



IAMC
Indigenous Advisory &
Monitoring Committee | Line 3

Virtual Line-Wide Gathering June 16–17, 2021

Line 3 Indigenous Advisory and Monitoring Committee

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The 2021 Line-Wide Gathering was successful thanks to the hard work of a great many people to create an engagement opportunity in a virtual setting. Special thanks go to Naut'sa mawt and the Line 3 IAMC Secretariat who organized the event and who worked behind the scenes as technical support and note-takers.

We would like to acknowledge John Snow, our host for the event, for guiding and facilitating the Gathering. Thank you as well to the panelists, moderators, and subject matter experts who shared their expertise.

Lastly, thank you to all the participants for taking time out of busy schedules to take part. We had over 70 people join us, from locations spanning 2,500 kilometres, across the Métis Nation's homeland; the traditional territories of the First Nations in Treaty Areas 1, 2, 4, 6, 7 and 8; and the unceded traditional territory of the Musqueam, Tsleil-Waututh, and Squamish Peoples.

Meegwetch | Hai hai | Ish nish | Nitsíniyi'taki | Philámayaye | Masi chok | Marsii

The Line 3 Indigenous Advisory and Monitoring Committee:

Marci Riel, Indigenous Co-Chair, Manitoba Métis Federation

Kyra Northwest, Alternate Indigenous Co-Chair, Samson Cree Nation

Mike Sutherland, Peguis First Nation

Barb Hobson, Swan Lake First Nation

Wendy Gervais, Métis Nation—Saskatchewan

Richard Aisaican, Cowessess First Nation

Tribal Chief Mark Arcand, Saskatoon Tribal Council

Holly Geddes, Muskowekwan First Nation

Tribal Chief Isabel O'Soup, Yorkton Tribal Council

Chief Matthew T. Peigan, Pasqua First Nation

Chief Lorie Whitecalf, Sweetgrass First Nation

Kirk Poitras, Métis Nation of Alberta

Mike Oka, Blood Tribe (Kainai First Nation)

Ruby Quinney, Frog Lake First Nation

Jonathan Timlin, Canada Energy Regulator

Coral deShield, Government Co-Chair, Natural Resources Canada

Opening Message

It was an honour to welcome everyone to the 2021 Line 3 Indigenous Advisory and Monitoring Committee (IAMC) Virtual Line-Wide Gathering. This first Line-Wide Gathering was an invaluable opportunity to bring together Indigenous Nation leadership, Indigenous Monitors, technical experts, cultural representatives, the federal government, the Canada Energy Regulator (CER or Regulator), and the proponent, Enbridge. In all, there were 72 participants, including representation from Indigenous Nations from along the length of the Line 3 pipeline.

In keeping with the theme for the Gathering—Looking Back and Looking Forward—our sessions provided updates from Line 3 IAMC Members, Indigenous Monitors, Natural Resources Canada, the Canada Energy Regulator, Enbridge, and members of impacted Indigenous Nations. We structured the event so that we could hear from participants about what is working well and what they would like to see as we move forward. The pandemic environment required we conduct this Gathering in a virtual context instead of in person.

Relationships are a key part of the work we do as an Indigenous Advisory and Monitoring Committee. The Line-Wide offered an opportunity for dialogue and sharing of technical, traditional and local knowledge and an opportunity to hear about the experiences of Indigenous Nations participating in Line 3 activities and to hear from leaders about current priorities. Participants brought a wide range of lived experience to the discussions, for which we are very thankful.

We remain committed to our vision of ensuring meaningful Indigenous participation in Line 3 Replacement Program lifecycle activities and related policies, through an enhanced relationship between Indigenous Nations, the proponent, the Government of Canada and the CER that supports informed decision-making by Canada and the Regulator. Co-development remains key to how we work; when we make decisions about Committee activities, we make them together by consensus and informed joint learning.

For more information on the Indigenous Members who represent your region, please visit iamc-line3.com. The PowerPoint presentations from the Line-Wide Gathering can also be found on the website.



Marci Riel
Indigenous Co-Chair, Line 3 IAMC
Senior Director,
Energy, Infrastructure and Resource Management
Manitoba Métis Federation



Coral deShield
Government Co-Chair, Line 3 IAMC
Director, Major Projects Monitoring
Indigenous Partnerships Office-West
Natural Resources Canada

Day 1 June 16, 2021

Welcome and Opening

Presenters: Mike Oka, Line 3 IAMC Member; John Snow, Gathering Host; the former Minister of Natural Resources Canada, the Honourable Seamus O'Regan; Kyle Young Pine, Fancy Feather Dancer (accompanied by the Hailstorm Drummers); Doreen Bergum, Métis Elder; Tayler Fleming, Métis Fiddler

John Snow, a past Line 3 IAMC Member, opened the event in his role as Host for the Gathering, introducing key speakers and bringing greetings from the Treaty 7 First Nations.

Mike Oka, a current Line 3 IAMC Member and Elder from the Blood tribe, performed a smudging ceremony and offered a prayer in the Blackfoot language to start the Gathering.

Participants observed a minute of silence to honour the children found in unmarked graves in Kamloops and other residential school sites, including some that may have a direct connection to one or more of the impacted Indigenous Nations along Line 3. John then read Call to Action #74 from the Truth and Reconciliation Commission, which calls on religious organizations and the government to share information on the children who died in residential schools and to reach out to their families for proper ceremonies and burials. John also shared his experience of working on oil and gas projects back to the 1970s, during which many graves were found. "Please brothers and sisters," he said, "in working on these matters, make sure to do your ceremonies because it is not easy to go through this."

The Day 1 opening featured Kyle Young Pine, sharing his story virtually and performing a traditional fancy feather dance, accompanied by the Hailstorm singers and drummers, and opening remarks from the former Minister of Natural Resources, the Honourable Seamus O'Regan.

Métis Elder Doreen Bergum opened Day 2. The Day 2 opening also featured Tayler Fleming, an accomplished Métis Nation musician, performing traditional fiddle songs.

“It has been a learning opportunity for Indigenous Members to see what a partnership can look like when you have willing partners.”

Marci Riel
Manitoba Métis Federation

Overview of IAMC-Line 3 and Achievements to Date

Presenters: Marci Riel and Coral deShield

In 2015, the National Energy Board—now the Canada Energy Regulator, or CER—committed to an enhanced relationship with Indigenous Nations, so that Indigenous Nations would be fully involved in major resource projects that impacted them, throughout all phases of the project, not just in the opening consultations. Through 2016, Indigenous Nation representatives, the CER and Natural Resources Canada co-developed the Line 3 Indigenous Advisory and Monitoring Committee (IAMC), along with a similar one for the Trans-Mountain Pipeline Expansion. The Line 3 IAMC launched in 2017, with an initial five-year mandate to March 31, 2022. Construction of the pipeline began in 2018 and was completed at the end of 2019. We are now in the phase of decommissioning the old pipeline.

The goal of the Committee is to be the basis of an enhanced relationship between impacted Indigenous Nations, the Government of Canada, the Regulator, and the proponent, Enbridge. It is innovative and collaborative, in a spirit of co-development. Indigenous Nations participate without prejudice to discuss shared interests and can opt in or out at any time. The Committee is not a consultation body and in no way replaces the rights of Indigenous Nations.

Over the last four years, the Committee has worked primarily on monitoring, capacity building, advancing common interests, and providing recommendations to government and the Regulator. The IAMCs (for Line 3 and for TMX) are the first bodies of their kind. The Line 3 IAMC monitoring program, which put Indigenous monitors on the pipeline for inspections starting in 2018, is also a historic first.

For the coming year, the strategic plan focuses on six priorities:

- The Indigenous Monitoring Program
- Advice to Government and the Regulator
- Communications and Engagement
- Committee Operations
- Indigenous Capacity and Training
- Integration of Indigenous Traditional Knowledge

In addition, renewal of the Line 3 IAMC is a priority for the upcoming year. The 2021/22 fiscal year is the final year of the Committee's initial 5-year funding agreement. Discussions about how to move ahead after March 2022 are ongoing and focus on the structure and scope of the Committee.

A question and answer session after the presentation focused on how the Committee's work has changed with completion of construction and the move to regular operations. To some extent, the Line 3 IAMC has not changed because the priorities for the Committee are centered around relationships between Indigenous Nations, the government, and the CER. The priorities for Indigenous Nations remain the same as when the pipeline was first being put in the ground. The Indigenous Monitoring Program was the first of its kind and very successful, with 34 week-long inspections conducted to date. A focus now is monitoring of the project during operations and continuing to support Indigenous inclusion in major projects management.

Building Partnerships—Working with the CER

Moderator: Tribal Chief Isabel O'Soup; **Presenter:** Gitane De Silva

Gitane De Silva, CEO of the Canada Energy Regulator, provided an overview of how the CER is transforming the way it works with Indigenous Peoples through a commitment to implementing the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). Key topics included how the CER is enhancing how it involves Indigenous Peoples in its work and what it has learned from its work with the Line 3 IAMC.

The *Canadian Energy Regulator Act* came into force in August 2019. Changes to the legislation included new tools to enable the CER to transform the way it works with Indigenous Peoples in Canada. Some of the key changes include:

- A commitment to implement the UN Declaration on the Rights of Indigenous Peoples in how the CER does its work
- A requirement to conduct meaningful engagement with Indigenous Peoples during hearings opportunities for collaborative processes between the CER and Indigenous organizations
- Consideration of Indigenous Knowledge and decision-making and respect for its confidentiality
- A new governance structure that includes an Indigenous Advisory Committee and Indigenous representation on the CER Board of Directors and the Commission
- A changing role to become the agent of the Crown in carrying out the duties to consult Indigenous Peoples under Section 35 of the Constitution

Gitane underlined that the Line 3 IAMC (and its sister committee for the TMX project) has transformed the way that the CER works. The CER is guided in part by recommendations coming from the two IAMCs. The IAMCs each

provide a forum for Indigenous Knowledge to guide the way forward, increasing regulatory oversight and making progress on reconciliation. The Line 3 IAMC's monitoring program, for example, is a case of "boots on the ground" protecting Indigenous interests. The program has grown into something larger than was originally envisioned, bringing a wealth of understanding and knowledge to CER oversight.

Gitane acknowledged that capacity is still a barrier to meaningful participation by Indigenous Nations in major projects. The CER is committed to continue to support capacity-building initiatives for impacted Indigenous Nations.

In closing, Gitane highlighted that the CER has fundamentally shifted its approach to the oversight of projects like Line 3. The work done with the Line 3 IAMC has opened the door to a new way of working to protect what we all hold dear – the land and the environment, our cultures and the safety of our loved ones. The CER is committed being part of the journey to reconciliation and this includes increasing the knowledge of Indigenous cultures and concerns. This work will continue to change CER processes, its culture, and how it regulates.

In response to a question about the impact of the Kamloops discoveries on the CER, Gitane noted that the CER's Indigenous Employee Circle hosted a Sharing Circle session for all CER employees, which included a moment of silence in remembrance of the children. First Nations Elders were invited to share their thoughts on the discovery and employees were invited to share messages of support, which were posted as part of a virtual memorial. The session ended with a closing prayer with Elders from First Nations communities and Indigenous employees of the CER exclu-



sively. The finding of the graves was, for her, a tragedy that translated into a personal commitment to reconciliation. For the CER, the creation of its Indigenous Advisory Committee has changed the Regulator at a strategic level. The CER needs to further develop policy and processes for dealing appropriately with finds, such as graves, on work sites.

A second question concerned the relation between the Line 3 IAMC and CER's Indigenous Advisory Committee (IAC). Gitane highlighted that there are two members of each of the Line 3 IAMC and the TMX IAMC on the CER's IAC. Furthermore, the Indigenous Advisory Committee does not provide oversight on specific projects, so it is complementary to the IAMCs. The role of the IAC is to take lessons learned at the IAMCs and feed into the strategic policy conversations at the CER.

“Our participation on the Committee has been foundational in our continued journey to grow Indigenous involvement in regulatory oversight. The progress we've made together so far is transforming how we work as the Regulator.”

Jonathan Timlin
Canada Energy Regulator

Engaging with the Proponent—Enbridge

Moderators: Chief Todd Peigan and Chief Lorie Whitecalf

Presenter: Kim Brenneis

Construction of the new pipeline kicked off in 2017 and was completed on March 15, 2019. The pipeline and facilities went into commercial service in December 2019. Since then, the right-of-way has been reclaimed, restored and cleaned up. To date, Enbridge has engaged with 134 Indigenous Nations, governments and groups, such as Tribal Councils. Engagement and participation included bus tours, site visits to sensitive areas, Traditional Land Use studies, and one-on-one and group meetings. During construction, Enbridge had 27 Indigenous Construction Monitors and 9 Indigenous Construction Liaisons on the job. A five-year post-construction environmental assessment is under way and includes participation from Indigenous Nations.

Decommissioning of the old pipeline started with Manitoba this year. The Alberta and Saskatchewan segments of the old pipeline will be decommissioned in 2022. Decommissioning takes the old pipeline out of service safely, disconnecting it from the terminals, pump stations, and valves along the right-of-way. At railway crossings, the pipeline is filled with an engineered material similar to concrete. The line is “cut and capped”—plugged at strategic locations, protecting the environment by preventing flow of water along the pipeline.

It is important to note that the old pipeline is left in the ground, a standard Canada Energy Regulator-approved process that limits disruption to property and minimizes ecological damage.

Historically, Enbridge engaged with the public on only the regulatory and construction phases of a project. To improve its engagement during the operations phase, the company has shifted focus to building sustainable relationships

with Indigenous Nations, governments and groups for the long term, both from an engagement and economic inclusion perspective. Key issues during ongoing operations are emergency response, economic and employment opportunities, and environmental protection. Engagement includes in-person / online roundtables, one-on-one meetings, newsletters, webcasts, updates of Indigenous business information, and site visits.

Enbridge is ensuring it includes Indigenous perspectives in all aspects of emergency response through planning and participation in training exercises and drills, cultural assessments and ceremonies. With rights-bearing Indigenous Nations and governments and the Line 3 IAMC, Enbridge has developed an emergency response protocol to inform of any incident involving the unplanned release of more than nine barrels of oil from the pipeline. In addition to notification and ongoing updates about a release, Enbridge will have Indigenous Monitors from impacted Indigenous Nations and Line 3 IAMC participate with Enbridge response crews, as appropriate.

“Enbridge respects the histories, languages, and cultures of all First Peoples, whether they be of First Nation, Métis or Inuit descent, and appreciates that their presence continues to enrich Canada’s vibrant communities. We acknowledge all those who share a connection with this land.”

Kim Brenneis
Enbridge

IAMC Indigenous Monitoring

Presenters: Kyra Northwest and Jade Dewar

Indigenous Monitoring is the foundation of the work of the Committee. This session provided an overview and evaluation of the Line 3 IAMC's Indigenous Monitoring Program from the perspectives of Jade Dewar, an Indigenous Monitor, and Kyra Northwest, a two-term Line 3 IAMC member. The presenters walked participants through the achievements, challenges, and lessons learned over four years of monitoring Line 3.

The aim of the Line 3 IAMC's Indigenous Monitoring Program is to integrate Indigenous Knowledge, values, and perspectives into the Regulator's inspections and oversight. This is a new type of inspection for Indigenous Nations—working directly with a regulator. Indigenous Nations identify monitors, the Line 3 IAMC organizes training and funding, and monitors are hired for inspections through an Indigenous Nation as the employer. Over the last year, the employer has been the Manitoba Métis Federation. Inspections are usually five days in length, with one Métis and one First Nations monitor accompanying Inspection Officers from the CER.

The Line 3 IAMC has trained 10 Indigenous Monitors, who have been active throughout the program. For example, in 2019-2020, inspections covered 88% of the pipeline length. By the time of the Line-Wide, the CER and the Line 3 IAMC Indigenous Monitors had jointly conducted 34 inspections (or compliance verification activities) on Line 3.

In addition to the technical aspects of the inspection, Indigenous Monitors are responsible for engagements with Elders, training with experts, and sharing cultural awareness. They post their inspection reports at <http://iamc-line3.com/monitoring>, without the reports being vetted or approved by the proponent or Regulator. The Indigenous Monitors have developed a strong relationship with CER, helping the Regulator understand and integrate Indigenous perspectives.

Looking forward, next steps are a guide for Indigenous Monitoring that will further support the program and can be shared with Indigenous Nations beyond the Line 3 corridor, establishing an emergency response protocol, and getting Line 3 IAMC Indigenous Monitors on the ground for Enbridge's decommissioning activities. The Line 3 IAMC aspires to formalize an Indigenous Monitoring certificate, as well.

“A strong, respectful relationship is so important. COVID taught me that I can't work alone.”

Anita Delorme
Pasqua First Nation



Line 3 IAMC Beyond March 2022: Panel Discussion

Session Moderator: John Snow

Panelists: Marci Riel, Indigenous Co-chair; Kyra Northwest, Alternate Indigenous Co-chair; Coral deShield, Government Co-chair; Jonathan Timlin, VP CER

Leaders from the Line 3 Indigenous Caucus, Natural Resources Canada, and the Canada Energy Regulator shared perspectives in a panel discussion, focusing on priorities and top-of-mind concerns from their respective organizations.

Question 1

What has been the most important to you for the IAMC and the achievement that stands out most?

There was broad agreement that the Indigenous Monitoring Program has been the most important success for the Line 3 IAMC. It was an opportunity to have boots on the ground for the CER's compliance verification activities (inspections). The Indigenous Monitors (IMs) received extensive training that is valuable in other contexts and on other projects. They give the Line 3 IAMC and the impacted Indigenous Nations direct and unfiltered feedback on the Line.

The relationships that the IMs have developed, particularly amongst themselves (as they come from different Indigenous Nations) and with the Inspection Officers (IOs) from the CER, have been extraordinarily strong. Working together has provided a learning opportunity for both IMs and IOs to witness firsthand what a partnership can look like when you have willing partners.

The Committee received positive feedback from having the IMs and IOs working and training together, especially pre-COVID. The program has changed the way that the CER conducts its oversight activities. Shared learning and shared interests are key.

Not everyone always comes with the same view but there is common interest moving forward.

Improved relationships have been a major success for the Line 3 IAMC across the board and not only under the IM Program. The Committee has demonstrated its ability to be a catalyst by asking questions, making connections, and bringing the ability of members to roll up their sleeves and, together, find solutions to problems as they present themselves.

“The monitoring program is one of our greatest achievements as a committee. It has really changed relationships. They are so positive.”

Kyra Northwest
Samson Cree First Nation

The Line 3 IAMC also has presented a broader view, bridging Western science and Traditional Knowledge. Engagement with Indigenous people is important and, even if we do not have all the answers, the Committee can ask the right questions in the context of dialogue. It is important to find tangible ways to move forward. Building relationships and learning experiences is key for reconciliation.

Question 2

What does co-development mean to you and how important are relationships to this work?

All four panelists agreed that relationship building is key, and it has to be three-way. Co-development is not the government and CER bringing a process or program to Indigenous Peoples to get approval. It is developing processes together from the start. The Line 3 IAMC is an important venue to support Indigenous Peoples in engaging on processes that are important to them. Engagements that are going on right now are renewing relationships in a respectful manner and honoring the treaty relationship with the Crown. Building trust is essential for relationships and is a key part of the work of the Line 3 IAMC.

Co-development is a different way of working together. It is a starting point to support dialogue and a new relationship (as laid out in the Line 3 IAMC Terms of Reference). It is an opportunity to think of how we are going to work together—not just what are we going to do but how are we going to sit down together. There is respect and cooperation. Co-development is knowledge-sharing and on-going work. We continually evolve and learn from each other.

Marci Riel and Kyra Northwest noted that for Indigenous Nations, co-development is being able to be involved in the processes, having a seat at the table, and having a voice. It is a good way to work together. Sometimes it is a bit of give and take, sometimes difficult, but when there is dialogue, we move the understanding of Indigenous views forward within government and the Regulator.

Jonathan Timlin indicated that for the CER, co-development is about working differently, such as bringing ceremony to the way it does its work and engaging in dialogue to create approaches that work for all. The CER comes into engagements with an open mind, taking the time to have conversations and adapt to others' expectations. Jonathan concluded that co-development is making the CER a better regulator.

“Co-development is hearing the voice of the people, hearing the voice of the land.”

John Snow
Gathering Host



Question 3

How has the IAMC impacted the work of the CER?

Marci Riel highlighted that the Line 3 IAMC was a first of its kind. Its creation was an opportunity for Indigenous Nations and the government to work together in a different and new way. It has proven successful as a venue for bringing together Indigenous Nations, the CER, and government and having productive dialogue, including with the proponent. John Snow noted that through the IAMC, a more holistic view can be brought forward; for example, scientists might say one thing about measurement, and the translation is to ask Elders what are the birds saying, what is the water saying. The Line 3 IAMC provides a forum for Indigenous Nations to bring forward questions and concerns and to have a table at which to engage in a dialogue bringing together Western and Indigenous world views.

Coral deShield underlined that the Line 3 IAMC is not just a vehicle for dialogue. It can also build capacity in Indigenous Nations, so that they have a more equal footing with the Regulator, government and proponent. When members of Indigenous Nations are trained and experienced in dealing with major projects, they improve the oversight of the project and are more aware of the risks and rewards of any work.

Kyra Northwest shared her experience working for her First Nation. While attending an Energy Board hearing, Elders wanted to have a pipe ceremony before sharing their knowledge and the CER (then NEB) could not accommodate it. The First Nation had to set up a teepee outside to do it. Now the CER has created space for

ceremony prior to any process, a change that is respectful of Indigenous Nations. She concluded that every time she attends a hearing, she sees more improvement.

Jonathan Timlin reflected that he believes the Line 3 IAMC has fundamentally changed the CER. Ten years ago, in the National Energy Board era, most of the Regulator's interactions with Indigenous Peoples were through hearings, which are not the best way to build relationships. The CER now seeks input by going directly to Indigenous Nations to learn from them and hear from Elders. One of the things Jonathan misses most from the pre-COVID era is going out to communities, hearing Elders, and building relationships with people outside of formal meetings.



“The projects are so important to how we live our lives but we have to ensure we are doing it safely.”

Mike Sutherland
Peguis First Nation

Question 4

How can the new CER Act be leveraged to address systemic issues?

Coming into force in 2019, the Canadian Energy Regulator Act is a significant modernization to its predecessor. It replaces an act from 1958, which itself was based on an act from the early 1900s.

The Act now very clearly enshrines the importance of Indigenous Nations in the entire process. Achieving reconciliation is a major goal of the Act, as are recognition of rights, partnership, and nation-to-nation relations. It recognizes UNDRIP. It sets up transparent processes for inclusive participation and lays out new requirements for representation and engagement. Traditional Knowledge now needs to be considered in decision-making. An Indigenous Advisory Committee is now part of the governance structure of the CER, providing advice directly to the Board of Directors. Advisory bodies, such as the Line 3 IAMC, hold the CER to account.

Marci Riel underlined that there is room for the IAMC to influence day-to-day operations of the CER and even to influence future changes to the legislation. In sessions such as the Line-Wide Gathering, the Committee hears from Indigenous representatives about what is working and what isn't. The Committee in no way replaces the Rights or consultations of impacted Indigenous Nations but it is another venue for finding and suggesting improvements. Through its day-to-day work, the IAMC also finds opportunities for improvement. For example, the Line 3 IAMC encounters challenges like getting access to allow its Indigenous Monitors on private lands along the right-of-way. As the Committee and CER work through such issues, the CER adapts and improves its implementation of the Act. The Line 3 IAMC has the ability to have conversations directly with the CER and propose changes that not only affect the Line 3 Replacement Program but also other projects.

Coral deShield stated that, going forward, there will be additional opportunities for Indigenous Nations. New legislation provides for development of regulations that allow the Minister to authorize Indigenous governing bodies to make decisions related to major projects. Under this arrangement, Indigenous groups will be able to exercise some of the powers of the Crown. There could be Indigenous-led assessments, for example.

All four panelists agreed that ongoing monitoring and oversight will be needed for Line 3 and the commitment is that there will be monitoring for the lifecycle of the pipeline. The Line 3 IAMC needs to co-develop what that process will look like. Indigenous worldviews are important for mitigating the risks of major development projects, especially when on Indigenous Nations' traditional lands. Mitigating negative impacts throughout the lifecycle has a huge positive impact. Follow up is a key element of the process. Coral deShield also pointed out that the Line 3 IAMC can ensure that Indigenous Nations can work with all parties in the event of a spill, for example, as happened at Herschel. It was a small incident, but the Line 3 IAMC was able to have a Committee member on site, have follow-up conversations with Enbridge, and support communications with impacted Indigenous Nations.

Marci Riel underlined that the Line 3 IAMC has an obligation to hold the CER to the commitment for long-term monitoring that it made. It also needs to develop capacity in Indigenous Nations so that they can meaningfully participate. In the meantime, the Line 3 IAMC can provide tools and support and foster communication. The Line 3 IAMC can advocate on behalf of impacted Indigenous Nations.

Jonathan Timlin observed that other regulators in Canada are developing Indigenous advisory bodies. There is much to be learned from the IAMC – CER relationship and many are looking to the CER/IAMC experience as they go forward.

Wise Practices—Sharing of Line 3 Experiences

Presenter: Steven Rowe; **Panelists:** Kyra Northwest, Mike Sutherland

Steven Rowe presented a summary of the “Wise Practices” report, which the Line 3 IAMC commissioned to document successes and challenges in engaging with the Regulator and proponents of major projects. The consultant conducted interviews with senior managers in industry and over 30 Indigenous representatives who had extensive experience in lands and resources management, consulting, or business development.

The report covers five themes:

Preparing the community for the next project:

It is important to prepare early, so that the Indigenous Nation can begin negotiations early, react to issues, and influence the project design. Key tools are establishing points of contact, developing social and economic profiles, agreeing on principles for engagement, and outlining budgets. Take the time to understand the Crown’s obligation and approach to the Duty to Consult. Decide on your priorities: protecting Rights and interests, economic development, or a balance of both. Consider collaborating or partnering with other rights-holders.

Advancing Rights and interests: Take the time to understand what your Rights and interests are, then decide on which are your priorities. Ask questions during the initial engagement with the Crown and the Regulator, to make sure you understand the process and timelines. Be clear with how you want to get information and participate in the process. Identify mutual interests and build trust with the Crown and the proponent.

Advancing economic opportunities and influencing project design: Early engagement is key, including not just meetings with the

proponent, but cultural walks, bus tours, and site visits, especially for Elders and Knowledge Keepers. Only through good faith engagement can you identify where your interests and the proponent’s interests are compatible and where you have to mitigate the impacts when they are in conflict. The most successful approach is to have two different processes for contact with the proponent. One, at the political or leadership level, is about protecting Rights and interests. A separate one is between the proponent and an economic development office or corporation; it focuses on economic benefits.

Collecting and using Indigenous Knowledge:

Compiling Indigenous Knowledge related to a project is important whether you support or oppose a project or are still undecided. Organizing the information also means it is available when considering future projects. Map and document sacred spaces and areas of current and historical use. Rotate Knowledge Keepers so that there are multiple family groups providing information. Consult widely—Elders and youth, men and women, those who are out on the land. Consider what Indigenous Knowledge you want proponents to keep confidential and what can be shared publicly.

Engaging citizens: Informed citizens are the foundation of effective engagement with proponents and the Crown. Best practices include regular meetings, updates through social media and newsletters, and cultural events. Indigenous Nations should get proponents to visit communities and help pay for and organize events; it is not up to the Indigenous Nation to do all the work.

Break-out Rooms for Dialogue/Input

Moderators: Richard Aisaican, Barb Hobson, Kirk Poitras, Mike Sutherland, and Kyra Northwest

In this session, participants were randomly placed into smaller groups, facilitated by Committee Members, to have a dialogue on the future of the Line 3 IAMC. It was an opportunity for the Line 3 IAMC to receive input as it considers what its focus could be in the future.

In its fifth year of a five-year mandate, the Line 3 IAMC is looking ahead to 2022. In the smaller groups, participants were asked to consider three questions for the Committee after March 2022:

1. Moving forward, with the Line 3 construction complete and decommissioning to be finished in 2022, what are the key activities that the Line 3 IAMC should continue to focus on?
2. Supporting Line 3 Monitoring activities is currently the core work of the Line 3 IAMC. What role(s) should the Line 3 IAMC Monitors play?
3. Is there anything the Line 3 IAMC should change?

Before the Line-Wide Gathering, participants had the opportunity to participate in a survey—sharing their perspectives and feedback to the questions set out above. The moderators were then able to use the survey feedback as a starting point for the discussions in the respective breakout groups. Survey feedback is in the sidebars for each of the three breakout questions below.



Question 1: Key activities moving forward

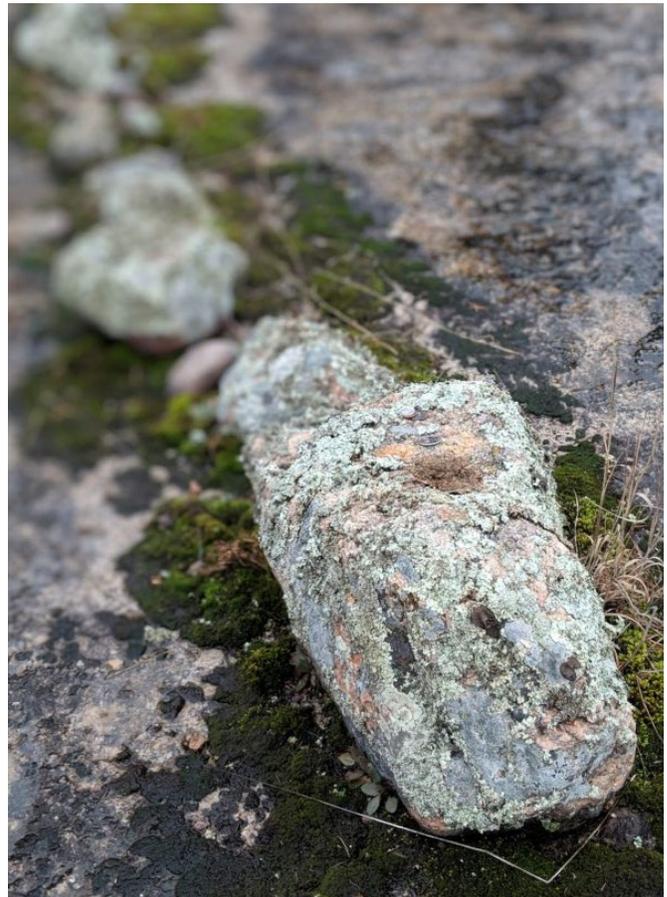
Moving forward, with the Line 3 construction complete and decommissioning to be finished in 2022, what are the key activities that the L3-IAMC should continue to focus on?

There is a need for more connection to other projects—the Line 3 and TMX IAMCs should be better connected and coordinated, as well as any emerging committees for other projects.

There could be a horizontal working group that brings such committees together and works to demonstrate the value that the IAMCs provide. There was a desire among participants to find ways to work more closely with Enbridge, as the proponent on Line 3. One of the barriers, it was noted by a range of participants, was that there are few Indigenous faces around the table at Enbridge or other proponents—even those staff involved in Indigenous relations are rarely Indigenous. It is hard for Indigenous people to relate to company officials, even ones who strongly support reconciliation, when they have not lived Indigenous lives. Getting there will require education and training, so that more Indigenous people are qualified and able to land senior jobs in resource development companies. It will also require the companies to take action to create that representation. It is a two-way street.

There was a strong desire for the Line 3 IAMC to continue its focus on Indigenous monitoring.

We need broader recognition that Indigenous engagement and oversight are needed throughout the lifecycle of any major project. Right across the country, Indigenous Nations need to be able to oversee and give advice to governments on projects coming through their lands. There also has to be a recognition that the Métis Nation is a rights holder, as well.



Key Activities Line 3 IAMC should continue:

- Engagement and communication with Indigenous Nations
- Emergency management and spill mitigation
- Monitoring on all pipelines as long as the lines are in the ground
- Supporting education, jobs, and training
- Informing CER and government on issues and concerns of Indigenous peoples
- Protecting all aspects of the environment

Question 2: What role(s) should the L3-IAMC Monitors play?

Supporting Line 3 Monitoring activities is currently the core work of the L3-IAMC. What role(s) should the L3-IAMC Monitors play?

The Monitoring Program could evolve into a Guardian Program, to keep a long-term focus on the pipeline.

The Indigenous Monitoring Program could be improved and used to create more stable employment, as well as creating opportunities for young people to get into the environmental field. The Line 3 IAMC could develop its own vendor list to include a roster of pre-qualified Monitors, ready to be engaged when and as needed. To make the work more sustainable, the program could be expanded to other industry sectors where Indigenous Monitors could be engaged. The roster could be used to create opportunities for Indigenous young people to get into the environmental field. Many already have university accreditations, for example, so have technical capabilities alongside Indigenous Knowledge, but need an opportunity to break into the field.

There is currently no Indigenous monitoring of maintenance events (that is, monitoring in the operational phase of the project), yet there are environmental impacts to the land when ground is disturbed, product extracted, or gases released in the air. Reclamation is another area where there could be better Indigenous involvement. The CER typically monitors reclamation for three to five years following completion of the project, paying a consultant to go out and do surveys. Going forward, Indigenous Monitors could be involved in that work.

The Line 3 IAMC has been involved in significant training of Indigenous Monitors, but it could facilitate training by the monitors, as well. There is an opportunity for IMs to be mentors, reaching out to newcomers to the field through educational institutions and through sharing best practices and lessons learned to Indigenous Nations. Colleges and universities could have Line 3 IAMC monitors be part of their courses, as guest experts. In addition, Indigenous Monitors could guide university research; instead of the professor choosing the direction, Indigenous Nations could guide it so that you get at research topics that matter to local people.

Key roles for Line 3 IAMC Monitors:

- Operational and incident monitoring, reporting
- Reporting observations to Line 3 IAMC and Indigenous Nations
- Making recommendations for safety and environmental protection
- Ensuring reclamation of lost ground or vegetation due to the project
- Emergency response planning and implementation
- A more inclusive role such as the CER's Inspection Officers have
- Full integration into CER oversight on all projects
- Working alongside CER Inspection Officers to help ensure Indigenous interests are protected
- Engaging with schools, universities, and post-secondary institutions to promote a working relationship with students interested in the environmental pipeline industry

Question 3: Is there anything the L3-IAMC should change?

Is there anything the L3-IAMC should change?

Moving forward, the work of the Line 3 IAMC should continue beyond March 2022 and its mandate should apply to other projects the CER regulates: for example, electrical transmission lines, rather than just pipelines. The Line 3 IAMC is well positioned to support the relationship between Enbridge, Indigenous Nations and Canada because it has already done so much work.

The Line 3 IAMC needs to press for more meaningful collaboration on progressive change that leads to better project outcomes. Engagement in decision-making around emergency management is very important to Indigenous Nations. The Committee could consider language translation for emergency communications, for example. The Line 3 IAMC could better learn from, and communicate, best practices and lessons learned. There needs to be a clear recognition that monitoring and oversight are for the lifecycle of the project.

Everyone who works for the proponent should have some cultural training, in order to establish a strong and respectful working relationship. With a better understanding of First Nation and Métis Nation culture, the outcomes of engagement will be respectful and, with that, more successful. Subcontractors need such training, as well.

Educating Indigenous youth is important, as is educating proponents about Indigenous history. That history needs to include teachings from Elders. The Line 3 IAMC could look at ways to support recruitment of Indigenous people, so they have an opportunity to grow and develop (for example, a pathway to CER positions).

The Line 3 IAMC needs to continue to focus on building trust, as it is often the first point of contact with the proponent. At the same time, it is not just the Line 3 IAMC or Indigenous Nations who are responsible for building trust. Proponents and government officials need to play their part. It would be helpful to have more Indigenous people recruited by proponents.

Racism is still a factor needing to be addressed.

Anything the Line 3 IAMC should change:

- Emergency Management improvements:
 - Support Indigenous Nations building EM capacity
 - update emergency contact lists
 - changes to response teams and alternate responders
 - strategy for Indigenous response and translating procedures in various languages
 - Consideration to countering cybercrime in EM systems
 - Indigenous call centre for incident command
- All Indigenous Nations and communities need to be engaged and updated regularly
- Expand decision-making processes to include leadership and Elders not at the table
- Continue to focus on building trust between the Regulator and Indigenous Nations
- Stay on top of projects and be involved from the start
- Expanding mandate to cover all CER-regulated infrastructure in the traditional lands of Indigenous Nations

Closing

Engagement with impacted Indigenous Nations is a cornerstone of the work of the Line 3 IAMC. The success of this first Line-Wide Gathering owes much to the relationships that have been built over the last four and a half years that the Committee has been doing its work. Participants had an opportunity to hear about activities and accomplishments to date, from Enbridge, the Canada Energy Regulator, and from the Committee. More importantly, Committee Members were able to get feedback from the Métis Nation and First Nations along the Line 3 corridor regarding the priorities and activities of the Line 3 IAMC.

The physical distancing measures in response to the COVID-19 pandemic required a virtual—instead of in-person—event. Communications and engagement remains a key priority and the Committee will continue to reach out through engagement sessions. Annual reports and other publications are available at iamc-line3.com and anyone with an interest in the work of the Committee can contact Committee Members through the website, as well.

“The link to reconciliation is vital. It is important to find tangible ways that we can work together and learn together.”

Coral deShield
Government Co-Chair

Participant List

Elders, presenters and panelists

Doreen Bergum, Métis Nation of Alberta
Kim Brenneis, Enbridge
Dave Daniels, Long Plain First Nation
Coral deShield, Natural Resources Canada
Gitane De Silva, Canada Energy Regulator
Jade Dewar, Manitoba Métis Federation
Tracy Fleck, Natural Resources Canada
Kyra Northwest, Samson Cree Nation
Mike Oka, Kainai Nation
The Honourable Seamus O'Regan,
Natural Resources Canada
Marci Riel, Manitoba Métis Federation
Steven Rowe, Shared Value Solutions
John Snow, Stoney Nakoda First Nation
Jonathan Timlin, Canada Energy Regulator

Moderators

Richard Aisaican, Cowessess First Nation
Barb Hobson, Swan Lake First Nation
Tribal Chief Isabel O'Soup,
Yorkton Tribal Council
Chief Matthew T. Peigan, Pasqua First Nation
Kirk Poitras, Métis Nation of Alberta
Mike Sutherland, Peguis First Nation
Chief Lorie Whitecalf, Sweetgrass First Nation

Event staff

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Amber Clark, Natural Resources Canada
Matthieu Gauthier, Natural Resources Canada
Nicholas Schumacher,
Natural Resources Canada
Emily Spiler, Natural Resources Canada
Jane Mather, Natural Resources Canada

Performers

Tayler Fleming, Métis Nation, fiddler
Kyle Young Pine and the Hailstorm Drummers,
Kainaiwa and TsuuTina First Nations,
fancy feather dance

Participants

Amber Clark, Natural Resources Canada
Anita Delorme, Pasqua First Nation
Arylisse Wuttunee, Bent Arrow
Barb Hobson, Swan Lake First Nation
Bert Bull, Louis Bull Tribe
Brent McArthur, White Bear First Nation
Bridget Oliveira, Canada Energy Regulator
Candace Carter, Pasqua First Nation
Cathie Johns, Pasqua First Nation
Chris Loewen, Canada Energy Regulator
Coral deShield, Natural Resources Canada
Craig Wuttunee, Red Pheasant Cree Nation
Dan Del Villano, Natural Resources Canada
Dana Cornea, Canada Energy Regulator
Daphne Ho, Natural Resources Canada
Dave Daniels, Long Plain First Nation
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Diana Audino, Enbridge
Don Logan, Canada Energy Regulator
Ellis Cochrane, Manitoba Métis Federation
Emily Spiler, Natural Resources Canada
Eric Burpee, Natural Resources Canada
Everett Putz, Enbridge
Gitane De Silva, Canada Energy Regulator
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Jeff Yanko, Enbridge
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Kathy Liu, Natural Resources Canada
Kaylyn Buffalo, Samson Cree Nation

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Treaty 4
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Marci Riel, Manitoba Métis Federation
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Peter Hansen, Enbridge
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Richard Aisaican, Cowessess First Nation
Robert Bourne, Enbridge
Roberta Flett, Pequis First Nation
Ruby Quinney, Frog Lake First Nation
Ryan Arcand, Alexander First Nation
Samuel Munckhof-Swain, Enbridge
Shane Nightingale, Enbridge
Shawn Gurke, Government of Treaty 2
Sheldon Wuttunee, Saskatchewan
First Nations Centre of Excellence
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Tania Garcia-Eaton, Enbridge
Tracy Fleck, Natural Resources Canada
Tracy L Friedel, Lac Ste.
Anne Métis Community
Travis Bird, Swan Lake First Nation
Trevor Pashe, Dakota Tipi First Nation
Véronique Duhamel,
Canada Energy Regulator
Warren Gervais,
Line 3 IAMC Indigenous Monitor



We value the feedback we receive from communities that are potentially impacted by activities that take place as the Line 3 Replacement Program moves forward.



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

Contact us at nrcan.line3committee-comitecanalisation3.nrcan@canada.ca and we can add you to our mailing list or answer questions you may have.