



# Métis Nation of Alberta

*A strong Métis Nation embracing Métis rights*

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## Métis Rights and Accommodation

Sept. 1, 2021

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Jean-Denis Charlebois  
Secretary of the Commission  
Canada Energy Regulator  
Suite 210, 517 Tenth Avenue SW  
Calgary, AB T2R 0A8

**RE: NOVA Gas Transmission Ltd. NGTL West Path Delivery 2023 Project**  
**File Number OF-Fac-Gas-N081-2020-07 02**  
**Hearing Order GH-002-2020**

Dear Mr. Charlebois,

This cover letter is submitted on behalf of the Métis Nation of Alberta (MNA), one of the four registered as an Intervenor for the Canadian Energy Regulator ("CER") hearing process on the NOVA Gas Transmission Ltd ("NGTL") West Path Delivery 2023 Project ("Project"), in collaboration with MNA Local 1880, MNA Local 87 and MNA Region 3.

Métis Nation of Alberta submits the attached Written Evidence, commenting on the list of issues in Appendix 1 of the Hearing Order Document GH-002-2020, as the Métis Nation within Alberta representing citizens located in Regions 1, 2, 4, 5, and 6 for the participation in the CER hearing process on the Project.

Sincerely,

A handwritten signature in blue ink that reads "N. Shepherd".

Nicole Shepherd

**7. The financial resources, financial responsibility and financial structure of the applicant, the methods of financing the Project and the extent to which Canadians including Indigenous peoples will have an opportunity to participate in the financing, engineering, and construction of the Project;**

- i. Not including Métis people and their companies in participating in the financing, engineering, and construction of the Project on an equal level as other Nations and their companies and Canadians and their companies will leave impacts on Métis people.
- ii. The Project has the potential to bring economic opportunities to MNA business owners and contractors. The Project's construction phase will bring economy benefit to the small communities surrounding the pipeline sections. Locally owned businesses may see an increase in revenue.

**9. The environmental effects, including any cumulative environmental effects from interactions between the environmental effects of the Project and effects from other existing projects or activities or some that will be carried out;**

- i. Cumulative effects are proven to have serious environmental degradation of the land, water, air, animals, etc. These impacts are a concern of the Métis people looking at the future and what their cultural and traditional ways will look like.
- i. Development of the Turner Valley, Longview and Lundbreck Sections are anticipated to indirectly result in Métis harvesters needing to travel greater distances to practice traditional activities.
- ii. As noted in a previous TLU studies completed by NGTL, linear disturbances, such as right-of-ways and access roads, create easier vehicle-access, allowing access to what would otherwise be remote, poor-access areas. This increases human activity in the backcountry, diminishing harvesting areas and reduces the quality of medicinal and subsistence plants. This reduction in the ability to gather plants results in Métis harvesters having to harvest further away. Development of the Turner Valley, Longview and Lundbreck Sections are anticipated to further contribute to these effects on Métis plant gathering activities
- iii. As noted in a previous TLU studies completed for NGTL, an overall decline in water quality from development activities, including industrial and residential development, reduces the fish populations in creeks, lakes, and rivers.

**12. The interests and concerns of the Indigenous peoples of Canada, including with respect to their historic and current use and management of lands and resources for traditional purposes and self-governance.**

- I. Limiting access to the traditional lands and resources used by the Métis may negatively impact Métis cultural identity and threaten the Métis way of life. MNA suggests NGTL minimize sites line, limit vehicle access along the pipeline sections, and reclaim access roads after the construction to ensure access is limited to the areas around the Project components. MNA are also suggesting that if NGTL are locking gates along access roads, they develop an Access Agreement with MNA, MNAR3, Local 1880 and Local 87, granting access codes for the gates.
- II. As noted in a previous TLU Study completed for NGTL, linear disturbances, such as right-of-ways and access roads, create easier vehicle-access, allowing access to what would otherwise be remote, poor-access areas. This increases human activity in the backcountry, diminishing harvesting areas and scaring off animal populations. This reduction in the ability to hunt results in Métis harvesters having to hunt and trap further away and having to change their hunting tactics to adapt to the elusiveness of the game. This results in changes in diets of the harvesters and their families.
- III. Development of the Turner Valley, Longview and Lundbreck Sections are anticipated to further contribute to these effects on Métis hunting and trapping activities from the construction and operation of the Lundbreck Section Loop 2 are not expected, as the area has already been altered by the initial Western Alberta System

Mainline pipeline. Locked gates along access roads that MNA does not have access to prohibits members from practicing traditional activities, including hunting and trapping

- IV. Development of the Turner Valley, Longview and Lundbreck Sections are anticipated to further contribute to these effects on Métis fishing activities. Locked gates along access roads that MNA does not have access to prohibits members from practicing traditional activities, including fishing.
- V. This creates unnatural predator advantages, contributing to unnatural predator populations and decreases prey populations, including elk. Development of the Turner Valley, Longview and Lundbreck Sections are anticipated to further contribute to these effects on Métis hunting activities. Clearcutting for right-of-ways and workspaces eliminates habitat and causes a decline in animal populations. Although construction of the pipeline sections is anticipated to occur between July and December, interview participants noted a concern with the potential disturbance of brooding Ferruginous hawks if the Project schedule is delayed.
- VI. This increases human activity the backcountry, diminishing harvesting areas and reduces the quality of medicinal and subsistence plants. This reduction in the ability to gather plants results in Métis harvesters having to harvest further away. Development of the Turner Valley, Longview and Lundbreck Sections are anticipated to further contribute to these effects on Métis plant gathering activities. Locked gates along access roads that MNA, MNAR3, Local 1880 and Local 87 do not have access to prohibits members from practicing traditional activities, including plant gathering.
- VII. The Métis have and continue to experience alienation from the land as a result of industrial development and use, residential construction, and encroachment by non-Indigenous harvesters. Changes in access to and use of the land as a result of the Project will disrupt the cultural transmission of knowledge and skills between generations.
- VIII. Overfishing from direct and indirect development activities is causing a decline in fish populations and results in additional fishing regulations being implemented. Development of the Project sections are anticipated to further contribute to these effects on Métis fishing activities.
- IX. Interview participants shared concerns that the Project will increase the presence of noxious weeds including Blue Weed along the right-of-way of the Lundbreck Section. Members of MNA are concerned with the seed mix used in the mitigation of environmental impact. There is general concern of additional land disturbance, loss of culturally significant plants, invasive species, and unsuccessful reclamation practices.
- X. As the health and wellbeing of MNA, MNAR3, Local 1880 and Local 87 members are directly tied to cultural identity, any changes in the ability access, use and transfer cultural knowledge and skill will affect the health and wellbeing of its members.

**13. The safety and security of persons and the protection of property and the environment, including contingency plans, during construction and operation of the Project, and the involvement of Indigenous peoples in related planning and design.**

- I. Environmental protection and reclamation are key concerns of MNA, MNAR3, Local 1880 and Local 87. As noted in a previous TLU Study completed for NGTL, an overall decline in water quality from development activities, including industrial and residential development, reduces the fish populations in creeks, lakes, and rivers.
- II. As the land is tied to Métis cultural identity, the implementation of best practices for environmental protection and land reclamation are key to safeguarding the Métis way of life. Beyond complying with all regulatory requirements and project environmental protection plans, the impacted citizens of MNA, MNAR3 Local 87 and Local 1880 should participate in reclamation initiatives to ensure the goals of the reclamation align with the with the Métis interests. MNA, MNAR3, Local 1880 and Local 87 suggests establishing habitat monitoring programs

that involve the community during the life of the Project. Additionally, NGTL to support local conservation and protection initiatives to combat existing ecological issues.

**14. The health, social and economic effects, including with respect to the intersection of sex and gender with other identity factors, including any such effects on Indigenous peoples.**

- I. The preservation of cultural heritage and cultural practices is a priority for the Métis. The community would like NGTL to work with MNA, MNAR3, Local 1880 and Local 87 to identify opportunities to provide funding or support for the preservation of cultural practices. The Project, like many industrial projects, has the potential to bring economic opportunities to MNA and Local business owners, contractors, and community members. MNA would like NGTL to hire or set aside opportunities for Métis workers, contractors, and business owners to fill contract and staffing opportunities. The Project's construction phase will bring economy benefit to the small communities surrounding the pipeline sections. Locally owned businesses may see an increase in revenue.
- II. MNA, MNAR3, Local 1880 and Local 87 are concerned with effects the construction and maintenance of roads have on the environment, specifically on aquatic habitats. Salt products used for winter road/path maintenance affects water quality and aquatic habitats. Salt products also attract animals, increasing the likelihood of negative interactions.
- III. MNA, MNAR3, Local 1880 and Local 87 are also concern with the potential pollution causes by outside temporary workforce.
- IV. Interviewed participants from MNA, MNAR3, Local 1880 and Local 87 shared concerns that the Project will increase the presence of noxious weeds, including Blue Weed along the right-of-way of the Lundbreck Section.