

MANITOBA

VIRTUAL REGIONAL ENGAGEMENT

DECEMBER 1-2, 2021

SUMMARY REPORT



OVERVIEW

The Manitoba Virtual Regional Engagement Session brought together 41 registered representatives of 28 impacted Indigenous Nations in Manitoba, the Line 3 Indigenous Advisory and Monitoring Committee (Line 3 IAMC), the Canada Energy Regulator (CER) and Enbridge.

The two half-day sessions provided an opportunity to hear about the status of the Line 3 Replacement Project from Enbridge, engage in a dialogue on the work and future of the Line 3 Indigenous Advisory and Monitoring Committee, and learn from Indigenous Nations in each Region through the sharing of Wise Practices and in a session about chance finds.

This regional engagement with the Line 3 IAMC was hosted by Committee Member Mike Sutherland, Peguis First Nation, who led participants through six sessions. These sessions included presentations and dialogue in the following areas:

- recent and upcoming Line 3 pipeline decommissioning work
- Line 3 IAMC achievements since its creation
- Indigenous Monitoring
- renewal of the Committee next year
- the Wise Practices Report
- chance finds

ACKNOWLEDGEMENTS

The success of this session is attributable to the hard work and contributions of individuals coming together, sharing their talents and expertise.

Special thanks to Elders Dave Daniels and Linda St. Cyr-Saric for opening and closing the session. Thank you to Métis fiddler Tayler Fleming for her performance. Thank you also to Many Chief Consulting and the Secretariat who worked behind the scenes as event and technical support, and note takers; and to the presenters for taking time to share information about the status of the Line 3 Replacement Program and activities of the Line 3 IAMC.

Lastly, thanks to all the participants for taking time to participate in dialogue with presenters and members of the Line 3 IAMC, sharing valuable insights on the work and future direction for the Line 3 IAMC.

The [Manitoba regional engagement agenda and background documents](#) are available on the Line 3 IAMC website. Note that similar engagement sessions were also held for Alberta and Saskatchewan.

The Line 3 IAMC appreciates continued interest in its work and looks forward to ongoing engagement with impacted Indigenous Nations. Please reach out if you have questions, concerns or suggestions. The Line 3 IAMC website is at IAMC-Line3.com and the email is nrcan.line3committee-comitecanalisation3.nrcan@canada.ca.

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

VIRTUAL BREAKFAST WITH ENBRIDGE



Kim Brenneis, Enbridge's Director of Community and Indigenous Engagement, gave a short history of the pipeline's construction and a detailed overview of recent work on Line 3 (now called Line 93).

He also spoke to the emergency response exercise that Enbridge held early this summer, which included planning input from three IAMC members, cultural assessment, and participation by 60 Indigenous persons.

Kim focused on updating the group on the process for decommissioning the old Line 3 pipeline. Kim provided a detailed explanation of how Enbridge handles decommissioning, [a summary of which can be found on Enbridge's website](#).

The first phase of decommissioning of the pipeline was completed this season along 260 kilometres of the line in Manitoba (Segment 4 of the old line). Decommissioning of the remainder of the line will take place from April to October 2022, though the dates may shift a little owing to ground conditions.

The decommissioning work was tendered to Indigenous companies only, with three bidders. There were two general contractors, both Indigenous (one for civil work and one for decommissioning work). Twenty-seven of 34 staff working on the decommissioning were Indigenous. Enbridge had two Indigenous Monitors (IMs) on all of its decommissioning activities.

On one work site, the landowner agreed to also have two IAMC IMs monitor the work, start to finish. In addition, there were IAMC IMs accompanying CER Inspection Officers (IOs) on inspections.

In the question and answer session, participants were mostly interested in learning more detail on technical aspects of the decommissioning, including how cleaning products are disposed of, how maintenance activities are scheduled, what level of oversight takes place, and what impacts on the environment might take place over the next century.

Other questions were about the cleaning process in decommissioning.

Kim explained that the whole line is cleaned of all oil and that all of the cleaning materials are recovered. The mantra is "we don't drop a drop" so none of the oil or cleaner ends up in the environment. There was also a question of whether the pipeline could be used for another purpose.

Virtual breakfast with Enbridge continued...



The approval from CER is only to decommission the pipeline safely to minimize any impacts on the surrounding environment and the pipeline cannot be used for transporting anything else.

The decommissioning process minimizes disturbance along the pipeline as the decommissioning sites are quite small.

A study from the University of Alberta showed that the decommissioning measures taking place mean that the ground around the old pipeline will only subside about 1 cm in 100 years.

Kim was also able to speak to the flood situation in British Columbia. Line 3 was not directly impacted, though there were some impacts to the TMX pipeline in BC. In addition, several First Nations were cut off from outside supplies and Enbridge was able to provide emergency supplies of food and diesel fuel to them.

LINE 3 IAMC UPDATES

Marci Riel, Indigenous Co-Chair, and Coral deShield, Federal Co-Chair of the Line 3 IAMC, provided an overview of the Committee's purpose and key activities, highlighting the importance of building relationships with the CER and Enbridge.

They also reviewed key IAMC achievements to date that include IAMC Indigenous Monitoring, Training and Capacity Building, and Communications and Engagement.

The Co-Chairs noted the value of continued engagement during the pandemic and that the Committee is looking forward to having face-to-face engagement sessions again, as soon as the COVID-19 situation allows.

The goal of the Line 3 IAMC is to form the basis of an **enhanced relationship between Indigenous Nations, the Government and the Canada Energy Regulator** in respect of the Line 3 Replacement Program activities.

Priorities for 2021-2022 to advance this goal are:

- Renewal
- Communications and Engagement
- Indigenous Monitoring
- Emergency Management
- Training and Capacity Development
- Operations

INDIGENOUS MONITORING



Jade Dewar, an Indigenous Monitor from the Manitoba Métis Federation, provided an overview of the work that the Line 3 IAMC's Indigenous Monitor (IM) program has done since it began in 2018.

To date, Line 3 IAMC IMs have jointly conducted 40 inspections with CER Inspection Officers, covering most of the length of the pipeline. Each inspection is five days long, with another five days to prepare for the inspection and to do follow ups and write up findings.

With the construction of Enbridge's Line 3 complete and decommissioning activities scheduled to conclude by the end of 2022, there was discussion of how best to use IMs going forward into the operational phase of Line 3.

Several participants noted the importance of documenting what Indigenous Monitors are seeing on the line and ensuring that the IMs' reports are detailed.

Participants discussed how to better train and involve young people as part of developing work skills. They also discussed the need for proponents to hire more Indigenous staff.

“Indigenous Monitors are boots on the ground, eyes and ears, connecting Indigenous knowledge and perspective to the work of the CER.”

- JADE DEWAR

RENEWAL

Marci Riel, Line 3 IAMC Indigenous Co-Chair, outlined the initial recommendations that were shared with the leadership of impacted Indigenous Nations in November 2021.

A key priority for the future of the Line 3 IAMC is a renewed mandate and budget for the Committee. The Terms of Reference guiding the Committee's work speak to a commitment for Indigenous Nations, government, and the regulator to work together through the lifecycle of the pipeline.

Renewal continued...

As the Committee approaches the end of its five-year funding, it is preparing recommendations for renewal that include:

- A renewed commitment to Indigenous monitoring,
- Goal and priorities of the Line 3 IAMC be supported at a senior level through regular meetings with the Minister of Natural Resources Canada and the Chief Executive Officer of the CER,
- Consideration to exploring the scope of Line 3 Indigenous Monitoring beyond Line 3, and
- Adequately resource the Line 3 IAMC to advance the goal and activities as in its current Terms of Reference and for a period of at least 5 years.

Marci's presentation was followed with discussion in breakout rooms, which considered the role of Indigenous Monitors, the future focus and role of the Line 3 IAMC.

The discussions covered a great deal of ground, ranging from granular detail, such as the need for more detailed reports from IMs, to higher-level issues, such as how to handle cultural finds that are not within an Indigenous Nation's current territory. There was agreement that the Line 3 IAMC should explore how to plan and schedule CER inspections to better reflect impacted Indigenous Nations' interests.

Indigenous Monitors will need to be looking at the pipeline for the entire lifecycle. They need to be engaged well in advance of inspection activities and need to give clear reporting to Indigenous Nations. Going forward, IMs will have to gain access to private land and need to be better trained in recognizing and protecting cultural resources.

There was recognition from participants of the value of the training and capacity building that the IAMC has made possible. Several participants expressed a need to focus more on youth and on engaging both leadership and technicians of Indigenous Nations.

There is interest in expanding the role of the IAMC to include all six pipelines in the same corridor as Line 93 (formerly called Line 3) and/or other CER-regulated projects. The IAMC is one of the first of its kind and is a huge improvement from two generations ago when Indigenous Nations weren't even consulted. The IAMC is mostly Indigenous and is able to influence the work of government, proponents, and especially the Regulator.

Finally, there was recognition that the IAMC has been doing more work and a wider range of work than originally envisioned.



WISE PRACTICES REPORT

Steven Rowe, a consultant with Shared Value Solutions who previously worked with the Line 3 IAMC secretariat, led the group through a dialogue on Wise Practices drawing from the report that the Line 3 IAMC commissioned this time last year.

The aim of the report is to capture what has worked for Indigenous Nations when involved in major resource development projects and to share the findings as widely as possible.

The report was based on over 30 interviews with Indigenous and industry representatives with extensive experience in such projects.

Key themes from the report include:

- Preparing your community for the next project
- Advancing your rights and interests
- Advancing economic opportunities and influencing project design
- Collecting and using Indigenous Knowledge
- Engaging the citizens of your Nation

The report stresses the value of proactive, early engagement with the Crown and proponents, while the project is still in the planning and design stages.

It notes that Indigenous Nations get better results when approach consultation and engagement processes in two separate streams: one focused on rights and interests and another focused on economic opportunities.

It emphasizes the value of having a clear point of contact within each Nation and building relationships with industry and regulators, focusing on finding mutual interests and building trust.

It presents advice on engaging with your Nations' citizens, documenting and mapping, and building capacity to use Indigenous Knowledge.

The full report is available online at [Line 3 IAMC Wise Practices Report - March 2021](#).



Key points from the overall discussion include:

- How to include Indigenous Nations in decision-making, including co-development and co-management of projects, as well as how the CER can better include Indigenous Nations in its processes.
- Treat the negotiation as a relationship—the Indigenous Nation and the proponent are likely entering into a decade-long or decades-long agreement. Clear agreements keep the Indigenous Nation and the proponent in line with each other.
- The importance of knowing your Indigenous Nation’s history, in part because mapping land use and important sites is vital and also expensive to do.
- Read the fine print of your agreements. The preambles are often much nicer than the contents.
- Consider the UN Declaration on the Rights of Indigenous Peoples as the “new Bible” going forward, especially in light of decisions such as the Blueberry River First Nation’s recent victory at the Supreme Court of Canada.

There was a lot of discussion around the presentation with the key takeaway being that Indigenous Nations that do well in major projects are those that have been able to build their capacity to be involved in the regulatory process, to have long relationships with proponents, and to focus on the Nation’s interests rather than the company’s.

Indigenous Nations need to demand that governments and proponents cover the costs of engaging with the Nation, including administration, logistics, and legal costs. There should be an emphasis on developing the skills of citizens, especially young people.



CHANCE FINDS

In the final presentation of the two days, Mike Sutherland led discussion of the issues and protocols around chance finds of human remains and cultural items. Mike shared the importance of recognizing that Indigenous cultures are unique across the provinces and with that, the need to educate and work with industry.

Indigenous groups historically travelled over great distances, with different camps set up in summer and winter. Finds are often located far from reserve areas. Very often the Indigenous Nation closest to a find is alerted; however, in many cases it is not their site or find. In these situations, government may or may not reach out to the correct Indigenous Nation, so it is critical for Indigenous Nations to collaborate. If a Nation is alerted and they recognize that this is not their site or find, they should try to connect with other Nations to find the rightful owners.

Processes for handing chance finds are still not very good. Not many people have the blend of Traditional Knowledge and professional training to recognize finds.

It is very important that Indigenous Monitors be given training in chance finds, so that they are able to recognize cultural findings when they are on work sites.

Mike relayed how his grandmother told him that they used to have to hide the gravesites of important leaders or warriors or else people would rob the graves and sell the bodies and grave goods to museums. Many Nations are still having to repatriate their ancestors' remains from collections across Europe and North America.

Dave Daniels spoke about an ongoing issue that he is involved in of repatriating medicine bundles to his First Nation and he also underlined that the federal and provincial governments have huge holdings of Indigenous cultural items that need to be returned.

Mike noted that Indigenous Nations should pool resources, share costs, and work together to improve legislation relating to cultural resources.

GENERAL FEEDBACK

From Indigenous Nation representatives:

-  Really appreciate the role of the IAMC and the communication and engagement efforts
-  Important for the Line 3 IAMC to connect with Directors and technicians in Indigenous Nations – not just leaders/Chiefs on distribution list
-  Engagement with and within Indigenous Nations is important
-  Consider building curriculum from knowledge gained through the IAMCs (both Line 3 and TMX)
-  Notable improvement in working with Enbridge – appreciate the support of IAMC on this front
-  Capacity building and employment key to success of IAMC - seek more opportunities moving forward
-  More effort needed to engage impacted Indigenous Nations that have not attended Line-Wide Gathering or regional engagement, as well as need to focus on youth

SURVEY FEEDBACK

During the sessions, we asked participants for feedback on the work of the IAMC, via a survey.

Fifty-two people responded, including 11 from Manitoba. Event participants included Indigenous Nation representatives from consultation/land offices, Leadership and Elders. Participants highlighted that they often filled many roles within their communities, including as family leaders and parents.

The biggest group responding were technical staff from impacted Indigenous Nations, followed by leadership, Indigenous monitors, and Committee members. This supports feedback that leadership is not always the best target audience for initiatives such as IAMC regional engagement sessions, since leaders hold many different portfolios.

The technical, land, and consultation offices are in a good position to share information with their respective Nations and leadership, and should be a priority for IAMC communications.

SURVEY QUESTIONS AND ANSWERS

What questions are top of mind for you regarding the Line 3 Replacement Program? And is there anything in particular you hoping to engage in a dialogue about at the regional event?

Event participants attended the regional engagement sessions for many reasons including to learn about the IAMC in general (including the timing of the project), to learn about opportunities for their Nations, and to find out about the Indigenous Monitoring program and environmental and cultural issues (chance finds, cultural monitoring, traditional land use, cumulative effects, water).

Participants also wanted to find out about the future of the Line 3 IAMC and how UNDRIP can be a greater focus.

There was a large group of attendees who were new to the work of the IAMC and were interested in general knowledge about the Committee.

**What do you understand the Line 3 IAMC is in place to do?
Has the Committee been successful in meeting your expectations?
Has the Committee not met your expectations in any areas?**

The IAMC has for the most part met expectations of impacted Indigenous Nations, according to the Manitoba respondents. There was agreement that the IAMC should focus on monitoring, as well as mediating and advocating on behalf of the impacted Nations between the proponent and the regulator.

Respondents wanted to learn more about the IAMC and future opportunities for Impacted Nations.

To advance its vision of “Meaningful Indigenous participation in Line 3 Replacement Program lifecycle activities and related policies, through an enhanced relationship between Indigenous Nations, the proponent, Government of Canada and the Canada Energy Regulator that supports informed decision making by Canada and the Regulator,” the Line 3 IAMC has identified the following seven priorities. What priorities should the Committee keep or add?

Manitoba respondents indicated that the top three priority areas (excluding Indigenous Monitoring) are Communications & Engagement, Advice to Government and Regulator, and Emergency Management. The next three areas were Operations, Training and Capacity Building, and Renewal.

Survey questions and answers continued...

Supporting Line 3 Monitoring activities is at the core of the work of the Line 3 IAMC. What is the most important role for IAMC Indigenous Monitors and why?

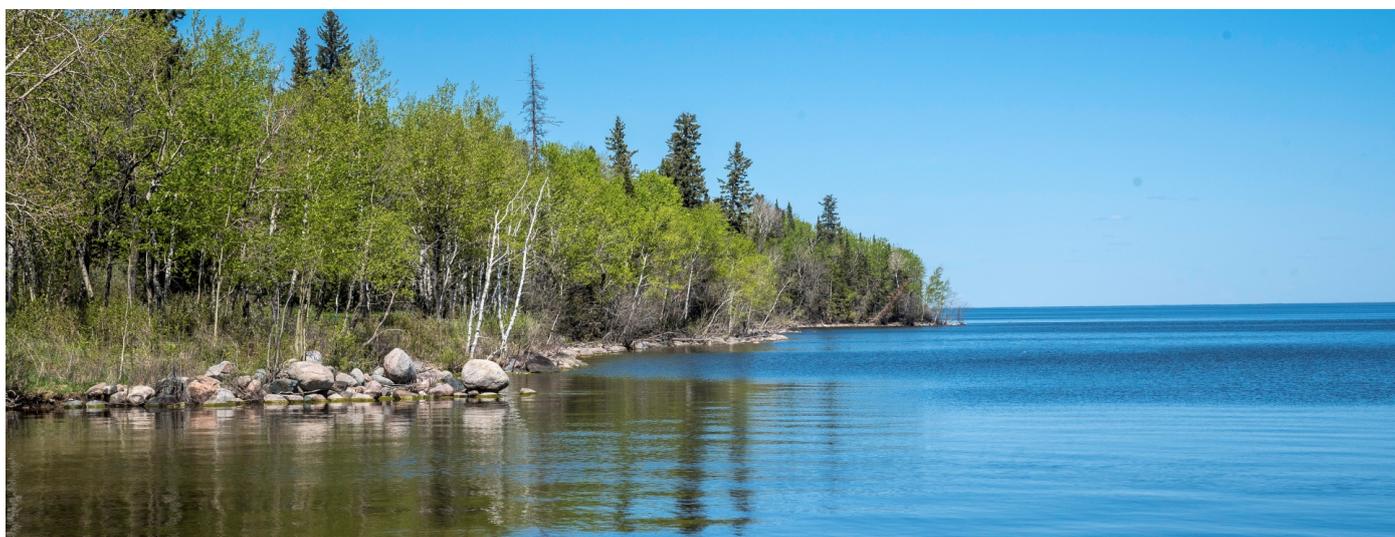
Participants thought the main themes around L3 IAMC Indigenous Monitoring are being an Indigenous Nation presence "on the ground", land stewardship and advice, cultural and traditional awareness (including chance finds), and emergency response. As well, they underlined the importance of communicating to impacted Nations.

With Line 3 construction complete, the new line already operational, and decommissioning to be done in 2022, is there anything the Line 3 IAMC should change or stop?

Respondents agreed that the IM program should continue along the same path, with more and longer inspections that provide more predictable employment opportunities for IMs. One person suggested that IAMC IMs should be taking the lead on all monitoring of the pipeline.

There was interest in more partnership building with Indigenous Nations, increasing awareness of Indigenous concerns in industry, and working to improve processes for contracting around reclamation and maintenance, so that impacted Nations can take part fully.

Communication was another clear priority. There was also a reminder that Indigenous Nations are unique and solutions may need to be different, depending on the needs of each community.



NEXT STEPS



As the Committee advances its recommendations for renewal, it will be incorporating feedback received during the regional engagement sessions. The Committee is reaching out to Indigenous Nation leadership to review the recommendations.



The Committee will continue to share information and updates on its work. On the Line 3 IAMC website, you can find the latest [2020-2021 IAMC Line 3 Annual Report](#), the report from our June 2021 Line Wide Gathering and the presentations from the [regional engagements](#).



The Committee will be hosting a series of webinars in the New Year, focusing on emergency management and wise practices.



The Committee will also be hosting an Indigenous Monitor Workshop in the spring of 2022.