



June 30, 2022

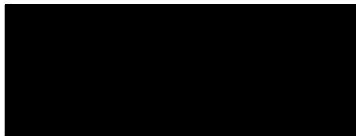
Canadian Energy Regulator  
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Calgary AB T2R 0A8

by email: opr-rpt@cer-rec.gc.ca

**RE: OPR Review – Métis Nation Saskatchewan**

MN-S has been working collaboratively with X-Terra Environmental to address the Regions and MN-S comments and concerns on the CER Onshore Pipeline Regulations. The discussion paper was used as the basis to form conversation around the document while addressing Sections 1, 2 and 3. MN-S has a few comments and concerns on the 1999 Onshore Pipeline Regulations document based off of the engagement sessions that were held in ER3 and WR2A and hopes to see them reflected into the updated version. MN-S were active participates in both engagement sessions and our comments and thoughts on this process were captured in both sessions and are contained within this document. Please see attached comments that originated from the engagement sessions that were held on June 14th, 2022 and June 20th, 2022.

Sincerely,



*Senior Director of Lands and Consultation  
Métis Nation - Saskatchewan*

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## **Métis Nation of Saskatchewan Canada Energy Regulator – Onshore Pipeline Regulations Review Discussion Paper**

At the request of Métis Nation- Saskatchewan (MN-S), X-Terra Environmental Services Ltd. (X-Terra) assisted in the review of Canada Energy Regulator (CER) – Onshore Pipeline Regulations Review Discussion Paper (OPR). The review of the OPR discussion paper was requested by the CER to collect input that will assist with the review of the OPR.

On June 14<sup>th</sup> and 20<sup>th</sup>, 2022, Curtis Riou, President of X-Terra, did two presentations via video conference. The first presentation was an information session on pipeline planning, pre-construction, and construction of a typical pipeline project. The intent was to inform the attendees on the process of planning and construction a pipeline. The second presentation was a summary on the material and questions included in CER's Onshore Pipeline Regulations Review Discussion Paper. Sections 1,2, and 3 were the focus of the presentation, however each attendee was provided a full version of the Discussion Paper to allow them to follow up on input from the other sections of the paper.

X-Terra's role in this process was to present and provide technical support and clarification, when able, on the OPR discussion paper. Attendees provided their experience with CER, Indigenous Advisory and Monitoring Committee (IAMC) and pipeline project construction. They also shared their thoughts and advice on improvements centered around the questions outlined in the discussion paper.

### **In attendance June 14<sup>th</sup>, 2022 - Eastern Region 3 (ER3)**

Sydney Nickolet – Métis Nation - Saskatchewan  
Mark Calette – Métis Nation - Saskatchewan  
Matthew Caron – Métis Nation - Saskatchewan  
Dexter Mondor – Métis Nation - Saskatchewan Local #182 President  
Trisha Nykiforuk-Racette – Métis Nation - Saskatchewan Local #87 President  
Marg Friesen – Eastern Region 3 Regional Director  
Shannon Landrie - Crossland – Métis Nation - Saskatchewan  
Linda Lagace – Métis Nation - Saskatchewan Local #6 President  
Curtis Riou – X-Terra Environmental Services - President  
Tracy Rogers – Métis Nation - Saskatchewan Local #103 President  
Linda Sopp – Metis Nation-Saskatchewan Local #25 President

### **In attendance June 20<sup>th</sup>, 2022 Western Region 2A (WR2A)**

Sydney Nickolet – MN-S  
Mark Calette – MN-S  
Chance Parenteau – Local 105 President  
Barbara Card – Local 85 President  
Penny Hurton – Local 11A President  
Shirley Isbister – Local 165 President  
Jocelyn Ormerod – Local 11 Vice President  
Penny Fulls – WR2A office coordinator  
Brent Laroque – MN-S  
Curtis Riou – X-Terra Environmental Services  
Emily Balaneski – MN-S  
Dennis Falcon – Local 53 Elder  
Kim Fisher – Local 55 President  
Adam McInnes – Local 126 President  
Barry Falcon – Local 53 President  
Matthew Caron – MN-S

## **Summary of Attendees' Comments to OPR Discussion Paper Questions**

### 1. What's working well in relation to the OPR, and its implementation, and what could be improved?

#### June 14<sup>th</sup>, 2022-ER3

- They (the CER) need to know who in our (MN-S) government to contact when the Duty to Consult requirement is triggered.
- Engagement requirement should commence sooner (when the project is being proposed).
- MN-S was made aware of the Enbridge Line 3 Replacement project far too late. This was the responsibility of both parties (MN-S and the regulator).
- Engagement process was not consistent within the regions that were impacted.
- The reporting process for MN-S should be embedded in the IAMC and efforts should be taken for more visibility with Term 2 and Term 3, the engagement process has improved.
- We (MN-S) are being informed of incidents on the line and what effects they will have on wildlife better than we were before, but there is room for improvement.
- MN-S has 2 active representatives on IAMC therefore MN-S will be included in decisions on monitoring and engagement., policy development and improving access to economic benefits for all Indigenous Nations.

#### June 20<sup>th</sup>, 2022-WR2A

- Communication between the CER and WR2A and MN-S and its related locals could be improved.
  - Better communication of projects and what is expected of WR2A and MN-S to contribute.
- Even if communication is good; WR2A And MN-S needs support to educate our citizens to properly facilitate engagement.
  - If people are not properly educated on the topic of engagement, there may be misunderstandings on project details.
  - Full time jobs for indigenous people, specifically for engagement, would also contribute to the proper engagement process.
- The current process seems to be a cycle of reactive behavior rather than a proactive approach.
- Engagement should be an ongoing relationship building process.
- Engagement jobs that are made for Indigenous people don't need to be just for engagement, they can also allow for labor jobs, monitoring jobs, on site jobs, etc.
  - Could employ Indigenous people to work regular jobs and consult with them for engagement.
- Métis people often seem to be forgotten about in projects.
  - Communities feel frustration when left behind.
- Frustrating when training is done exclusively in Latin words.
  - Training done this way is of less use to our people because they are unfamiliar with many of the names.
    - Example: referring to rat root as its scientific name
- IAMC only really informed the region when there was a spill or emergencies.
  - Communication issues between the Métis and IAMC.
    - What are they asking of the Métis Locals and Regions?
- The CER says they are committed to the TRC's calls to action, but don't mention specifically how they are committed to them.

### 2. How can the OPR contribute to the advancement of reconciliation with Indigenous peoples?

### June 14<sup>th</sup>, 2022-ER3

- The proponents, the CER, and anyone involved with the projects should have knowledge of the people they are engaging with.
- Knowledge of Indigenous government structures.
- Knowledge of its history.
- Compared our (MN-S) relationship with the Canadian Nuclear Safety Commission (CNSC) to our relationship with the CER. There are great differences and room for improvement.
- The relationship between CNSC and MN-S has grown over the years and is built on trust and respect.
- Having a relationship with regulators like we (MN-S) do with the CNSC makes engagement much easier.

### June 20<sup>th</sup>, 2022-WR2A

- Attendees didn't like how the question is worded.
    - Would be better phrased as "how can the OPR reconcile with Indigenous peoples?"
  - Goals towards reconciliation need to be tangible and realistic, not just talk.
  - WR2A and MN-S should have our monitors reporting on how we feel engagement is going as well as how the project is coming along.
    - There should be Metis people hired to do monitoring work as a full-time position and when they are not doing the monitoring, they could be doing other jobs on site.
  - Companies (and CER) should develop and commit to their own calls to action.
    - Their actions should come from them, not us telling them what they need to do.
      - Nutrien's (Saskatchewan based fertilizer and potash producer) calls to action was used as an example.
      - Saskatchewan health regions construction of their calls to action was used as an example; large gathering of employees (not an individual) was used to determine what calls to action would be adopted by company.
    - A company needs to lay out how they will fulfill their calls to action.
      - It prevents them from saying they are committed with no action.
      - Many commitments seem "hollow".
  - Project conception involvement would be a start of meaningful participation.
  - Our people should be monitoring in the field during initial assessment.
3. How can the OPR contribute to the protection of heritage resources on a pipeline right-of-way during construction, and operations and maintenance activities?
  4. How can the OPR contribute to the protection of traditional land and resource use, and sites of significance for indigenous peoples on a pipeline right-of-way, during construction, and operations, and maintenance?

### June 14<sup>th</sup>, 2022-ER3

- **We need to be engaged with at the conception of the project instead of when it is required that we are engaged.**
- To have an authentic partnership we need to be brought in on the project as soon as it is conceived.
- Need time to consult with our citizens and knowledge keepers.
- It needs to be clear that we are a large region/nation spread-out all-over Saskatchewan, not a group isolated to a small area of the province.
- Early engagement will would be mutually beneficial for the proponent and Metis citizens who have knowledge of the land and sustenance us.

- Partnerships with regulators should include accommodation resources for Traditional Land Use Studies (TLU's) to be done on affected areas.

June 20<sup>th</sup>, 2022-WR2A

- Engagement and Traditional Land Use Studies' should be a condition of proposal, not a condition of approval.

5. How can the use of Indigenous knowledge be addressed in the OPR?

June 14<sup>th</sup>, 2022-ER3

- Must accommodate communities who are expressing interest in a land use map and provide resources so that the TLU's can continue to be developed.
  - A suggestion is to accommodate Métis communities by offering support for traditional land use projects which identify the Métis footprint regionally. This will provide resources to develop or continue mapping projects.

June 20<sup>th</sup>, 2022-WR2A

- Métis should have access to the entire pipeline and adjacent lands to properly assess potential impacts resulting from a proposed project.
  - Proponents should never be a surprise that the pipeline is going through any Indigenous heritage sites or impacting traditional used areas.
- If there is medicine or heritage sites on the pipeline, would we still have permission to go and harvest or do traditional practices on that land?
- Seems like passive instead of active participation in pipeline assessments.
- Who would be able to provide a database of sorts that would be required for an emergency plan like this?
  - WR2A and MN-S and the Locals do not have the resources to provide a database or knowledge collection, along with all other impacted indigenous groups.
  - Getting the Métis access to these sites is a good example to advance the reconciliation with Indigenous peoples.
- If a company (or the CER) would contact the Métis during the planning of a pipeline route; the Métis would be able to properly assess the pipeline route and ensure it doesn't disturb any heritage, harvesting, or otherwise significant sites.
- TLU Data needs to be owned by the Region or the Metis community.
- The Métis need a supported database including call lists in case there is a chance find during construction.
- Do we have the proper rights or permissions to inspect the site before the pipeline is constructed?
- A Métis should be able to walk the entire proposed pipeline area prior to approval.

6. How can the OPR address the participation of Indigenous peoples in pipeline oversight?

June 14<sup>th</sup>, 2022-ER3

- Develop a database of potential Métis service providers and companies that proponents, labor force and companies have access to and input data that is current for contract opportunities.
  - SMEDCO has developed a directory for the province, and it lists Métis owned and operated businesses. This could be a resource for a potential database.
- Companies could be held to a bonus and penalty system for proper consultation and engagement with indigenous communities and companies.

- Making permanent positions for Indigenous monitors would make engagement much more meaningful.

#### June 20<sup>th</sup>, 2022-WR2A

- The Métis would like more clarification on the terminology of “heritage site”, the term is slightly misleading.
    - Using more specific terminology would make things easier to understand and clearer.
      - specifying access restraints if land is private or crown etc.
  - Attendees commented that sometimes language and terminology is very industry specific.
    - Making common language more accessible and putting it in clear terms would promote a better understanding amongst Locals and communities.
  - The CER should be inclusive from the start of a project review, and don’t inform Métis only after the project has started.
    - **Nothing about Metis people without Metis people.**
  - This would continue for the life of the pipeline including maintenance, integrity digs, and abandonment.
7. How can the OPR support collaborative interaction between companies and those who live and work near pipelines?
8. How could communication and engagement requirements in the OPR be improved?

#### June 14<sup>th</sup>, 2022-ER3

- Engagement should be a prerequisite for applying to a project instead of being a requirement for construction approval.
- Project delays like blockades could be prevented if engagement was done much earlier time.
- The CER should consider something like the CNSC orientation sessions for communities across the province.
  - This should be part of the recommendation

#### June 20<sup>th</sup>, 2022-WR2A

- The CER cannot just “expect” companies to properly engage with Indigenous peoples, it should be a requirement.
  - The current wording means there isn’t really any accountability held to the proponent.
  - Engagement and Participation cannot be a loosely worded item.
  - Engagement and Participation must be a part of the proposal.
  - Engagement and Participation shouldn’t be left to the company alone as they will likely take the easiest and most economical route.
  - Training of a monitor is important – Gabriel Dumont Institute should have a class to train monitors.
  - This could be an opportunity for our Métis judicial system.
  - The Métis could review these documents and state our grievances.
  - Permits should not be issued without proper engagement prior to the submission of a proposal.
  - In order to hold companies accountable targets and a metric could be set up in pipeline contracts.
  - If these metrics are met or exceeded they are rewarded, if they do not meet them they are penalized.
9. How could the CER improve transparency through the OPR?

#### June 14<sup>th</sup>, 2022-ER3

- This engagement (Discussion Paper) is a start.
- Will see how much our feedback is taken into consideration in phase two.

- An introduction session hosted by the CER for MN-S would be good, most people have never even heard of the CER.

June 20<sup>th</sup>, 2022-WR2A

- Using solid, conclusive, concrete wording and definitions for “Engagement” and “Participation”.
  - The attendees used “expected to engage” as an example of an issue.
  - The wording makes it easy for companies to work around engagement and do what they want.
- Have transparency about what is being done with data gathered for things like TLUs
  - TLU information for example
  - The data from things like TLU’s should also belong to indigenous people, not the companies.
  - Co-ownership of documents would allow us as a nation to have access to all of the documents, instead of only the regulator or proponent having access to them
- Make intentions very clear:
  - Example: Clarify what reconciliation means for them.
- Ensure we (the Métis people) are not forgotten and left behind.
- Lack of early engagement impacts trust with the Métis.
- Quantitative metrics that can prove they are improving rather than just saying they are progressing.
- What is the company’s TRC policy?
  - What calls to action are they focusing on?
- Continue with things like the northern tour, putting a face to the name and CER representatives.
- Create measurables between the CER, Proponents and the Métis.

MN-S is pleased to continue the discussion Canada Energy Regulator – Onshore Pipeline Regulations Review Discussion Paper. Please feel free to contact MN-S to elaborate on the comments presented here and any additional collaboration would be welcome.

Regards,  
**X-Terra Environmental**

