

RECORD OF DECISIONS

MEETING #16: February 26, 2019
Sandman Hotel Vancouver, 180 W Georgia St.

FEBRUARY 26, 2019

ITEM: WELCOME, OVERVIEW & OPENING PRAYER

Discussion:

- Trina Sxwithul'twx was welcomed as the new member for Vancouver Island Southeast.

Decisions:

- The proposed draft agenda was adopted by the Committee.
- The Record of Decision from January 15-16, 2019, was approved with no amendments.

ITEM: REPORT FROM INDIGENOUS CAUCUS

Discussion:

- The Indigenous Caucus met on February 25, 2019.
- An early learning from the Engagement Coordinator pilot project in Alberta is a need for an issues management process to efficiently and accurately respond to concerns raised by community members during engagement. The Indigenous Caucus plans to develop a proposal to table at a future Committee meeting. In the interim, Walter Quinlan, Communications Manager to the Indigenous Caucus, will act as the contact for Engagement Coordinators seeking information and guidance, and Bernée Bolton of the Secretariat is the second key point of contact.
- The Engagement Coordinators will be invited to attend all Committee meetings to continue building their knowledge and understanding of Committee activities. They may also be invited to attend workshops and some subcommittee meetings.
- The Indigenous Caucus would like to continue exploring a mechanism to hire an Executive Director for the Committee.
- The Indigenous Caucus is working with JFK Law to develop advice to government in advance of the GIC decision on the project.
- The Indigenous Caucus received a presentation on the work of the Indigenous members of the Socioeconomic Subcommittee related to economic conditions.

ITEM: NEB RECONSIDERATION REPORT

Discussion:

- The Final NEB Reconsideration Report was released on February 22, 2019. The report recommended that Governor in Council (GIC) approve the project, and provided recommended conditions to be attached to a Certificate of Public Convenience and Necessity (CPCN), as well as broader recommendations to government.
- The Indigenous Caucus is supportive of recommendation 11, which recommends that the government engage with the IAMC on the marine safety system. However, some members expressed disappointment that the report did not adopt more of the recommendations made by the Indigenous Caucus and Indigenous communities.

- The Indigenous Caucus asked if and how federal members could engage on the advice to government they are developing with JFK Law. All federal members noted that they would take this question back to their departments, discuss, and then advise the Committee of what may be possible.

Action Items:

- **Federal members** to check within their departments on the ability to engage with advice drafted by the Indigenous Caucus.

ITEM: TERMS OF REFERENCE REVIEW – PROCESS AND TIMELINE

Discussion:

- Section 69 of the Committee’s Terms of Reference (ToR) contains a requirement to review the ToR, including at least:
 - An assessment of how the Committee has enhanced Indigenous participation in monitoring the TM Activities;
 - An evaluation of opportunities to align the committee with any new environmental processes or changes to the NEB or other Government legislative or regulatory framework; and,
 - A consolidation of early learnings from the Committee operations.
- A review of the effectiveness of the ToR would then inform the process to amend the ToR, a separate step outlined in Section 70.

Decisions:

- The Committee agreed to the following with respect to the Terms of Reference Review:
 - A small working group including Trina Sxwithul'txw, Michelle Wilsdon, and an NEB representative will initiate the work. If any others are interested, they can reach out to Michelle or the Secretariat.
 - The working group will evaluate options for an external party to assist with the assessment phase of the review.
 - The assessment work can begin immediately; however, the timeline for amendment will remain flexible to allow for alignment with a GIC decision and other developments.

Action Items:

- **All Committee members** to email Naina Sloan or Cathy Chalupa with suggestions for an external party to work with on the first phase of TOR review.

ITEM: GRANTS & CONTRIBUTIONS SUBCOMMITTEE

Discussion:

- The G&C Subcommittee (GCSC) provided an overview of its first meeting, held on February 22, 2019.
 - As directed by the October 24, 2018 Committee decision, the GCSC finalized its Terms of Reference with respect to membership, quorum, note taking, and material preparation.
 - The GCSC is planning to further develop proposed criteria for assessing proposals, propose clarifications to the G&C policy framework, and update the IAMC Program Guide and Application Template. Draft documents will be presented for Committee decision at an upcoming meeting.
 - Two proposals under \$250,000 were approved by the GCSC: BC Native Women’s Association (Work Camps Proposal), and Esquimalt Nation (Capacity Building, Training and Equipment).

- Six proposals over \$250,000 were discussed; however, the GCSC is completing additional due diligence before it makes recommendations to the Committee on the projects: Emergency Management Working Group (1 proposal with 4 pilot projects), Simpcw First Nation (4 proposals), and Scia'new First Nation (Marine Monitoring & SCUBA training)
- The GCSC determined that Committee projects (Such as those proposed by the Emergency Management Working Group) should have a broad application to multiple communities, and align with the threshold established for individual projects within the G&C policy framework.
- It was suggested that the GCSC could play a more active role in pathfinding to other funding sources, and could provide a letter of endorsement for proposals which the Committee supports but is unable to fund. Before doing so, the Committee will have to look at how to resource this activity.
- The Committee has approximately \$9 million in available G&C funding for 2019-2020 which can be allocated across community and committee priorities. Clarity is required on notional allocations of the budget so the Committee can communicate clearly to communities about what is available.
- To inform the decision on notional allocations:
 1. Each subcommittee will present their proposed Workplan and budget request at the April meeting;
 2. The G&C Subcommittee will analyze requests and make recommendations on allocations, including on calls, at the following meeting.

ITEM: SCIENCE ADVISOR DRAFT WORKPLAN

Discussion:

- Dr. Roy Crowther was contracted to develop a plan for the Committee to access various technical and scientific expertise.
- The draft plan explains that due to the breadth of scientific disciplines the Committee wishes to access, there is no single person who could fulfill the role. Dr. Crowther recommended establishing a "Science Secretariat" managed by a Senior Advisor with a broad ecological background to act as its coordinator.
- Further work is needed to define the scope, budget, and procurement processes.

Action Items:

- **Committee Members** to review the science advisor draft plan and provide feedback to Cathy Chalupa.

ITEM: PARTICIPATION AGREEMENTS & HONORARIA POLICY

Discussion:

- In September 2018, the Committee directed Secretariat and Caucus staff to review the Honoraria Policy and recommend any changes necessary to ensure a revised Policy aligns with current federal guidelines and provides clarity on issues identified during administration of the original policy. A discussion paper is circulating with staff, and a recommended revised policy will be presented at a future meeting.
- To complete Indigenous Caucus members' new Participation Agreements, a decision is required on the Honoraria Policy.

Action Items:

- **Secretariat** to send Honoraria Policy discussion paper via email.

ITEM: WORKPLAN AND BUDGET 2019-2020

Discussion:

- The Committee Terms of Reference sets out that the Committee develop an annual workplan with accountabilities, budget, and timeframes. The Secretariat recommended that each subcommittee:
 - Review the 2018-2019 Work Plan to identify:
 - Which activities were completed
 - Which activities will require more work in the coming year(s)
 - Review the forthcoming Line Wide Report to determine community-identified priorities that should be added to the planned activities.
 - Work with the Secretariat to complete the 2019-2020 Workplan & Budget Template
 - Present the draft Workplan & Budget at the April 10-11 IAMC meeting.

Decisions:

- The Committee approved the Workplan process and timeline as described above.

ITEM: INDIGENOUS CAUCUS SELECTION PROCESS

Discussion:

- The Committee Terms of Reference sets out that the initial Indigenous Caucus will develop a process for selecting Indigenous members and determining the length of term.
- In October 2018, the Caucus sent a letter to communities inviting them to nominate individuals for the Indigenous Caucus, suggest selection processes, and provide feedback on a 3-year term.
- Various methods were used to select the Indigenous Caucus members, including written selection, tribal council resolution, and election. A full report to the Committee on the selection process is being prepared by JFK Law.
- Discussions are ongoing to select a member to fill the seat for BC Métis.
- Formal procedures for selection and the list of participating communities were identified during the selection process as items for consideration in the Terms of Reference review.

Action Item:

- **JFK Law** to provide a formal report on the selection process to Committee via the Secretariat, anticipated in April.

ITEM: DISCUSSION FORUM

Discussion:

- The first Discussion Forum with the IAMC, NEB, and TMC was held on February 20, 2019.
- Naina Sloan provided an overview of the forum:
 - TMC had a high level of engagement, with 5-7 representatives in attendance.
 - The five issues identified by the Committee were discussed, and next steps were identified for priority issues. An ROD will be distributed to all Committee members.
 - TMC expressed interest in engaging further on a number of issues, including a desire to better understand where the Committee sees deficiencies or gaps in plans, and then holding a collaborative discussion on those gaps.
 - The group agreed that engagement should be strategic and efficient rather than ad hoc. As some issues go beyond tripartite monitoring and the NEB function, an additional structure, such as a quarterly tripartite forum, may be needed.

MEETING ADJOURNED

PARTICIPANTS

<p><u>IAMC-TMX Members:</u></p> <ul style="list-style-type: none">• Chief Ernie Crey (Fraser Valley)• Chief Marcel Shackelly (Mid-Fraser/Thompson)• Michelle Wilsdon (Alberta First Nations)• Raymond Cardinal (Alberta First Nations)• Tracy Friedel (Alberta Métis)• Trina Sxwth'ult'xw (Vancouver Island – Southeast)• Kristine Pearson (Vancouver Island – Western Approach)• George Lampreau (BC Interior)• Naina Sloan (Natural Resources Canada)• Brian Chambers (National Energy Board)• Ian Chatwell (Transport Canada)• David Heap (Canadian Coast Guard)• Garth Mullins (Environment and Climate Change Canada, alternate for Saul Schneider)• Tracy Sandgathe (Fisheries and Oceans Canada) <p><u>Invited Guests:</u></p> <p><u>Observers:</u></p> <ul style="list-style-type: none">• Bill Adsit (Socio-Economic Subcommittee)• Katie Wheatley (Musqueam)	<p><u>Support:</u></p> <ul style="list-style-type: none">• Cathy Chalupa (Natural Resources Canada's Indigenous Partnerships Office – West (IPO-W))• Bernée Bolton (IPO-W)• Jacquie Béasse (IPO-W)• Sandia Wu (IPO-W)• Twyla Smith (IPO-W)• Anthony Cotter (IPO-W) <p><u>Indigenous Caucus Staff:</u></p> <ul style="list-style-type: none">• Kyle Robertson (Technical Advisor)• Walter Quinlan (Communications Manager) <p><u>Other Participants:</u></p> <ul style="list-style-type: none">• Tim Dickson (JFK Law)
<p><u>Regrets:</u></p> <ul style="list-style-type: none">• Chief Harvey McLeod (Okanagan)• Carleen Thomas (Burrard Inlet/Lower Fraser)• Norine Saddleback (Alberta First Nations)• Chief Russell Chipps (Vancouver Island – South)	