



Natural Resources
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Trans Mountain Expansion Project Crown Consultation with BC Métis Federation

February 9, 2019

Location TBD



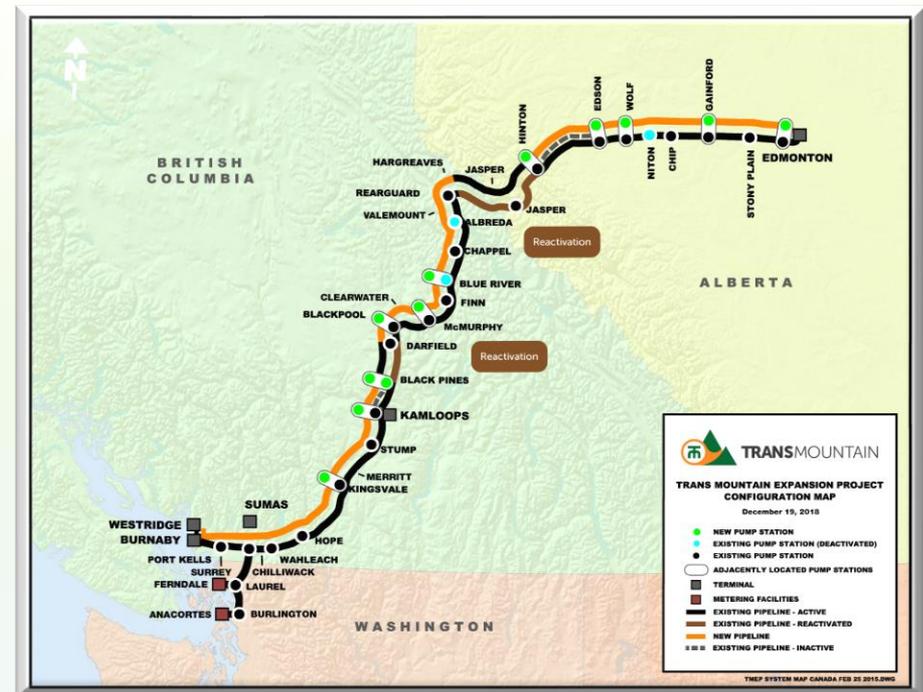
Proposed Agenda

1. Welcome and introductions
2. Project Summary
3. FCA Decision
4. NEB Reconsideration
5. A Meaningful Two-Way Dialogue
 - BCMF's expectations for the Crown consultation process, including how to make the process a meaningful two-way dialogue
6. Next steps and closing remarks
7. Annex A: Roles and Responsibilities



Project Summary

- The Trans Mountain Expansion Project is the proposed twinning of an existing oil pipeline that was built in 1953. It runs from Edmonton, Alberta, to the Westridge Marine Terminal and the Chevron refinery in Burnaby, British Columbia.
- The project would involve building a new pipeline along the existing Trans Mountain pipeline route between Edmonton, AB, and Burnaby, BC. This would increase the pipeline's capacity from **300,000 barrels to 890,000 barrels per day**.
- The project would also **expand the Westridge Marine Terminal in Burnaby** allowing it to increase the number of tankers per month it can receive from five to 34. The pipeline project would follow existing rights-of-way for 89 percent of its 1,147 kilometre length and add two berths to the existing marine terminal.



Federal Court of Appeal (FCA) Decision

- In August 2018, the FCA quashed the TMX project approval and provided the Government with guidance on how to move forward, including reconsidering project-related environmental effects of marine shipping (like species at risk). **Canada is not appealing the decision.**
- Following the guidance from the FCA, **the Crown is engaging in meaningful, specific, and focused dialogue with potentially impacted Indigenous groups on the TMX Project.**
- The Crown Phase III consultation teams are working with Indigenous groups **in a manner that aligns with the Government's commitment to strengthen and renew its relationships with Indigenous peoples, while respecting and upholding their rights.**



National Energy Board (NEB) Reconsideration

- On September 20, 2018, the Government of Canada instructed the NEB to reconsider its recommendation, and take into account the effects of project-related marine shipping, pursuant to the *Canadian Environmental Assessment Act, 2012*
- On October 12, 2018, the NEB released a hearing order with the next steps and NEB hearings closed in January 2019.
- The NEB will submit its Recommendation Report on the Reconsideration of marine shipping elements of the Project to the Minister of Natural Resources for consideration no later than February 22, 2019.
- Pursuant to the National Energy Board Act, the Governor in Council has 90 days from the date of submission of the NEB report to make a decision on the Project. The statute provides the Government the ability to extend the timeline.



A Meaningful Two-Way Dialogue

- This consultation and accommodation process is not about starting over. The Crown is building on existing relationships, which includes re-building trust in communities where trust has been lost.
- It's informed by the information submitted and knowledge shared by Indigenous communities.
- Consultations are tailored to the groups we meet with.
- Consultation Teams have the mandate to engage in meaningful two-way dialogue and discuss the concerns of Indigenous groups and accommodation measures to address those concerns.



BC Métis Federation

Key Milestones in Evolution of TMX	BC Métis Federation
2014-2016 NEB Regulatory Review	✓ Participated directly
2015-2016 Phase III Crown Consultation Process	✓ Participated directly in Phase III
Mutual Benefit Agreement	✓ Signed a confidential MBA in April 2014
Letter of Support	✓ Letter filed with NEB in May 2014
Indigenous Advisory and Monitoring Committee (IAMC) for TMX	✓ Participating in IAMC Activities and Programs
2018-2019 NEB Reconsideration Hearings	✓ Participating as an intervenor
2018-2019 Re-initiated Phase III Crown Consultation	✓ Participating in Phase III consultations. BCMF has met with the Minister of Natural Resources, the Lower Mainland Consultation Team and Trans Mountain Corporation.



Phase III Consultation Considerations

- The Lower Mainland Consultation Team will continue to have substantive consultations with BCMF.
- The NEB will submit its Recommendation Report on the Reconsideration of marine shipping elements of the Project to the Minister of Natural Resources for consideration no later than February 22, 2019.
- The statutory timeline for a decision is three months following receipt of the NEB Recommendation Report. The *National Energy Board Act* provides the Government with the ability to extend the timeline for decision. The NEB Report will also help inform whether the Government will extend the timeline.
- The Government will only make a decision on the project once it is satisfied that the Crown has adequately fulfilled its duty to consult.



Contacts

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Annex A - Roles and Responsibilities

- Minister of Natural Resources - Crown Consultation Coordinator**
 Planning and implementing in a timely manner, the Crown consultation and accommodation process, in light of his statutory responsibilities to advise the Government on whether to approve the project.
 The Minister of Natural Resources will update the Cabinet Committee on Environment and Clean Growth on progress on the consultation process to ensure the teams have the necessary mandates to engage in meaningful two-way dialogue, and consider and respond to proposed accommodation measures.
- Federal Representative**
 The Government has appointed former Supreme Court of Canada Justice the Honourable Frank Iacobucci as a Federal Representative to oversee and provide direction on the consultation and accommodation process. He will provide independent advice and guidance to the Government regarding the consultation and accommodation process and ensure this process proceeds as the Court prescribed. He will work directly with the Minister, officials and other external experts.
- Whole of Government Secretariat**
 The Crown Consultation Secretariat, including Consultation Leads and Team Officials, made up of representatives from across federal government departments, have been given a clear mandate to carry out the consultation plan, including correspondence and face-to-face meetings with representatives of Indigenous groups, using a tailored approach. Discussions will be meaningful, substantive and focused on responding to the concerns of each of the impacted Indigenous groups. Three Consultation Leads have been appointed: Mitch Taylor, Deborah Corber, and Angie Bruce.

Mitch Taylor is the **Consultation Lead** for Team 1 (Lower Mainland)

Anna Classen is the **Director** for Team 1. Team 1 also includes: **Sophia Royle, Collin Faubert, Cindy Hubbard and Sean Wouters**



Annex A - Roles and Responsibilities

- **Government Departments**

As organizations with statutory and policy mandates, departments will actively contribute to consultation efforts through identifying and discussing specific initiatives related to their mandate that could be developed and considered as accommodation measures.

- **Trans Mountain Corporation (TMC)**

TMC is a proponent of the project and an operator of an existing pipeline so it remains subject to all applicable federal laws and regulatory requirements. TMC representatives will be part of the consultation and accommodation process and participate in meetings with representatives of Indigenous groups where appropriate, although the ultimate responsibility for ensuring that the duty is adequately fulfilled remains with the Crown.

- **Minister of Finance**

Ensuring the proper oversight of the Trans Mountain Corporation as a subsidiary of the Canada Development Investment Corporation, a Crown Corporation that reports to Parliament through the Minister of Finance.

