

Summary of the Evaluation of the Indigenous Advisory and Monitoring Committees

Profile of the Indigenous Advisory and Monitoring Committees (IAMCs)

In 2016, the Government of Canada first announced the approval of both the Trans Mountain Expansion (TMX) project (twinning the existing Trans Mountain pipeline and expanding the Westridge Marine Terminal) and the Line 3 (L3) Replacement project (replacing the existing pipeline with a new pipeline built to modern specifications). Accompanying these announcements, the Minister of Natural Resources committed to greater Indigenous participation in the oversight of these energy projects, beginning with the establishment and co-development of an Indigenous Advisory and Monitoring Committee (IAMC) for each.

The two resulting IAMCs are unique and innovative joint Indigenous and government advisory bodies. While each IAMC is separate and distinct, they both include an Indigenous and Federal Government Co-Chair. Indigenous membership of the IAMCs is drawn from the list of First Nations and Métis Nation potentially impacted by each project. Natural Resources Canada (NRCan) co-chairs both IAMCs and acts as a Secretariat to support their operations, including administration of the IAMCs' contribution funding programs. The Canada Energy Regulator (CER) is actively engaged in both IAMCs, including supporting the delivery of the IAMCs' Indigenous Monitoring programs. Technical and scientific support is provided by NRCan, CER and, specific to IAMC-TMX, other federal departments involved in the major project (i.e., Fisheries and Oceans Canada [DFO], Canadian Coast Guard [CCG], Transport Canada [TC], and Environment and Climate Change Canada [ECCC]).

Critical to the establishment of the IAMCs was that Indigenous participation is without prejudice meaning that participation in the IAMCs by Indigenous members was not to be construed as either supporting or opposing these energy projects nor does it change the Government of Canada's duty to consult.

The federal government has made a commitment to implement the IAMCs over the life cycle of the related energy projects. In 2016, the federal government allocated a total of \$90.9 million (M) to support the two IAMCs over a six-year period, from 2016-17 to 2021-22. While beyond the scope of this evaluation, Budget 2022 allocated an additional \$27.9M to NRCan to support the IAMCs over two years (2022-23 to 2023-24).

About the Evaluation

Led by NRCan's Audit and Evaluation Branch (AEB), this evaluation used a participatory evaluation model which engaged key partners and stakeholders in the co-design and conduct of the evaluation. The evaluation was conducted by Innovation 7 (i7, an Indigenous-owned consulting firm specializing in program evaluation), guided by a Horizontal Working Group (HWG) composed of seven federal representatives and eight Indigenous Caucus representatives (all current or past members of the IAMCs). In addition to the HWG, the evaluators presented updates to a Horizontal Evaluation Working Group composed of evaluation staff in federal partner departments (i.e., NRCan, CER, DFO/CCG, TC, and ECCC).

Conducted in accordance with the TB *Policy on Results*, this evaluation responds to a commitment to the Treasury Board and adheres to section 42.1 of the *Financial Administration Act*. The evaluation covers the period from 2016-17 to 2020-21. The evaluation methods included a document and file review, close to 50 key informant interviews, 12 case studies and four IAMC-TMX regional engagement sessions. Data to inform findings was mostly collected between

September 2021 and May 2022. As a result, the scope of the evaluation excludes consideration of more recent events and decisions with an implication on the design and delivery of the IAMCs (e.g., UN Declaration Action Plan released in June 2023).

The evaluation framework was based on the original funding approvals and the related logic model for the IAMCs initiative, with consideration for additional priority and outcome areas as identified by the HWG. Key evaluation questions were related to relevance and continued need, effectiveness, efficiency, and economy.

What the Evaluation Found

Building trust-based, respectful relationships through an appreciation of differing world views and a process of co-development is critical to the success of the IAMCs. Likewise, co-developed with participation from the Indigenous and Federal Caucuses of the IAMCs, this evaluation sought to balance and present the story of the establishment and implementation of the IAMCs as seen through these two very different world views and experiences.

Relevance

The evaluation found that the IAMCs are seen as an important step towards the achievement of the Government of Canada's commitment to Reconciliation and are aligned with the United Nations (UN) *Declaration on the Rights of Indigenous Peoples*. They help support the federal government's commitment to improve how potentially impacted Indigenous communities and Nations are involved in reviewing and monitoring major resource development projects.

There is a continued and ongoing need for the IAMCs given the federal government's commitment to implement the IAMCs over the life cycle of these energy projects. While approved in 2016, an extensive co-development process meant that the IAMCs were not fully operational until 2017. Additionally, the

COVID-19 pandemic slowed the progress of the IAMCs towards achievement of expected results. Evidence indicates that both IAMCs are needed to continue to build capacity of potentially impacted Nations and communities. It takes time to support co-development and build positive, trust-based relationships. This reality needs to be reflected in the timelines when establishing similar committees in the future.

While the IAMCs remain relevant, there is room for adjustment and improvement in their design. However, there are differing visions on how the IAMCs need to evolve. Whereas some Federal Caucus members see the IAMC continuing to be implemented as outlined in the co-developed Terms of Reference (TORs) – at least until a new vision is jointly developed and endorsed – there is a desire among Indigenous Caucus members of both Committees for greater delegation of decision-making to the IAMCs and for a new power dynamic that reflects joint decision-making and sharing of authorities.

Departments are using a number of performance measures and indicators to track progress under the IAMCs, but these are focused on outputs (not outcomes) and results are not shared with the IAMCs. The IAMC logic model was not co-developed and was seen as needing to be updated to more accurately reflect the outcomes expected by potentially impacted Nations and communities.

Effectiveness

The goal of both IAMCs is to bring together Indigenous and federal leaders to provide advice to regulators and to monitor the respective energy projects, including increased Indigenous involvement in federal monitoring and oversight. The IAMCs were expected to form the basis of a new relationship between Indigenous peoples and the Government of Canada with respect to these energy projects.

The evaluation found that the IAMCs have effectively advocated for and advanced Indigenous concerns to the forefront of regulatory oversight of these large energy projects. They are viewed by the majority of both federal and Indigenous

respondents as a significant improvement over how, historically, Indigenous peoples were consulted and engaged regarding large projects that impact their lands. Those interviewed identified how the IAMCs have led to changes in how the regulators work with impacted Nations and communities to improve the regulatory review process and oversight of these projects. As a result of the IAMCs, participating Indigenous leaders have increased comfort and confidence in the regulatory process. The creation of distinct Indigenous Monitoring programs is viewed as an essential component of the IAMCs as it has built capacity of potentially impacted communities to have their people on the ground monitoring the project and reporting back to community leaders and IAMC representatives. However, challenges exist in relation to the sustainability of these programs, including initial and continuous training and retention of Indigenous Monitors.

A commitment to co-development and senior level engagement underscored the establishment of the IAMCs and was critical to building trust-based relationships. The work of both committees has also led to stronger partnerships among the IAMCs, CER, NRCan, and the other regulatory departments. However, most members of the IAMCs' Indigenous Caucuses are hesitant to presume that the increase in meaningful engagement realized to date by the IAMCs will continue for the life of the project based on what is seen as declining senior level engagement and the lack of long-term funding. Slower than expected implementation and the COVID-19 pandemic have limited the expansion to date of these partnerships at the community level.

The IAMCs are viewed to be an effective mechanism to support Indigenous engagement and the provision of advice and recommendations to federal regulatory bodies and decision-makers. The Indigenous Caucuses for both IAMCs have provided extensive advice and recommendations to the federal government, but they perceive the government responses received to have been too slow, with a negative impact on the trust-based relationships. The IAMCs' TORs are unclear as to who has authority to make recommendations to

government and how consensus is defined from the perspective of the IAMCs which may contribute to the delays in formulating formal responses from federal departments.

Regardless, Indigenous Caucus members and some federal leaders indicated that the IAMCs were effective in helping to address Indigenous concerns and have helped the projects progress at a pace faster than what would have been without the IAMCs. There is also some evidence that the IAMCs are helping to drive broader systemic change, including organizational change within the CER and consideration of expansion of the Indigenous Monitoring programs to other energy projects.

Efficiency and Economy of the IAMCs

The IAMCs are generally viewed as having the right composition and structure. There is evidence that processes and tools have been developed to support the IAMCs and that IAMC contribution agreements also supported projects designed to increase Indigenous access to information, tools and/or other resources regarding energy infrastructure development. However, more is required. To increase mutual understanding, Indigenous Caucus members may benefit from introductory training on the machinery of government while federal representatives may benefit from training in line with Call to Action #57 of the Truth and Reconciliation Commission and in understanding the impacts of inter-generational trauma.

In addition, the majority of those interviewed for this evaluation noted that the IAMC Secretariat is not operating optimally. It has experienced a high level of turnover, including staff in the Grants & Contributions (G&Cs) unit (responsible for close to 75% of NRCan's planned expenditures). Use of temporary staffing measures and a lack of forward planning that allocates resources (money and staff) to priorities may limit the ability of the Secretariat to fully support the expectations of the IAMCs' Indigenous Caucuses. Given these challenges, the IAMC-TMX Indigenous Caucus would like the Secretariat positioned structurally outside of government, reporting directly to the Indigenous Caucus. Indigenous

Caucus members of the IAMC-Line 3 also support a separate Secretariat, but not necessarily outside of government. There is also a desire among Indigenous Caucus members – particularly from the IAMC-TMX – for stronger governance processes and practices, knowledge management of IAMC documents, and delegations of authorities and decision-making. Deficiencies in this area may have led to inefficiencies caused by decisions being revisited when there are changes in leadership.

Over the first five years of operation (2016-17 to 2020-21), the federal government underspent on the IAMCs by approximately \$7M. This is largely attributed to delays in establishing the Committees, COVID-19, and various factors contributing to a slower than expected distribution of G&Cs (e.g., awareness or capacity of communities to apply for funds, administrative barriers, etc.). The IAMCs were granted flexibility to reprofile unspent funds to future fiscal years. While related results are outside the temporal scope of this evaluation, financial data indicates that in 2021-22, actual spending by both NRCan and CER exceeded planned expenditures.

The current lack of long-term funding for the IAMCs was found to limit the ability of the Committees to make more strategic investments and is perceived by Indigenous Caucus members to be undermining trust in the federal government's continued commitment to support the Committees. While recent changes have been made, Indigenous Caucus members of the IAMC-TMX also perceived that the administration of the G&Cs continues to be inefficient and paternalistic, and not reflective of commitments to Reconciliation and self-determination.

Recommendations

The following provides a summary of the evaluation's recommendations. Full text of each recommendation is found in Appendix A.

1. Undertake strategic discussions to seek agreement on the **vision for the IAMCs** going forward, including areas for shared decision making and future

co-development.

2. Continue to evolve and develop more **sustainable Indigenous Monitoring programs** for the IAMCs, ensuring consistency in pay, continued investment in skills development, and managing the expectations of Indigenous Monitors as to the sustainability of these positions.
3. In the spirit of a commitment to the life of the project, it is recommended that each IAMC develop a **long-term strategic plan** which identifies its vision, ultimate outcomes, and strategic priorities focused on the longer-term nature of these projects.
4. Initiate discussions regarding **longer term funding arrangements** such as the establishment of the IAMCs as an ongoing initiative with permanent funding or longer term (e.g., 10-year) contribution funding.
5. Develop a **shared definition for “consensus”** in relation to advice and recommendations to government and the conditions for the government’s responses, as well as a formal process to support the intake and tracking of IAMC advice and recommendations to government.
6. Conduct a **governance review** to identify and prioritize IAMC governance policies, procedures and practices that require strengthening and develop a plan to address any gaps. Further, it should ensure that all information related to the IAMCs’ operations are located on an accessible and shared drive and Committees are provided with regular financial updates.
7. Ensure the Indigenous Caucuses are effectively resourced to undertake **in-person and virtual engagement** with members of the potentially impacted Nations and communities.
8. Determine where the **IAMC Secretariat** should be placed to ensure effective operations and results achievement. Should the decision be made to continue with the Secretariat housed within government, develop a staffing plan for the Secretariat (including the G&Cs unit) with the required positions, levels, competencies and skills to support each IAMC.
9. Review from an Indigenous lens, co-develop and reframe the **IAMC logic model** as required. This review should seek agreement on the IAMCs’

expected outputs and outcomes, key performance indicators and timing for data collection to inform ongoing monitoring and evaluation, and future evaluation framework.

10. Monitor and report on the **economic benefits** that are realized by potentially impacted Indigenous Nations and communities from these large energy projects.

Management Response and Action Plan

A Message from the Chairs of the Indigenous Caucus, IAMC-TMX and IAMC-Line 3

We are
pleased to
provide

“We have to prepare ourselves for a lifetime of protecting.” —

John Etzel, TSAWOUT First Nation

Elders Panel, IAMC-TMX Line-Wide Gathering, November 7, 2023 —

comments for

the Management Response and Action Plan (MRAP) to the Evaluation for the IAMCs on major projects. Although the IAMCs focus on condition compliance for different projects, and involve different regulators, the framework of federal laws, regulations and policies that govern oversight of project construction and operation are common to both – in fact, all – projects involving federal regulation.

Scholar John Gaventa, in his writing on “Finding the Spaces for Change: A Power Analysis”, speaks to three types of spaces: closed, invited, and created. For Indigenous peoples, regulatory oversight of major projects occurs primarily in closed spaces: there is little to no active participation by Indigenous people. Occasionally, we see invited spaces: Indigenous people may participate, but only by invitation of Crown decision-makers. In invited spaces, Indigenous peoples are given limited or no opportunity to co-design or shape the space in which participation

happens. Despite best intentions, the IAMCs largely function as invited spaces, because change in regulatory frameworks only happens according to federal priorities and timelines.

Both of our respective Caucuses have continuously made clear the desire to build created spaces: where Indigenous led decision-making takes place in spaces created by Indigenous peoples. This goal is articulated throughout the Evaluation Report.

Our MRAP response is we need to do more, be more and be better in building created spaces for Indigenous expertise and excellence in oversight of major projects. This is the mandate we have from communities across the pipeline and marine shipping routes impacted by the TMX and Line 3 projects. We have repeatedly heard from communities that they do not have trust in oversight of major projects unless Indigenous peoples are involved, every step of the way.

A regulatory system is weak if it does not inspire trust. We will continue working with federal regulators to identify gaps in regulatory systems, where Indigenous regulatory authorities could complement or provide alternatives to existing federal frameworks. We look forward to the work ahead.

Raymond Cardinal

Chair, Indigenous Caucus

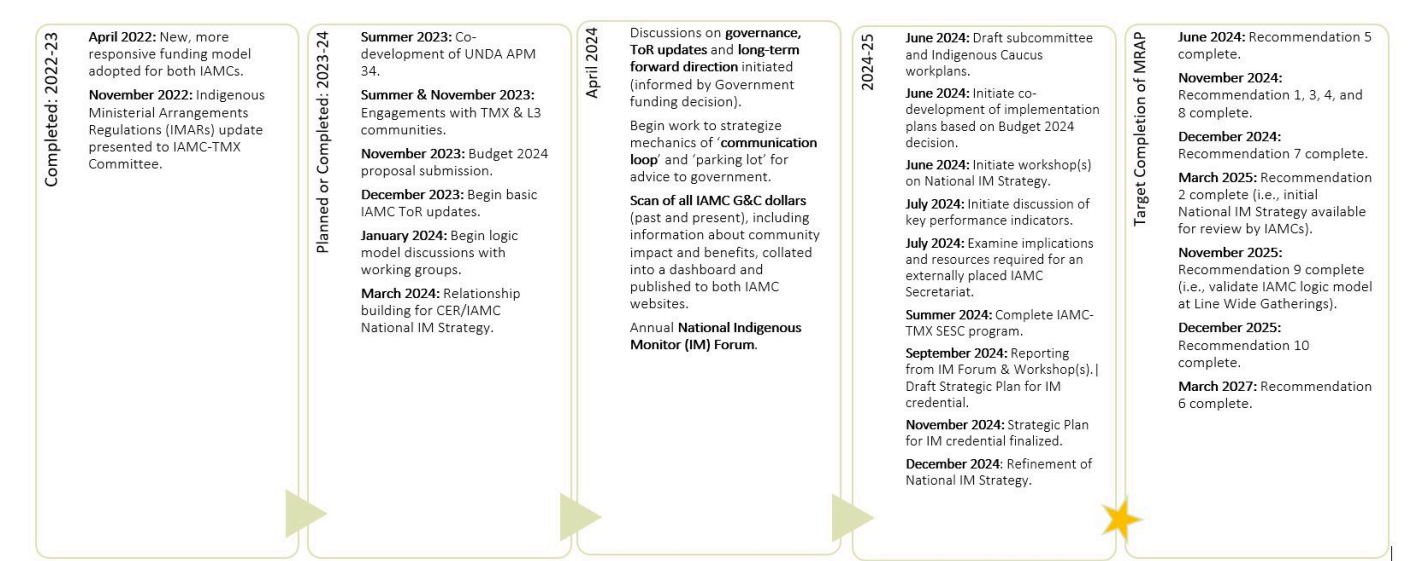
Indigenous Advisory and Monitoring Committee on Trans Mountain

Richard Aisaican

Chair, Indigenous Caucus

Indigenous Advisory and Monitoring Committee on Line 3

The following provides a summary of the management actions planned in response to the evaluation’s recommendations. Full text of each management action is found in [Appendix A](#).



▼ Text version	
The figure provides a summary of the management actions planned in response to the evaluation’s recommendations, presented against different milestones. This information is as presented in the following table.	
Milestones	Management Actions
Completed: 2022-23	<ul style="list-style-type: none">• April 2022: New, more responsive funding model adopted for both IAMCs.• November 2022: Indigenous Ministerial Arrangements Regulations (IMARs) update presented to IAMC-TMX Committee.

Milestones	Management Actions
Planned or Completed: 2023-24	<ul style="list-style-type: none"> • Summer 2023: Co-development of UNDA APM 34. • Summer & November 2023: Engagements with TMX & L3 communities. • November 2023: Budget 2024 proposal submission. • December 2023: Begin basic IAMC Terms of Reference (ToR) updates. • January 2024: Begin logic model discussions with working groups. • March 2024: Relationship building for CER/IAMC National IM Strategy.
April 2024	<ul style="list-style-type: none"> • Discussions on governance, ToR updates and long-term forward direction initiated (informed by Government funding decision). • Begin work to strategize mechanics of 'communication loop' and 'parking lot' for advice to government. • Scan of all IAMC G&C dollars (past and present), including information about community impact and benefits, collated into a dashboard and published to both IAMC websites. • Annual National Indigenous Monitor (IM) Forum.

Milestones	Management Actions
2024-25	<ul style="list-style-type: none"> • June 2024: Draft subcommittee and Indigenous Caucus workplans. • June 2024: Initiate co-development of (implementation plans based on Budget 2024 decision). • June 2024: Initiate workshop(s) on National IM Strategy. • July 2024: Initiate discussion of key performance indicators. • July 2024: Examine implications and resources required for an externally placed IAMC Secretariat. • Summer 2024: Complete IAMC-TMX SESC program. • September 2024: Reporting from IM Forum & Workshop(s). • September 2024: Draft Strategic Plan for IM credential. • November 2024: Strategic Plan for IM credential finalized. • December 2024: Refinement of National IM Strategy.
Target Completion of MRAP	<ul style="list-style-type: none"> • June 2024: Recommendation 5 complete. • November 2024: Recommendation 1, 3, 4, and 8 complete. • December 2024: Recommendation 7 complete. • March 2025: Recommendation 2 complete (i.e., initial National IM Strategy available for review by IAMCs). • November 2025: Recommendation 9 complete (i.e., validate IAMC logic model at Line Wide Gatherings). • December 2025: Recommendation 10 complete. • March 2027: Recommendation 6 complete.

Appendix A: Detailed Recommendations, Management Response and Action Plan

Recommendation	Management Response and Action Plan	Positions Responsible	Milestones
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Recommendation	Management Response and Action Plan	Positions Responsible	Milestones
<p>Recommendation 1: It is recommended that each IAMC, led by the co-chairs, undertake strategic discussions to seek agreement on the vision for the IAMCs going forward, including areas for shared decision making and future co-development. This vision should drive discussions on the most appropriate model for each IAMC, including the expected participation and senior level commitment from each participating federal department, and changes should be reflected in the TOR as required.</p>	<p>Management agrees. The development of the future vision of Line 3 and TMX IAMCs is underway. Discussions will continue, including regular engagement and outreach events with leadership from impacted nations. The action plan in response to Recommendation 1 is as outlined below.</p> <p>Target Completion: November 2024 (target date to validate the vision with Communities at Line Wide Gatherings)</p>		
	<p>1. Engagement with impacted nations will continue and will inform the future of the program.</p>	<p>Leads:</p> <ul style="list-style-type: none"> • IAMC-TMX Indigenous Co-Chair • IAMC-L3 Indigenous Co-Chair 	<ul style="list-style-type: none"> • Summer 2023: Regional engagements concluded. • November 2023: Line Wide Gathering – further engagement with communities.

Recommendation	Management Response and Action Plan	Positions Responsible	Milestones
	<p>2. Going forward, conversations will include factors such as how the secretariat role is administered, the proportion of funding for community project work, and the makeup of Indigenous Caucus, and Monitoring support workforce (such as employers, program officers, IT, Admin support, etc.).</p>	<p>Leads:</p> <ul style="list-style-type: none"> • Director General, Partnerships and Engagement, Nòkwewashk, NRCan <p>Support:</p> <ul style="list-style-type: none"> • CER TMX-IAMC Representative • CER L3-IAMC Representative 	<ul style="list-style-type: none"> • April 2024: Government funding decision to inform discussions about forward planning. IAMC Committees will develop workplans and budgets to allocate funding. • December 2023: Begin basic TOR updates (i.e., changing NEB to CER, etc.), to be completed by March 2024. • April 2024: Begin substantive TOR updates, to be completed by July 2024.

Recommendation	Management Response and Action Plan	Positions Responsible	Milestones
	<p>3. The TORs for both IAMCs will undergo a strategic review, with updates as required, including defined clarity around participation and commitment from the CER and other federal departments. Other amendments will include lessons learned, updates to the delivery model, including (but not limited to), funding, governance, and areas of work.</p>	<p>Leads:</p> <ul style="list-style-type: none"> • Director General, Partnerships and Engagement, Nòkwewashk, NRCan <p>Support:</p> <ul style="list-style-type: none"> • IAMC-TMX Federal Representatives from TC, ECCC, DFO, CCG • CER TMX-IAMC Representative • CER L3-IAMC Representative 	

Recommendation	Management Response and Action Plan	Positions Responsible	Milestones
<p>Recommendation 2: It is recommended that CER, in conjunction with the IAMCs, continue to evolve and develop more sustainable Indigenous Monitoring programs for the IAMCs, ensuring consistency in pay, continued investment in skills development, and managing the expectations of IMs as to the sustainability of these positions.</p>	<p>Management agrees with the recommendation to evolve and co-develop the IM profession. It is essential that the development of Indigenous Monitoring as a profession remain within the purview of Indigenous Subject Matter Experts. The CER aims to collaborate effectively by cultivating and sustaining relationships and providing long-term opportunities for Indigenous Monitors. Furthermore, the CER supports the IAMCs in establishing parallel relationships with other government departments to expand the scope of Indigenous Monitoring. The action plan in response to Recommendation 2 is as outlined below.</p> <p>Target Completion: March 2025</p>		

Recommendation	Management Response and Action Plan	Positions Responsible	Milestones
	1. Development of a strategic plan to create a credential for Indigenous Monitoring and its implementation.	Leads: <ul style="list-style-type: none"> IAMC-TMX Indigenous Co-Chair IAMC-L3 Indigenous Co-Chair Support: <ul style="list-style-type: none"> Director General, Partnerships and Engagement, Nòkwewashk, NRCan 	<ul style="list-style-type: none"> September 2024: Draft Strategic Plan Available November 2024: Strategic Plan finalized
	2. Sharing of lessons learned from terrestrial to marine monitoring and participation of Indigenous Monitors in providing expert advice towards the advancement of regulatory regimes.	<ul style="list-style-type: none"> IAMC Subcommittee Chairs Vice President of Field Operations, CER Additional Supports: <ul style="list-style-type: none"> IAMC-TMX Federal Representatives make connections with departmental inspection programs: TC, ECCC, DFO, CCG 	<ul style="list-style-type: none"> April 2024: Annual Indigenous Monitor Forum September 2024: Reporting from Indigenous Monitor Forum

Recommendation	Management Response and Action Plan	Positions Responsible	Milestones
	<p>3. Development of CER's National Strategy for Indigenous Monitoring. Since the inception of the IAMCs, the CER has been building internal capacity to support the evolution of these programs. Following the 2021 commitment to develop a National Strategy for Indigenous Monitoring within CER's scope, progress has been made in terms of resource allocation and research, leading to the initial development of the engagement framework. This framework will focus on the structures and goals for the CER in their relationship with IMs, but not on the IM profession.</p>	<p>Leads:</p> <ul style="list-style-type: none"> • CER TMX-IAMC Representative • CER L3-IAMC Representative • CER Vice Presidents of Field and Systems Operations <p>Support:</p> <ul style="list-style-type: none"> • IAMC-TMX Indigenous Co-Chair • IAMC-L3 Indigenous Co-Chair • Director General, Partnerships and Engagement, Nòkwewashk, NRCan • IAMC Subcommittee Chairs <p>Additional Supports:</p> <ul style="list-style-type: none"> • IAMC-TMX Federal Representatives make connections with departmental 	<ul style="list-style-type: none"> • March 2024: CER/IAMC National Strategy Relationship Building • June 2024: Initiation of workshop(s) on National Strategy • September 2024: "What We Heard" Reporting • December 2024: Further refinement / information gathering. • March 2025: Initial National Strategy available for IAMC review

Recommendation	Management Response and Action Plan	Positions Responsible	Milestones
	<p>The framework development encompasses data collection and reporting mechanisms to ensure IAMC is involved and informed throughout. Similarly, the CER has recruited and trained two former IMs with the goal of achieving Inspection Officer designation, potentially contributing to the development of sustainable career paths for IMs. CER will maintain adequate staff and support for IM Programs throughout the development of the framework.</p>	<p>inspection programs: TC, ECCC, DFO, CCG</p>	

Recommendation	Management Response and Action Plan	Positions Responsible	Milestones
<p>Recommendation 3: It is recommended that the IAMCs and federal government develop a shared definition for “consensus” in relation to advice and recommendations to government and the conditions for the government’s responses, as well as a formal process to support the intake and tracking of IAMC advice and recommendations to government (e.g., acknowledging receipt of advice/recommendations; clarifying areas where the IAMCs can provide advice/recommendations; a commitment to the timelines for the government to respond to IAMCs’ advice/recommendations once received; and finally tracking of response back to the IAMCs).</p>	<p>Management agrees. As part of strategic plan development (recommendation #4), both L3 and TMX IAMCs will articulate the long-term strategy, which will help guide the advice. This will include actions in response to Recommendation 3 as outlined below.</p> <p>Target Completion: November 2024 (target date to validate with Communities at Line Wide Gatherings)</p>		
	<p>1. Implementation of an appropriate, accessible communication loop and resources to ensure advice can be received and responded to for both IAMCs. The receiver of advice should adhere to a timeline for sharing responses. Advice should be collected into a ‘parking lot’ and a strategy developed to organize discussions on ‘parking lot’ items to resolve issues.</p>	<p>Leads:</p> <ul style="list-style-type: none"> • IAMC-TMX Indigenous Co-Chair • Federal Co-Chair, Director, IAMC-TMX, Nòkwewashk, NRCan • IAMC-L3 Indigenous Co-Chair • Federal L3 Co-Chair, Director, IAMC-L3, Nòkwewashk, NRCan <p>Support:</p> <ul style="list-style-type: none"> • CER TMX-IAMC Representative • CER Line 3-IAMC Representative 	<ul style="list-style-type: none"> • April 2024: Begin work to strategize mechanics of ‘communication loop’ and establish ‘parking lot’ document on Google Drive.

Recommendation	Management Response and Action Plan	Positions Responsible	Milestones
	<p>2. During on-going work planning, both IAMCs will redevelop a performance measurement framework, including meaningful key performance indicators (KPIs) and service standards regarding responses.</p>	<p>Leads:</p> <ul style="list-style-type: none"> • IAMC-TMX Indigenous Co-Chair • Federal Co-Chair, Director, IAMC-TMX, Nòkwewashk, NRCan • IAMC-L3 Indigenous Co-Chair • Federal L3 Co-Chair, Director, IAMC-L3, Nòkwewashk, NRCan 	<ul style="list-style-type: none"> • July 2024: Initiate committee conversation on development of KPIs

Recommendation	Management Response and Action Plan	Positions Responsible	Milestones
	<p>3. A common understanding and principles of consensus will be included in the revised Terms of Reference (link to recommendation #1).</p>	<p>Leads:</p> <ul style="list-style-type: none"> • IAMC-TMX Indigenous Co-Chair • Federal Co-Chair, Director, IAMC-TMX, Nòkwewashk, NRCan • IAMC-L3 Indigenous Co-Chair • Federal L3 Co-Chair, Director, IAMC-L3, Nòkwewashk, NRCan <p>Support:</p> <ul style="list-style-type: none"> • CER TMX-IAMC Representative • CER Line 3-IAMC Representative 	<ul style="list-style-type: none"> • April 2024: Discuss principles of consensus as part of substantive TOR updates.

Recommendation	Management Response and Action Plan	Positions Responsible	Milestones
<p>Recommendation 4: In the spirit of a commitment to the life of the project, it is recommended that each IAMC develop a long-term strategic plan which identifies its vision, ultimate outcomes, and strategic priorities focused on the longer-term nature of these projects. These long-term strategic plans should each be supported by a five-year investment plan and annual work plans that identify priorities, commitments and expected outcomes based on approved funding levels, as well as the allocation of resources to deliver on the annual plans.</p>	<p>Management agrees. In response to Recommendation 4, both the TMX and Line 3 IAMCs are having long-term strategic planning discussions as part of planning for work over the next five years. The action plan in response to Recommendation 4 is as outlined below.</p> <p>Target Completion: November 2024 (target date to validate with Communities at Line Wide Gatherings)</p>		
	<p>1. [REDACTED].</p>	<p>Leads:</p> <ul style="list-style-type: none"> Director General, Partnerships and Engagement, Nòkwewashk, NRCan <p>Support:</p> <ul style="list-style-type: none"> CER TMX-IAMC Representative CER L3-IAMC Representative 	<ul style="list-style-type: none"> November 2023: [REDACTED]

Recommendation	Management Response and Action Plan	Positions Responsible	Milestones
	<p>2. The Committees will produce work plans to identify annual priorities. Workplans will be based on broader strategic goals and key pieces of work endorsed by Indigenous Caucus and will incorporate results of Line 3 and TMX regional engagements.</p>	<p>Leads:</p> <ul style="list-style-type: none"> • IAMC-TMX Indigenous Co-Chair • Director, IAMC-TMX, Nòkwewashk, NRCan • IAMC-L3 Indigenous Co-Chair • Federal L3 Co-Chair, Director, IAMC-L3, Nòkwewashk, NRCan 	<ul style="list-style-type: none"> • June 2024: Submission of draft sub-committee and Indigenous Caucus workplans

Recommendation	Management Response and Action Plan	Positions Responsible	Milestones
<p>Recommendation 5: It is recommended that NRCan initiate discussions regarding longer term funding arrangements such as the establishment of the IAMCs as an ongoing initiative with permanent funding or longer term (e.g., 10-year) contribution funding. Alternative funding arrangements would be required should a decision be made to move the IAMC Secretariat to an external, Indigenous led body.</p>	<p>Management agrees. Impacted Nations have expressed their long-term goal of establishing a financially independent Indigenous Energy Regulator, supported by implementation of the <i>United Nations Declaration on the Rights of Indigenous Peoples Act</i> (UNDA). Governance discussions will inform measures to be written into IAMC Terms and Conditions for Grants and Contributions in the future. Exploratory steps in response to Recommendation 5 are as outlined below.</p> <p>Target Completion: June 2024</p>		
	<p>1. Direct conversations between Indigenous Caucus, leadership and central agencies, informed by Government funding decisions.</p>	<p>Leads:</p> <ul style="list-style-type: none"> • IAMC-TMX Indigenous Co-Chair • Federal Co-Chair, Director, IAMC-TMX, Nòkwewashk, NRCan • IAMC-L3 Indigenous Co-Chair • Federal L3 Co-Chair, Director, IAMC-L3, Nòkwewashk, NRCan 	<ul style="list-style-type: none"> • April 2024: Discussions completed.

Recommendation	Management Response and Action Plan	Positions Responsible	Milestones
	2. Participate in the implementation of UNDA Action Plan Measure 34.	Leads: <ul style="list-style-type: none"> • Director General, Partnerships and Engagement, Nòkwewashk, NRCan • Executive Vice President, Transparency and Strategic Engagement, CER Support: <ul style="list-style-type: none"> • IAMC-TMX Indigenous Co-Chair • IAMC-L3 Indigenous Co-Chair 	<ul style="list-style-type: none"> • Summer 2023: Co-development of Action Plan Measure. • Future milestones are being determined as part of UNDA Action Plan implementation process

Recommendation	Management Response and Action Plan	Positions Responsible	Milestones
	<p>3. Participate in the development of Indigenous Ministerial Arrangements Regulations (IMARs).</p>	<p>Leads:</p> <ul style="list-style-type: none"> • Director General, Partnerships and Engagement, Nòkwewashk, NRCan <p>Support:</p> <ul style="list-style-type: none"> • IAMC-TMX Indigenous Co-Chair • IAMC-L3 Indigenous Co-Chair • Vice President of System Operations, CER 	<ul style="list-style-type: none"> • November 2022: IMARs Update Presented to IAMC-TMX Committee

Recommendation	Management Response and Action Plan	Positions Responsible	Milestones
	<p>4. A long-term strategy plan that clarifies scope of work (i.e., what work would be considered beyond TMX / Line 3 program authorities), and other CER regulated projects.</p>	<p>Leads:</p> <ul style="list-style-type: none"> • Director General, Partnerships and Engagement, Nòkwewashk, NRCan • Federal Co-Chair, Director, IAMC-TMX, Nòkwewashk, NRCan • Federal L3 Co-Chair, Director, IAMC-L3, Nòkwewashk, NRCan • CER TMX-IAMC Representative • CER L3-IAMC Representative <p>Support:</p> <ul style="list-style-type: none"> • IAMC-TMX Indigenous Co-Chair • IAMC-L3 Indigenous Co-Chair 	<ul style="list-style-type: none"> • April 2024: Conversations will begin on implementing Government funding decisions.

Recommendation	Management Response and Action Plan	Positions Responsible	Milestones
	5. Investigate examples that exist for securing long-term funding arrangements, informed by decisions in Government funding decisions.	Leads: <ul style="list-style-type: none"> • Director General, Partnerships and Engagement, Nòkwewashk, NRCan 	<ul style="list-style-type: none"> • April 2024: initiate discussions on long-term funding approaches

Recommendation	Management Response and Action Plan	Positions Responsible	Milestones
<p>Recommendation 6: It is recommended that NRCan, in collaboration with the IAMCs, conduct a governance review to identify and prioritize IAMC governance policies, procedures and practices that require strengthening and develop a plan to address any gaps. Further, it should ensure that all information related to the IAMCs' operations are located on an accessible and shared drive and Committees are provided with regular financial updates. The latter would require all participating departments to consistently track and report at least annually on their IAMC spending, progress on results and barriers to results achievement.</p>	<p>Management agrees. In response to recommendation 6, both Line 3 and TMX IAMCs will complete a review of Committee and Subcommittee governance policies, procedures, and practices, identifying strengths and opportunities for improvement, and making updates to IAMC policies, procedures, Terms of Reference, Program Terms & Conditions, and other measures as needed to better align with priorities.</p>	<p>Leads:</p> <ul style="list-style-type: none"> • IAMC-TMX Indigenous Co-Chair • Federal Co-Chair, Director, IAMC-TMX, Nòkwewashk, NRCan • IAMC-L3 Indigenous Co-Chair • Federal L3 Co-Chair, Director, IAMC-L3, Nòkwewashk, NRCan 	<p>Government funding decisions expected in April 2024 will inform governance discussions.</p> <p>Target Completion: March 2027</p>

Recommendation	Management Response and Action Plan	Positions Responsible	Milestones
<p>Recommendation 7: The IAMCs' purpose, work, and funding opportunities need to be more effectively communicated to potentially impacted Nations and communities. Therefore, NRCan should ensure the Indigenous Caucuses are effectively resourced to undertake in-person and virtual engagement with members of the potentially impacted Nations and communities.</p>	<p>Management agrees. In 2022, both IAMCs adopted a more responsive funding model that supports increased capacity for Indigenous Caucus staffing and outreach programs for Indigenous Caucus to have meaningful communication with potentially impacted communities. Strategic and adaptive use of social media and other technical tools will continue to be used to enhance the awareness of the IAMCs among impacted nations. The plans for both IAMCs to implement decisions in Budget 2024 will be co-developed. This will confirm costs, timeframe, and inform future planning decisions.</p>	<p>Leads:</p> <ul style="list-style-type: none"> • Director General, Partnerships and Engagement, Nòkwewashk, NRCan • Federal Co-Chair, Director, IAMC-TMX, Nòkwewashk, NRCan • Federal L3 Co-Chair, Director, IAMC-L3, Nòkwewashk, NRCan 	<ul style="list-style-type: none"> • June 2024: Initiate Co-Development of draft implementation plans • December 2024: Finalize implementation plans

Recommendation	Management Response and Action Plan	Positions Responsible	Milestones
<p>Recommendation 8: NRCan should undertake discussions with IAMC members to determine where the IAMC Secretariat should be placed to ensure effective operations and results achievement. Should the decision be made to continue with the Secretariat housed within government, it is recommended that NRCan, in discussion with IAMC members, develop a staffing plan for the Secretariat (including the G&Cs unit) with the required positions, levels, competencies and skills to support each IAMC. In staffing the Secretariat, preference should be given to Indigenous employees. Given the long-term nature of these Committees, NRCan should seek approval to staff the Secretariat using permanent staffing measures.</p>	<p>Management partly agrees. In response to Recommendation 8, NRCan will continue to develop effective Secretariat teams through the attraction, recruitment, retention, and development of staff for this unique work. Preference will be given to Indigenous employees. The IAMCs, as part of the overall governance review within long-term strategic planning for the IAMCs, will examine the implications and resources required for an externally placed Secretariat, with clear roles and responsibilities (see Recommendation #5).</p>	<p>Leads:</p> <ul style="list-style-type: none"> • Director General, Partnerships and Engagement, Nòkwewashk, NRCan • Federal Co-Chair, Director, IAMC-TMX, Nòkwewashk, NRCan • Federal L3 Co-Chair, Director, IAMC-L3, Nòkwewashk, NRCan <p>Support:</p> <ul style="list-style-type: none"> • IAMC-TMX Indigenous Co-Chair • IAMC-L3 Indigenous Co-Chair • CER TMX-IAMC Representative • CER Line 3-IAMC Representative 	<ul style="list-style-type: none"> • July 2024: Examine the implications and resources required for an externally placed Secretariat. • November 2024: Validate a proposed approach for a Secretariat with Communities at Line Wide Gatherings.

Recommendation	Management Response and Action Plan	Positions Responsible	Milestones
<p>Recommendation 9: It is recommended that NRCan, working with representatives of each IAMC, review from an Indigenous lens (e.g., Indigenous world views), co-develop and reframe the IAMC logic model as required. This review should seek agreement on the IAMCs' expected outputs and outcomes, key performance indicators and timing for data collection to inform ongoing monitoring and evaluation, and future evaluation framework.</p>	<p>Management agrees. The action plan in response to Recommendation 9 is as outlined below.</p> <p>Target Completion: November 2025 (target date to validate the IAMC logic model with Communities at Line Wide Gatherings)</p>		
	<p>1. Co-developing a logic model would support future evaluations, as well as the performance framework referenced in response to Recommendation 3. Input from impacted nations is also required - a new logic model could be a topic for future regional or line-wide engagement events (Recommendation 7).</p>	<p>Leads:</p> <ul style="list-style-type: none"> • IAMC-TMX Indigenous Co-Chair • Federal Co-Chair, Director, IAMC-TMX, Nòkwewashk, NRCan • IAMC-L3 Indigenous Co-Chair • Federal L3 Co-Chair, Director, IAMC-L3, Nòkwewashk, NRCan <p>Support:</p> <ul style="list-style-type: none"> • IAMC-TMX Federal Representatives from TC, ECCC, DFO, CCG • CER TMX-IAMC Representative • CER Line 3-IAMC Representative 	<ul style="list-style-type: none"> • January 2024: Begin logic model discussions with working groups.

Recommendation	Management Response and Action Plan	Positions Responsible	Milestones
	<p>2. For advice on a culturally appropriate logic model, the IAMCs will develop Elder and/or Youth working groups. These working groups or circles may also provide guidance on the overall strategic plans and governance models in Recommendation 4.</p>	<p>Leads:</p> <ul style="list-style-type: none"> • IAMC-TMX Indigenous Co-Chair • Federal Co-Chair, Director, IAMC-TMX, Nòkwewashk, NRCan • IAMC-L3 Indigenous Co-Chair • Federal L3 Co-Chair, Director, IAMC-L3, Nòkwewashk, NRCan 	<ul style="list-style-type: none"> • November 2024: Discuss formation of working groups at Line Wide Gatherings, for the purpose of feeding into logic model.

Recommendation	Management Response and Action Plan	Positions Responsible	Milestones
<p>Recommendation 10: It is recommended that NRCan monitor and report on the economic benefits that are realized by potentially impacted Indigenous Nations and communities from these large energy projects.</p>	<p>Management partially agrees. Financial reporting that is meaningful and accessible is what nations are asking for, however, total economic benefits that are realised by potentially impacted Indigenous Nations are often included in confidential agreements between the proponent and the Nation. It may be possible to compel proponents to share the number of agreements, but this may not meet the expectations of potentially impacted nations. Management actions in response to Recommendation 10 are as outlined below.</p> <p>Target Completion: December 2025 following all departments finalizing and securing approval for implementations plans following Government funding decisions expected in 2024.</p>		

Recommendation	Management Response and Action Plan	Positions Responsible	Milestones
	<p>1. A scan of all IAMC G&C dollars (current and from the start of the IAMCs) including information about community impact and benefits will be collated into a dashboard, and then published to both IAMC websites as part of on-going updates to impacted nations.</p>	<p>Leads:</p> <ul style="list-style-type: none"> • Director General, Partnerships and Engagement, Nòkwewashk, NRCan • Director General, Reconciliation Implementation, Nòkwewashk, NRCan <p>Support:</p> <ul style="list-style-type: none"> • Director, IAMC-TMX, Nòkwewashk, NRCan • Federal L3 Co-Chair, Director, IAMC-L3, Nòkwewashk, NRCan • Director, Program Delivery & Transformation, Nòkwewashk, NRCan 	<ul style="list-style-type: none"> • April 2024: To begin scan of dollars post-fiscal year-end.

Recommendation	Management Response and Action Plan	Positions Responsible	Milestones
	<p>2. The National Benefits Sharing Framework (NBSF) is currently being developed and indicators to measure the success of its implementation will be established following engagement with key stakeholders and the development of the Framework's key components with Indigenous groups.</p>	<p>Leads:</p> <ul style="list-style-type: none"> A/Assistant Deputy Minister, Nòkwewashk, NRCan 	<ul style="list-style-type: none"> February 2024: Winter 2024-beyond is when NBSF Framework implementation is set to begin.
	<p>3. TMX-IAMC has already begun a program around IAMC socioeconomic monitoring, and this will be completed by Summer 2024.</p>	<p>Leads:</p> <ul style="list-style-type: none"> IAMC-TMX Indigenous Co-Chair Chair of the Socioeconomic Subcommittee <p>Support:</p> <ul style="list-style-type: none"> Federal Co-Chair, Director, IAMC-TMX 	<ul style="list-style-type: none"> Summer 2024: Socioeconomic Subcommittee program will be completed.

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