



November 18, 2016

Mr. Ross Neil, Crown Consultation Lead—Trans Mountain Expansion Project
Major Projects Management Office
Natural Resource Canada / Government of Canada
#504—800 Burrard St.
Vancouver, BC, V6Z 0B9

Subject: BCMF Comments and Revisions—Draft Consultation and Accommodation Report for the Proposed Trans Mountain Expansion Project

Dear Mr. Ross,

Thank you for inviting the comments of the British Columbia Métis Federation (BCMF) on the draft Consultation and Accommodation Report for the proposed Trans Mountain Expansion Project. This support is an acknowledgement of two barriers to participation that our members face with regard to proposed developments and meaningful participation in regulatory processes—procedural barriers and financial barriers—and support for participation is considered a gesture of good faith. The BCMF Consultation Office is committed to ensuring that the voice of our members is present in regulatory processes, and that there are continued opportunities for knowledge sharing. I welcome the idea of an Indigenous Advisory and Monitoring Committee, and would be interested in helping to formalize this proposal, which should include a BCMF position in this advisory group to ensure that our community participates meaningfully on behalf of our members going forward.

I have attached our review and comments on the draft consultation and in return, with changes tracked, enclosed with this letter. Please note that I have highlighted sections that I feel may need some attention but which I feel are out of my purview to edit. In particular, while the Crown has noted the commitment of the proponent to work with Aboriginal communities on a continued basis, and to mitigate potential impacts to rights and interests, specific impacts to BCMF members' rights and interests have not yet been identified, and so cannot yet be fully mitigated. The BCMF remains open to collaborating with the Crown and the proponent this matter in the common interests of an inclusive process, and shared prosperity.

I have attached a brief, separate letter addressed to the decision makers for the project, highlighting some of our key concerns and recommendations. Best regards, Ross, and I look forward to working with you again in the future.

A handwritten signature in black ink, appearing to read "Kelly S. Davison".

Kelly S. Davison—Consultation Director
BCMF Consultation Office
#300—365 Kingsway
Vancouver, BC, V5R 5W2



November 18, 2016

To: The Honourable Ministers and Decision Makers for the Proposed Trans Mountain Expansion Project
c/o

Mr. Ross Neil, Crown Consultation Lead—Trans Mountain Expansion Project
Major Projects Management Office
Natural Resource Canada / Government of Canada
#504—800 Burrard St.
Vancouver, BC, V6Z 0B9

Subject: The British Columbia Métis Federation (BCMF)

Honourable Ministers and Decision Makers,

I am grateful to have been provided with the opportunity to submit this letter on behalf of our community members. As Consultation Director of the BCMF Consultation Office, it is my duty to advocate for the fair and appropriate inclusion of member voice in regulatory processes and proposed development decisions such as for the Trans Mountain Project (the Project). In this letter, I will very briefly outline our concerns regarding the Project, the regulatory process, and requests.

The BCMF

The BCMF is a non-profit organization established in 2011, governed by a democratically elected Board of Directors who have been entrusted with the difficult task of helping to ensure the well-being of our 7,500 community members. The BCMF is an organization with a Provincial scope, who works directly to support the initiatives of our member communities, which are located throughout the Province. The BCMF Consultation Office was established in 2015 to support proponents, the Crown and its agencies in meeting their duties in respect to the rights of our community members.

The Regulatory Process

Regulation of small, or larger projects such as the Trans Mountain Expansion presents interesting and important opportunities to engage in dialogue and knowledge sharing with Aboriginal people, who have a unique perspective on the environment, on development, and on social and economic matters. Canadian history and Métis history are inseparable and interdependent, though the complicated relationship we share has only been given due attention in recent months and years, helped by increased public awareness of Aboriginal people and rights (i.e. the Truth and Reconciliation Commission). The BCMF Consultation Office supports the vision of a vibrant and inclusive country, where people can achieve their potential and prosper. However, BCMF community members have been excluded from meaningful participation in the regulatory process for this project, and other major projects such as the Northwest LNG and Pacific Future Energy Project. These developments have the potential to impact our members' rights and interests and would benefit from including the voice of our

community members, and yet the interdepartmental preliminary assessments of "weak" claim strength for the BCMF has justified the ongoing exclusion of our voice from regulatory proceedings, and from meaningful participation in the environmental assessment process. It is our strong belief that the input of our community is important to Canada's vision for reconciliation, and that our participation ought to be sought out early on in the regulatory process.

Indigenous Knowledge Studies, including Métis Knowledge, Use and Occupancy Studies are valuable vehicles for providing voice to our community, for supporting Crown and proponent consultation, and for documenting and mitigating risks and impacts to BCMF community members' rights and interests.

The Project

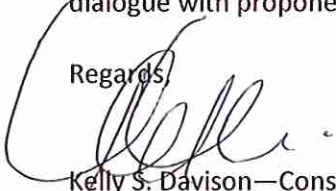
The voice of our community has not been included in the environmental assessment for this project. The rights and interests of our community members have not been assessed. Education of our community members with regard to potential project risks and effects, plans for mitigation, and economic opportunities has not been provided, and perceptions about risk are largely developed information provided by media reports. Information about the project and about the regulatory process is largely inaccessible by our members, some of whom face substantial barriers to participation. In light of these factors, I feel that any decision that is made in the interest of public necessity without BCMF member voice will be based on incomplete information gathered in a process designed to minimize meaningful input. The value of the knowledge, rights and interests of our community has not been honoured in the regulatory process for this project.

Going Forward

Dialogue with Métis people—with the BCMF community— is a "*Matter of National Import.*" Our community members have valuable knowledge to add in decisions such as this, and participation in processes that govern development decisions ought to be supported. Members ought to be engaged, with the help of the BCMF Board and the BCMF Consultation Office, in meaningful and productive ways that support a positive relationship and facilitate reconciliation, mutual respect and social equity.

We need to ensure that the Honourable Ministers of the Cabinet, agents of the Crown, INAC, and the employees of Kinder Morgan, and the consultants and decision makers of proponents currently operating or planning to develop risky projects in British Columbia, recognize the importance of engaging with the BCMF and of the mutual and societal benefits of cultivating strong relationships with our community. The BCMF and the BCMF Consultation Office remain open, as always, to constructive dialogue with proponents, as well as with Provincial and Federal Government agents and agencies.

Regards,



Kelly S. Davison— Consultation Director
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British Columbia Métis Federation
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