

SASKATCHEWAN

VIRTUAL REGIONAL ENGAGEMENT

NOVEMBER 24-25, 2021

SUMMARY REPORT



OVERVIEW

The Saskatchewan Virtual Regional Engagement Session brought together 70 registered representatives of 49 impacted Indigenous Nations in Saskatchewan, 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 Elder Alvin Kequahtooway of Zagime Anishinabek Nation for opening and closing the session. Thank you to the performers for the opening: Robert Severight and the Misko-Pinehs Singers, a family drum group from the Cote & Keeseekoose First Nations. 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 [Alberta regional engagement agenda and background documents](#) are available on the Line 3 IAMC website. Note that similar engagement sessions were also held for Saskatchewan and Manitoba.

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.

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.

Enbridge plans to have more IAMC monitors during the Saskatchewan and Alberta decommissioning work next season.

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.

Virtual breakfast with Enbridge continued...



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.

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.

LINE 3 IAMC UPDATES

Kyra Northwest, Alternate 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

Kyra Northwest, Line 3 IAMC Alternate 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.

Kyra'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. Having Line 3 IAMC IMs work closely with CER Inspection Officers has been changing the processes and ways of working at the CER, which is a key achievement for the program.

There was recognition from participants of the value of the training and capacity building that the IAMC has made possible. There could be a focus on IMs mentoring younger people to ensure the capacity for Indigenous Nations to continue their monitoring over the lifecycle of the project.

Participants were interested in expanding the scope of the IAMC beyond oil and gas to projects such as gravel pits and water resources like the Deifembaker Canal proposal.

Sharing of best practices for Indigenous contractors will make it easier for contractors to pre-qualify and win work with proponents. Participants acknowledge that Enbridge is increasing its percentage of Indigenous employees to 3.5% from the current 2.1%, and would like to see it higher yet.

Participants also wanted to see Indigenous staff being trained to be promoted into more senior positions and also wanted to see more Indigenous people working in the Indigenous relations offices of proponents and government departments.



WISE PRACTICES

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.

His co-presenter, Sheldon Wuttunee, CEO of the Saskatchewan First Nations Natural Resource Centre of Excellence, shared his experience of helping a range of Indigenous Nations navigate involvement in major resource extraction projects.

WISE PRACTICES REPORT

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](#).



FIRST NATION CENTRE OF EXCELLENCE

Much of Sheldon's work is in helping Indigenous Nations navigate all the processes when they are being consulted on a major project. The processes are often overwhelming, especially for smaller Indigenous Nations, and the timelines very short for adequate consideration of proposals. Leadership is often inundated with consultation letters, usually with 30-day timeframes during which Nations are expected to engage with their people and develop responses or voice concerns to very complex considerations.

Funding is needed and Indigenous Nations should insist on it being provided by governments and proponents. That is the only way that citizens of any given Nation can reasonably be expected to have meaningful participation in the assessment of a proposal.

Advance planning—mapping, consultation policies, and the like—are necessary but hard to implement until a Nation has gone through a process or two.

Access to privately-owned lands is a problem: Indigenous Nations often cannot give an informed response without being able to see those areas.

Provincial governments often lack respect for treaty rights. Processes differ for different levels of government at the municipal, provincial, and federal levels. Still, it is critical that Indigenous Nations involve themselves to protect their interests and to gain the experience needed to get better outcomes in future projects.

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.



CHANCE FINDS

The final presentation of the two days was Blackfoot elder and Line 3 IAMC member Mike Oka, speaking about chance finds. This presentation was a very well-received sharing of Blackfoot history as it pertained to chance finds of human remains and cultural items.

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. For example, if tipi rings are discovered, they are unique to only the Blackfoot Nation regardless of where they are found.

Historical maps can be helpful in determining the Indigenous Nation, but with the movement of Indigenous Nations over time it takes more than referring to a map or treaty boundaries.

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. Mike shared an experience of being called to a work site where a find was documented. Upon arrival, he found that there were 30 Indigenous sites around the area, and only one was documented. In this situation, if construction had gone ahead, the other 29 would have been destroyed.

One of the participants spoke in some depth about his trying experiences of protecting burial sites and other areas of cultural significance. He gave the example of a gravel pit where he found human bones and work continued despite the finds. He underlined the importance of speaking to the grassroots to record where heritage resources are located.

Mike suggests Indigenous Nations focus on cultural sites and finds that are priorities for them, based on their history, as resources are always limited. He noted that Indigenous Nations should pool resources, share costs, and work together to improve legislation relating to cultural resources and protection of chance finds.

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

Twenty-one participants from Saskatchewan participated. Most were technical staff from Indigenous Nation consultation/land offices, Leadership and Elders. Indigenous Monitors were also represented. Participants highlighted that they often filled many roles within their communities, including as family leaders and parents.

This supports feedback that leadership may not be 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 better position to share information with their respective Nations and engage with leadership as needed.

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?

Amongst Saskatchewan participants, there was a large number who were new to the work of the IAMC and were interested in general learning.

There was consistent interest in learning about opportunities for impacted Nations. There was strong interest in environmental and cultural issues (chance finds, cultural monitoring, traditional land use, cumulative effects, and water).

Participants also wanted to find out about the future of the Line 3 IAMC and of the pipeline.

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 and that the IAMC is doing what it is mandated to do.

Some still feel that this is “typical consultation,” meaning that the timelines are only those of the proponents, regulator and government. Some were disappointed in the lack of opportunities for Indigenous 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?

Saskatchewan respondents indicated that their priorities were Advice to Government and Regulator first and Communications and Engagement a close second. The next three areas were Operations, Emergency Management, and Capacity Building and Training.

One participant noted the need for the IAMC Indigenous monitoring program to have a greater focus on summer employment for high school students.

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 Line 3 IAMC Indigenous Monitoring are being an Indigenous Nation presence "on the ground" for the long term, land stewardship and advice, cultural and traditional awareness (including chance finds), employment for IM trainees from impacted Nations, and reporting back to impacted Nations.

Other comments included emergency response and preparedness, as well as climate change advocacy.

There is a role for the IMs in communicating with impacted Indigenous Nations, as well.

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.