.

## Community Capacity Building Initiatives: Emergency Management Planning, Training and Capacity Funding

With a focus on community capacity development, the EMSC has engaged emergency management specialists to provide training opportunities (ICS 100 & 200) and to work with communities on their emergency management needs by performing hazard risk and vulnerability analyses and reviewing, updating and/or drafting community emergency management plans. This service was made available to all impacted communities along the pipeline and marine shipping route and was offered on a region-by-region basis. Related to this work, a terrestrially focused Emergency Quick Reference Guide was also developed and distributed to communities at IAMC-TMX events.

**INDIGENOUS**  
Advisory and Monitoring Committee  
Trans Mountain Expansion and Existing Pipeline

# EMERGENCY MANAGEMENT PLANNING AND TRAINING

- 1 Indigenous focused
- 2 Training provided in community
- 3 No cost to community

**Hazard and Risk Assessments**

Asses the risks in your community and how you can better prepare for them

**Emergency Response Planning**

Emergency plans built for your community risks

**ICS Training and Exercises**

ICS training and exercises to prepare to respond to emergencies

403-604-3018 [www.iamc-tmx.com](http://www.iamc-tmx.com) [alanna.burton@ab-consulting.ca](mailto:alanna.burton@ab-consulting.ca)

In March 2025, the EMSC worked with the Indigenous Monitoring Subcommittee to provide Spill Response Due Diligence training. The session was open to IAMC-TMX Indigenous Monitors, and Indigenous community members involved in emergency management. After an educational morning session in the classroom, the group moved outside for a hands-on learning experience. The subcommittees are grateful to host Chawathil First Nation for providing use of their facilities, lands and waters and to Natural Resources Training Group who facilitated the training.



Emergency management was a popular stream under the IAMC-TMX Community Capacity Funding Program in 2023-24, and the subcommittee received 18 applications from different communities.

**Some of the projects funded:**

- » A river level activation plan and an emergency notification system
- » Equipment purchases to enable a Longhouse conversion to a safe evacuation centre in the event of an emergency
- » Communications equipment and firefighting gear
- » Emergency response vehicles and trailers
- » Basic safety training for community members





# Operations Subcommittee (OSC)



## General Description

Chaired by IAMC-TMX Co-Chairs, the Operations Subcommittee (OSC) supports and enables effective, efficient and strategic decision-making of the Committee, and ensures operational alignment with approved strategic directions. OSC helps to guide the development, structuring, and endorsement of Committee meeting agendas, operational policies, and Terms of Reference. OSC's advice function serves to support Committee Co-Chairs in issues-management, risk mitigation, priority-setting, and forward-planning.

## April 2022-March 2025 – Highlights

### Fiscal Year 2022-23

In April 2022, OSC received positive news that the Committee's co-developed renewal proposal secured \$15.5M over two years. A submission to the Treasury Board followed to access the funds, which included an annex authored by Indigenous Caucus members to articulate their priorities directly to decision-makers.

In November 2022, OSC facilitated the formation of the Line Wide Planning Committee. OSC also provided regular planning updates ahead of the IAMC's annual Line Wide Gathering hosted on the traditional territories of the hən̓q̓əmiñəm language group, at the River Rock Casino Resort in what is now Richmond, BC. Several senior officials attended the event and participated in panel discussions, either in-person or virtually, including the Minister of Natural Resources, Deputy Minister of Transport Canada, Minister of Crown-Indigenous Northern Affairs Canada, and Chief Executive Officer of the Canada Energy Regulator.

Winter 2023 brought many important operational and policy developments, including the approval of the updated Subcommittee Framework Policy and updated Honoraria Policy. OSC also facilitated the transfer of documents from the NRCan Secretariat to Indigenous Caucus staff, to begin building an accessible document repository in SharePoint. The Committee's new funding model supports greater oversight and decision-making by Indigenous partners, and OSC played an important role in overseeing its implementation.

In November, Indigenous Caucus hosted the 2023 Line Wide Gathering in Calgary, Alberta, in partnership with Tidal Strategies. Discussions were centered on the transition from construction to operations, including paving the way for broader Indigenous oversight, an increase in marine activities, focusing on both the new expansion and the 1951 pipeline, and how the Committee's advice function would evolve in the post-construction phase.



## Fiscal Year 2023-24

The IAMC, supported by OSC, responded to recommendations coming out of the co-developed Horizontal Evaluation of the Implementation of the Indigenous Advisory and Monitoring Committees (IAMCs) for the Trans Mountain Expansion and Line 3 Replacement Projects. The Management Response Action Plan workplan, process and accountabilities were co-developed with the Enbridge Line 3 IAMC, and approved by NRCan's Performance Measurement, Evaluation, and Experimentation Committee (PMEEC). PMEEC is a Deputy Minister-led Committee, comprised of both senior executives and external members, focused on evaluating the continued relevance, effectiveness, and efficiency of programs. This work provided an opportunity to exchange views and learnings with Line 3 IAMC members, while identifying synergies and areas for collaboration.



## Fiscal year 2024-25

In April of 2024, the OSC and Committee received news that the Government of Canada committed \$31.5M over 3 years to the IAMCs. Of this, approximately \$7.9M per year, for three years, is dedicated to the IAMC-TMX to continue its important work in providing advice to regulators, supporting communities in having their voices and priorities heard, and monitoring the Trans Mountain Expansion (TMX) Project and existing pipeline.

In November 2024, we gathered on Syilx territory in the Okanagan Valley, and were honoured to be in the presence of many Elders and knowledge keepers. In fact, this Line Wide was exceptional in that it marked the highest level of Elder participation at a Line Wide Gathering in the history of the IAMC-TMX. With our Elders' support, we discussed current priority areas and progress achieved, as well as how the Committee and Subcommittees provide advice to regulators. We heard from government departments and communities on key activities and initiatives aimed at strengthening Indigenous oversight and decision-making, with respect to the regulatory environment.

Just before the fiscal year end, the Committee kicked off work to re-fresh and strengthen governance. The OSC will be a key forum to discuss and provide analyses of procedures, policies, and accountabilities, to be adopted by the Committee in the future.





# INDIGENOUS

Advisory and Monitoring Committee  
Trans Mountain Expansion and Existing Pipeline



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[info@iamc.ca](mailto:info@iamc.ca)



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

Report designed by

 Saltmedia