

Final Summary Report: Co-Development Process

Overview

In late 2016, the Governor in Council approved the Line 3 Replacement Project (Project). In early 2017, the National Energy Board, Natural Resources Canada, and a number of Indigenous Nations¹ formed a Working Group to co-develop an Indigenous Advisory and Monitoring Committee (IAMC). The co-development process included working group meetings, drafting team meetings, regional workshops, line wide workshops, and several membership selection processes that were specific to provincial First Nation and Métis working groups. In October 2017, the IAMC was launched and the first Committee meeting was held in Winnipeg, Manitoba.

Government Decision

As part of the Governor in Council's approval of the Line 3 Replacement Program on November 29, 2016, Cabinet announced that it would seek to co-develop an Indigenous Advisory and Monitoring Committee with Indigenous Peoples located along the Project right-of-way. As part of its decision, the Government announced up to \$21.6M to support the wide range of costs involved in enabling the IAMC to execute on its mandate. A portion of these resources was allocated to support government and regulatory authorities' participation on the Committees, and provide a secretariat service to the committee. Natural Resources Canada (Indigenous Partnerships Office-West²) provides the Secretariat function.

Working Group

The co-development of the Line 3 IAMC was launched in December 2016, with a series of teleconference and bi-lateral briefings for Indigenous Nations. Out of the first line wide workshop in February 2017, Indigenous Peoples volunteered to participate in an Indigenous – federal Working Group led by an independent Indigenous facilitator from the Saskatchewan First Nations Natural Resource Centre of Excellence. Thirty-five Indigenous Nations attended the initial Working Group meeting and membership subsequently grew to more than 50 Indigenous participants representing more than 30 potentially impacted Indigenous Nations. The Working Group included both First Nation and Métis participants, Natural Resources Canada, and the

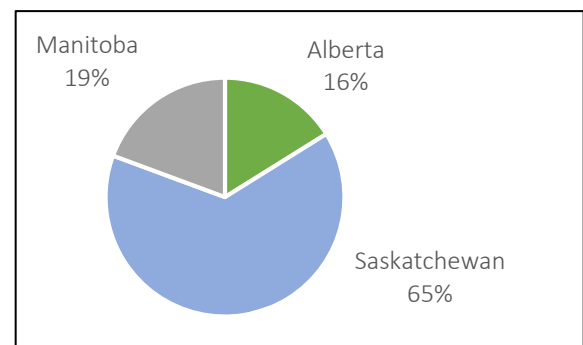


Figure 1: Indigenous representation on the working group, by Province

¹ As defined in the Line 3 IAMC Terms of Reference.

² In November 2017 the Major Projects Management Office-West (MPMO-West) within Natural Resources Canada was renamed the Indigenous Partnerships Office-West (IPO-West).

National Energy Board. The provincial representation of Indigenous Nations in the Working group can be seen in Figure 1. Between February and August, 11 meetings were held, in person and by teleconference. In addition to these meetings, 4 regional workshops were held, 1 in each province, with the exception of Saskatchewan, where a second, Indigenous-only workshop was held in Prince Albert.

Following a Working Group meeting in May, a drafting team was formed to develop the Terms of Reference. The drafting team included government, NEB, and more than 12 First Nations and Métis representatives. The drafting team met seven times (in person and by teleconference) between May and July. The draft Terms of Reference underwent a three week concurrent Indigenous and government review between July 31, 2017 – August 18, 2017. All 109 Indigenous Nations identified on the Line 3 Crown consultation list received a copy of the draft Terms of Reference, with request for feedback by the August 18, 2017 deadline. On August 23-24, 2017 the Working Group met in Calgary to review the feedback received and to finalize the Terms of Reference. The final draft Terms of Reference underwent concurrent federal government and independent³ Indigenous legal reviews in September 2017, and was finalized on October 4, 2017.

Line Wide Workshops

Two Line Wide Workshops were also held during the co-development process. The purpose of these workshops was to provide an opportunity for Indigenous leaders of all Nations potentially impacted by the Project to learn about the progress made to date to establish an IAMC, to contribute to the IAMC’s co-development and Terms of Reference, and to determine a path forward for the IAMC.

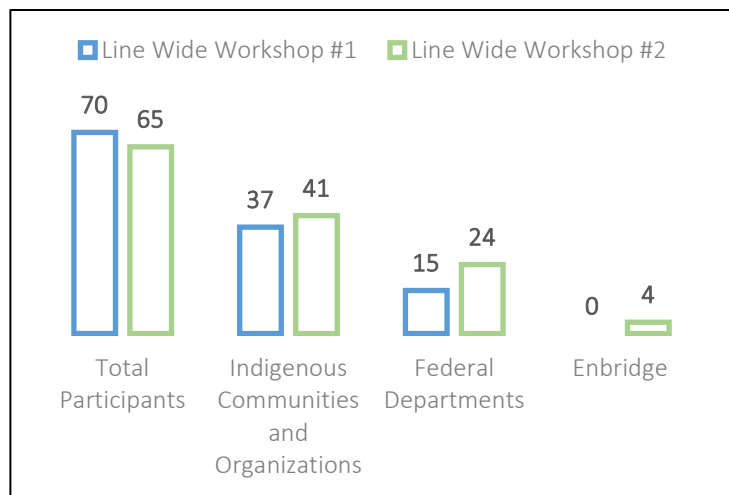


Figure 2: Participation at Line Wide Workshops

The first line wide workshop was held in Calgary on February 22-23, 2017. The second line wide workshop was held in Saskatoon on June 26-27, 2017. Participation in these workshops can be seen in Figure 2.

³ The independent Indigenous legal review was undertaken by Mr. Amyn Lalji of Miller Thompson LLP in Vancouver, who was selected by the Indigenous members on the Working Group in attendance at the August 23-24, 2017 meeting in Calgary.

Endorsement of the TOR

Indigenous members on the Working Group agreed on a two-step approach to endorse the Terms of Reference and recommend the Committee's establishment to the Chair/CEO of the NEB and the Minister of Natural Resources:

1. Working Group Letter: a single letter from the Indigenous members on the working group, signed by the most senior elected Indigenous leader on the working group (Chief Matthew Tod Peigan of Pasqua First Nation). This letter was signed October 5, 2017.
2. Indigenous Leaders' Letters: separate letters from Indigenous leaders sent directly to the Chair/CEO of the NEB and the Minister to articulate their position. Twelve letters of support were received, representing First Nations and Métis in Alberta, Saskatchewan, and Manitoba.

Membership Selection

While the Terms of Reference was finalized, Indigenous Nations came together to determine membership on the IAMC. The Terms of Reference created 16 seats for Indigenous representatives, as follows (Figure 3).

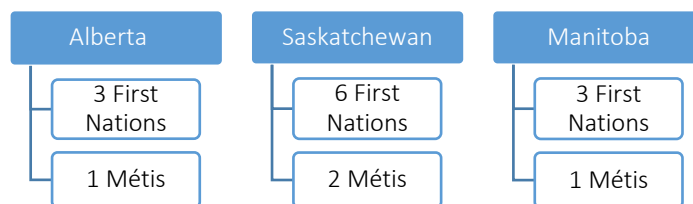


Figure 3: Number of IAMC seats for Indigenous members per province

The Working Group laid out the following principles for member selection:

- Process is inclusive of all Indigenous Peoples impacted by the project.
- Process is supportive of Indigenous self-determination and traditional decision making processes.
- Process and results are document and transparent.
- Disputes following an appointment meeting can be submitted in writing to the Working Group for a period of 5 days following the appointment meeting.

Alberta First Nations

The Alberta First Nation Working Group determined that a call-out e-mail would be sent to the 15 Alberta First Nations potentially impacted by Line 3. Volunteers or nominations were e-mailed to NRCan or Sheldon Wuttunee, the independent facilitator. A resume and letter of support was required from each nominee to be considered. In total four nominations were put forward. On September 15, 2017, the Alberta First Nations Working Group members voted online and selected the 3 members to sit on the Committee. A one-week waiting period was held during

which questions or objections could be raised. No questions or objections were raised with the process or the members.

Alberta Métis

The Métis Nation of Alberta determined internally its membership on the Line 3 IAMC. No questions or objections were raised with the process or the member.

Saskatchewan First Nations

The Saskatchewan First Nation Working Group decided to select its members from those who had been involved since February 2017 as members of the Working Group. In September, a callout for nominees and volunteers was sent out to the Saskatchewan First Nation Working Group. Individuals were asked to provide a letter of support from their First Nation along with their resume. 11 nominations came forward before the deadline. During a September 14 teleconference, the Saskatchewan First Nation Working Group selected 6 out of the 11 nominees to sit on the Committee. An announcement was made regarding the 6 selected members, and there was a one-week waiting period for questions or objections to be raised.

During the waiting period, several additional nominations came forward and objections were raised. The Saskatchewan Working Group subsequently discussed the issues and the original six nominees identified on September 14, 2017 were confirmed. The issues raised were catalogued and addressed by the Saskatchewan Working Group as follows:

<p><i>Issue 1:</i> Concern about appropriate balance between Treaty 6 and Treaty 4 representation. <i>Review & Decision:</i> The Line 3 project route in Saskatchewan is situated within approximately 60% Treaty 4 and 40% Treaty 6. The members identified include a similar split – four Treaty 4 and two Treaty 6.</p>
<p><i>Issue 2:</i> Recommendation that Sheldon Wuttunee sit as a member on the IAMC. <i>Review & Decision:</i> The Saskatchewan Working Group decided to draw from only the Working Group members for the initial two-year term on the IAMC.</p>
<p><i>Issue 3:</i> Recommendation to put all of the names to an online vote. <i>Review and Decision:</i> The Saskatchewan Working Group decided to use a consensus-based decision making approach to membership selection.</p>
<p><i>Issue 4:</i> Recommendation that Carry the Kettle have a representative on the IAMC given their proximity to the project <i>Review and Decision:</i> One of the members identified is from Carry the Kettle First Nation, and works for File Hills Qu’appelle Tribal Council. As a member on the IAMC, she will represent all Saskatchewan First Nations, not only her community, however she will also keep her community informed about the work of the IAMC.</p>
<p><i>Issue 5:</i> One of the Saskatchewan representatives is from Alberta <i>Review and Decision:</i> The Chief of Mosquito, Grizzly Bear Head, Lean Man First Nation in Saskatchewan stands behind the appointment.</p>
<p><i>Issue 6:</i> Additional nominations came forward after the deadline <i>Review and Decision:</i> Additional nominations can be considered when membership terms expire (2 years) or if a vacancy opens up.</p>

Saskatchewan Métis

The President of the Métis-Nation Saskatchewan (MN-S) convened a meeting of five potentially impacted MN-S regions, and selected two individuals to sit on the IAMC. MN-S Eastern Region III did not participate in the meeting, and subsequently put forward their own nomination to the IAMC. In addition, the First Indigenous Riel Metis (F.I.R.M #33) Local put forward their own nomination to the IAMC. Following discussions with MN-S, Eastern Region III, F.I.R.M #33, Indigenous Affairs and Northern Development Canada (INAC), and the Métis National Council (MNC), it was determined that the process undertaken by the MN-S President demonstrated adequate transparency, fairness, and openness and would result in Saskatchewan Métis members broadly representative of all potentially impacted Métis in Saskatchewan. On November 1, 2017, the two Saskatchewan Métis representatives were confirmed.

Manitoba First Nations

The Manitoba First Nation Working Group determined that Manitoba First Nations would be invited to put forward nominations for the IAMC, and that an in-person meeting would be held in Winnipeg on September 19 to discuss membership. Following the September 19 meeting, a deadline of October 4 was set for nominations. Nominees were asked to provide a letter of support on behalf of their First Nation. An online vote was organized for October 5, 2017 and was sent to all potentially impacted Manitoba First Nations. Following the vote, a five-day waiting period was held where questions or objections could be raised. One objection was raised during the waiting period, from Pine Creek First Nation. The Manitoba First Nation Working Group subsequently discussed the objection, addressed it, and determined that the process and results would stand. On October 11, 2017 the three Manitoba members selected by the online vote were confirmed.

Manitoba Metis

The Manitoba Metis Federation determined internally its membership on the Line 3 IAMC. No questions or objections were raised with the process or the member.

IAMC Launch

On October 18-19, 2017, the IAMC was launched with its first committee meeting in Winnipeg, hosted on treaty one territory by Peguis First Nation. 14 IAMC Members were in attendance, in addition to 12 guests and 4 members of the IAMC Secretariat. The full list of IAMC Members can be found in Table 1. The IAMC is scheduled to meet monthly. As part of its mandate, the IAMC will develop a robust communications and engagement strategy, to engage with all Indigenous peoples potentially impacted by the Project.

Table 1: IAMC Members

IAMC Members		
	Committee Member	First Nation / Métis Nation
Alberta First Nations	Mike Oka	Kainai / Blood Tribe
	Kyra Northwest	Samson Cree Nation
	Norine Saddleback	Louis Bull Tribe
Alberta Métis	Kirk Poitras	Métis Nation of Alberta, Region 3
Saskatchewan First Nations	Richard Aisaican	Cowessess First Nation
	Shannon Thomson	Carry the Kettle/ File Hills Qu'appelle Tribal Council
	Joe Daniels (Co-Chair)	George Gordon Developments Ltd.
	Gary Dale LaPlante	Moosomin First Nation
	John Snow Jr. (Alt Co-Chair)	Mosquito, Grizzly Bear's Head, Lean Man First Nation
	Roberta Soo Oyewaste	Pasqua First Nation
Saskatchewan Métis	Wendy Gervais	Metis Nation-Saskatchewan (Regional Director)
	Rebecca Major	Metis Nation-Saskatchewan (Regional Director)
Manitoba First Nations	Preston Swan	Lake Manitoba First Nation
	Mike Sutherland	Peguis First Nation
	Craig Soldier	Swan Lake First Nation
Manitoba Métis	Marci Riel	Manitoba Métis Federation
Federal Government	Dr. Rob Steedman	National Energy Board
Federal Government	Naina Sloan (Co-Chair)	Natural Resources Canada

For questions or for more information, please contact nrcan.line3committee-comitecanalisation3.rncan@canada.ca.