

From: [Puggioni, Giovanni ABR:EX](#)
To: [Nash, Laurel ABR:EX](#)
Cc: [Howells, Emily ABR:EX](#); [Leinweber, Rachelle R ABR:EX](#); [Vesely, Andrew ABR:EX](#)
Subject: Follow UP - MSF/TMx
Date: Wednesday, July 26, 2017 10:45:03 AM

Hi Laurel,

Attached are various items to respond to the Q's from MSF re: Trans Mountain. The key numbers/fact items were vetted through MEMPR for accuracy.

Please let me know if there are any q's on the information or if anything further is needed.

Thank you.

Ciao

Gio

Trans Mountain First Nation Agreements

There are 96 Aboriginal Groups that were identified by BC EAO for consultation as part of their review of the project.

KM has engaged, or attempted to engage all the First Nations affected by their project.

KM has signed some capacity agreements with First Nations, as well as signing agreements for completion of traditional use studies etc.

KM has committed to doing other agreements – which are not legally required – to provide economic and other benefits to First Nations.

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Trans Mountain Project Permits

Project will need thousands of permits over the course of the next few years. Construction permits will be needed well into 2019; some ongoing permits once project is in service.

Permitting agencies with significant #s include: TRAN, FLNR, OGC and ENV (including BC Parks).

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Kinder Morgan has indicated it wishes to begin operations/field work on the project in September 2017.

Kinder Morgan wants expansion to be in-service by December 2019.

Legal Challenges against Trans Mountain Project

16 Judicial Reviews against the Federal Government approval. 3 JR's vs the BC EAO (Squamish Nation, City of Vancouver, Democracy Watch).

Federal decision JR's by First Nations: Tsleil-Waututh, Squamish, Musqueam, Upper Nicola, SSN, Kwantlem (with Cheam and Chawathil), and Coldwater Indian Band.

All the Federal JR's have been consolidated into one hearing process by the Federal Court of Appeal.

Federal Court of Appeal has set aside October 2-13, 2017 to hear all the JR's; case will be heard in Vancouver.

Federal Government Indigenous Advisory and Monitoring Committee (IAMC) for Trans Mountain Project

Without Prejudice to First Nations; First Nations not required to support project to participate, not intended to replace consultation/accommodation duties of KM or Govt.

\$64.7 million over five years; support the work of the IAMC and capacity of Indigenous groups potentially impacted by the Trans Mountain Expansion Project.

Federal Government developed this on a G2G basis with First Nations beginning in Dec 2016, after the Govt of Canada approved the project. BC not involved.

Purpose of the Committee Includes:

- Provide a forum for Indigenous Communities, the Government and Regulators to enhance environmental protection and the safety of the TM Activities.
- Support Indigenous Communities' effective and meaningful participation in the monitoring of the environmental, safety and socio-economic aspects of the TM Activities.
- Share information in a cooperative and transparent manner relating to the environmental, safety and socio-economic issues of the TM Activities.

Activities of the IAMC includes:

- Input and advice. Providing input and advice to regulators with respect to environmental, safety and socio-economic aspects of the performance of the TM Activities
- Monitoring the TM Activities
- Engaging with NEB Inspection Officers as described in section 55 on corrective actions to be taken when non-compliance is identified
- Providing or arranging for training and educational materials to Indigenous Communities to improve their knowledge and capacity surrounding the TM Activities, including their ability to detect and respond to any spills or other hazards or emergencies.
- Incident prevention, emergency preparedness and response.

- Enabling efforts to anticipate, prevent, mitigate, manage and recover from potential incidents (including oil spills) related to the TM Activities

13 Indigenous representatives on Committee – 6 Federal Representatives. No formal role for BC, but can be invited with consent of Committee.

3 places on the IAMC are for Alberta First Nations – and there are 3 vacancies yet to be filled: 1 for BC Metis; 1 for Alberta Metis and 1 for BC Interior First Nations.

The 7 BC First Nations that have agreed to an initial 18 month appointment on the IAMC are:

- Vancouver Island – Western Approach: Kristine Pearson (Pacheedaht First Nation)
- Vancouver Island – South: Chief Russell Chipps (Scia'new (Beecher Bay) First Nation)
- Vancouver Island – Southeast: Caitlin Kenney (Halalt First Nation)
- Burrard Inlet/Lower Fraser: Carleen Thomas (Tsleil-Waututh Nation)
- Fraser Valley: Chief Ernie Crey (Cheam First Nation)
- Mid-Fraser/Thompson: Chief Marcel Shackelly (Nooaitch Indian Band)
- Okanagan: Chief Harvey McLeod (Upper Nicola Band)

Giovanni Puggioni

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From: [Puggioni, Giovanni ABR:EX](#)
To: [Vesely, Andrew ABR:EX](#)
Subject: KM FN Sub Group/Permitting
Date: Friday, July 28, 2017 10:45:35 AM

FYI....
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Information on permits/requirements raised at meeting with DMs yesterday.
Also mentioned at the meeting that agencies need to be aware of communities affected by wildfire – that we can't be just focused on those timelines for permitting if Nations aren't in a position to engage with KM or BC officials on referrals. Will get list of FNs affected by wildfires from EMBC and cross reference that with number of permits. Issue raised about those permits which may have been sent out in May/June and whether they can proceed to decision now. My advice was to be cautious and ensure that those Nations have access to the referral still and/or if they need time and don't just randomly proceed to a decision. Can't wait for Nations to self identify that they need more time because of wildfire – many of them are focused on dealing with other things and the referral pkg isn't likely to be at top of mind.

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Cc: [Puggioni, Giovanni ABR:EX](#); [Vesely, Andrew ABR:EX](#)
Subject: Report Out - TMx/ED WG Meeting July 6
Date: Thursday, July 6, 2017 3:57:00 PM

Updates from this morning's Cross Agency ED working group meeting. Please let Gio or I know if there are any questions.

Cheers,

Andrew

Process Going Forward

- No change – proceed as currently directed with permit applications and referrals to First Nations.

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First Nation meetings/correspondence

- Response letters to Musqueam, Tsleil Waututh have been sent; will obtain final versions.

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KM construction planning meeting July 12

- Meeting July 12 between KM and contractors and line agencies to review construction schedule and plans. | s.13,s.21
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