
LINE 3 IAMC ANNUAL REPORT

2017-2019



IAMC

Indigenous Advisory &
Monitoring Committee | Line 3

This page is left intentionally blank

Table of Contents

Acknowledgements.....	4
Message from Indigenous Co-Chair.....	5
Message from Government Co-Chair.....	6
Message from CEO of National Energy Board.....	7
Overview Line 3 IAMC.....	8
Indigenous Monitoring Program.....	18
Regulatory Filings Review Program.....	23
Advice to Government & Regulators.....	26
Capacity Building Program & Highlights.....	28
Engagement.....	30
Co-development of Policies & Procedures.....	32
Financials.....	33



Acknowledgements

The Line 3 Indigenous Advisory and Monitoring Committee (IAMC) would like to acknowledge all those who have contributed their time and energy to the IAMC's activities and programs. These efforts have led to significant progress in facilitating Indigenous participation in the regulatory oversight of the Line 3 pipeline. The Committee recognizes the tremendous diversity among Indigenous Nations potentially impacted by the Line 3 Replacement Program and the unique perspectives that these Nations hold. The Committee acknowledges that we are fortunate to be able to gather and learn on the traditional and ancestral lands of Indigenous Peoples.

The Committee would not have been possible without the initial efforts made by the participants in the co-development process working groups, who set firm foundations and clear goals which enabled the Committee to advance its mandate.

The Committee is grateful to Indigenous leaders who outlined milestones for success, challenged the Committee to fully embrace its role in building Indigenous capacity, and who continue to provide advice and guidance to ensure the Committee's work is accountable to all Nations along the right-of-way. The Committee recognizes and thanks the staff of the many Indigenous Nations and Tribal Councils who have worked with the Committee to host meetings and information sharing sessions and who ensure the efficient administration of finances and logistics.

The Committee honours and deeply appreciates the many Elders who, through prayer and ceremony, create safe spaces in which the Committee can accomplish its work, and who have shared their wisdom and humility to guide the Committee's deliberations.

The Committee is thankful to all of the individuals involved in our Indigenous Monitoring and Filings Review Programs. This includes the Indigenous Monitors and their employers, whose professionalism and dedication is at the heart of the operational partnership with the federal regulator. It also includes National Energy Board leadership and Inspection Officers, who demonstrate on a regular basis their determination to do things differently—because it is the right thing to do. It includes the agents contracted by the Committee whose technical expertise will serve as the basis for future capacity building initiatives across the Line 3 pipeline's right-of-way. It also includes Enbridge, who continues to make tremendous efforts to keep the Committee informed about its operations every step of the way.

Finally, the Committee would like to acknowledge the staff that make up its Secretariat, whose tireless work behind the scenes turns concepts into programs, and ideas into initiatives.

These individuals and countless others have contributed to the many successes realized by the Committee during its first 18 months of operation. By lending their expertise, these individuals have helped solidify this historic partnership between Indigenous Peoples, the Government of Canada, and the National Energy Board.



Message from Joe Daniels, Indigenous Co-Chair

I am very proud of the progress that the Line 3 Indigenous Advisory and Monitoring Committee (IAMC) has made since we came together in 2017. Through hard work over the last year and a half, we have developed into a cooperative Committee and have created successful Indigenous Monitoring, Community Capacity Building, and Filings Review Programs. We are now in a strong position with opportunities to provide advice to governments and to have a say in how Indigenous perspectives are included in the regulatory process moving forward.

Our Committee is made up of a diverse group of people: representatives from different impacted Indigenous communities, the federal government, and the National Energy Board (NEB). Having such a diverse set of people willing to put aside their differences and work together is an amazing thing, and one that I hope will benefit our people and Nations.



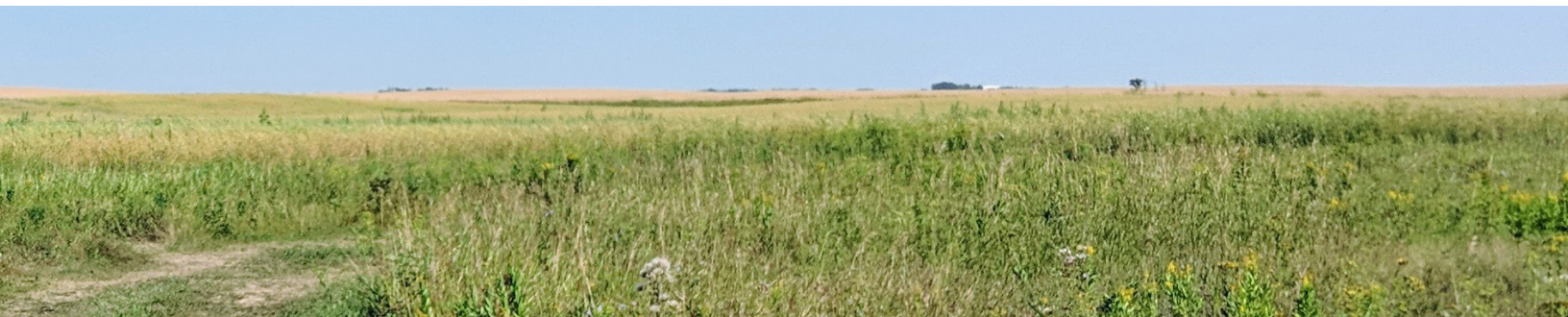
I believe our success is due in part to the partnerships that have been developed between the Committee, the NEB, and Natural Resources Canada's (NRCan's) Indigenous Partnerships Office – West, who provide support to the Committee. By working together, we are able to make progress that I do not think would have been possible without this collaboration. Everything we are doing is brand new, and this is part of the excitement of this partnership. The work we have done to date is new and innovative. That also means it has been a huge learning experience. Not only have the Committee members and their communities learned more about regulatory processes, but there have also been big learning opportunities for NEB and NRCan staff in terms of better understanding and involving Indigenous Knowledge, cultural perspectives, and protocols in their work.

Being on this Committee has opened up my mind, opened up my heart, and helped me to make a connection back to the land. Developing relationships with other Committee members and learning from them has been great. Through the work of this Committee, I believe we can provide an example for future collaboration and co-development between the government and Indigenous groups.

I would also like to take this opportunity to extend a big thank you to Naina Sloan, our outgoing Government Co-Chair, who has provided guidance and leadership to this Committee since the beginning. I am pleased to welcome our incoming Government Co-Chair, Coral deShield, who I look forward to collaborating with as the important work of the Committee continues.

Joe Daniels

Indigenous Co-Chair Line 3 IAMC



Message from Naina Sloan, Government Co-Chair



This past year has been an important transition period for the Line 3 Indigenous Advisory and Monitoring Committee (IAMC or 'the Committee'). Over 2018-19 we continued to build on the co-development process to solidify the Committee's operations and moved forward to deliver results on the ground.

I am proud of the accomplishments that we have achieved together, including the implementation of the Indigenous Monitoring Program, which marks the beginning of a new relationship between Indigenous communities and the National Energy Board, and the creation of a Filings Review Program to continue to increase understanding of the project. Importantly, this year we also met with representatives from over 50 Indigenous communities in Alberta, Saskatchewan, and Manitoba to hear directly from Nations as we prepare for future work.

In taking this new and innovative approach to working together, we have faced some challenges. By staying at the table to work through these challenges, all members of the Committee have gained a better understanding of the Indigenous interests, the value of the different perspectives brought to the table, and the opportunities to work together.

Over the next year, the Line 3 Replacement Program (L3RP) will shift from construction to operations, reclamation, and decommissioning. I am excited about the opportunities this provides for the Committee to build upon its existing initiatives and continue its role as a collaborative forum to address shared interests over the next phase of the project's lifecycle.

Natural Resources Canada is honoured to be a part of the legacy that the Committee is creating and I want to thank all the members for the time and effort they have put into this initiative. While the end of 2018-19 brings a change in the Government Co-Chair, the department remains deeply committed to the collaborative work of the Committee and looks forward to continuing to build strong partnerships within this initiative.

A blue ink handwritten signature, appearing to read 'Naina Sloan', with a long horizontal flourish extending to the right.

Naina Sloan

Government Co-Chair Line 3 IAMC

Senior Executive Director, Indigenous Partnerships Office–West

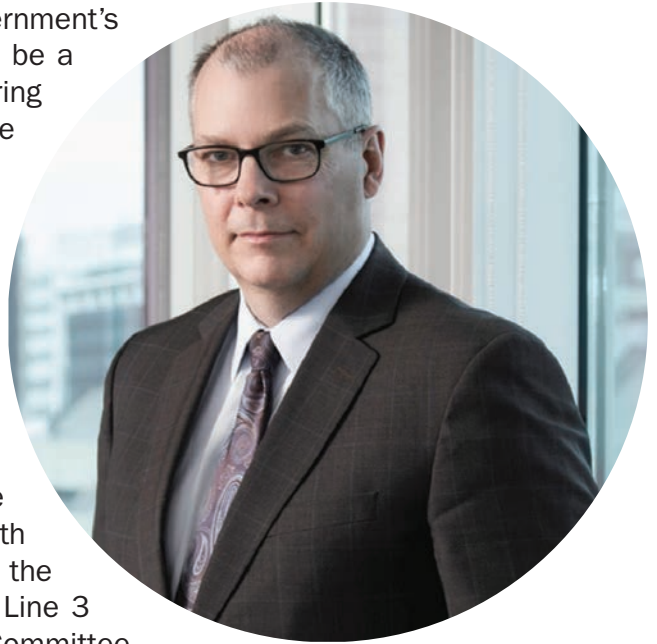
Natural Resources Canada, Government of Canada



Message from Peter Watson, CEO, National Energy Board

The National Energy Board (NEB) is a key part of the government's efforts to support reconciliation, and we are proud to be a part of the Line 3 Indigenous Advisory and Monitoring Committee (IAMC). The IAMCs are showing how the Government of Canada, regulators, First Nations and the Metis Nation can co-develop regulatory oversight activities and regulatory frameworks that incorporate reconciliation principles and actions.

We are supporting the IAMCs with a reasoned and thoughtful prioritization of our work, focusing initially on monitoring, inspection, engagement, and filings review. Working collaboratively with the IAMC, its Indigenous monitors, and its agents we are incorporating Indigenous perspectives into our work, with respect for Indigenous rights and interests, including the right to self-determination. I applaud the work of the Line 3 IAMC as documented in this first annual report of the Committee, and look forward to another ground-breaking year.



A handwritten signature in black ink, reading "Peter Watson". The signature is fluid and cursive, with the first name "Peter" and last name "Watson" clearly distinguishable.

Peter Watson

Chief Executive Officer, National Energy Board



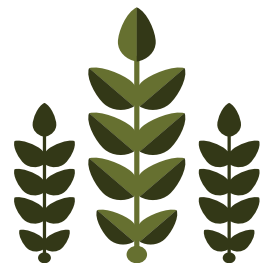
Overview

Line 3 IAMC



Vision

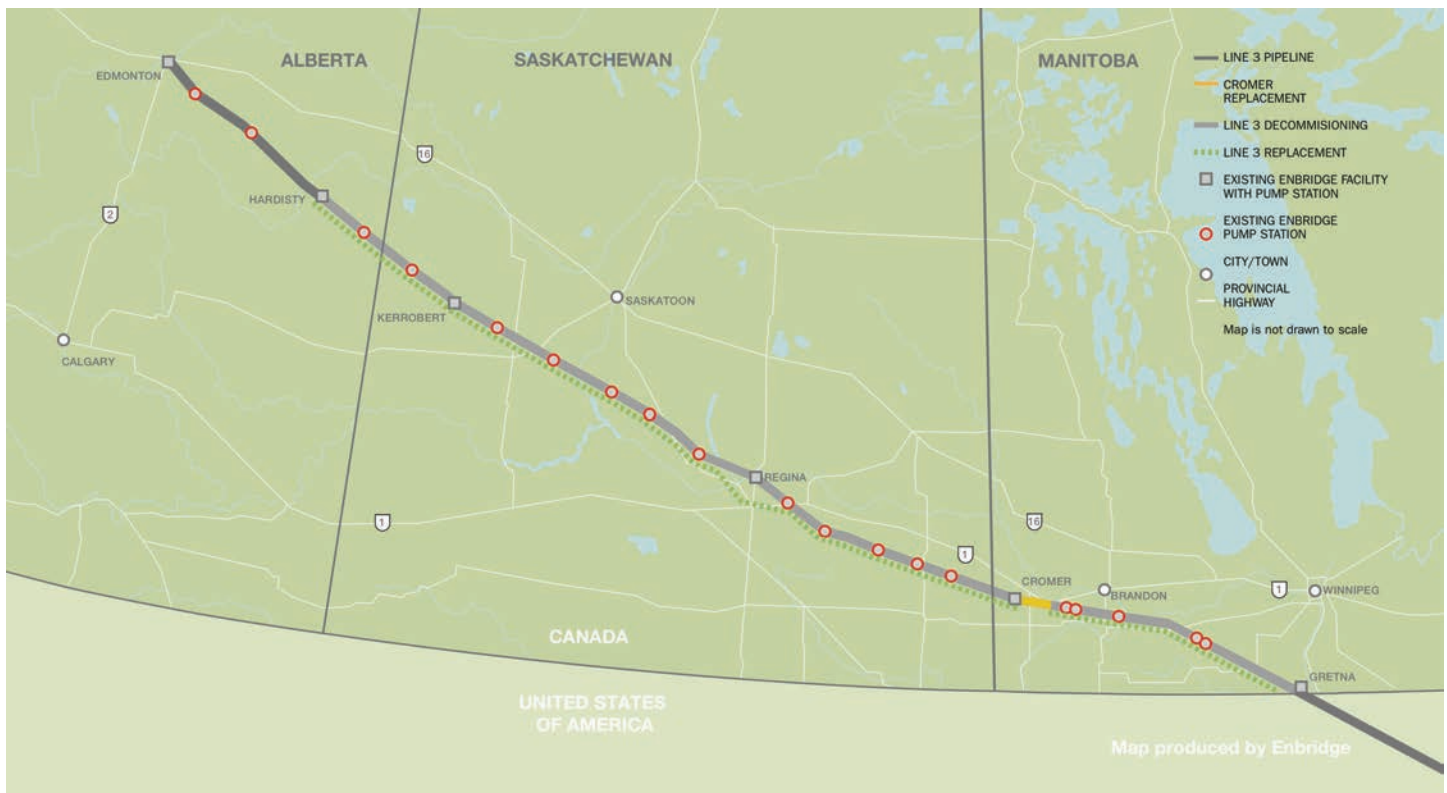
- The Committee forms the basis of an **enhanced relationship** between Indigenous Nations, the Government, and the National Energy Board with respect to Line 3 Program activities.
- Through communication and engagement, the Committee will provide for collaborative and inclusive **Indigenous involvement in the review, monitoring, and reporting** of environmental, safety and, socio-economic aspects throughout the Line 3 Replacement Program's lifecycle.
- This includes **meaningful and adequate consideration of traditional land use, sacred sites, historical knowledge**, and the diversity of Indigenous traditional and cultural worldviews.



Line 3 Replacement Program and the IAMC

In November 2016, the Government of Canada announced approval of the **Line 3 Replacement Program (L3RP)**. This project replaces the 60-year old pipeline within Alberta, Saskatchewan, and Manitoba with a new one, using modern materials and technology. Construction of the Canadian portion of the pipeline—spanning 1070 km from Edmonton, Alberta to Gretna, Manitoba—started in the summer of 2017.

Prior to the L3RP, the pipeline's capacity was 390,000 barrels per day. The L3RP's new 36-inch pipeline will restore its capacity to its former volume of 760,000 barrels per day. Following the completion of the replacement, the original 34-inch pipeline will be deactivated and left in place.



Along with the approval of the L3RP, the federal government announced its support of the **co-development of an Indigenous Advisory and Monitoring Committee (IAMC) for the L3RP**. This IAMC was one of two such co-developed initiatives, the other being for the Trans Mountain Expansion (TMX) Project. The establishment of both of these committees was a response to calls by Indigenous Nations for a greater role in the monitoring and oversight of pipeline projects.

In early 2017, Indigenous Peoples, the National Energy Board (NEB), and the federal government came together to form a working group which co-developed the Line 3 IAMC. They established and agreed upon the structure, Terms of Reference, and operational policies for this initiative.

With the announcement of the Line 3 IAMC, the federal government allocated **\$21M over five years** to support this initiative. This funding is in place to support the Committee's efforts to foster dialogue and collaboration among Indigenous Peoples, the Government of Canada, and the NEB during the construction and operation of the L3RP. In doing so, the IAMC will provide a basis for renewed and enhanced relationships along the Line 3 corridor.

Purpose of the Committee

- To support Indigenous Nations' effective and meaningful participation in the monitoring of traditional, environmental, safety, and socio economic aspects of the L3RP activities to protect the land, air, water, species, and natural resources for generations to come.
- To enable a reciprocal exchange of information relating to traditional, environmental, safety, and socio economic aspects of the L3RP activities in a cooperative and transparent manner.
- To provide a collaborative forum, supported by resources for Indigenous Nations, the Government, and the NEB to enhance the environmental protection and safety of L3RP activities.
- To enable Indigenous Nations to come together to identify common priorities and perspectives related to L3RP activities and to voice those interests to Government, the NEB, and Indigenous Nations affected by the Project.
- To create a shared and mutual understanding in order to develop a shared interest amongst Indigenous Nations, the federal government, the NEB, and Enbridge as appropriate, regarding the L3RP activities and to provide informed advice to the government and NEB on how to address those issues.

Without Prejudice

It is understood and accepted that Indigenous Nations have varied opinions on the L3RP activities, and that some communities support L3RP activities and others oppose them. Therefore, Committee members participate on the Committee 'without prejudice', meaning that their participation on the Committee does not indicate either their support for, or opposition to, the L3RP.

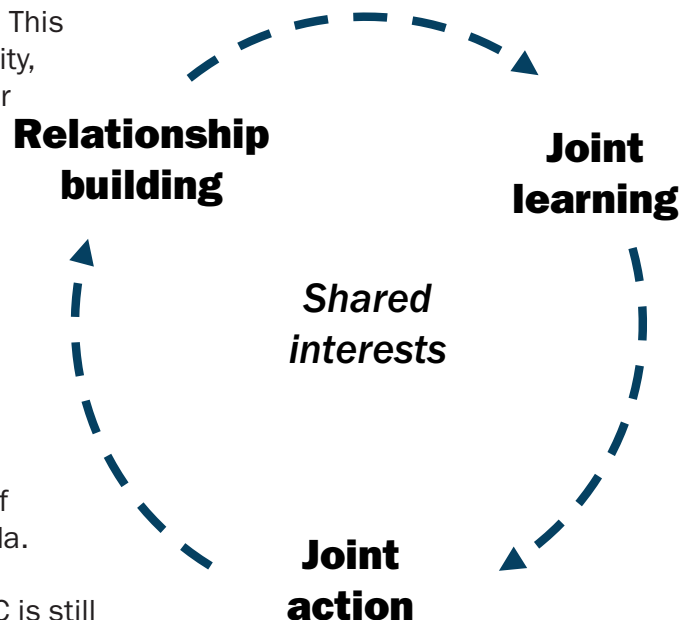
Consultation & Accommodation

The Committee is an additional forum for engagement between the Government of Canada, the NEB, and Indigenous Nations. Committee activities and events do not replace or diminish any rights of individual Indigenous Nations to be consulted and accommodated by the government with respect to the L3RP.

Collaborative Approaches

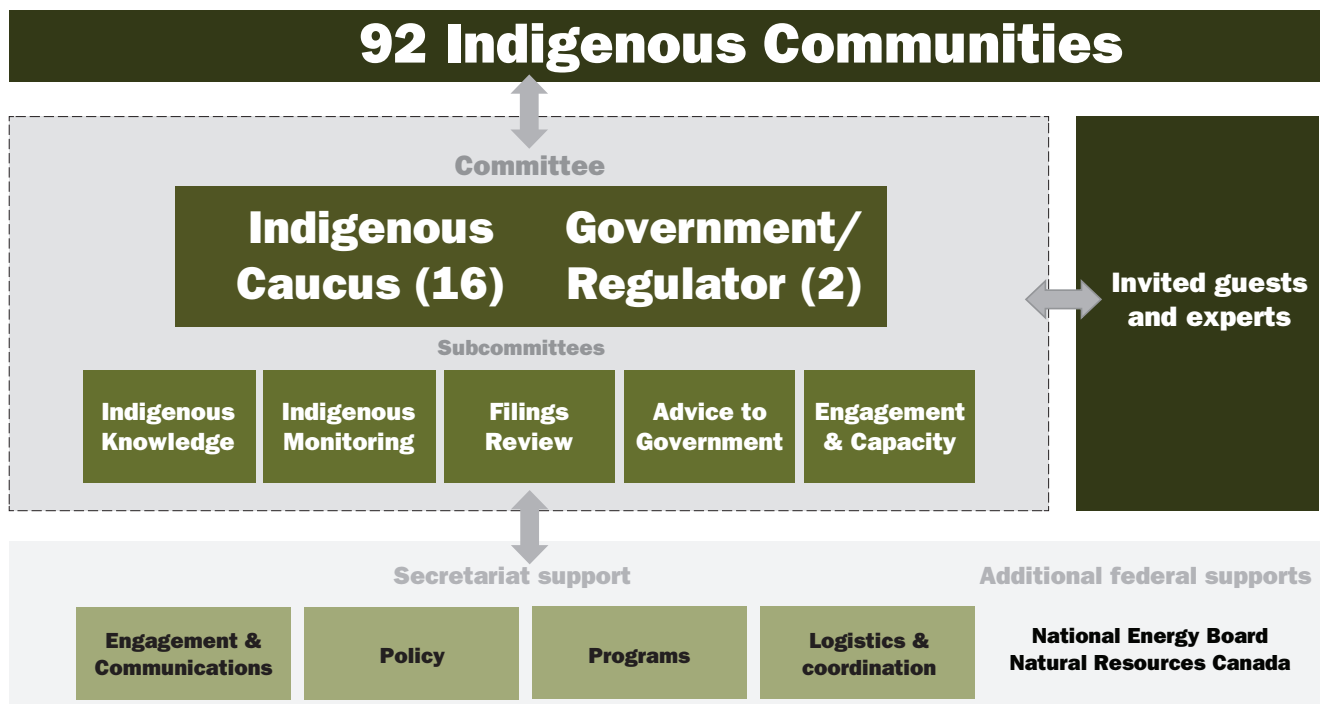
The success of the Committee's work to date demonstrates the **important role of collaborative approaches in supporting joint learning and shared action**. This approach has led to enhanced capacity, improved relationships, and potential for a positive cycle of learning and action.

In order to ensure that Committee activities are informed and representative, the Committee forms theme-focused subcommittees, engages with the 92 potentially impacted Indigenous communities, seeks guidance from and provides feedback to invited guests and experts, and exchanges information with the federal government and NEB through a Line 3 IAMC Secretariat and on-going relationships with additional staff from the NEB and Natural Resources Canada.



While this model is new, and the story of the Line 3 IAMC is still in its early stages, the work of the Committee has already led to an increase in understanding and Indigenous participation in the regulatory monitoring of the L3RP. **The Committee will continue to serve as a foundation for building relationships and exploring common perspectives and joint activities in order to achieve positive outcomes.**

The Committee looks forward to continuing to share these learnings and outcomes with impacted Indigenous Nations and others in 2019-20.



Engagement with Enbridge

The Committee seeks proactive and productive engagement with Enbridge in order to foster communication and mutual understanding, and to support efforts toward achieving a high standard related to safety, environmental protection, and cultural values. **Enbridge does not financially support the Committee.**

- As the proponent of the L3RP, Enbridge has worked alongside the Committee to answer project related questions since the Committee was struck, providing updates and relevant information upon request.
- Presentations have been made to the Committee on technology, status/construction updates, Indigenous inclusion in employment and procurement, and socioeconomic benefits to Indigenous communities.
- At the start of the Line 3 IAMC, Committee members were given an opportunity to walk the right-of-way as part of a tour of the Line.

Results

Indigenous Nations expressed an interest in increased monitoring and oversight of the L3RP. To this end, the Committee has:



- Established an **Indigenous Monitoring Program** which trained Indigenous monitors and allowed for joint inspections with the NEB;
- Engaged technical resources to conduct **reviews of regulatory filings** and report results to the Committee and to potentially impacted Nations across the project; and



- Outlined an approach to **building capacity of individual Indigenous Nations** to undertake reviews of regulatory filings.

The Committee has also worked to engage potentially impacted Nations and support capacity building through:



- Providing approximately **\$1.5M of community capacity building funding** to support traditional land use studies, training, business development activities, and other initiatives related to the L3RP;



- **Holding regional information sessions** to provide a forum for knowledge and information exchange on the work of the Committee between potentially impacted Nations, the NEB, and the Government of Canada; and



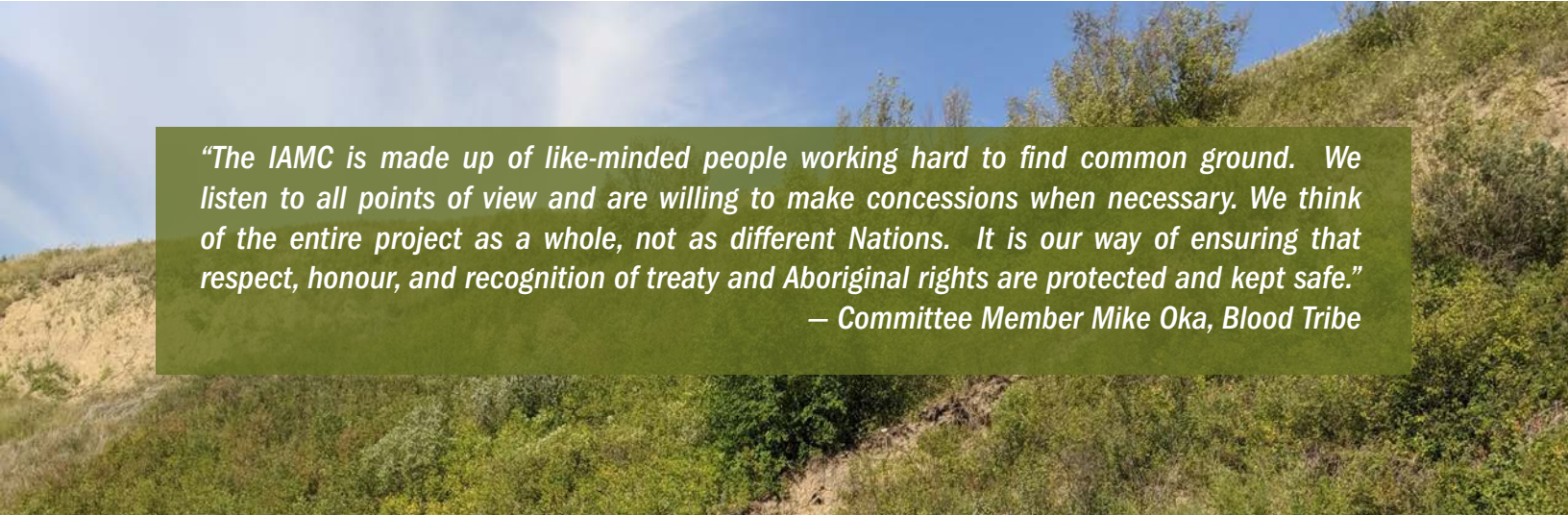
- Establishing a process and work plan to provide **advice to government and the NEB.**

Lessons Learned

Co-Development Approach

The Line 3 IAMC is an innovative partnership rooted in **co-development between potentially impacted Indigenous communities, the federal government, and the NEB**. This collaborative development process, in which all parties worked together to establish the Line 3 IAMC, enabled the Committee to build strong relationships and establish trust while **working towards shared goals** related to enhancing the traditional, environmental, safety, and socio-economic aspects of the Line 3 corridor.

The co-development process required the Committee to jointly define problems associated with Indigenous involvement in the oversight of the L3RP and determine solutions together. These solutions included the creation of new programming, such as the Indigenous Monitoring and Filings Review Programs. This provided information and tools to potentially impacted Indigenous Nations and facilitated the inclusion of Indigenous perspectives into the regulatory oversight of the project.



"The IAMC is made up of like-minded people working hard to find common ground. We listen to all points of view and are willing to make concessions when necessary. We think of the entire project as a whole, not as different Nations. It is our way of ensuring that respect, honour, and recognition of treaty and Aboriginal rights are protected and kept safe."
— Committee Member Mike Oka, Blood Tribe

Multi-lateral Forum Complementing a Nation-to-Nation Relationship

The Committee was established as a venue to address a wide range of interests that are shared among potentially impacted Indigenous Nations in relation to the L3RP. It **does not replace the Nation-to-Nation relationship** that currently exists between Indigenous Nations and the Crown, but rather is a multi-lateral forum that complements that relationship. The Committee's focus is on **building an understanding of common Indigenous perspectives** and using this as a basis for action, while continuing to support dialogue between Nations, Indigenous governance organizations, the NEB, and the Government of Canada.

The **Line 3 IAMC was a first for all parties involved**. Over the course of the last 18 months, Committee members, the regulator, potentially impacted Indigenous Nations, and the proponent came together in various forums to work on common issues. Participation by Enbridge at the Committee's table enabled detailed information-sharing and timely updates which supported informed deliberations. The Committee facilitated the involvement of all relevant parties, and by doing so, was able to **effectively develop and coordinate programs to address common issues of concern** to potentially impacted Indigenous Nations.

Lessons Learned

Shared Learning and Cultural Exchange

The Committee has benefited greatly from the cultural exchange and shared learning that has taken place over the course of 18 months. Members learned more about each other's backgrounds and perspectives, **found areas of common ground, and used these learnings to build relationships** with one another. Cultural learning and exchange were important components in all of the Committee's programs and activities.

Inspection Officers who conduct the NEB's compliance verification activities spoke to the **value of participating in Indigenous Knowledge training organized by the Committee.** For some, it was the first time they had been exposed to Indigenous culture. The result of this training was that Inspection Officers were able to **better understand how to work with Indigenous monitors and integrate their participation** in inspection activities. The Committee anticipates a renewed focus on cultural learning and exchange as it moves into its next year of operations.

Committee members share the objective of working together to enhance the safety of the L3RP Activities, to preserve and protect treaty and Aboriginal rights of First Nations and Métis as entrenched in the Constitution, and to protect the environment, as well as the Indigenous interests in the related land, air, water, species, and natural resources.

*— Line 3 IAMC Terms of Reference
Section 6.1*

Each Committee and subcommittee meeting provides an opportunity for members to seek information, raise concerns, highlight potential impacts, and provide recommendations to Canada and the National Energy Board.

*— Committee Member Wendy Gervais,
Metis Nation—Saskatchewan*



Committee Membership

The Line 3 Committee has been operational since October 2017. With one Indigenous Co-Chair and one Government Co-Chair, **the Committee is made up of 16 Indigenous members and two federal representatives**, one from Natural Resources Canada and one from the NEB. A Secretariat established within Natural Resources Canada supports the operations and mandate of the Committee.

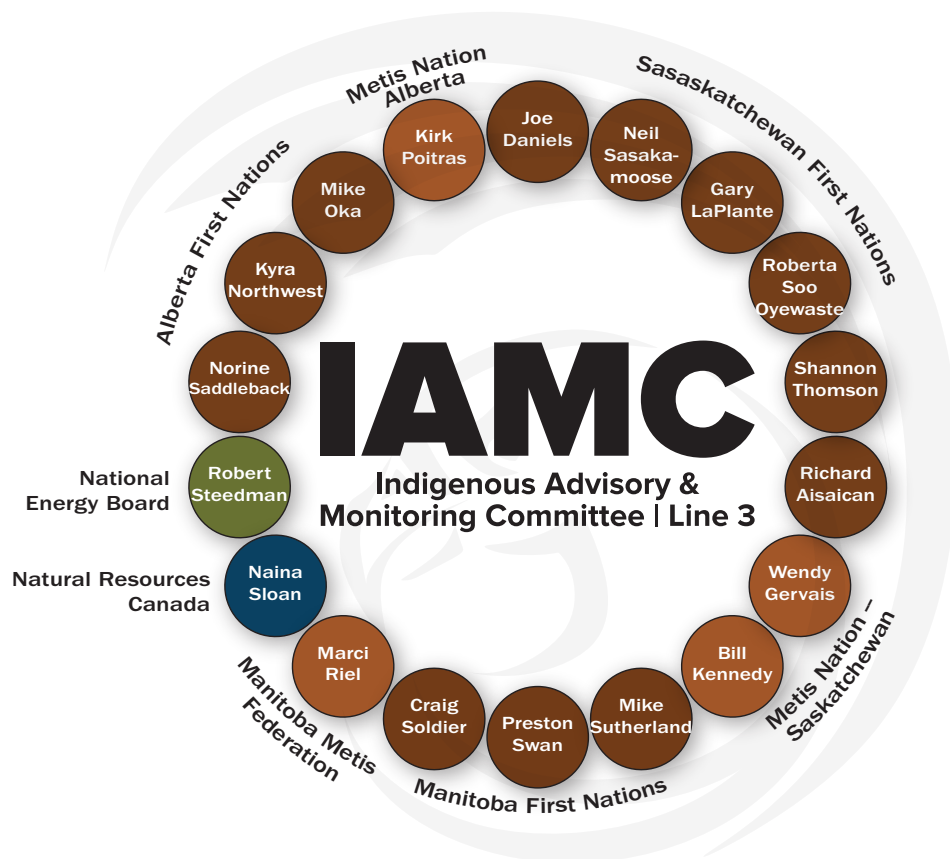
The Committee brings together different perspectives and **provides a forum to share knowledge, create mutual understanding, and build capacity within Indigenous Nations to jointly participate in the monitoring and oversight of the L3RP.**

The Line 3 IAMC Terms of Reference created 16 seats for Indigenous representatives, as follows:



Indigenous Committee members are selected by the potentially impacted Nations. The following **principles are applied to 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 **documented and transparent**; and
- Disputes following an appointment meeting can be submitted in writing to the Working Group for a period of five days following the appointment.



What's Next

Operations, Reclamation, and Decommissioning

The construction phase of the Canadian portion of the L3RP was completed in early 2019 and, with this milestone achieved, the project proponent is currently estimating an in-service date in 2020. This year, the proponent will undertake further reclamation of land along recently constructed spreads on the right-of-way. As a result of regulatory delays in the United States, however, it is anticipated that decommissioning activities associated with the original line will not begin until 2020.

Through the Indigenous Monitoring Program, Filings Review Program, community engagement and capacity building, and activities associated with providing advice to government and the NEB, the Committee will continue to support the application of Indigenous perspectives into current and future operational phases of the L3RP.

Terms of Reference Review


Under the Committee's existing Terms of Reference, there is a requirement for the Committee to complete a review of the effectiveness of the Terms of Reference, including the structure of the Committee, on an annual basis during the construction phase of the Project, and at least every three years thereafter:

- An assessment of whether and how the Committee has enhanced Indigenous participation in monitoring the L3RP activities;
- An evaluation of opportunities to align the Committee with any new environmental processes or changes to the NEB or other government legislative or regulatory framework; and
- A consolidation of early learnings from the Committee operations.

From December 2018 to March 2019, the Committee conducted several activities to fulfill these requirements:

- Completion of a Monitoring Program workshop which included an evaluation of how this work has enhanced Indigenous participation in monitoring of the L3RP;
- Completion of a facilitated discussion to share perspectives and opinions on the structure and operations of the Committee; and
- Completion of an Annual Report that includes reflections on lessons learned.

During the first half of 2019–20, the Committee will have an opportunity to reflect on these exercises and recommend possible amendments to its Terms of Reference. It anticipates the formation of a new working group, comprised of current Committee members and potentially others, to begin looking at options for amendments to the Terms of Reference that can then be brought to potentially impacted Nations, the NEB, and Natural Resources Canada for consideration.



"The IAMC achieved a number of significant milestones including a capacity building initiative, a regulatory filings review process and an Indigenous Monitoring Program. These were all developed and implemented with the objective of increasing awareness, understanding and common ground."
— Committee Member Marci Riel, Manitoba Metis Federation

What's Next

Succession Planning

The current members of the Committee are serving an initial term of two years. During this period, they will undertake a process to establish a selection process for the next iteration of members, with the next term of Committee members starting in October 2019. Current members are eligible to sit on the Committee for a second term, subject to the selection process.

In selecting the next term of members, the Committee will adhere to the principles that Indigenous Nations determine Indigenous members, and that the **selection process will be fair, open, transparent, and accessible to all potentially impacted Nations.**

As the Line 3 IAMC moves forward, it is reflecting on the work it has accomplished and how to ensure there is a clear path forward for the programs that it has built. The Committee looks forward to continuing its work in ensuring that Indigenous perspectives are heard and incorporated in the regulation of the L3RP, as it moves into operations, reclamation, and decommissioning.



Indigenous Monitoring Program



Putting Indigenous Boots on the Ground, Protecting Lands and Waters

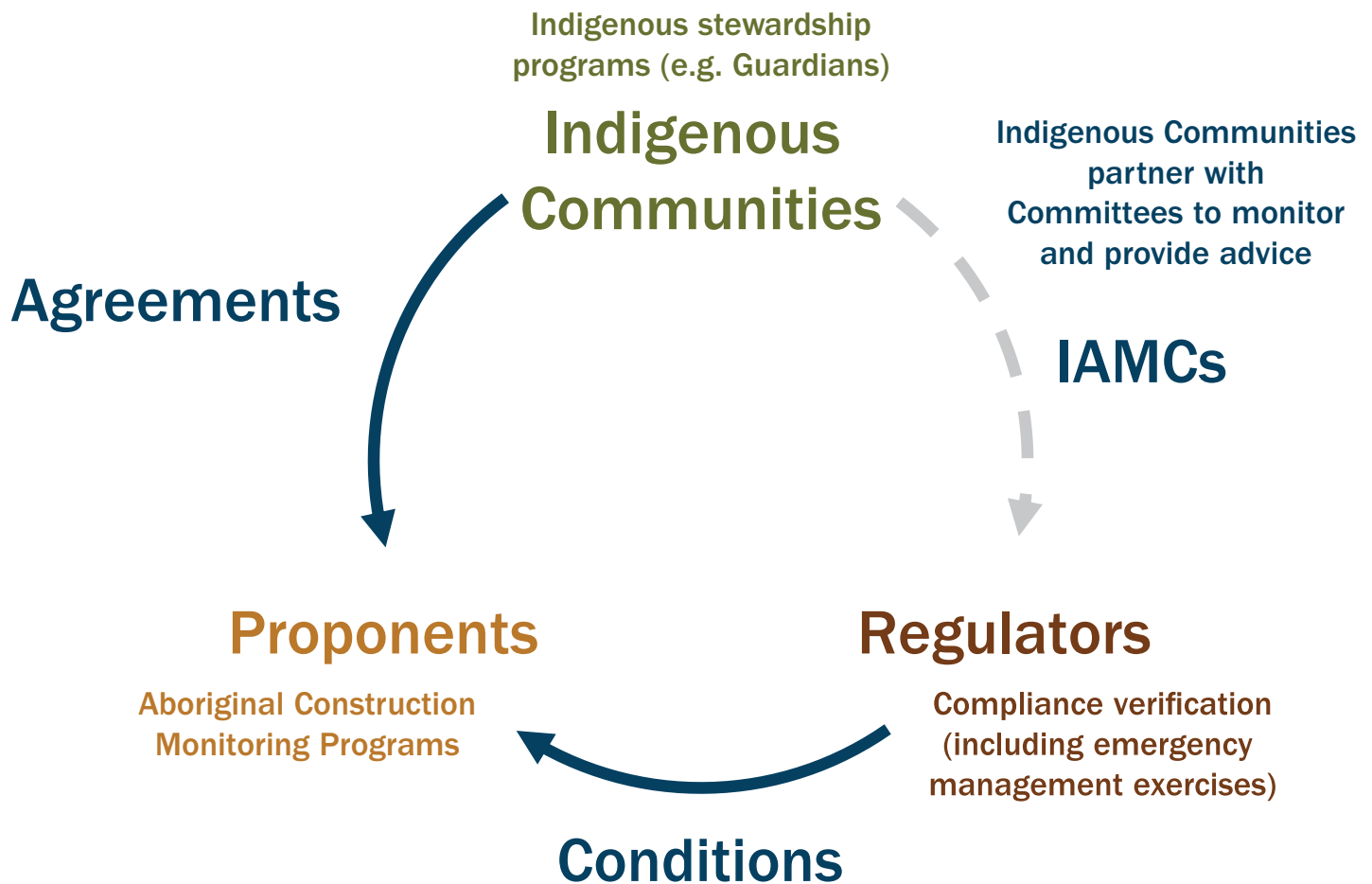
The Committee launched the Indigenous Monitoring Program in August 2018 to **increase Indigenous involvement** in the NEB monitoring and oversight of the L3RP.

The Line 3 Indigenous Monitoring Program had **immediate impacts that resulted in increased awareness and protection of Indigenous interests**. It also made significant in-roads towards relationship building and long-term changes in the capacity of the NEB to integrate Indigenous knowledge, values, and perspectives into their work.

Participants in the recently held Monitoring Program workshop recognized the initiative as the beginning of a historic partnership. They reflected that for the first time, along the Line 3 right-of-way, **Indigenous Peoples and the regulator were at the same table and part of the same team**. While the Program was put together quickly to align with the final construction season, all parties came to see it as a source of joint learning and the starting point of an important long-term relationship.

New Opportunities for Indigenous Participation in Monitoring

While historically Indigenous communities, project proponents, regulators, and government departments have taken action to identify and mitigate impacts to Indigenous interests throughout a project's lifecycle, the opportunity for **direct Indigenous involvement in compliance verification activities with regulators is a new and ground-breaking initiative.**



"The cooperation between the NEB Inspection Officers and IAMC Indigenous Monitors was very respectful. The first inspection, we issued an Order—that was pretty successful. We found something that needed addressing and it was accepted by the Inspection Officers after they looked into it. That was exciting for me—to see how they work, how they understand things. Every step of the way I was included."
- IAMC Indigenous Monitor



Immediate Impacts

NEB Inspection Officers involved in the Monitoring Program spoke to the benefits of **increased vigilance and reported a significant shift in their approach to compliance verification activities**. They noted an increase in scope of who they spoke to in the field and were increasingly seeking out Indigenous workers and Construction Monitors to inform their inspection activities. **Indigenous Monitors spoke about NEB staff being adaptive, inclusive, and responsive to their concerns**. For instance, during a joint inspection activity, an Indigenous Monitor identified a gap in Enbridge's wetland protection plan to one of the Inspection Officers. This resulted in a compliance enforcement action and required appropriate follow up by the company.

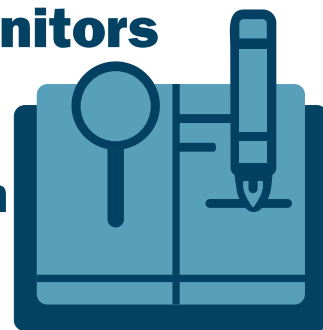
Between August 2018 and January 2019, IAMC Indigenous Monitors participated in 24 inspections with the NEB—one in Alberta, nine in Saskatchewan, and 14 in Manitoba. The variance in the number of inspections across provinces was due to Enbridge's construction schedule: Spread 1 in Alberta and Spreads 3 and 4 in Saskatchewan were completed during the 2017 construction season. Due to unforeseeable circumstances, the Alberta First Nations Monitor did not participate in the inspection in Alberta.

24 Inspections with Indigenous Monitors

1 Alberta

9 Saskatchewan

14 Manitoba



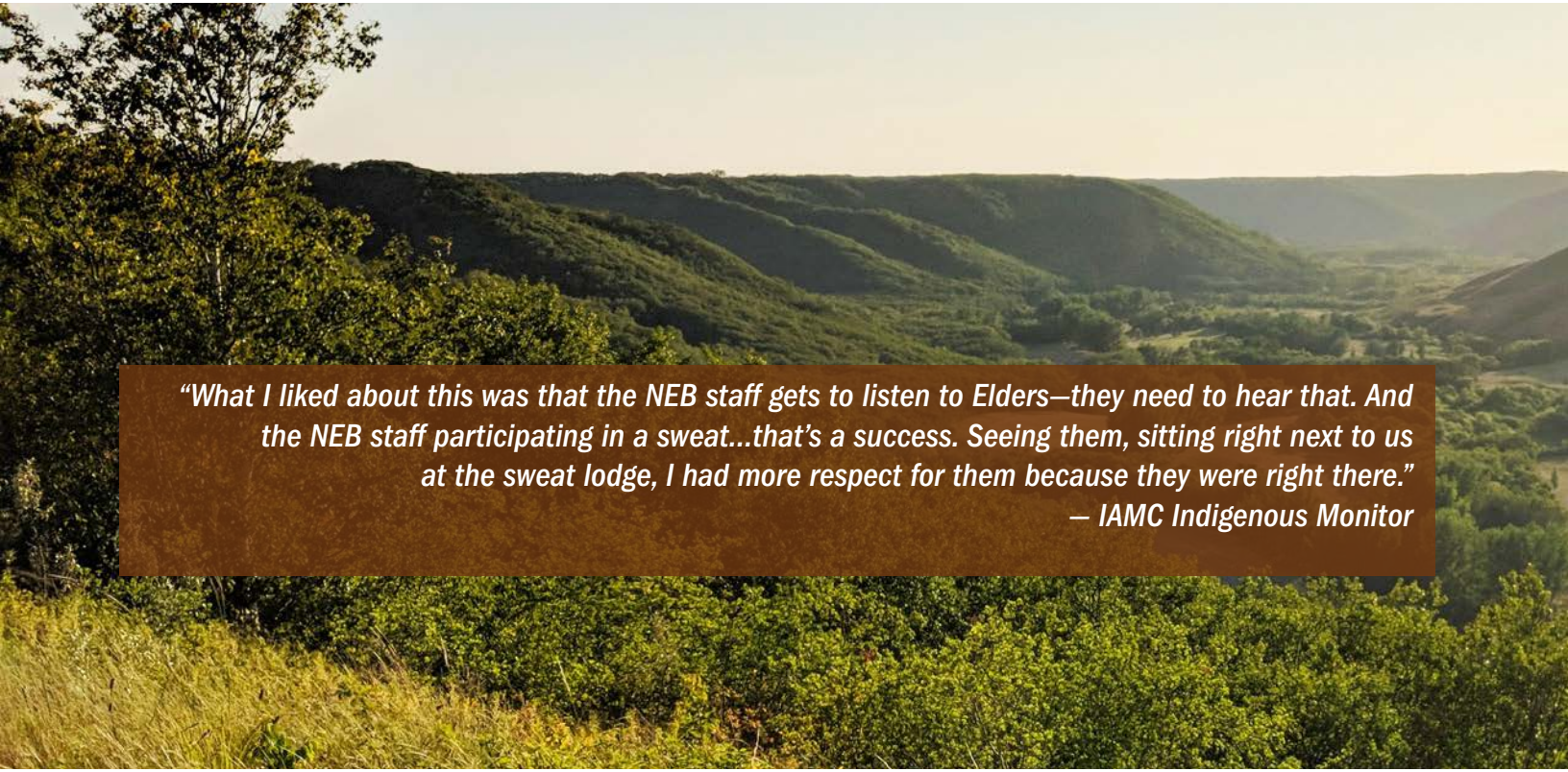
IAMC Monitors and NEB Inspection Officers participated in **three joint training exercises** in 2018-19. This included an NEB-hosted technical and regulatory training session in early August, an IAMC-hosted Indigenous Knowledge training session in late September, and a lessons learned and wrap-up workshop in January 2019.

New Pathways for Long-Term Indigenous-NEB Relationships

The new frameworks and approaches created by the Line 3 Indigenous Monitoring Program will have positive long-term impacts on Indigenous-regulator relationships. As a result of its participation in the Monitoring Program, the NEB has developed new job descriptions, communication processes, roles and responsibilities, capacity and training development programs, and issues management procedures.

As an example of the Program's effects, the NEB has made "experience co-developing solutions with Indigenous people" an essential qualification for Inspection Officers.

Lessons from the Program are also being used by the NEB to explore opportunities for Indigenous monitoring on existing and future pipeline projects.



"What I liked about this was that the NEB staff gets to listen to Elders—they need to hear that. And the NEB staff participating in a sweat...that's a success. Seeing them, sitting right next to us at the sweat lodge, I had more respect for them because they were right there."
— IAMC Indigenous Monitor

Relationships Built on Cultural Exchange

Both NEB Inspection Officers and IAMC Indigenous Monitors reflected on the **critical importance of cultural learning and exchange**. While strong relationships were built during the Monitoring Program, it was recognized that there is more work to be done to bridge gaps in worldviews (e.g. linear vs. holistic, generational vs. short-term thinking). Participants also noted the importance of NEB staff being involved in cultural activities and protocols, such as offering tobacco, participating in sweat lodges, and exposure to endangered Indigenous languages such as Michif. The NEB is acting on these learnings and is now launching **new initiatives aimed at improving Indigenous cultural awareness**, including an Elder-in-Residence program and Indigenous cultural competency training for staff.

Building Capacity in Indigenous Communities

With respect to the Monitoring Program, the Committee issued a callout for expressions of interest on December 15, 2017, seeking communities or organizations interested in working with the Committee to develop and deliver a Monitoring Program. The Committee sent the call out to all potentially impacted Indigenous Nations listed in Annex A of the IAMC Terms of Reference and underwent a robust screening and evaluation process before selecting partners. Following this process, six Employers were selected and Contribution Agreements were signed.

- One Indigenous Monitor representing Metis Nation Alberta, employed by Metis Nation Alberta, Region 3
- Two Indigenous Monitors representing Metis Nation – Saskatchewan, employed by Infinite Investments, wholly owned by Metis Nation – Saskatchewan Western Region 3
- Two Indigenous Monitors, one from Treaty 6 and one from Treaty 4, representing Saskatchewan First Nations, employed by Wicehtowak Limnos Consulting Services, wholly owned by George Gordon Developments Limited, wholly owned by George Gordon First Nation
- Two Indigenous Monitors representing Manitoba First Nations, employed by Swan Lake First Nation
- Two Indigenous Monitors representing Manitoba Metis Federation, employed by the Manitoba Metis Federation

The Committee also partnered with the Saskatchewan First Nation Natural Resource Centre of Excellence, whose role was to assist in the development of training workshops and provide technical support for Monitors and Employers.

Next Steps and Lessons Learned

As the Committee's Indigenous Monitoring Program enters the decommissioning, reclamation, and operations and maintenance phases of the L3RP, it is reflecting on the lessons learned and improving on the foundations built over the last year.

The Committee has identified opportunities to improve protection of Indigenous interests through increased community engagement, support for Indigenous Monitors, and access to Indigenous Knowledge data. In particular, Indigenous Monitors have indicated that to do their job effectively they require access to Elders and Knowledge Keepers and related supports (i.e. for spiritual guidance and strength or for help identifying sacred sites or medicinal plants). It was also noted that the Program could better facilitate Monitors' engagement with local communities in areas where inspection activity is occurring.

The NEB and the Committee are also considering how they may further integrate Indigenous perspectives into the planning and scoping of inspections. This is important because it integrates an Indigenous perspective into the entire program of compliance verification activities, allowing Indigenous communities to identify and mitigate construction activities that may pose risks to Indigenous rights and interests, in addition to risks to the environment and safety.

Through these activities, the Line 3 IAMC has created a new, innovative, and unique way to increase Indigenous participation in monitoring of major energy infrastructure projects.



Regulatory Filings Review Program

A Tool for Indigenous Oversight of Line 3

In its recommendation to approve the L3RP, the NEB set in place 89 conditions to strengthen public safety, protect the environment, and ensure continued consultation between Enbridge and Indigenous peoples and between Enbridge and landowners. Most of these conditions require Enbridge to file documentation with the NEB to demonstrate their compliance. Review of this filed documentation, or 'filings', is a way to monitor the project and its regulation by the NEB.

What are Regulatory Filings?

Companies regulated by the NEB are required to seek NEB authorization or approval for various activities. Regulatory filings are submitted by the project proponent to the NEB and provide information about the status of the project and how the proponent is meeting the conditions set by the government. Conditions are legal requirements that a company must meet to be allowed to construct and operate a project. The NEB has imposed 89 conditions on the L3RP.

The L3RP has three sets of conditions:

- The first set applies to the Certificate of Public Convenience and Necessity that was issued under section 52 of the NEB Act.*
- The second set were imposed as part of the Order issued under section 58 of the NEB Act.*
- The third set applies to the Decommissioning Order issued under section 45.1 of the Onshore Pipeline Regulations.*

Actions by the IAMC

During the co-development phase of the IAMC, Indigenous Nations expressed a common interest in having a greater role in the project's monitoring and oversight activities. As a result, in addition to the development of the IAMC's Indigenous Monitoring Program, **the Committee examined ways in which it could increase its capacity to verify the proponent's compliance with the NEB's conditions.**

Because the Committee was formed a year after the start of construction, and in acknowledgment of the diversity of Indigenous Nations and territories potentially impacted by the project, five consultants were initially hired to review all project-related filings since the start of construction activities in 2017. In year two, the Committee sought to more efficiently deliver the Filings Review Program and so selected two consultants to continue the filings review from First Nations and Metis Nation perspectives.

The Committee receives weekly filings review reports and also received mid-year reports in September 2018. Final reports, which include a summary analysis of 2018-19 regulatory filings and recommendations, were received in April 2019. **All reports are made accessible to potentially impacted Nations through the Committee's website (www.iamc-line3.com),** and links are circulated via email weekly.

What Do the Reports Describe?

The filings review reports provide detailed information about the proponent's activities related to the L3RP. This includes information such as:

- **Progress of construction activities**, as provided in the proponent's Construction Progress Reports, issued twice per month during construction;
- **Plans submitted by the proponent**, such as Indigenous consultation plans;
- **Decisions made by the NEB** to accept or reject submissions from the proponent;
- **Incidents on the line** such as unintentional releases (i.e. spills) and how they have been addressed;
- Any **safety concerns** that have occurred as part of project activities; and
- Any **historical spills** that have been encountered as part of project activities and what has happened in **response**.

In 2017-18, Peguis First Nation and four other Indigenous Nations and organizations partnered, on behalf of the Committee, with consultants who provided technical expertise in order to review the L3RP regulatory filings. In 2018-19, Peguis First Nation developed its own in-house capacity to review filings, drawing on its experience with the L3 IAMC and with guidance from the Government of Canada's Economic Pathways Partnerships (EPP) program. As a result, Peguis First Nation developed increased capacity to monitor work on the L3RP; this work complemented other capacity building and economic development initiatives within the Nation.

"The Filings Review Program is my #1 priority. It is the bread and butter, meat and potatoes of this project. Filings describe what a proponent plans to do, and whether or not the NEB approves or disapproves. It's very important that we understand how to access and interpret these filings."
— Committee Member Mike Sutherland, Peguis First Nation

What Is the Result of Filings Review?

The Filings Review Program provides the Committee and potentially impacted Indigenous Nations with the ability to monitor Enbridge's activities related to the entirety of the Canadian portion of the Line 3 right-of-way. It also provides information on how the NEB regulates the project in the public interest. This important information allows the Committee to track Enbridge's progress towards meeting the NEB conditions and to see how it is addressing the issues of interest to potentially impacted Indigenous Nations.

The mid-year and final reports confirm that the NEB has found Enbridge to thus far be in compliance with the conditions, but highlight issues and themes of interest for potentially impacted Indigenous Nations.

The Filings Review Reports, which are posted weekly on the Committee's website, identify all NEB decisions to either authorize, accept, or reject the project-related activities that are described in the filings submitted by the proponent. In addition, these reports identify issues of potential interest to Indigenous Nations along the right-of-way. The Filings Review Program's findings serve as a valuable foundation for the advice the Committee provides to government and regulators. The program identifies issues associated with the pipeline and how they are addressed. It also points to potential gaps or areas of concern from an Indigenous perspective. Advice to government and the NEB can propose appropriate steps to address these gaps.



Building Indigenous Capacity to Engage in Regulatory Processes

Looking forward, the Committee is continuing to review filings through reclamation and decommissioning activities. It is also using experience in filings review as a basis for new activities.

In 2019-20, the Committee is planning to develop and hold **training sessions aimed at building capacity within potentially impacted Nations to navigate regulatory processes and monitor project activities along the right-of-way.** This increased capacity within Indigenous Nations is a step towards enhanced internal dialogue among leadership, lands and resources departments, Elders, youth, and community members on issues and concerns related to the project. The Committee is endeavouring to work with Indigenous Nations to hold sessions, and also develop training materials that can be used in the future.

The Committee is also using the filings review to inform discussions with the NEB, Enbridge, and others about L3RP activities. In 2019-20, this work will be a basis for advice to government and the NEB on issues of concern to Indigenous Nations. Analysis by the consultants will be reviewed and discussed and recommendations will be considered related to the project.




Advice to Government & Regulators

Providing Informed & Respectful Advice

The Committee's Terms of Reference supports a role for the provision of advice to the NEB and the federal government. To the extent permitted by legislative and regulatory frameworks and applicable principles of law, the NEB or government will either agree and adopt the advice or, after engaging with the Committee, adopt the advice with modifications, or reject it with written reasons.

The Committee will continue to fully engage with potentially impacted Indigenous communities throughout the process of providing advice to government and regulators. The Committee acknowledges the diversity of Indigenous Nations' views on the L3RP and will continue to respect the various perspectives and voices engaged throughout this process. **In no way will the Committee's activities replace, alter, or diminish the right of individual Indigenous Nations to be consulted and accommodated.**

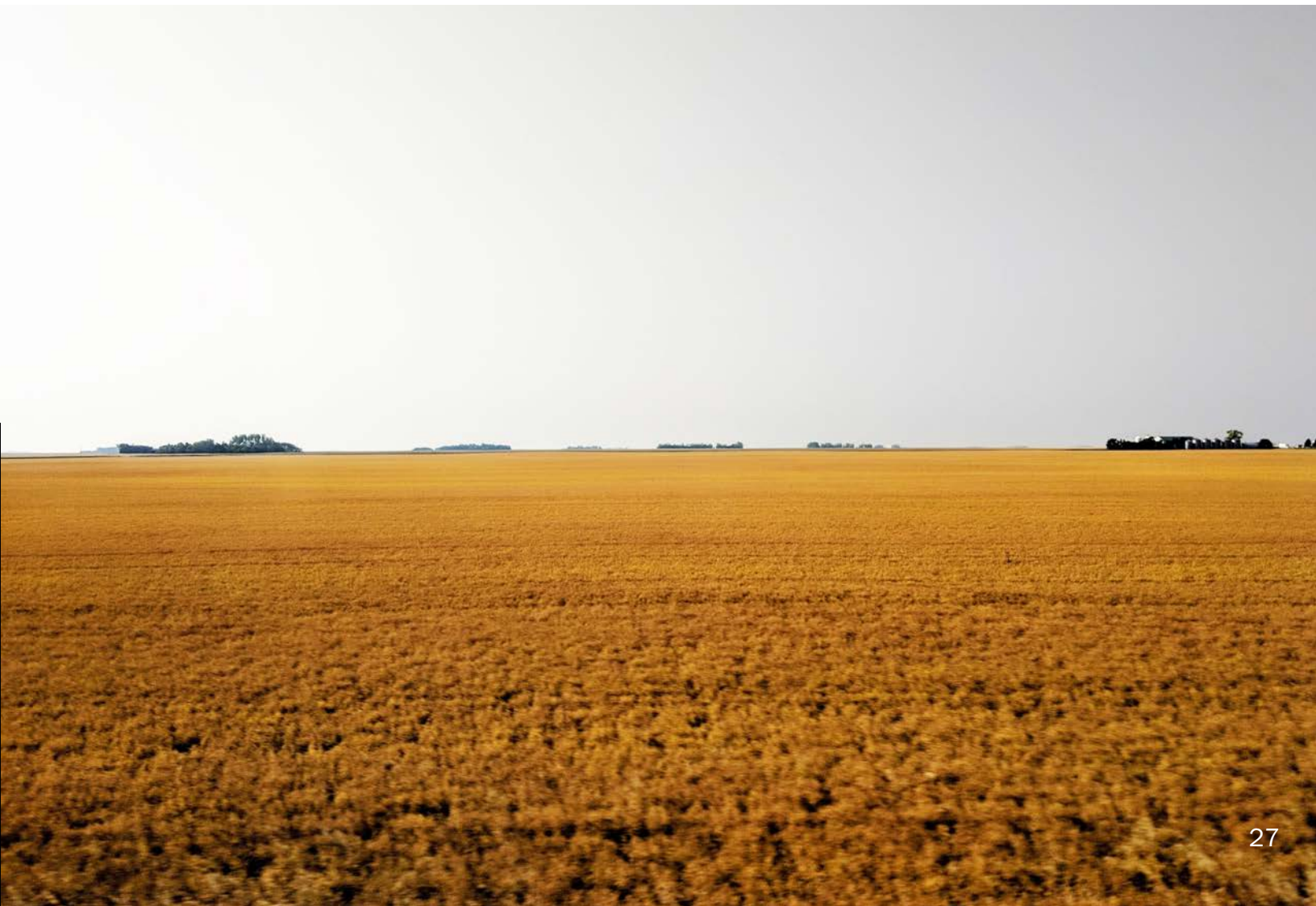


"We have accomplished a lot this year. We've refined and built upon our foundation, reflected and then moved forward, all in an effort to motivate individuals on this Committee and provide the right environment to continue moving IAMC's agenda forward."
— Committee Member Richard Aisaican, Cowessess First Nation

Six Priority Areas for Advice

Based on information gathered in 2018–19 from the Monitoring Program, the Filings Review Program, and engagement with potentially impacted Indigenous communities, the Committee has identified six priority areas where advice will be provided in 2019/20 and beyond:

1. National Energy Board communication and notification practices
2. Requirements on consultation and on Indigenous Knowledge in the National Energy Board's filing manual
3. Heritage resources and "chance find" protocols
4. Knowledge Keepers access to the right-of-way
5. Implementation issues related to proposed federal legislation (Bills C-68/69)
6. Emergency preparedness and response

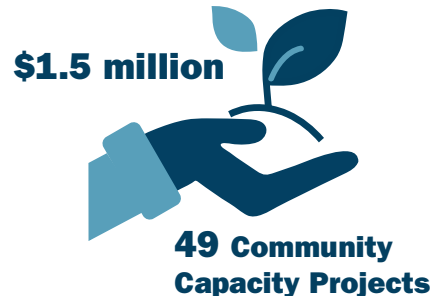


Capacity Building Program & Highlights



Community Capacity Building Program

During the 2017-18 fiscal year, the Committee approved approximately \$1.5 million to support community capacity building within potentially impacted Indigenous Nations. Through Line 3 IAMC's Community Capacity Building Program, 49 eligible Nations applied for and were offered funding in order to address issues and priorities related to the L3RP*. The Committee established the following priority areas which formed the basis for proposed projects' eligibility for funding:



1. Engagement and communication
2. Capacity support and development
3. Research, studies, and data gathering
4. Development of frameworks, plans, strategies, and advice

The most common type of project to receive support was related to traditional land use (TLU) studies, either developing and engaging on a new study, or expanding and consulting the community on an existing study. Several Nations proposed projects to develop inventories of business and employment opportunities related to the L3RP and draft related workforce strategies to increase Indigenous participation in economic opportunities associated with the project.

**A breakdown of projects by theme can be found on page 34.*

Community Capacity Building Program Spotlights

Alberta Siksika Nation

Siksika Nation used funding from the Line 3 IAMC's Capacity Building Program to conduct the initial phase of a research project to establish the boundaries and traditional use of Blackfoot territory. This initial phase assessed and estimated the volume and nature of work necessary to complete the comprehensive project, including locations of likely sources, and the human and other resources required. While doing so, Siksika uncovered several high value references, maps, and text materials in both English and French at the Archives of Alberta. The primary researchers were guided and informed by Elders from the Horn Society, the Knowledge Keepers of the Siksika community. By establishing the boundaries and use of Blackfoot traditional territory through time, Siksika Nation will be further supported to engage fully and effectively with third party resource development project proponents who are proposing new projects in their territory.

Saskatchewan Dakota First Nation


Wahpeton Dakota Nation used funding from the Line 3 IAMC's Community Capacity Building Program to develop an Emergency Response Plan that included research on the effects of various products carried through the Nation's traditional territory and described procedures for spill response and mitigation. A Spill Response Training Plan and Emergency Response Organization were also established in order to ensure the community has the skill sets needed to implement the plan. Wahpeton engaged the Chief and Council, as well as community leaders and Elders, on the content of the plan. The development and implementation of the plan will help build the Nation's capacity to respond quickly and effectively to any spills.

Manitoba Metis Federation

The Manitoba Metis Federation (MMF) used the IAMC's Capacity Building Program funding to enroll five staff members in a regulatory training program. In addition to navigating regulatory filing registries, the training curriculum included an overview of regulatory review and impact assessment processes in Canada, understanding impact benefit agreements, best practices in Environmental Assessments, negotiation skills, conflict resolution, and report writing. This training ensures that the MMF will have in-house capacity to effectively participate in current and future regulatory reviews and impact assessment processes.

Manitoba Peguis First Nation

In 2017-2018, Peguis First Nation used Capacity Building funding to host a capacity building workshop for ten regional First Nations representatives. The information workshop focused on proposal writing, contribution agreements, government contracts, and reporting processes. The workshop built capacity within each community to access project-related funding opportunities that support Indigenous involvement in regulatory and environmental assessment processes.



"We hope that our work on this Committee builds more trust between Indigenous communities, Government, and industry. This will lead to better understanding and cooperation on major projects in the future."

— Committee Member Gary LaPlante, Moosomin First Nation



Engagement

Committee Outreach to Communities

Engagement is a cornerstone of the work of the Committee. **Engaging with potentially impacted Indigenous Nations fosters information exchanges** about issues and concerns related to the L3RP and informs a range of activities and approaches along the right-of-way. Particular engagement activities have focused on leadership, Elders, technicians, and youth.

In its first year, the Committee introduced itself to the public and impacted Nations through various communications activities including a public media release. The release provided information on the partnership which forms the basis of the Committee, and included statements of support from the Minister of Natural Resources Canada, the CEO/Chair of the NEB, and the Indigenous Co-Chair.

During spring 2018, the Committee launched its Line 3 IAMC website (iamc-line3.com). This website contains information on the L3RP, the core activities of the Committee, the weekly Filings Review reports and Indigenous Monitor reports, frequently asked questions, and biographies of each Committee member.



Regional Information Sessions

Between November 2018 and March 2019, the Committee hosted four regional information sessions: one each in Alberta and Manitoba, and two in Saskatchewan. These sessions were split into two days, with one day focused on information exchange on the activities of the Committee, and one day focused on the proposed federal legislation in Bills C-68 and C-69. In addition to learning about the Committee and its activities, participants held detailed discussions with government officials on the contents of the proposed Bills including the *Impact Assessment Act*, the *Canadian Energy Regulator Act*, and amendments to the *Fisheries Act* and the *Navigable Waters Act*.

Information was also provided about upcoming opportunities for Indigenous input into the implementation of proposed legislation. While it was not the role of the Committee to engage with Indigenous Nations on Bill C-68 and C-69, the Committee was able to use its capacity to convene discussions between Indigenous Nations and government departments responsible for the implementation of proposed legislation. These discussions were not consultations; however, they did provide detailed information about the proposed legislation and further supported the capacity of Nations to participate in regulatory processes.

Regional Information Sessions



1 Alberta

2 Saskatchewan

1 Manitoba

Sharing Information and Building Relationships



Throughout 2018-19, members of the Committee and the Secretariat also shared information on its role, mandate, and programs with potentially impacted Indigenous Nations and organizations by meeting with Leadership, providing presentations at Annual General Meetings, and staffing information booths at relevant conferences. **Networking that enables the sharing of information and innovative practices directly between the Committee and potentially impacted Nations** is another way that the IAMC supports Indigenous capacity to participate in regulatory and environmental assessment processes. Dialogue at the IAMC table, at information sessions, and through other IAMC activities has meant improved staff-level relationships among the NEB, Natural Resources Canada, and Indigenous Peoples.

The Committee's engagement efforts demonstrate that progress can be achieved through "sitting at the table together", working on issues collaboratively rather than "across the table" from one another.



Co-development of Policies & Procedures

Working Together

The Line 3 IAMC was co-developed by Indigenous Peoples, the Government of Canada, and the NEB. It was through this co-development process that the Terms of Reference for the Committee received endorsement from Indigenous leadership. A report on the Committee's co-development process was published in December 2017 and is available on the Committee's website (iamc-line3.com/about).

The Committee and its subcommittees use a **consensus-based decision-making model** to identify issues, resolve disputes, and make decisions. This consensus-based approach requires the general agreement of all Committee members on a course of action. It does not require concurrence on every point, but broad agreement on the general approach. The Committee has been able to draft and approve a number of policies and procedures that support the work of the Committee, including those related to confidentiality, conflict of interest, members' conduct, and honoraria.

"Over the past year, the Committee has improved their understanding of policies and practices of government and industry with respect to resource development in Canada."

*— Committee Member Neil Sasakamoose,
Battlefords Agency Tribal Chiefs*

"The IAMC is working to develop leadership capacity of all different levels within First Nations communities. We are here to help build that leadership and are committed to seeing it through."

*— Committee Member Norine Saddleback,
Maskwacis Cree Tribal Council*

Financials

Total Funding Available to Line 3 IAMC: \$21.6M / 5 years

When the Committee was initially formed, the government provided a budget of up to \$21.6M to support the wide range of costs involved in enabling the IAMC to execute its mandate. A portion of these resources was allocated to support government and regulatory authorities' participation on the Committee, and provide Secretariat services to the Committee. Natural Resources Canada (Indigenous Partnerships Office—West) provides the Secretariat function. While the initial commitment of funds is for five years, the Committee is intended to function for the lifecycle of the L3RP.

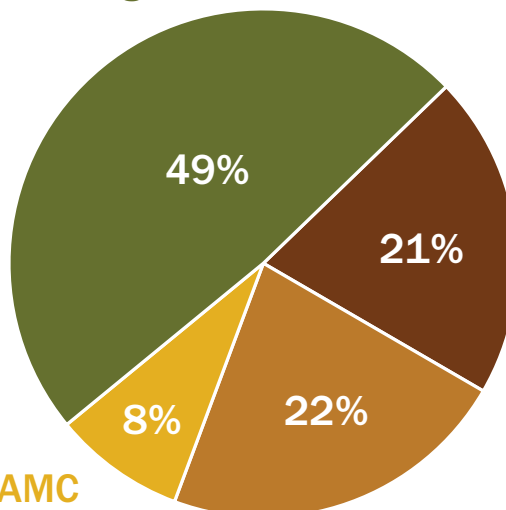
IAMC Contribution Program

\$10,500,000

** details for 2017-2019
provided on page 34*

**\$21.6 M
over 5 Years**

**Natural Resources Canada
Secretariat Support
\$4,439,700**



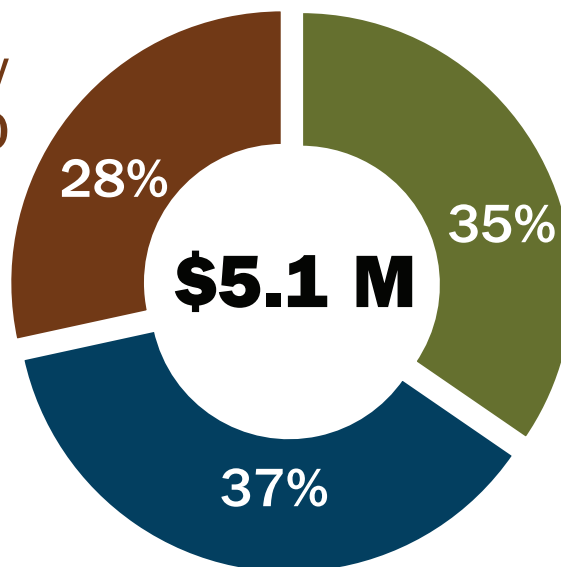
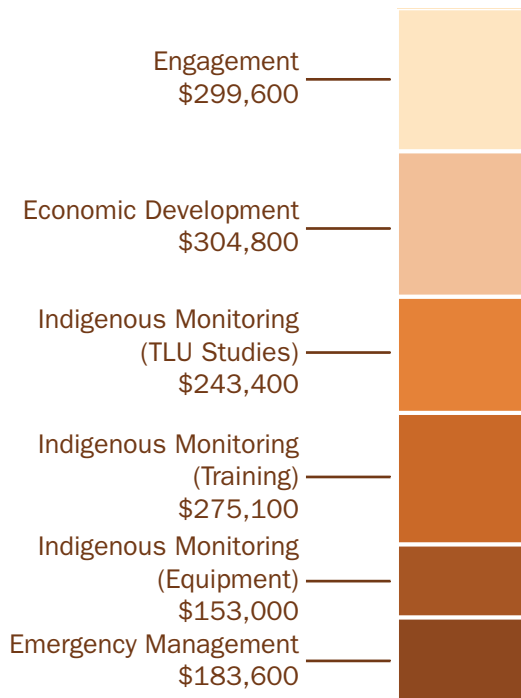
**IAMC
Operations & Maintenance
\$1,807,300**

**National Energy Board
\$4,808,000**

Contribution Funding Committed October 2017 – March 2019: \$5.1M

Community Capacity \$1,459,400

Supported 49 Community Capacity Building projects for potentially impacted Indigenous Nations

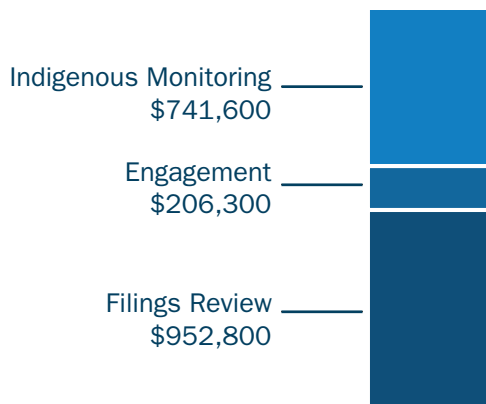


Indigenous Participation \$1,776,300

Supported the full participation of 16 Indigenous Committee members

Committee Priorities \$1,900,700

Supported the Committee priorities as identified and developed by the Committee Members



"We have just passed the first-year anniversary of this Committee. It has been interesting to look back and see how much we've accomplished in such a short time. We set a lot of goals, and while we didn't achieve them all, we did make significant progress on the important ones."
— Committee Member Preston Swan, Lake Manitoba First Nation

This page is left intentionally blank



IAMC

**Indigenous Advisory &
Monitoring Committee | Line 3**

For more information or to contact
the Committee, please visit
iamc-line3.com